[FR] Connected Television - New Regulation in the Audiovisual Sector

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After two years of work, the nationwide switch to DTV in France was completed on 29 November 2011. The result is a complete end to analog terrestrial broadcasting - “not an end, but a beginning”, according to one member of the CSA, referring to the “irresistible advent of connected television, which will make television and the Internet coexist on the same screen”. The combination of audiovisual content, which is heavily regulated, and content from the Internet, which is not regulated, indeed raises new questions concerning regulation. How will it be possible, for example, to protect young people when the sources of content are virtually endless? How will it be possible to ensure financing for audiovisual and artistic creation when an increasing quantity of professional audiovisual content is marketed by sites based outside France? Last spring the Government launched a mission on connected television; after holding about sixty hearings with representatives from right across the sector, the mission has now submitted its conclusions. It makes 13 proposals, aimed at considering the regulation of content and the economic regulation of audiovisual matters in the open world of the Internet and calling for renewed support for creation. Firstly, the rapporteurs recommend adapting the audiovisual regulations on content, and more particularly the rules for programming and broadcasting works on television (Articles 8 to 12 of Decree 90-66 of 17 January 1990 prohibiting the broadcasting by television channels of films on certain evenings in the week and limiting the number of works that may be broadcast each year; quotas for works made originally in French or another European language, etc.). These rules are in fact no longer justified in a universe where viewers are able to choose the programmes they wish to watch from among a range of services that includes delinearised audiovisual media services. Similarly, the rules on advertising will need to be adapted, so that uniform regulations may be applied to advertising to be shown on all types of screens.

The CSA should also be given the task of analysing and recommending arrangements for ensuring the protection of audiences and consumers on all the networks providing access to audiovisual content. The report also calls for a clarification of the areas of competence of the ARCEP and the CSA, at the intersection of the audiovisual and telecommunications sectors.

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Militating for a more open audiovisual market, the mission is calling for a change in the rules for supervising media concentrations so that audience and market shares can more thoroughly be taken into account. It also recommends adapting media chronology in keeping with international usage, more specifically by shortening the window for subscription video-on-demand.

As part of the appeal for renewed support for creation, the mission reaffirms the logic of the support account and the need for it, and expresses its desire to revitalise its resources. Telecommunications operators could collect and pay over to the COSIP the product of a contribution charged on the exchanges generated by on-line services. Similarly, the support should be adapted to digital operating methods. Lastly, the rapporteurs believe that maintaining support for creation involves the adoption of a competitive VAT scheme for on-line sales of audiovisual media, and more work on territorialising the turnover or income of Internet players in France.

On the basis of these first approaches, the CSA has already announced that it will be setting up a “commission for monitoring the use of connected television” in January.

La télévision connectée - Rapport au ministre de la Culture et de la Communication et au ministre chargé de l’industrie, de l’énergie et de l’économie numérique, novembre 2011

http://www.economie.gouv.fr/files/20111207_rapport_tv_connectee.pdf

Connected television - Report to the Minister for Culture and Communication and to the Minister with responsibility for Industry, Energy and the Digital Economy, November 2011

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