# [FR] Reform of the Public-sector Audiovisual Scene Applied before Parliament Vote

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The bills for reforming the public-sector audiovisual scene have provoked stormy discussions in the National Assembly. Being fewer in number, the opposition MPs firmly opposed to the bill as prepared and drafted by the parliamentary majority had no choice but to table hundreds of amendments in order to delay voting, hoping thereby to cause the reform to fail. In view of the delay caused by examination of the bill in the National Assembly, the Government made the surprising decision not to wait for Parliament's vote before applying the key measure in the reform - the abolition of advertising. The Chairman of France Télévisions, Patrick de Carolis, was asked to have his board of directors vote to adopt the ban on advertising between 8 pm and 6 am. As the company had prepared its new programme schedules several months earlier and advertisers had already resigned themselves to the fact that they would not be able to advertise on France Télévisions during this time slot, the board of directors had to ratify the French President's decision rather than endanger the economic basis of the public-sector channels. Since 5 January 2009, France Télévisions no longer receives any resources for advertising after 8 pm.

Although the method came as a shock, it has not as yet given rise to an appeal before the Conseil d'Etat. It has, on the other hand, motivated the members of the Senate to use the same methods as the opposition MPs in December. By tabling a large number of amendments, the opposition is this time joined by several members of the majority and by centrist MPs who are negotiating a number of amendments to the text, which has been under examination since 7 January by the upper house, concerning more specifically the licence fee and the method of dismissing the chairmen of the public-sector channels. The text resulting from this examination by the Senate will then be sent to the Joint Mixed Committee for validation. Appeals before the Conseil d'Etat and the Constitutional Court are likely, particularly regarding the legality of the letter sent by the Minister for Culture to the chairman of France Télévisions asking him to ensure that the board of directors vote in favour of abolishing advertising, since the method of financing public-sector television is supposed to be determined by legislation, the new conditions for dismissing the chairmen of the public-sector television channels are supposed to be adopted by the Senate if they are approved by the Joint Mixed Committee, which has the final say on the text, etc. The Act, involving more particularly reform of the method of financing the public-sector audiovisual scene, will therefore be promulgated several weeks after the actual disappearance of

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prime-time advertising on France Télévisions, leaving the public service in a somewhat uncomfortable legal situation during this period.

The 2009 Finance Act in fact applies the State's compensation for the partial abolition of advertising. But the Freedom of Communication Act, which is still in force even though it is currently undergoing reform, still obliges the public-sector channels to operate mixed financing, with no time restrictions.

### *Projets de loi et leurs amendements*

http://www.senat.fr/dossierleg/pjl08-145.html

*Texts of bills and amendments*

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