[FR] Non-European Channels No longer Obliged to Conclude Agreement with CSA

IRIS 2006-1:1/39

Amélie Blocman
Légipresse

The stated purpose of Act No. 2006-64 of 23 January 2006 on combating terrorism and making certain provisions concerning security and controls at frontiers is to provide better assurance of the right to safety while respecting freedoms. It points to the threat posed by information and communication technologies as new channels for expression for terrorists. While voting on this, MPs took the opportunity of "tidying up" France's Audiovisual Act of 30 September 1986 and amending its Article 33-1 to remove the obligation for non-European channels broadcast via Eutelsat - and in consequence governed by French law - to conclude an agreement with the *Conseil Supérieur de l'Audiovisuel* (audiovisual regulatory authority - CSA). The new Act states that such channels nevertheless remain subject to the obligations arising from the Act (of 30 September 1986) and to supervision by the CSA, which may apply the usual sanctions against them. The case of Al Manar TV, a Lebanese channel close to the Hezbollah, may be recalled; it pointed to gaps in the regulations and moved the CSA to ask the public powers for real authority to deal with non-European channels that had not concluded an agreement. The CSA had found itself powerless to stop Al Manar TV broadcasting a TV soap that stirred up racial hatred and violence, because of a legal loophole that left it unable to inflict any sanctions on the channel, which did not have an agreement with the CSA, in breach of French law (see IRIS 2004-4: 10 and IRIS 2004-9: 11). The Act of 9 July 2004 on electronic communications and audiovisual communication services had already increased the CSA's powers of investigation and sanction in respect of editors and operators broadcasting satellite channels, and the reference to the audiovisual sector in Article 42-10 of the Act of 30 September 1986 had been amended to give the CSA the backing of the administrative courts to deal with messages that stirred up racial and religious hatred (see IRIS 2004-8: 8). It nevertheless remained powerless in respect of non-European satellite channels refusing to conclude an agreement. The difficulties seem to have been resolved now, as adoption of the Act of 23 January 2006 removes this obligation for such channels, with previous agreements being deemed void from the date on which the Act comes into force. Efforts nevertheless need to be made to reinforce European cooperation in order to reconcile the freedom to receive non-Community programmes, which adds to diversity, and respect for public order.

© European Audiovisual Observatory (Council of Europe) 2026

Loi n°2006-64 du 23 janvier 2006 relative à la lutte contre le terrorisme et portant dispositions diverses relatives à la sécurité et aux contrôles frontaliers

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

Act No. 2006-64 of 23 January 2006 on combating terrorism and making certain provisions concerning security and controls at frontiers

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026