

[FR] Broadcasting Cinematographic Works on Television

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The Decree of 17 January 1990, as amended, which lays down the general principles for the broadcasting of cinematographic and audio-visual works by the editors of television services, and the Decree of 28 December 2001 on the contribution of Canal + (terrestrially broadcast analog pay channel) to the development of the production of audio-visual and cinematographic works, has now been amended by two decrees adopted on 23 December 2004. The purpose of these decrees is to take advantage of developments in relations between service editors, and more particularly Canal +, and representatives of the cinema. "First showing" cinema services (see Article 6-3 of the Decree of 17 January 1990) broadcast one or more cinematographic works as an exclusive first television screening excluding pay-per-view or more than two cinematographic works as an exclusive second screening within 36 months of their first cinema screening in France. There is now a sub-category of these services; in return for the special effort they make in terms of financing the cinematographic industry, these services are to be allowed to make their programme schedules a little more flexible. According to the Decree, "first exclusivity cinema service" means a service that broadcasts the first exclusive showing on television apart from pay-per-view of at least seventy-five cinematographic works a year within 36 months of their first cinema screening in France; at least ten of these must be in French in the original version and the corresponding rights acquired before the end of shooting". Although it is established that "other editors of cinema services" may not broadcast or re-broadcast any full-length cinematographic work on a Friday between 6 and 9 pm, on a Saturday between 6 and 11 pm or on a Sunday between 1 and 6 pm, the editors of first exclusivity services may now broadcast or re-broadcast a cinematographic work on a Friday evening or on a Saturday evening in the case of works for which fewer than 1.2 million cinema tickets were sold (and five times a year films that fared better in theatres). While the official regulatory authority (Conseil

supérieur de l'audiovisuel - CSA) was pleased with this greater flexibility, which would "permit better cinema exposure on television", it nevertheless regretted the increased "complexity of the arrangements of the regulations" caused by the creation of the new sub-category of first exclusivity services.

