[FR] Television Advertising for Books Validated by the Conseil d'État

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In a decision adopted on 13 March, the Conseil d'État rejected the appeal brought by the television channel Télé Monte-Carlo and its advertising agency claiming, on the grounds of the principle of equality, cancellation of paragraph I of Article 1 of the decree of 7 October 2003 amending Article 8 of the decree of 27 March 1992. These provisions prohibit advertising for books except on television services that are exclusively distributed by cable or broadcast by satellite. In the present case, the television channel broadcasts its programmes partly unencrypted in analog mode in south-west France and partly by subscription by cable and satellite throughout France. The Conseil d'État held that the difference in treatment that the clauses at issue made to the benefit of television services distributed exclusively by cable or broadcast by satellite was justified by the general interest that existed in providing these services with new resources as their economies were fragile, while at the same time avoiding massive transfers of advertising budgets away from the press to television and the concentration of advertising messages by the major publishing houses on television. Télé Monte-Carlo was in fact not in the position of a service exclusively distributed by cable and broadcast by satellite since its programmes were also broadcast terrestrially in analog mode. Furthermore, since the economic sectors of both book publishing and distribution were also in different situations, the regulatory authority was not required to lay down the same rules for broadcasting advertising messages on television for the two sectors. The Conseil d'État therefore found that the provisions at issue were not contrary to the principle of equality.

Conseil d'Etat, (5e et 4e sous-section réunies), 13 mars 2006, Sociétés Tmc et Pathé Régie

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

Conseil d'État (5th and 4th sub-sections combined), 13 March 2006, the companies TMC and Pathé Régie

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