[FR] Publication of the Final Decree Reforming the Regulations of the Audiovisual Sector

IRIS 2002-3:1/15

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The final decree reforming the regulations of the audiovisual sector was published in the Official Journal on 6 February (for the previous decrees, see IRIS 2002-2: 8). The decree lays down the scheme applicable to cable and satellite channels and sets out all the corresponding provisions applicable to them, in particular the broadcasting of advertising, their contribution to the development of production and the scheme for broadcasting audiovisual works (original French-language works, works not shown previously, independent production, etc). It states in particular that "the maximum time devoted to the broadcasting of advertising" may not "exceed twelve minutes in any one hour". Article 7 of the decree provides that "service editors must devote each year at least 3.2% of their net turnover for the previous financial year to expenditure contributing to the development of the production of European cinematographic works". The level of this obligation to contribute to the development of the production of original Frenchlanguage works should "represent at least 2.5% of the net turnover of the previous financial year". According to Article 11, "those service editors which reserve more than 20% of their broadcasting time each year for audiovisual works must devote each year more than 16% of their turnover for the previous financial year to expenditure contributing to the development of the production of European audiovisual works or original Frenchlanguage works". However, "this rate is reduced to 8% for service editors devoting more than half their broadcasting time to video-taped music".

From 1 January 2003, the cable and satellite channels will have to sign an agreement with the CSA covering a period that may not exceed ten years, defining, in line with statutory rules and regulations, the specific obligations imposed on the particular service and the CSA's arsenal of contractual prerogatives and penalties to ensure respect for the contractual obligations. Cable channels have always been subject to this obligation to sign an agreement under Article 34-1 of the amended Act of 30 September 1986. Satellite channels have only been required to do so since the Decree of 9 July 2001, which amended the Decree of 1 September 1992. The final Decree of 4 February has now brought together all the provisions applicable to cable and satellite channels in a single text.

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Now that all the decrees reforming audiovisual legislation and the obligations of the future terrestrially-broadcast digital television channels have been published, the CSA has said that the deadline for submitting applications for these future channels will be 5 pm on 22 March 2002. The list of admissible candidates will be published in April and the list of successful candidates in July. The agreements will therefore be signed and the authorisations issued in November 2002.

On 5 February the Association pour le numérique terrestre (association for terrestrial digital broadcasting), whose members are the chairmen of the groups AB, Bolloré, France Télévision, Lagardère Média, Netgem, NRJ and Pathé, announced the signing of a charter in favour of terrestrial digital broadcasting. Its signatories would like to see the development of both a free-of-charge offer that was "broad and of good quality, attractive to the widest possible public" and an offer for which a charge was made that was "strong, aimed at substantial market penetration by means of a dynamic commercial policy". They stress the need to guarantee equitable conditions for distribution and broadcasting for all programme editors, and support the principle of fiscal measures to help households acquire the necessary equipment. They undertake to take part in all the "professional studies, experiments and discussions in preparation for the launch of terrestrially-broadcast digital television".

Décret n° 2002-140 du 4 février 2002 pris pour l'application des articles 33, 33-1, 33-2 et 71 de la loi n° 86-1067 du 30 septembre 1986 et fixant le régime applicable aux différentes catégories de services de radiodiffusion sonore et de télévision distribués par câble ou diffusés par satellite - JO, 6 février 2002

Decree no. 2002-140 of 4 February 2002 for the purpose of application of Articles 33, 33-1, 33-2 and 71 of Act no. 86-1067 of 30 September 1986 and laying down the scheme applicable to the various categories of sound and television broadcasting services distributed by cable or satellite - Official Journal, 6 February 2002

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