[FR] CSA Prohibits Several Television Channels Broadcasting the Same Programme

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On 16 October 2012, the audiovisual regulatory authority (Conseil Supérieur de l'Audiovisuel - CSA) published a deliberation "on the simultaneous broadcasting of a single programme by a number of national terrestrially broadcast television channels". The text is directed specifically at D8, Canal+ group's new free-view channel (see IRIS 2012-9/21) which, since its launch last month, has been broadcasting the news programme of i>Télé, the 24-hour news channel belonging to the same shareholder, every morning from 6 to 8 a.m. The heads of the competitor channel BFM TV were concerned, as they felt that such a practice constituted a distortion of competition. However, there is currently nothing to prevent such relay broadcasting. The CSA therefore intervened to lay down the principle of not allowing multiple terrestrially broadcast national television services to broadcast all or part of the same programme simultaneously, or deferred by less than one hour, without first obtaining written authorisation from the CSA. Simultaneous broadcasting was indeed likely to infringe the pluralism of socio-cultural expression and did not contribute to the diversity of programmes, which the CSA was required to ensure under Articles 1 and 3-1 of the 1986 Act. The deliberation states that the simultaneous broadcasting of a programme means the broadcasting by a number of channels of a programme with identical characteristics in terms of image and sound. This means that it does not cover, for instance, the simultaneous broadcasting of a football match by two channels (for example, France 2 and W9) with different commentaries. Similarly, the ban refers exclusively to "national terrestrially broadcast channels", thereby allowing, for example, the regional France 3 channels to show certain national France 3 programmes, or for the public-sector channel to show Euronews programmes, which were broadcast by cable and satellite.

Exceptionally, however, the CSA has authorised the simultaneous or slightly delayed broadcasting of all or part of a same programme where it is of particular interest for the public, such as the broadcasting of a ceremony, debate, or action on the part of a public figure. Similarly, the ban does not concern either the images illustrating news items or brief extracts of events of major importance. Nor does it apply to the broadcasting of the major debates mentioned in Article 45 of the terms of reference of the company France Télévisions (such as parliamentary debates).

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These rules will come into force on 30 November 2012, in order to leave D8 enough time to reschedule its morning programmes. There is no doubt they will also discourage the activities of the six new DTV channels that are to start broadcasting on 12 December, which might have been tempted to adopt the practice.

Délibération du CSA du 16 octobre 2012 relative à la diffusion simultanée d'un même programme par plusieurs chaînes hertziennes terrestres à vocation nationale

http://www.csa.fr/Television/Deliberation-du-16-octobre-2012-relative-a-la-diffusion-simultanee-d-un-meme-programme-par-plusieurs-chaines-hertziennes-terrestres-a-vocation-nationale

CSA deliberation of 16 October 2012 on the simultaneous broadcasting of a single programme by a number of national terrestrially broadcast television channels

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