[FR] CSA Calls for Simplified Relationships between Producers and Broadcasters

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The *Conseil Supérieur de l'Audiovisuel* (national audiovisual regulatory authority –CSA) has entered the debate on overhauling the relationships between producers and broadcasters, which was launched by Christine Albanel at the end of 2007 (see IRIS 2007-10: 13). The CSA has drawn up a "contrasting" balance sheet of the relationships between producers and broadcasters since 2001, when the Tasca Decrees regulating the production obligations of channels were adopted, and is calling for regulations that are "more straightforward and more lightweight, placing greater importance on inter-profession dialogue and regulation".

Thus, although the objectives of the mechanisms whereby broadcasters contribute to audiovisual production remain valid, they must, according to the CSA, be complemented by the growth of the audiovisual groups, a key condition for the development of the sector as a whole, and by a simplification of the rules. The CSA also says it is aware of the need to organise the obligations incumbent on linear services in order to take account of the new technical and economic context.

Regarding the matter of financing for the works and their "initial exploitation", the CSA noted that investments in new independent production (*production inédite indépendante*) had only increased by 17% between 2000 and 2006, whereas investments had doubled in new dependent production (*production inédite dépendante*) in the case of one broadcasting channel. Moreover, the performance of the independent production sector, which the legislator hoped would become solid and diversified, remains uneven and marked by profound contrasts (the production of animated works has shot up to third place in the world whereas the documentary sector is characterised by its fragmentation). Thus, the CSA feels it is desirable to amend the regulations in order to better link the broadcasters to the revenue generated by the exploitation of the independent works they finance. The proportion of the financing of the works assumed by the broadcasters entitles them to have the benefit of a share in the operating income.

Concerning the exploitation of works in the secondary market, the problem lies in reconciling two objectives that are partly paradoxical in view of the present rules, namely the circulation of the works, the improvement of which constitutes a permanent request on the part of producers, distributors and the independent themed channels, and the integration of the audiovisual groups and their

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presence on all the media. Thus the economic and financial balance sheet of the themed channels illustrates the trend – in 2006 their aggregate turnover represented 14% of the total turnover of authorised or approved broadcasters. Also, there is no real secondary market for audiovisual works. The capacity of themed channels to fill their programme schedules depends largely on the programmes financed by the editors of the original terrestrially-broadcast services, and this dependence conditions the capacity of these channels to meet the broadcasting quotas. In the light of these difficulties, the CSA believes it is worth clarifying the rules that apply to the circulation of works by seeking a fair balance between the objectives of constituting integrated groups and supplying the second market. Lastly, assessing the consequences of the current upheavals in trends, services and the nature of the players involved in the audiovisual scene, the CSA proposes a number of ways in which the regulations could evolve, including a simplification of the legal framework making it possible to absorb the difference in competitiveness that threatens broadcasters dealing with the new media and international competition. This simplified arrangement should ensure that the players are in a position to meet the obligations incumbent on them. A better proportionality between the contribution of the broadcasters to the financing of the works and the rights they acquire is also suggested, as is an improvement in the conditions for the circulation of works.

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http://www.csa.fr/actualite/dossiers/dossiers_detail.php?id=126019

Relations between producers and editors of television services – the CSA's point of view

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