[FR] CSA Launches Public Consultation on the Right to Information in the Field of Sport

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The *Conseil Supérieur de l'Audiovisuel* (French audiovisual regulatory body - CSA) announced on 10 June the opening of a public consultation on the right to information in the field of sport, continuing on from the consideration of the subject since last February. There are currently two methods for public audiovisual access to sports events. The first is the broadcasting of the event, usually live and generally in its entirety, which involves the channel acquiring rights that are often exclusive. The second takes the form of summarised reports that are normally offered free of charge by the radio and television service editors under the guarantee of the public's right to information and the freedom of expression. Nevertheless, a number of changes that have taken place recently in the sector make it necessary to assess these legal arrangements.

The CSA refers more particularly to the changes in the pay television sector in France, the tension surrounding the coverage of major sports events, the appearance of extensive concepts of the ownership rights in respect of international events, and difficulties in applying the existing rules to disciplines wishing to raise their media profiles. The first stage in the consultation, carried out between February and April 2008 and involving all the players concerned, pointed to a desire to refrain from challenging the fundamental principles of the right to information in the field of sport as defined in the legislation.

The CSA, nevertheless, observed that their implementation was causing some problems, making it necessary to promote a revised framework. This, the CSA proposes, could take the form of an inter-professional agreement, including a code of good practices, setting out clearly the practical methods currently in use for exercising the right to information in the field of sport in order to meet the current and emerging challenges of the French audiovisual scene. The CSA was therefore keen to continue its consultation, in order to obtain the opinions of all the people and organisations concerned, covering more particularly an analysis of the present right to citation in the audiovisual and sport scene, the determination of new practical methods for exercising the right to citation, an examination of the legal arrangements for protecting the access of reporters to sports venues, and a ban on freezing of rights. Contributions are to be sent to the CSA by 1 August 2008.

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In addition, on the matter of information in the field of sport, the Court of Cassation turned down the appeal brought against the decision of the Court of Appeal of Paris of 24 September 2007 (see IRIS 2008-3: 12), thereby upholding the judgment against the channels France 2 and France 3 for unlawful advertising of tobacco during the broadcasting of parts of the 2005 Paris-Dakar rally. In doing so, the Court of Cassation confirmed the restrictive nature of the exception to the general principle of the ban on advertising of tobacco products prescribed in Article L. 3511-5 of the Public Health Code, according to which “the broadcasting of motor sports competitions held in countries where advertising for tobacco is allowed may be assured by the television channels”. The Court held that this provision should be interpreted as if it were “limited to the possibility of broadcasting these competitions, to satisfy information requirements, in real time or in situations close to this, without extending to include the broadcasting of images several hours or even days after the event”. In the present case, the French committee against tobacco abuse (*Comité National contre le Tabagisme* - CNCT) claimed that the channels in question were causing nothing short of media hype in favour of the Gauloises brand-name during the broadcasting of reporting or news reports on automobile racing, interviews with participants in the event, credits and trailers. It should be recalled that, further to the appeal judgment, the CSA announced on 8 February 2008 that it would no longer authorise the appearance of cigarette brand names during the television coverage of a motor sport event unless it was a live broadcast.

Consultation publique du Conseil supérieur de l’audiovisuel relative au droit à l'information sportive

http://www.csa.fr/actualite/communiques/communiques_detail.php?id=126492

Public consultation organised by the CSA on the right to information in the field of sport

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