[FR] CSA Standard Agreement for Channels outside the European Community

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The Conseil supérieur de l'audiovisuel (audiovisual regulatory body - CSA) is facing difficulties concerning the channels in countries outside the European Community broadcasting on Eutelsat, of which more than 150, despite theoretically being subject to French authority, are broadcast without being approved either in France or in any other country of the European Union. The CSA cannot sanction them or take proceedings against the satellite operators or the bodies that allocate space on the satellite broadcasting these channels. Thus on 13 January, the CSA applied to the office of the Public Prosecutor in application of Article 40 of the Code of Criminal Procedure and Article 42-11 of the amended Act of 30 September 1986 in respect of the broadcasting by the Lebanese channel Al-Manar TV of a thirty-episode series likely to be considered as anti-Semitic and the absence of any approval granted to the channel, in contravention of Article 33-1 of the Act of 30 September 1986 (as amended).

On 15 February, when the bill on electronic communications was adopted at its first reading, the National Assembly validated the Government amendments intended to amend the Act of 30 September 1986, in order to give the CSA the means of supervising extra-European channels broadcasting to Europe by satellite and, where appropriate, to impose penalties (see IRIS 2004-3: 8). The CSA also adopted the draft of a standard agreement, valid for either two or five years, for extra-Community channels broadcasting in a non-European language that fall within France's jurisdiction. Basically, this category includes the channels broadcast by the satellite operator Eutelsat, the satellite operator's uplink being provided from France. Under the terms of this draft, the editor is responsible for the broadcasts it transmits and must in all circumstances retain control over what is being broadcast. It therefore undertakes to abide by the general principles of audiovisual law and more particularly to ensure that there is no incitement to practices and types of behaviour that are deemed criminal in France, to respect the various political, cultural and religions sensibilities of the people, and to refrain from encouraging hate, violence or discrimination on the grounds of race, gender, religion or nationality. It also commits itself in respect of the rights of the individual, honesty of information and programmes, and the protection of children and young people. Lastly, the channels would be required to keep the broadcasts they transmit and the programme cue sheets for at least eight weeks, and provide the CSA with whatever information the latter may deem of use. Concerning sanctions, the standard agreement provides that the next stage after

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service formal notice is suspension of distribution of either the service or part of the programme for one month or more, plus monetary penalties.

Decision of the CSA, extra-Community channels falling within the jurisdiction of France: standard agreement adopted

Diffusions illégales par satellite : les pouvoirs du Conseil vont être renforcés, La Lettre du CSA n° 170 - 27 février 2004

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