[FR] The CSA Adopts a Code of Ethics

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Almost a year after the situation that discredited two of its members, the CSA (Conseil supérieur de l'audio

visuel - audiovisual regulatory body) has adopted a code of ethics. As members of an independent administrative authority, the members of the CSA have had a specific status conferred on them by the Audiovisual Communication Act. They cannot be either dismissed or re-appointed. During their term of office and for one year thereafter, they must refrain from adopting any public position on matters that the CSA has had to deal with or that may be submitted to them in the exercise of their duties; they are bound by professional secrecy. Lastly, the function is subject to certain incompatibilities. Thus, according to Article 5 of the Act of 30 September 1986 (as amended), the functions of a member of the CSA are incompatible with any elected mandate, any public post or any professional activity. Moreover, its members may not directly or indirectly exercise functions or receive professional fees except for services rendered before taking up their post, and they may not hold an interest in a company in the audiovisual sector, the cinema, publishing, the press, advertising or telecommunications.

In March 2001 Pierre Wiehn, one of the nine members of the CSA, was put in an awkward position when a confidential pre-report by the Court of Auditors expressed doubts as to the compatibility of the prescriptions of the law with Mr Wiehn's holding of SOFICAS (financial instruments intended to finance projects in the film industry). A few days previously, Jeanine Langlois-Glandier, a shareholder in Vivendi-Universal, resigned her post, leaving unresolved the question of the independence of the members of the audiovisual sector's regulatory body.

The CSA has reacted to this by adopting a code of ethics. In addition to referring to a duty of professional discretion and an obligation of transparency and prudence in respect of gifts received from third parties in the exercise of their duties, the text lists all the duties and obligations incumbent on members of the Council under the 1986 Act, and explains them. Thus it is stated that the scope of the ban contained in Article 5, mentioned above, is vast, since it covers all the sectors of communication and all companies - public or privateof any kind. "Holding an interest" usually means no more than owning a number of shares in these companies, regardless of whether the securities are managed personally or by a financial institution. Shares in investment funds or unit trusts are not included in the ban unless they are specifically stated in one of the sectors

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covered by Article 5. On the other hand, holding shares in a SOFICAS is, according to the text, deemed by the Court of Auditors as constituting an indirect holding of an interest in these companies and is therefore not permitted. The code states that offenders may be removed from office by their peers and sentenced to up to five years' imprisonment and fined up to EUR 75 000.

Délibération du CSA du 4 février 2003 approuvant un code de déontologie applicable aux membres du Conseil, Journal officiel n° 46 du 23 février 2003

Deliberation of the CSA of 4 February 2003 approving a code of ethics applicable to its members, official journal no. 46 of 23 February 2003

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