

[FR] Decree on Broadcasting Events of Major Importance

IRIS 2005-2:1/24

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More than four years after the adoption of legislation transposing the Television Without Frontiers Directive into the national Audiovisual Communication Act, and almost two years after the opinion issued by the Conseil supérieur de l'audiovisuel (regulatory authority - CSA) on the draft text submitted to it by the Ministry for Culture and Communication (see IRIS 2003-4: 8), the decree laying down the conditions for assuring the exclusive television broadcasting of events of major importance so that a large section of the public is not deprived of the possibility of following them on a freely accessible television service has finally been adopted. Despite the comments made by the CSA on the list of events given in the draft decree, the final text maintains the original twenty-one sport events (summer and winter Olympic Games, men's Tour de France cycle race, finals and semi-finals of several football and rugby championships, etc); no cultural events are included. Thus no television service will be able to exercise the exclusive rights it acquires in respect of such events in a way that prevents their full live broadcasting by a freely accessible television service. Such broadcasting may nevertheless be limited to "significant moments" for the men's Tour de France cycle race and to moments "representative of the diversity of the sport disciplines and participant countries and as a pre-recorded broadcast where the events take place simultaneously" for the Olympic Games and the world athletics championship. According to the decree, all the events may also be broadcast as pre-recordings "where the event takes place between midnight and 6 am, French time, on condition that its broadcasting in France commences before 10 am". Article 5 of the text states that an editor of a restricted access service holding exclusive broadcasting rights in respect of all or part of an event of major importance may not proceed with broadcasting in restricted access mode unless it receives no suitable offer after having publicly manifested for a "reasonable" period of time its desire to sell these rights subject to market conditions that are "equitable, reasonable and not discriminatory". Lastly, the decree includes provisions applicable to the broadcasting of events of major importance taking place in other European countries. In this case, "where an editor of television services subject to French jurisdiction broadcasts an event of major importance taking place in a European State, it must satisfy the conditions laid down by that State for the broadcasting of the event by the editor of television services".

Decree No. 2004-1392 of 22 December 2004 adopted to permit application of Article 20-2 of Act No. 86-1067 of 30 September 1986 on freedom of communication

