[FR] French Regulations on Advertising under Scrutiny at the European Commission

IRIS 2002-6:1/29

Francisco Javier Cabrera Blázquez
European Audiovisual Observatory

On 7 May, the European Commission decided to commence infringement proceedings against France and sent formal notice in respect of the Decree of 27 March 1992. Article 8 of the Decree prohibits advertising on television for literary publishing, the cinema, the press and distribution. This decision follows two complaints, one brought by a Belgian furniture distributor whose advertising was refused by the France 3-Nord television channel, and the other complaint brought by the magazine press syndicate (Syndicat de la presse magazine - SPMI), with the support of the press editor Emap, whose promotion of its magazine FHM was refused by the M6 television channel. France justifies these regulations by the need to preserve the pluralism of the press and cultural diversity and to protect small traders, but its arguments did not apparently convince the Commission, which considered that the Decree in question infringed the principle of the freedom to provide services, as prescribed in Article 49 of the Treaty. Mr Bolkestein, Commissioner in charge of the Internal Market, indicated his doubts as to the proportionality of this measure and wondered if there were other less restrictive ways of achieving the same aims for these sectors than placing a total ban on television advertising. The Commission apparently feels that the ban hampers the free movement of services in the Community in two ways, firstly by preventing the television channels selling advertising airspace to distributors, publishing groups or other undertakings in these sectors, and secondly by limiting communication between these undertakings and French consumers. France was therefore given two months (ie until 7 July) to change its regulations or to justify its position to the Commission.

The new Minister for Culture, Mr Aillagon, despite stating that he was "firmly attached to the stability of existing economic and cultural equilibria in the sector of the media and the written press", announced that "consultation is to commence shortly with all the groups of professionals concerned", and more particularly with the national and regional press. The regional daily press syndicate (Syndicat de la presse quotidienne régionale) has for its part pointed out that "30% of the advertising revenue of the regional daily press comes from large-scale distribution. This is one of the specific features of our country that Brussels must be able to take into account". The audiovisual production union (Union synof dropping the ban on television advertising for the four sectors in question, as it believed that it was necessary to gradually lift the ban, particularly as regards large-scale distribution, in order to promote the development of

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terrestrially-broadcast digital television. The imminent arrival of this type of broadcasting in France raises the question of its financing, and the formal notice served by the Commission will perhaps have the advantage of providing the French authorities with an opportunity to deal with this crucial matter.

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