

European Commission: France Asked to Lift Ban on Television Advertising for Publishing and the Cinema

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In May 2002, the European Commission formally asked France to lift its ban on television advertising by the press, the distribution networks and the cinema and publishing sectors introduced by the Decree of 27 March 1992 (see IRIS 2002-6: 13). The Community authorities felt that these regulations, which France held were necessary to preserve the diversity of the press and culture and to protect small shops, restricted the free circulation of services within the Union. In a Decree of 7 October 2003, the French public authorities decided to authorise television advertising for the press, from 1 January 2004 onwards, and for the distribution networks, but in stages from 1 January 2004 for local, cable and satellite channels and for Digital Terrestrial Television, and from 1 January 2007 for national analogue channels. The authorisation does not apply, however, to advertising special offers. The ban has also been lifted for publishing, but only in regard to cable and satellite channels. It has, however, been maintained for the cinema, so that French companies are not penalised in comparison to the wealthy American majors. The Commission still does not seem to be satisfied with these concessions on 7 July it issued a "reasoned opinion" in which it called on France to lift the ban on television advertising for publishing and the cinema. Given the small audiences that cable and satellite channels attract in France (less than 10% of the national total), the change for the publishing sector was not such as to put an end to the infringement. The Commission believes that the current regulations "could have discriminatory effects on books and films from other Member States", and that "less restrictive measures would be possible to achieve the objective of protecting cultural diversity as put forward by the French authorities". The Minister for Culture and Communications, taking note of the request, nevertheless insisted on emphasising that the current regulations banning television advertising for the cinema and publishing on terrestrially broadcast networks was aimed firstly at maintaining a balance in order to better preserve the diversity of what was on offer to the public. They also protected European films for which exposure remained difficult as they did not have the means of paying for advertising campaigns on television. The Minister therefore hoped the procedure instigated by the Commission would "enable France to remember that its regulations contributed mainly to the essential preservation of what was on offer in Europe without distorting competition and that the Union's bodies would recognise that action in favour of cultural diversity was right".

If it did not receive a satisfactory reply within two months (ie by 7 September), the Commission could bring France before the Court of Justice. As this deadline approached, however, the French Government obtained an extension. The European Commission is calling on France to lift the ban on television advertising for publishing and the cinema by 4 October.

