[FR] Presentation of Preliminary Bill on Electronic Communications

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After public consultation last autumn, during which all the parties concerned had an opportunity of airing their concerns (see IRIS 2002-10: 8), the Ministry of Culture and Communication and the ministry with responsibility for industry has now drawn up a preliminary bill on electronic communications. This is part of a very wide-ranging reform of the regulations that apply to telecommunications activities embarked on at European level in 1999 and which includes the adoption on 7 March 2002 of six directives and one decision, often referred to collectively as the "telecoms package" (see IRIS 2002-3: 4-5), which the bill would transpose into national law. This text pursues the Community's objectives, namely the elaboration of a harmonised framework of regulations for all electronic communications networks (both audiovisual and telecommunications), the content supplied on the two networks remaining subject to separate schemes, and confirmation of the aim of establishing effective competition right across the board for electronic communications. The present article will not cover the changes concerning telecommunications networks and services, but only those concerning sound broadcasting and television. On this point, the bill would modernise and relax the provisions of the Audiovisual Communication Act of 30 September 1986 concerning the infrastructures for broadcasting radio and television services, while upholding its basic principles.

In an effort to clarify the ambit of the regulatory bodies, the text affirms firstly the principle of the competence of the Conseil supérieur de l'audiovisuel (audiovisual regulatory body - CSA) for all radio and television services, whatever their mode of transmission or distribution. The procedures for attributing radio-electric resources would be modernised, notably by reducing the time taken to examine the procedures for allocating frequencies for sound radio services. Moreover, Article 58 of the bill would open up the possibility of extending the role of the radiophonic technical committees to local television companies for examining applications for authorisation and the monitoring of their obligations. Lastly, with a view to keeping up with developments in the radio sector and introducing a flexibility that is not at present permitted by Conseil Légipresse d'État precedent, Article 78 would make it possible for the CSA to authorise radio stations to change category between Category C (franchises of national networks) and Category D (themed music networks).

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The legal scheme for public- and private-sector operators would also be made more flexible. The bill would reform the arrangements of the 1986 Act by harmonising and simplifying the scheme applicable to the distribution of services by cable and satellite. Firstly, it would put an end to the scheme of prior authorisation by municipalities or groupings of municipalities for the establishment of cable networks, replacing it by a straightforward advance declaration to the CSA. Secondly, it defines a harmonised scheme for the distribution of services for all communication supports. Terrestrially broadcast digital television would nevertheless still remain outside this evolution, to take account of the scarcity of frequencies for terrestrial broadcasting, which calls for specific provisions.

Lastly, the market for technical terrestrial broadcasting would be wider open to competition. Apart from the measures adopted within the Post and Telecommunications Code, the transposition of the directives implies ending the monopoly enjoyed at present by the company Télédiffusion de France for broadcasting the national programme companies terrestrially in analog mode. The reference to the company in the 1986 Act would therefore be deleted, which means that this would fall completely into the public domain, creating the conditions for competition on an equal footing.

Apart from these rearrangements, the preliminary bill still needs to be completed with measures on the extension of the CSA's powers in terms of economic regulations and arrangements in support of the development of local television. Before expressing its opinion, and with a view to consultation, the CSA launched an appeal on 3 April in order to gather the comments of those parties in the audiovisual communication sector concerned by the preliminary bill.

Projet de loi sur les communications électroniques : 2003

http://www.ddm.gouv.fr/actualites/88.html

2003 Electronic Communications Bill

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