[FR] CSA Opinion on Draft Legislation on the Television of the Future

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As the *Autorité de Régulation des Communications Électroniques et des Postes* (regulatory body for electronic communications and postal services - ARCEP) had done a few days earlier, and bolstered by the recommendations issued by the Conseil d'Etat (see IRIS 2006-7: 12), on 11 July the *Conseil Supérieur de l'Audiovisuel* (audiovisual regulatory body - CSA) issued its opinion on the Bill concerning "the modernisation of audiovisual broadcasting and the television of the future".

While the CSA approved the main points of the Bill, it said it was "guided mainly by the observance of pluralism" and, in this respect, asked that "a balance be found so that the measures aimed at promoting the development of digital terrestrial television did not result in a strengthening of the position of the most powerful players". More particularly, concerning the schedule for phasing out analog television, the final date of which was fixed as 30 November 2011, the CSA deplored the importance of the advantages granted to the nation-wide analog channels, particularly the allocation of an additional channel to TF1, Canal + and M6 in order to encourage them to transfer to digital mode. This allocation of a "bonus channel" for the incumbent editors after analog mode has been phased out is the main stumbling block. Newcomers to digital terrestrial television have denounced this "arbitrary and biased decision that reinforces further the importance of groups that are already in an ultra-dominant position".

Another advantage granted to the nation-wide analog channels in the Bill is the five-year extension of their authorisation, which could even be extended for up to ten years if the editors of the channels subscribe further undertakings concerning national coverage and if they accept an early abrogation of the authorisation to broadcast in analog mode in certain areas.

This accumulation of possible extensions could result in pushing the expiry date for the non-charging channels' authorisations as far as 2027, i.e. beyond the expiry dates for the authorisations of other non-charging channels using digital terrestrial technology. The CSA considers that maintaining the same agreement for twenty-five years would not allow the necessary adaptation of the obligations incumbent on the channels to the evolutions taking place in their environment, and suggests that this arrangement be amended. It also approves the

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arrangements provided for in Article 3 of the Bill that enable it to terminate authorisations earlier than anticipated in areas where they would be needed for deploying digital terrestrial television.

With regard to “the television of the future” (high definition TV and mobile reception TV) and the method for issuing authorisations, the CSA approves the fact that the Bill does not alter the principle contained in Article 30-1 of the Act of 30 September 1986, which provides for the issue of authorisations by editor and not by distributor. It believes this approach to be the best way of ensuring pluralism in the offer of services, given the context of rarity which will continue to exist until the analog mode ceases to exist. And it welcomed the Government’s choice to set aside the principle of a licence fee for the new television services (HD and mobile) in favour of an increase in the contribution to the COSIP (*Compte de Soutien à l’Industrie des Programmes* - programme industry support fund). Lastly, the CSA approves the decision to reserve, in the proportions it has determined, a share of the resources allocated to personal mobile television (Article 22) for audiovisual communication services other than television. The Bill was presented at the Cabinet meeting held on 26 July and is scheduled for discussion in Parliament in the autumn.

Avis n° 2006-4 du 11 juillet 2006 sur le projet de loi relatif à la modernisation de la diffusion audiovisuelle et à la télévision du futur

http://www.csa.fr/infos/textes/textes_detail.php?id=118086

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