[FR] France Submitts to the European Commission Its List of Events of Major Importance

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France has just notified Brussels of its draft decree on the conditions for broadcasting events of major importance, in compliance with Article 3a of the "Television Without Frontiers" Directive, which provides that each Member State may draw up a list of events national or otherwise that it considers to be of major importance, and adopt measures to ensure that broadcasters do not exercise their exclusive rights "in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events via live coverage or deferred coverage on free television".

The text had been sent in early August to the Directorate-General for Audiovisual Policy and is currently under examination by the DGs for Competition and Internal Markets, and by the Legal Affairs Department, which is to check that it raises no problems in respect of Community law.

Once the list is adopted, France could send it to the government of another Member State so that the latter could require rightsholders within its jurisdiction to offer access to these rights to one or more French broadcasters.

The draft decree provides that "on French territory, no television service editor may exercise the exclusive rights it has acquired in respect of an event of major importance in such a way as to prevent the full live broadcasting of the event by a free television service".

The list of proposed events, 21 in number, covers exclusively the broadcasting of sporting events, including the summer and winter Olympic Games, the opening match, semi-final and final match in the football World Cup, the athletics world championships, etc.

It would not be possible, however, to broadcast certain events, such as the Tour de France men's cycling race, the Olympic Games and the athletics world championships, in their entirety. All these events could, however, be pre-recorded and broadcast subsequently.

Lastly, the draft decree provides that a television service editor who has acquired exclusive broadcasting rights in respect of all or part of an event of major importance may only broadcast this in encrypted form if, after having within a "reasonable" period of time publicly manifested its desire to sell on its rights

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under market conditions that are "equitable, reasonable and non-discriminatory", it has not received any proposals that meet its criteria; these characteristics are to be appreciated more particularly in terms of the fees paid, the time of the live broadcasting and the anticipated revenue.

Projet de décret relatif aux conditions de retransmission télévisée des événements d'importance majeure

http://www.ddm.gouv.fr/dossiers_thematiques/documents/droitssportifs6.html

Draft decree on the conditions for television broadcasting of events of major importance

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