[FR] The CSA Gives its Opinion on the Draft Decree Amending the Scheme of Cable and Satellite Channels

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Amélie Blocman
Légipresse

At its plenary session on 28 January 2003, the CSA (Conseil supérieur de l'audiovisuel - audiovisual regulatory body) issued its opinion on the draft decree amending Decree No. 2002-140 of 4 February 2002 determining the scheme applicable to television services distributed by cable or broadcast by satellite. In general, it favours presentation of the text, as it reduces the burden of the obligations regarding audiovisual production incumbent on the channels, taking into account their specific features and their current economic difficulties. Nevertheless, it considers that if it were allowed a greater margin of negotiation, the CSA would be able to take greater account of the particularities of the sector and of each company without needing to make the regulations any more rigid.

For first showings of productions, the CSA understands the aim to encourage channels to invest in this by making it possible for sums spent to be counted as double during the cost build-up period. Nevertheless, the CSA feels that the present arrangements, under which the proportion of first showings and the scheme for the cost build-up period are laid down in the conventions, already guarantee a satisfactory level of investment in new production during the cost build-up period, which alone is affected by the changes. It would therefore like to see this measure withdrawn from the draft decree. It also hopes that the possibility of calculating expenditure on safeguarding heritage works extended to all channels would not include the cost of financing first showings of studio broadcasts devoted to this heritage that were not in themselves works.

The CSA is moreover in favour of increasing the number of broadcasts used in the definition of a production's independence in the case of pre-purchasing, and of extending the concept of multi-broadcasting. It wonders, however, about the relevance of the new distinction drawn between the scheme for fiction works and documentaries, which makes the arrangements more complex by creating three separate schemes where currently there are only two (animation on the one hand, and fiction and documentaries on the other).

Finally, the CSA is in favour of extending the possibility of allowing cost build-up periods of five years in agreements to all the channels, as this would give it an extra margin for negotiating audiovisual production obligations. An amendment that would enable services broadcast in a non-European language to escape the quotas for the broadcast of European works and works originally made in the

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French language was also greeted favourably by the CSA, on condition that reference was made to only those non-European languages listed in the service's convention. Lastly, the CSA called the Government's attention to the fact that certain services distributed by cable or by satellite only partly constituted a simultaneous re-broadcast of an analogue terrestrially broadcast service or of a future digital terrestrially broadcast service such as La Cinquième, for example. The CSA considers that these service editors should not be subject to more than one text for all of their programming; the future decree should therefore specifically exclude these service editors from its scope so that their entire operation can be subject to the analogue or digital terrestrially broadcast scheme.

Avis du CSA du 28 janvier 2003 sur le projet de décret modifiant le décret n° 2002-140 sur le régime des chaînes du câble et du satellite

http://www.csa.fr/infos/textes/textes_detail.php?id=11161

Opinion of the CSA delivered on 28 January 2003 on the draft decree amending Decree No. 2002-140 on the scheme applicable to cable and satellite channels

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