[FR] CSA's Response to the Government's Public Consultation on the Evolution of French Law on Electronic Communications

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At its plenary meeting on 1 October 2002, the Conseil supérieur de l'audiovisuel (the audiovisual regulatory body - CSA) adopted the text of its response to the evolution of French law on electronic communications as part of the public consultation launched by the Government with a view to incorporating the "Telecoms Package" into national legislation. For the audiovisual sector, the public consultation broaches many questions that, without necessarily being directly linked to the incorporation of Community texts in national legislation, touch on the very organisation of regulation and the legal scheme for the distribution of services and the way in which frequencies are allocated to audiovisual services.

The CSA's response is based on the two fundamental principles governing the regulation of audiovisual communications - freedom of communications and cultural diversity. Pursuit of the objectives of pluralism and cultural diversity should be sought over the whole range of audiovisual communications, with the long-term aim being the principle of technological neutrality advocated by the European Commission. This presupposes a clear legal definition of what constitutes television and sound radio services, which does not at present exist in French law, and the setting up of an appropriate scheme for the other audiovisual communications services.

For the commercial distribution of audiovisual services that do not fall within the scope of the incorporation of the "Telecoms Package" in national legislation, the CSA has spoken out in favour of greater flexibility in the scheme that applies to cable operators, which could merely be required to make a straightforward declaration, and a relaxation of the anti-concentration provisions that are specific to cable operators (threshold of 8 million inhabitants).

The CSA repeats its commitment to the principle of selection based on quality criteria and to the principle of not charging for frequencies, which it feels constitutes a guarantee of pluralism. On this important point, it does not share the view of the Agence de Régulation des Télécoms (telecommunication regulatory agency - ART), whose chairman, Jean-Michel Hubert, would like to see the scheme for using frequencies that applies to telecom operators - and under which they usually have to payapplied to audiovisual operators as well.

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In its response, the CSA also proposes a range of legislative changes aimed at shortening the procedure for issuing authorisations, thereby keeping to the eight-month deadline provided for in the "Telecoms Package"; it is not in favour of allowing authorisation to be transferred.

The CSA feels that it is necessary to introduce real competition in the sector concerned with the technology required for terrestrial digital television, that regulation of this market faces the same problems as the technical operation of telecommunications infrastructures, and that is it therefore legitimate that it should be the same body, ie the ART, that regulates both markets. Lastly, the CSA feels that meeting the objectives of pluralism and diversity calls for reinforced economic regulation of the audiovisual communications sector, appropriate investigative powers and a wider range of action in settling disputes.

Lastly, the CSA would like its sanctioning power to be adapted, more particularly in order to make it easier for the body to announce that fines have been imposed and to have its statements broadcast.

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CSA statement of 1 October 2002

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