[FR] Reform of the “Tasca Decrees”

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The “Tasca Decrees” are regulations aimed at developing and maintaining a fabric of ‘independent producers’ for television channels in order to preserve the diversity of French production. They ensure for producers a set of inalienable rights in order to ensure not only their survival but also their development. They are based on restrictions not only on the rights that the channels may acquire but also on the new work they may commission, and make it possible to preserve a degree of independence in the financing and content of French production. Disparaged by some yet considered as being almost a public utility by others, the Decrees are now being subjected to the overall reform of the audiovisual sector and their content is being reworked as a result of fierce negotiations between the syndicates of producers and the television channels which have given rise to undertakings for each separate channel. Announced at the beginning of September, these negotiations have already been completed for a number of broadcasters. Canal+, for example, was the first to commit itself to this new collaboration with producers, providing for a “modulation of the rights sold according to programme genre and the percentage of the production financed by the group” – ‘à la carte’ financing that also takes account – for the first time ever – of VoD broadcasting and catch-up TV, for which the rights will now be associated with broadcasting rights and not with non-linear rights (VoD). Canal+ is reserving the rights for twelve months starting from the first television airing, but is offering to concentrate its investments in “patrimonial” works and independent audiovisual production. As the method of calculation now refers to the group and not the channel, the investments of the encrypted channel should in the end amount to 3.4% of its turnover, compared with 4.5% for audiovisual works and 12% for cinematographic works out of its total net resources from the previous year under its last agreement.

France Télévisions has also just signed an agreement with the producers, which refers to a percentage of its turnover, as before, and not to a specific amount; this would have posed a threat for the holding company whose income has already been reduced as a result of the announcement of the abolition of advertising and whose future is still uncertain. The group has therefore undertaken to invest an increasing proportion of its turnover over the next four years, starting from 18.5% in 2009 and working up to 20% in 2012. It should be recalled that some of France Télévisions’ channels currently exceed the minimum threshold for investment imposed on them, already reaching 20%, on the basis of turnover that is much higher than the figure anticipated for 2012. In return for these undertakings, the

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holding company is reserving an exclusive 18-month broadcasting window for one-off fiction works and an exclusive broadcasting window of 36 to 48 months for series. The agreement also includes catch-up TV, for which the usual scheme of rights covers 7 days.

TF1 is currently negotiating a relaxation of its undertakings, and M6 is ensuring that, in the negotiations on its agreement, its obligations take account of its magazine programmes.

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