[FR] Status of the Arte Channel

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The *Conseil Supérieur de l'Audiovisuel* (French audiovisual regulatory authority - CSA) has written to the French Prime Minister asking him to refer to the Conseil d'Etat the matter of applicable law in respect of the Franco-German television channel and the authorities it comes under. Under the terms of the treaty creating the European culture channel, signed on 2 October 1990, which came into force on 11 July 1992, the CSA has no authority over the channel. It nevertheless regularly receives correspondence concerning the channel's programming, and wished to have its status clarified. On the basis of Article 2 of the "Television Without Frontiers" Directive, the CSA felt that, since the channel's headquarters were in Strasbourg and programming decisions were not made in a different State, Arte ought to come under the jurisdiction of France and be subject to compliance with the Act of 30 September 1986 and its implementing decrees. The CSA explained in its letter that this ambiguity caused difficulties. For example, the absence of the signage required by the CSA in application of Article 15 of the Act of 30 September 1986 might be harmful to young viewers. Similarly, Arte was not bound by the rules laid down by the CSA regarding pluralism outside electoral periods or by the recommendations it issued prior to each electoral period, even though the channel broadcast information programmes, including a daily news programme, covering current political affairs in France. The CSA was also unsure about which authority could require the channel to abide by the Public Health Code, following the channel's broadcast on 14 October last year of a documentary promoting vodka. The CSA therefore felt it was "essential to clarify the definition of which authorities were competent in respect of the channel so that the CSA could turn to them when it received a complaint about Arte's programming". The channel said it was "surprised" by this correspondence addressed to the French Prime Minister, recalling that a number of legal specialists had studied the matter in the previous fifteen years and had regularly reaffirmed the channel's independence, guaranteed by the inter-State treaty between France and Germany. Will the French Prime Minister follow up this call from the CSA?

Droit applicable à la chaîne Arte : le Conseil demande au gouvernement de saisir le Conseil d'Etat, assemblée plénière du CSA du 23 mai 2006

http://www.csa.fr/actualite/decisions/decisions_detail.php?id=117540

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Law applicable to the Arte television channel - the CSA asks the Government to refer to the Conseil d'Etat, plenary assembly of the CSA held on 23 May 2006

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