[FR] CSA Publishes Opinion on Lifting of Ban on TV Advertising for Certain Sectors

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On 22 July 2003, the Conseil supérieur de l'audiovisuel (audiovisual regulatory body - CSA) published its opinion on the two draft decrees amending Article 8 of the Decree of 27 March 1992. The latter decree in particular prohibits television advertising for the following products and economic sectors: literary publishing, cinema, press and large-scale distribution.

Both draft decrees were written in response to the European Commission's order, issued on 7 May 2002, that France should repeal these provisions (see IRIS 2002--9: 10).

In its opinion, the CSA analyses the government's proposals for each of the sectors concerned and studies the economic impact of allowing such advertising.

As stated in the document, the CSA aims to reconcile the principle of equal treatment of operators with the demands of pluralism and competition in the television and TV advertising markets.

For each sector, the decrees describe a specific procedure under which advertising would be allowed.

With regard to the press sector, the government has proposed that the ban should be totally lifted. However, the CSA believes this would create certain problems:

Article 14 of the Audiovisual Communication Act of 30 September 1986 prohibits all political advertising. An advertisement for a newspaper could easily be contentious if the front cover was devoted to a particular person, particularly a politician. The CSA therefore suggests that the government should implement certain procedures. Furthermore, if the ban were totally lifted, newspapers independent of the main media groups would probably not be able to afford TV advertising.

With regard to TV advertising for large-scale distribution, the CSA proposes that advertising on national terrestrial analogue channels should not be allowed until 2008 rather than 2006. This is because it fears an imbalance in the advertising market. On the other hand, the CSA shares the government's view that

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advertising on local cable, satellite and terrestrial digital television should be permitted from January 2004.

Regarding the literary publishing sector, the draft decree advocated the lifting of the advertising ban on national terrestrial analogue channels that are also distributed via cable or satellite. The CSA proposes that such advertising should only be allowed on channels exclusively distributed via cable or satellite and on local and terrestrial digital television services, but not on national terrestrial analogue channels.

Finally, the CSA agrees with the government's decision to maintain the ban on advertising for cinema, except during encrypted slots transmitted by film channels via cable, satellite or terrestrial digital services. This rule also covers advertising for videocassettes and DVDs of cinematographic works.

Avis n° 2003-5 du 22 juillet 2003 sur aux deux projets de décrets relatifs à la publicité, au parrainage et au téléachat

http://www.csa.fr/infos/textes/textes_detail.php?id=13336

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