[FR] Repeated Rescheduling - Intervention by the CSA

IRIS 2003-2:1/14

Amélie Blocman
Légipresse

The CSA has had to call the television channels to order following a wave of successive rescheduling by M6, France 2 and TF1 in the past few days. The movement was started by M6 and France 2, both of which had decided to broadcast at 8.55 pm on 1 February their new programmes intended to test viewers' knowledge of the highway code - "Permis de conduire: le grand test" and "Code de la route: le grand examen". M6 decided on 15 January to bring forward the broadcasting of its programme to Friday, 31 January. Keen to be first in line, France 2 then immediately scheduled its programme for 28 January - the date on which TF1 was planning to broadcast its special evening of "Qui veut gagner des millions". The broadcast was therefore deferred to 4 February. The following day, M6 brought its «Grand test» forward again, to Saturday, 15 January. This put the channel outside the period of notice required for rescheduling as set out in its agreement with the CSA, Article 28 of which states that the company is to make known its programmes no later than 18 days prior to the first day of broadcasting the programmes for the week in question; it undertakes to refrain from amending them within 14 days of the day of broadcasting, including the day of the broadcast itself, except in response to the demands of sports events and exceptional circumstances - a news event in connection with an item of current affairs, a problem connected with the rights protected under the Intellectual Property Code, a court decision, a technical incident, manifest public interest - decided after discussion among the channels concerned; a significant lack of interest in the first broadcasts of a programme or episodes of a series of programmes. M6 indeed refers to this in justifying its latest rescheduling by claiming the need to protect its intellectual property rights in respect of the new broadcast, whereas France 2 appealed to the CSA.

Having examined the matter at its plenary session on 21 January, the CSA recalled the need for fair competition among broadcasters and for reliable information for viewers. It therefore wrote to both channels asking them to return to their original scheduling as announced for the month of January. Nevertheless, as regards the evening of 1 February, which had sparked off the problem, the CSA reminded the channels of the possibility of amending their original scheduling for that day, which had resulted in offering two broadcasts with closely related themes, by reaching a decision together and with respect for the public in mind. M6 refused to compromise and had France 2 summoned to answer a charge of infringement of copyright, accusing it of having plagiarised its "Grand test" and claiming EUR 1.5 million in damages.

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Communiqué n° 520 du CSA du 21 janvier 2003

http://www.csa.fr/actualite/communiques/communiques_detail.php?id=11078

Communiqué no. 520 by the CSA on 21 January 2003

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