[FR] CSA Authorises Cross Promotion on Private Channels

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After years of claims made by the private channels, the *Conseil Supérieur de l'Audiovisuel* (national audiovisual regulatory authority – CSA) has now put an end to the monopoly on cross promotion held by France Télévisions in accordance with its specifications. In its decision of 22 July 2008, the CSA now authorises French private editors to cross-promote television channels, both free and pay channels, belonging to the same group. For years the private channels have been claiming the right to be able to promote the programmes of their affiliated channels on their channels, as France Télévisions does – until now, it was the only editor authorised to do so. Previously, the CSA had refused to accept applications from private groups on the grounds that cross-promotion activities could work to the disadvantage of the independent channels or those linked to small groups, and hence to the disadvantage of the objective of plurality, which needed to be protected. In this period of reform, the CSA has finally agreed to their request, supported by the European Commission, which has recalled on numerous occasions that the facilities granted to the public-service channels must not result in distortions of competition, which was the argument put forward by the private channels in the present case. The private channels will henceforth be able to promote the programmes broadcast on the channels controlled by the same group within the meaning of Article L. 233-3 of the Commercial Code.

The CSA has nevertheless set restrictions on this new possibility open to private editors by limiting the authorisation of cross promotion to promotion of an informative nature. It uses this expression to designate any advertisement for a programme by means of a trailer that mentions its title, the television service on which it is to be broadcast, and the date and time of broadcasting, without mentioning the name of the distributor. If the trailer is not informative in nature, it would be subject to the regulations on advertising on television.

Décision du CSA du 22 juillet 2008

http://www.csa.fr/actualite/decisions/decisions_detail.php?id=126990

Decision adopted by the CSA on 22 July 2008

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