[FR] CSA Orders Canal Sat to Change the Numbering of two Digital TV Channels Included in its Offer

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Amélie Blocman
Légipresse

The issue of the numbering of channels in the programmes offered by service distributors is keeping the *Conseil Supérieur de l'Audiovisuel* (audiovisual regulatory body - CSA) on its toes. It will be remembered that the CSA received fourteen applications from new digital terrestrial television (DTT) channels in 2006 for the settlement of differences concerning their numbering on cable and satellite distribution networks. In the light of these disputes, the CSA had adopted on 24 July 2007 a deliberation defining the general rules on the matter (see IRIS 2007-7: 13), which was incorporated in Article 34-4 of the Act of 30 September 1986 when the Act of 05 March 2009 reforming the audiovisual sector was adopted. According to this, “the distributors of services whose programme offer includes all the national television services broadcast unencrypted terrestrially in digital mode, if they do not abide by the logical numbering defined by the CSA for DTT, must observe the order of the numbering in taking up these services. In this case, numbering should start with a whole number immediately after a multiple of a hundred, without prejudice to including the services in the theme group to which they belong”. The aim of this provision is to oblige distributors to reserve a block of their offer for carrying the DTT channels in the order in which they are broadcast.

Then last spring the channels NRJ 12 and BFM TV applied to the CSA to obtain different numbering in the services plan in Canal Sat’s satellite bundle offer. The two channels had asked to be placed at the number they have been given for terrestrial broadcasting, i.e., the number 12 for NRJ 12 and the number 15 for BFM TV, whereas they were placed respectively as no. 36 and no. 55 in the bundle. In addition, BFM TV wanted to be placed immediately after the channels LCI and I>Télé in the “news” theme section of Canal Sat’s offer, and not after the channels Euronews and LCP. In a decision delivered on 17 December 2009, made public on 11 January 2010, the CSA allowed the channels’ requests, on the grounds that in Canal Sat’s services plan only the seven “historic” channels (TF1, France 2, France 3, Canal +, France 5, M6, and Arte) have the numbers allocated to them by the CSA for digital broadcasting (from 1 to 7). The CSA found that this constituted discrimination against NRJ 12 and BFM TV, and was contrary to the new provisions of Article 34-4 of the Act of 30 September 1986. The CSA therefore called on the company Canal+ Distribution to draw up a services plan for Canal Sat’s offer placing NRJ 12 and BFM TV in the slots numbered 12 and 15, unless it

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could justify a numbering criterion in compliance with the provisions of the Act that would allow for different positioning. Nor should the plan include any discrimination, for numbers 1 to 18, between the national channels broadcast on digital terrestrial television depending on whether or not they were broadcast previously in analog mode.

The new services plan must be communicated to the CSA within two months, with a view to implementation within no more than four months. At the same time, the CSA rejected the other application brought by BFM TV, on the grounds that the similarity of the programming of LCI with that of both I>Télé and Euronews was such as to justify the current placing in the “news” theme block and that the evolution of the programming of the channel BFM TV, which was currently more focused on permanent monitoring of general news, was not such as to challenge the choice made by Canal+ Distribution. The Canal+ Group has appealed to the Conseil d’Etat against this decision by the CSA. To be continued, then!

Décision du 17 décembre 2009 relative à un différend opposant les sociétés BFM TV et Canal+ Distribution

http://www.csa.fr/actualite/decisions/decisions_detail.php?id=129966

Decision of 17 December 2009 on a dispute between the companies BFM TV and Canal+ Distribution

Décision du 17 décembre 2009 relative à un différend opposant les sociétés NRJ 12 et Canal+ Distribution

http://www.csa.fr/actualite/decisions/decisions_detail.php?id=129968

Decision of 17 December 2009 on a dispute between the companies NRJ 12 and Canal+ Distribution

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