[FR] Bill to amend provisions of the Communication and Cinema Code

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At the beginning of October the French government television and radio monitoring body (Conseil supérieur de l'audiovisuel - CSA) published its opinion on a Bill to amend the provisions of the Communication and Cinema Code concerning audio-visual communication. The Code itself is still a draft, having been tabled in 1993 and redrafted in October 1996. It is part of the programme to codify established law.

Under the proposed provisions the Ministry of Culture would reinforce the CSA's jurisdiction, taking a number of its proposals into account. The amendments cover the role played by the CSA in respecting a code of conduct and ethics in programmes, the system which should apply to services broadcast by satellite, a partial restructuring of the public audio-visual sector, and the inclusion of Community regulations on the conditional access system. Inter alia , the Bill is designed to remove the present anti-concentration provision on satellite broadcasting by repealing Articles L.124-6 (para.1) and L.125-4 (para.2) and completely rewording Article L.322-11 on authorisation of the use of satellite frequencies (para.12). Article 3 of the bill also introduces a new provision by requiring that a proportion (20%) of the offer within any one selection of services (sound broadcasting or television) be reserved for independent producers. The CSA believes this is preferable to criteria based on a range of authorisations or a minimum proportion of a given population as included in the original Code, although the rule deserved explanation as the proportion could easily be met merely by including foreign transnational channels. The CSA also criticises the absence of a specific procedure for authorising the use of frequencies, and regrets that no consideration was given to new anti-concentration provisions which it felt the advent of the new technologies and the convergence of telecommunications and audio-visual communication had rendered essential.

With the amendments embodied in Articles 6 (legal specifications concerning the CSA's jurisdiction), 9 (telecommunications installations on satellite broadcasting frequencies) and 12 (agreement system), all the legal rules on allocating frequencies to satellite broadcasting would be removed. With the possibility of satellite frequencies soon being open to extra-European programme selections to be broadcast in Europe, the CSA feels it is unwise for France to be without an adequate legal foundation. It would like the agreement system for satellite

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broadcasting brought into line with the system for cable.

In the public sector, Article 18 covers the merger of La Cinquième and Arte . A new company with the majority of its capital held by public authorities would continue the work carried out previously by La Cinquième and would supply the necessary programmes and resources. It would also be bound by a set of terms and conditions, and supervised by the CSA.

Article 19 would reinforce the links between Radio France and Radio France Internationale.

Article 26 defines the conditional access systems used by operators, and transposes Directive 95/47 on the use of standards for the transmission of television signals.

Projet de loi modifiant les dispositions du code de la communication et du cinéma relatives à la communication audiovisuelle et Exposé des motifs, 30 octobre 1996, Sénat 1996-1997, nº 55.

Bill to amend the provisions of the Communication and Cinema Code concerning audiovisual communication plus Explanatory Memorandum, 30 October 1996, Sénat 1996-1997, No 55.

Conseil supérieur de l'audiovisuel (C.S.A.) : Avis n° 96-4 du 8 octobre sur le projet de loi modifiant les dispositions du code de la communication et du cinema relatives à la communication audiovisuelle. Journal officiel de la République Française du 18 octobre 1996, pp. 15304-15306.

Conseil supérieur de l'audiovisuel (CSA): Opinion no.96-4 of 8 October on the Bill to amend the provisions of the Communication and Cinema Code concerning audiovisual communication. Official Journal of 18 October 1996, pp. 15304-15306.

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