[FR] The Conseil Supérieur de l'Audiovisuel (CSA) Circularises Television Programme Producers on Illegal Indirect Advertising

IRIS 1995-9:1/21

Bernhard Gemmel
Institute of European Media Law (EMR), Saarbrücken/Brussels

In two recent circulars, France's media watchdog body, the Conseil Supérieur de l'Audiovisuel (CSA) told TV programme producers throughout the country that it meant to ensure, from 1 September 1995, that the regulations on the acceptability of certain kinds of advertising were strictly observed in individual programmes. These regulations are set out in the implementing Decree, No. 92-280 of 27 March 1992, on Section 27 (1) of Act No. 86-1067 of 30 September 1986 (the French Broadcasting Act). The Decree was issued to transpose the Directive on "Television without Frontiers" into national French law.

1. In the first circular, the CSA makes it clear that printed media financially or editorially involved in the preparation of individual programmes may be advertised only within the context of: a) sponsorship ("parrainage") of a programme under Articles 17-20 of the Decree of 27 March 1992, with no influence on its content; b) co-production of a programme with equal rights for both partners, including copyright in the joint production, and the right to be publicly named as co-producer (logo, titles, end credits), but without direct or indirect promotion of the printed medium; c) on strict conditions, also occasional co-operation on certain clearly defined parts of a programme, with no effect on the television company's independence in respect of content and with an indication of the fact.

2. In the second circular, the CSA considers the legal status of gameshows, interactive gameshows and (traditional) TV competitions (competitions in which only viewers take part, but with no possibility of interactively influencing the course or content of the programme). It uses the type, context and main features of programmes to distinguish between: a) the above mentioned programme formats in their simplest form, i.e. which are programmes in their own right; b) the inclusion of such programmes in other programme formats (news programmes, sports programmes); c) the insertion of such programme formats in a way that they do not form part of another programme, but are directly connected with another programme by reason of their content and timing; d) a programme format of this kind which has no relevance to any kind of programme. Gameshows and competitions which are programme formats in their own right are the only ones which directly meet the conditions for sponsorship laid down in Article 18 of the Decree of 27 March 1992. On certain strict conditions, the CSA

© European Audiovisual Observatory (Council of Europe) 2026

accepts gameshows and competitions which form part of other programme formats, as well as those which do not form part of other programme formats, but are directly connected with other programmes by reason of their content and timing, as being essentially the same as those which are programme formats in their own right. This means that Article 18 of the Decree of 27 March 1992 applies to them as well. On the other hand, the CSA declares that gameshows and competitions which have no relevance to any kind of programme are by definition unacceptable, since they serve only to promote goods and services, and so qualify as indirect advertising of the kind which may not be broadcast.

Décret no 92-280 du 27 mars 1992 pris pour l'application du 1o de l'article 27 de la loi no 86-1067 du 30 septembre 1986 relative à la liberté de la communication et fixant les principes généraux concernant le régime applicable à la publicité et au parrainage. Journal Officiel de la République Française du 28 Marz 1992, p. 4313 - 4315.

Decree No. 92-280 of 27 March 1992 implementing Section 27 of Act No. 86-1067 of 30 September 1986 on freedom of communication and laying down general principles for the regulation of advertising and sponsorship, Official Journal of the French Republic, 28 March 1992, pp. 4313-4315.

Conseil supérieur de l'audiovisuel (CSA), lettres circulaires à l'ensemble des chaines de télévision , August 1995.

Conseil Supérieur de l'Audiovisuel (CSA), circulars to all television channels, August 1995.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026