[FR] CSA Henceforth Competent to Lay Down Rules for Broadcasting “Brief Extracts” of Sports Competitions

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Amélie Blocman
Légipresse

Among the “Sundry Provisions” contained in Act No. 2012-158 of 1 February 2012 aimed at strengthening the sport ethic and the rights of sportsmen and -women, the audiovisual regulatory authority (*Conseil Supérieur de l’Audiovisuel* - CSA), has been entrusted with laying down the way in which the “brief extracts” of sports competitions mentioned in Article L. 331-5 of the Sport Code may be broadcast, following consulting France’s National Olympic and Sports Committee and the organisers of the sports events referred to in Article L. 331-5. Since 1984, in the name of the public’s right to information, Article L. 333-7 of the Sport Code has guaranteed the channels’ entitlement to broadcast brief extracts of sports events for which the rights are held by another editor. There were plans for an implementing decree, but it was never adopted. The Act of 13 July 1992 took up the general features of the code of good conduct drawn up by the main broadcasters, the national Olympic committee, the CSA, sports reporters’ unions, etc. The scheme adopted involves the application to sport of the right to quote resulting from the legislation on neighbouring rights to copyright (the broadcaster must identify the source, the quotation must be brief, and the quotation must be incorporated in an informative work). Two major uncertainties remained, however, regarding the interpretation of the notions of “informative work” and “brief extracts”, giving rise to a number of legal disputes, encouraging the CSA to embark on a public consultation on the subject in 2008. As a result, the CSA is henceforth formally entitled by the new legislation to lay down the conditions for broadcasting these brief extracts of sports competitions. The new legislation also gives the CSA the task of laying down the conditions for applying the new Article 20-3 of the Act of 30 September 1986, which states that “television services broadcasting sports programmes shall contribute to the anti-doping campaign and the protection of people taking part in physical and sports activities by broadcasting programmes on these subjects”. The previous arrangement, which required television services to broadcast short anti-doping programmes before, during and after events of major importance, was in fact extremely difficult to implement, and as a result had never been carried out.

Loi n° 2012-158 du 1er février 2012 visant à renforcer l'éthique du sport et les droits des sportifs, JORF du 2 février 2012

http://www.legifrance.gouv.fr/affichTexte.do;jsessionid=3FD808BC3B9F7387058311

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Act No. 2012-158 of 1 February 2012 aimed at strengthening the sport ethic and the rights of sportsmen and -women, Official Gazette of 2 February 2012

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