[FR] CSA's Response to Definition of an Audiovisual Work

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On 2 June the Conseil supérieur de l'audiovisuel (audiovisual regulatory authority CSA) published the text of its response to the proposals made by the direction du développement des médias (directorate of media development DDM) and the Centre national de la cinématographie (national cinematographic centre CNC) on changes in the definition of what constitutes an audiovisual work. The case of "Popstars" had pointed to the need for a reform, and the DDM and the CNC had submitted four areas for consideration to the CSA last March (see IRIS 2004-5: 12). After carrying out a thorough analysis and evaluating the figures corresponding to these proposals, supplemented by hearing all the players concerned (broadcasters, producers and authors), the CSA has confirmed that a change in the arrangements for production quotas is badly needed. It is indeed necessary to remedy the circumventing of the spirit of the regulations by certain broadcasters making the most of the present definition of an audiovisual work, and return to its initial purpose encouragement for the constitution of an audiovisual heritage. The CSA's conclusion is unambiguous "None of the four hypotheses put forward appears to be wholly satisfactory."

In fact there are three major disadvantages. Firstly, emphasis is placed on the risk that creating further sub-quotas in addition to the existing quotas would make the regulations more complex. Moreover, some of the hypotheses put forward would only add to the current legal uncertainty, as for example the proposal to calculate investments in works according to diminishing scales proposed and regularly reviewed by a committee, or the proposal that programmes including elements belonging to an excluded genre would not qualify, which would give rise to much dispute. In the end, the CSA felt that all the hypotheses would affect the broadcasters' editorial policy as they would introduce a degree of rigidity in drawing up programme schedules and could carry the risk of standardising the offer available to television viewers. The third hypothesis, however, which consists of not including studio footage in the calculation of audiovisual works used for production quotas, would appear to be the least contested, even though a number of broadcasters state that they are totally opposed to it. Nevertheless, the CSA emphasises that this hypothesis, apart from the fact that it does not constitute a direct response to the question as to whether or not the "Popstars" broadcast constitutes an audiovisual work, would require an amendment to the framework of regulations. This could not come into force before 2006, in view of

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the time needed to change the programme offer, and could not be made to apply to the cable and satellite channels as no further burden could be placed on their current obligations.

In its response, the CSA therefore proposes that the DDM and the CNC combine forces in order to consider other possible ways of changing the regulations.

Reactions have been quick in coming. The Société civile des auteurs multimédias (association of multimedia authors) and the Société des auteurs et compositeurs dramatiques (society of dramatic authors and composers - SACD) have both deplored the fact that the CSA does not put forward any definite proposal that could put an end to the situation. The SACD has therefore called on the Minister for Culture to "propose an over-all plan to remedy the under-financing of audiovisual creation in France". The Union syndicale de la production audiovisuelle (sector's syndicate) has said that "the CSA should lift its technical reservations to allow the Minister for Culture's action to be conclusive and at last give the obligation of production the cultural and economic scope it should have".

Réponse du CSA à la DDM et au CNC au sujet de la définition de l'oeuvre audiovisuelle, 2 juin 2004

http://www.csa.fr/infos/textes/textes_detail.php?id=17266

Response by the CSA to the DDM and the CNC on the definition of an audiovisual work, 2 June 2004

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