[FR] Revision of the “Tasca” Decrees to Be Completed Soon

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Amélie Blocman
Légipresse

At the end of 2007, with a view to adapting the regulations to recent developments in the audiovisual sector, the Ministry of Culture and Communication gave Mr Kessler and Mr Richard the task of consulting the sector’s professionals on amending the 2001 “Tasca” Decrees. The Decrees lay down the scheme for contributions from the editors of television services to the development of the production of European and French-language audiovisual works (see IRIS 2007-10: 13 and 2008-2: 12). The proposals that came out of their work made it possible to conclude agreements in November 2008 between the editors of national television services broadcast terrestrially in analog mode (Canal+, France Télévisions, M6 and TF1) and the representatives of audiovisual creations. Decree 2009-1271 of 21 October 2009 on the contribution of analog channels, the first of the three Decrees that are to redefine the framework of the relations between the editors of television services and the audiovisual producers, incorporates more specifically the consequences of the 2008 agreements. It amends the Decrees of 09 July 2001 and 28 December 2001, which applied respectively to the unencrypted channels and to the channels that are partly financed by payments from users. The text lays down the minimum proportion of turnover that a services editor must devote to audiovisual production, which varies according to the level of investment in heritage works. The proportion is fixed at 15% (compared with 16% previously), of which at least 10.5% must be in heritage works, or at 12% where it relates to these works exclusively. Under Article 27 of the 1986 Act as amended by the Act of 05 March 2009, and in the light of the agreements negotiated some months earlier, the legislator wanted the contribution to audiovisual production to involve a “significant proportion” for heritage works, i.e., works falling within one of the following genres: fiction, animation, creative documentary, video music, and the recording or recreation of live shows. At the same time, the obligation to broadcast works not previously shown at prime time is lessened, since the annual volume of 120 hours may include up to 25% of repeats. Lastly, part of the audiovisual contribution (a minimum of 9% of the service editor’s turnover) must be earmarked for “independent production”, according to criteria for independence that are an updated version of those laid down in the previous arrangements.

Two inter-professional agreements have also been concluded, in July and October 2009, between the producers and a group of cable and satellite channels on the one hand and a number of digital land-broadcast television channels on the other.

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Both these agreements take account of the new means of on-line consumption of programmes (VoD, catch-up TV), and redefine independent production and the concentration on the obligation to produce heritage works. They should be extended in the near future by means of regulations, as there are two Decrees (on "cable and satellite" and "digital TV") on the verge of being adopted. The Directorate for Media Development recently embarked on a public consultation "on the scheme for contribution to the development of the production of cinematographic and audiovisual works by television services broadcasting terrestrially". The reform is therefore aimed principally at taking into account the agreements concluded on 22 October 2009 between the digital channels and the professional organisations of authors and audiovisual producers on the scheme for the contribution of these channels to audiovisual production. However, in order to take account of the upcoming extinction of analog terrestrial broadcasting, the reform decrees a single scheme applicable to all the terrestrially-broadcast channels. The draft Decree submitted for consultation is therefore the result of the incorporation of the arrangements applicable to the analog terrestrially-broadcast channels, both unencrypted (TF1, France Télévisions, M6) and encrypted (Canal+) and the arrangements applicable to the digital channels, both encrypted and unencrypted. It would therefore have the effect of repealing the Decrees of 09 July and 28 December 2001.

Décret n° 2009-1271 du 21 octobre 2009 relatif à la contribution à la production audiovisuelle des éditeurs de services de télévision diffusés par voie hertzienne terrestre en mode analogique, JO du 22 octobre 2009

http://www.legifrance.gouv.fr/affichTexte.do;jsessionid=3A4B8C49CFA3C1E1739BF3615B639633.tpdjo17v_2?cidTexte=JORFTEXT000021183122&dateTexte=20091207

Decree 2009-1271 of 21 October 2009 on the contribution to audiovisual production by the editors of television services broadcast terrestrially in analog mode; published in the Journal Officiel of 22 October 2009

Consultation publique relative au régime de contribution au développement de la production d'œuvres cinématographiques et audiovisuelles des services de télévision diffusés par voie hertzienne terrestre

http://www.ddm.gouv.fr/article.php3?id_article=1476

Public consultation on the scheme for the contribution to the development of the production of cinematographic and audiovisual works by television services broadcast terrestrially

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