[FR] Publication of Decrees Laying Down the Obligations incumbent on Future Terrestrially-Broadcast Digital Television Channels (continued)

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Mathilde de Rocquigny
Légipresse

The decrees laying down the obligations incumbent on the channels operating terrestrially-broadcast digital television in the future were published officially on 29 December 2001. Two of them concern the obligations incumbent on these channels to contribute to the development of the production of cinematographic and audiovisual works.

Decree no. 2001-1332 covers the contribution of the editors of television services broadcast terrestrially in analog mode financed in part by payments made by users. Its purpose is to replace Decree no. 95-668 of 9 May 1995 and extend its scope to include the means of broadcasting a number of encrypted service programmes, in either analog or digital mode. The provisions of the decree take into account the agreements between the editors of this type of service and the cinematographic profession. Under the new text, service editors must earmark at least 75% of their daily broadcasting time for programmes for which special access conditions apply (cinema services). As their contribution to the development of cinematographic production, channels must devote at least 20% of their total resources each year to acquiring broadcasting rights for works, at least 12% of which must be European works and at least 9% original French-language works. In order to ensure a varied spread of purchases for each type of film, the channels must reserve part of the sum spent on acquisitions for the pre-purchase of works not previously broadcast with a production budget that does not exceed a specified amount. In addition, Article 8 of the new decree sets a twelve-month limit on the duration of initial television exclusivity, excluding pay-per-view, of broadcasting rights for original French-language works. Lastly, the channels must devote at least 4.5% of their resources each year to the development of the production of European audiovisual works or original French-language works.

Decree no. 2001-1329 concerning the editors of television services broadcast unencrypted terrestrially in analog mode has now been amended by Decree no. 2001-609 of 9 July 2001 (see IRIS 2001-8: 7), which extends its scope to include channels broadcast terrestrially in digital mode or by cable and satellite.

The official gazette published on 1 February contained a final decree supplementing these arrangements and covering the obligations incumbent on

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cable networks in the context of carrying unencrypted terrestrially-broadcast digital television. The CSA was waiting for the publication of this decree, nicknamed the "must-carry" decree, which will come into force on 1 January 2003, to close its call for applications from candidates for terrestrially-broadcast digital television, as this could not be done until 45 days after the publication of the last decree. In view of the schedule drawn up by the CSA, if the call for applications is indeed closed in the first half of March, the choice of candidates should be completed in early August and the agreements signed in late November.

Décret n° 2001-1329 du 28 décembre 2001 relatif à la contribution des éditeurs de services de télévision diffusés en clair par voie hertzienne terrestre en mode analogique au développement de la production d'oeuvres cinématographiques et audiovisuelles

Decree no. 2001-1329 of 28 December 2001 on the contribution of the editors of television services broadcast unencrypted terrestrially in analog mode to the development of the production of cinematographic and audiovisual works

Décret n° 2001-1332 du 28 décembre 2001 relatif à la contribution des éditeurs de services de télévision diffusés par voie hertzienne terrestre en mode analogique dont le financement fait appel à une rémunération des usagers JO du 29 décembre 2001

Decree no. 2001-1332 of 28 December 2001 on the contribution of the editors of television services broadcast unencrypted terrestrially in analog mode which are financed in part by payments made by users, Journal Officiel (official gazette) of 29 December 2001

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