[FR] Regulations on Authorisation of Cinema Season Tickets

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UGC's initiative taken in March 2000 without any prior reference to the public authorities to launch an "unlimited" season ticket resulted - in addition to the company being fined FRF 1.5 million for breach of the cinematographic industry code (see IRIS 2000-8: 9) - in the adoption of measures to set limits on commercial schemes of this type.

Since the acts of 15 May and 17 July 2001, setting up a scheme for cinema access giving entitlement to more than one entry ("unlimited cinema season tickets") is subject to the prior authorisation of the director of the Centre national de la cinématographie (national cinematographic centre - CNC), as is a cinema operator's membership of the scheme. A Decree was needed to lay down the method for issuing and withdrawing authorisations, and the obligatory clauses and the minimum duration of operators' commitments in respect of distributors, producers and beneficiaries. This has now been done, in the form of the Decree of 24 October 2002, Article 1 of which defines the concept of a "scheme of cinema access giving entitlement to a number of entries", which is understood as "any subscription giving access to a number of cinema viewings not defined in advance over a specific period of time and in specific establishments", which was not the case in Article 27 of the cinematographic industry code on the basis of the aforementioned legislation.

Article 5 of the Decree lists the documents that cinema operators must produce in support of their application to the director general of the CNC. These include a copy of the general conditions for the cinema access scheme giving entitlement to a number of entries offered to cinemagoers, a list of the cinema theatres accepting the scheme, letters of undertaking as to the applicant operator's reference price for seats for each of the distributors, the producers and the beneficiaries, documents giving details of the offer that is to be extended to operators, and contracts of association between the applicant and the operators. The aim of this is to enable the CNC to ensure that the scheme is fair and non-discriminatory, and that operators to whom membership is proposed receive a real guarantee by the applicant. On this point, Article 6 of the Decree requires undertakings on the reference price and rental rates to be subscribed for a minimum of two years.

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If the conditions set out in Article 27(2) and (3) of the cinematographic industry code are met, authorisation is issued for a renewable four-year period; it may be valid either for all the operator's cinemas or for a certain number of them only. Any substantial modification made by an operator to an authorised scheme must be communicated to the CNC and would be subject to the issue of an amended authorisation issued for the amount of time the original authorisation still had to run. Lastly, an authorisation may be withdrawn if the conditions required for its issue are flouted. False declarations or refusal to allow an operator within the scheme's area of coverage to take part in the scheme set up are liable to incur the penalties provided for in Article 13 of the cinematographic industry code (fine of up to 20% of turnover, or closure of the operating company for up to one year).

Decree no. 2002-1285 of 24 October 2002 on application of the provisions of Article 27 of the cinematographic industry code and on schemes for cinema access giving entitlement to a number of entries, official gazette of 25 October 2002

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