[FR] CSA Comments on Draft Decree on Broadcasting of Events of Major Importance

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On 21 January 2003, the Ministry of Culture and Communication sent the Conseil supérieur de l'audiovisuel (audio-visual regulatory body - CSA) a draft implementing decree in respect of Article 20-2 of the amended Act of 30 September 1986, directed at organising the television broadcasting of events of "major importance". The TWF Directive was incorporated into the Audiovisual Communication Act on 1 August 2000, but the corresponding implementing decree has still not been adopted.

Before coming to a decision, the CSA wished to consult the editors of television services likely to apply to acquire the rights for broadcasting such events. Their comments focussed on the content of the list of events, numbering 21, drawn up in Article 3 of the draft decree. They pointed to a foreseeable divergence between editors of open-access services, who favoured an extensive list, and editors of restricted-access services, who preferred a shorter list. The CSA has always made it known that it feels it is not satisfactory to draw up a list that diverges from the guidelines established by the European Commission, according to which at least two of the four criteria adopted must be met for the event to count as being "of major importance". These are that the event attracts a wider audience than usual, participates in national cultural identity, involves a national team in a large-scale event, or traditionally attracts a large television audience. With this in mind, and regretting that the draft decree does not take up these criteria in defining an event of major importance, the CSA proposes in its comments to designate twelve sports competitions in which France participates, with a possible four others.

The CSA also noted that Article 5 of the draft decree gave it responsibility for assessing the fair, reasonable and non-discriminatory nature of the proposals to sell or purchase rights that television service editors could make when a restricted-access service editor has to renounce the exclusive broadcasting rights it holds. The CSA nevertheless feels it is desirable, to remove any ambiguity, for the method for applying to it to be set out in detail.

Lastly, although the draft touches on the matter of the reassignment of rights between service editors, it does not mention the matter of fruitless calls for tenders, when there is no response from an open-access television service to a call for tenders by the organiser of an event of major importance. To prevent a lacuna in the law, the CSA is proposing that in such a situation the decree should

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apply a scheme that responds to the same end result as that provided for in its Article 5; if the entire French public is not to be deprived of the broadcasting of an event of major importance, it must be possible for a restricted-access television service editor to be able to acquire exclusive broadcasting rights for such an event if no open-access service editor comes forward. The decree could give the CSA the task of working out with those concerned how to avoid such a situation, particularly by inviting open-access and restricted-access service editors to agree on the joint broadcasting of the event. It is now up to the government to take the next step.

Avis du CSA du 12 mars 2003 sur le projet de décret relatif à la retransmission télévisée des événements d'importance majeure

http://www.csa.fr/infos/textes/textes_detail.php?id=11919

CSA opinion of 12 March 2003 on the draft decree on the television broadcasting of events of major importance

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