[FR] CSA Initiates Public Consultation on the Definition of an Audiovisual Work

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When it categorised the programme "Popstars" as an "audiovisual work" (see IRIS 2002-1: 8), the CSA decided to embark on a wider consideration, reaching beyond this specific case and involving creators, producers and broadcasters, on the question of the relevance of the present definition of an audiovisual work in the light of new concepts for programmes. It has therefore just posted a public consultation on its Internet site, launching a call for observations and hearing the main parties concerned, as well as the Directorate for the Development of the Media and the French national cinematographic centre (CNC).

It should be noted that, three months before the CSA, the CNC had considered that the programme "Popstars" was an audiovisual work and granted it the prior authorisation that triggers the granting of a support account available to any documentary series. Each of these two authorities has its own definition of what constitutes an audiovisual work, the CNC with a view to allocating a support account and the CSA in order to count the number of audiovisual works broadcast and produced by the channels in the calculation of quotas.

The definition applied by the CSA, contained in Decree no. 90-66 of 17 January 1990, is a negative definition in that it excludes from the status of an audiovisual work a whole list of types of programme - full-length cinematographic works, news broadcasts and information programmes, variety entertainment, games, broadcasts other than fiction mainly produced in the studio, sports coverage, advertisements, teleshopping, self-promotion and teletext services. The types of programme considered as audiovisual works by the CNC, which applies the definition contained in Decree no. 95-110 of 2 February 1995, are on the whole more limited than those used by the CSA for quota purposes. Four types of broadcast are nevertheless excluded by both authorities - variety entertainment, games, news broadcasts and sports coverage. On the other hand, fiction, animation and nearly all documentaries may both benefit from the support account and be recognised as audiovisual works by the CSA. The main differences cover three broad typesentertainment, shows and magazine programmes.

Furthermore, the CSA points to the value and topicality of the comparative analysis of the criteria under French and European regulations, as part of the prospect of a possible revision of the TWF directive in 2003. The definition of an

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audiovisual work contained in the Directive also functions by excluding certain types of programme. It is, however, broader than the definition used by the CSA as it includes variety entertainment and programmes other than fiction produced mainly in the studio as audiovisual works.

The CSA would therefore like to receive the analyses carried out by interested parties on the articulation of the various legal provisions. They have until 28 February 2002 to answer a range of important questions: Would it be appropriate to institute a common definition for the CSA and the CNC? Would it be desirable to align the French definition with the European definition, in the knowledge that the quota system included in the Directive could be amended when this is re-examined in 2003? As far as variety entertainment is concerned, is the difference between the European and national definitions still relevant, or should they converge? Would it be a good idea to extend the notion of a work to include television games? Regarding the form of broadcasts, is the notion of a studio still relevant?

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