[FR] Conseil d'Etat Rules on Transmission of Titanic in Two Parts

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Following the decision by the channel TF1 to broadcast the film Titanic in two parts on 19 and 20 November 2002, the ARP (association of authors, producers and directors) submitted an urgent application to suspend the execution of the decision of the Conseil supérieur de l'audiovisuel (audiovisual regulatory body - CSA) to allow the broadcast (see IRIS 2002-1: 7). The application was rejected by the President of the Litigation Division of the Conseil d'Etat.

The ARP, the association of film directors (SRF) and the association of authors and film-makers (SACD) had also submitted to the Conseil d'Etat an application on the merits of the case to have the CSA's decision of 14 November 2001 quashed on the grounds of the CSA exceeding its powers. Under that decision, the TV channel had been allowed to broadcast a second commercial break during the film Titanic and the CSA had seen no objection to the film being broadcast in two parts on consecutive evenings.

In a decision of 12 May 2003, the Conseil d'Etat, ruling on the dispute, concluded that the CSA's consent was not required for a cinematographic work to be broadcast on television in two parts. No legislative or regulatory provision required an audiovisual communication service to obtain the CSA's prior authorisation to broadcast a cinematographic work either in one or several parts. In pursuance of Article 73 of the law of 30 September 1986, the only restriction concerned the number of commercial breaks allowed during such a broadcast, whatever format it took; although only one such break was allowed under normal circumstances, the CSA could, by special dispensation, allow one or more additional breaks, especially if the film was particularly long, as it was in this case.

The Conseil d'Etat therefore ruled that, since the applications had been brought against a measure that did not constitute a decision, they were inadmissible.

Conseil d'Etat (5e et 7e sections réunies), 12 mai 2003, n°240085, ARP, SRF et SACD

Conseil d'Etat (5th and 7th divisions combined), 12 May 2003, no. 240085, ARP , SRF and SACD

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