[FR] New CSA Recommendation on Violent or Pornographic Programmes

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In a recommendation of 15 December 2004, the Conseil supérieur de l'audiovisuel (official regulatory authority - CSA) strengthened the measures that apply to editors and distributors of television services broadcasting "Category V" programmes, in cinematographic works that may not be shown to anyone under the age of 18 years and pornographic or extremely violent programmes. This recommendation cancels and replaces previous recommendations on the subject (see IRIS 2003-4: 9 and IRIS 2003-10: 7). The CSA recalled the principles that are already established, according to which only "cinema" channels, pay-per-view services and channels that have undertaken substantial obligations in terms of contribution to audio-visual and cinematographic production are authorised to broadcast this type of programmes, and even then only between midnight and 5 am. It also recalled a number of principles regarding the commercialisation of these programmes. Firstly, they may not be accessible as part of promotional offers made to people who have not chosen to subscribe to the service and have access to the programmes. Secondly, where a commercial offer includes one or more services broadcasting more than 208 Category V films per year, the same offer without the service(s) must be offered under conditions that are not to the advantage of the overall offer that includes the Category V programmes. For services in digital mode, the CSA lists, as in its earlier recommendation, the essential requirements for protecting minors and more particularly the conditions required to effectively lock the programmes in question control of access to the service by entering a personal code comprising at least four digits that is not visible on the screen and is dedicated to this use exclusively, re-locking whenever the viewing parameters are altered, total synchronisation of the locking system with the programme, and the impossibility of the subscriber being able to disable the locking system. Distributors must abide by these criteria from now on, apart from the requirement concerning firstly the exclusive use of the personal code, which must be operational no later than 2008, and secondly the impossibility of disabling the locking system, which must be set up by next year. The main new feature in this recommendation is the obligation placed on all services broadcasting Category V programmes (whether digital or analogue, excluding pay-per-view services) to bar access unless "the subscriber has made the explicit choice, in writing, to receive the overall offer that includes these programmes", which may not be offered under more advantageous commercial conditions. This obligation will become mandatory from 1 January 2006 onwards for all services

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broadcasting in analogue mode and from 2008 onwards for services in digital mode. According to the CSA, exoneration will however be allowed to those distributors who submit before that date a declaration attesting that all their terminals comply with criteria defining the effectiveness of the locking system (as described above). Lastly, the CSA recalls that editors and distributors of Category V films are required to regularly remind subscribers of the risks facing minors if they have access to such programmes, and of the existence and operation of the locking system.

Recommandation n° 2004-7 du 15 décembre 2004 aux éditeurs et distributeurs de services de télévision diffusant en métropole et dans les départements d'Outre-mer des programmes de catégorie V, JORF, 23 décembre 2004

http://www.legifrance.gouv.fr/

Recommendation No. 2004-7 of 15 December 2004 to editors and distributors of television services broadcasting "Category V" programmes to mainland France and its overseas départements, Official Journal, 23 December 2004

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