[FR] CSA to Pronounce on Qualification of “Scripted Reality” Programmes on a Case-by-Case Basis

IRIS 2013-2:1/23

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At the end of a long cycle of hearings of professionals, the audiovisual regulatory authority (Conseil Supérieur de l’Audiovisuel - CSA) published on 9 January 2013 its position on the matter of the qualification of “scripted reality” programmes (see IRIS 2013-1/22). The question raised was whether these hybrid low-cost productions could be considered as fiction, and be included as such in the calculation of the channels’ production and broadcasting quotas, and receive aid from the national cinema centre (Centre National du Cinéma - CNC). Thus the CSA observes that the programmes broadcast in 2012 used certain production techniques that were characteristic of programmes not recognised as “stock programmes”. However, in most cases they appeared to involve scripting, directing and acting, and could therefore be likened to works of fiction. For its part, the CNC, which had received applications for assistance from the fund supporting the programme industry (Compte de Soutien à l’Industrie des Programmes - COSIP), held in 2012 that these programmes were “insufficiently creative” to justify awarding State aid.

As a point of information, the (non-music) terrestrial channels are required to invest at least 12.5% of their turnover in favour of stock works where their contribution is entirely devoted to them, or at least 10.5% where their overall contribution amounts to 15% of turnover. The terms of reference of France Télévisions (a public-sector group) lays down the figure of 20% of turnover in favour of the group’s contribution to stock works. It is for the CSA to determine the qualification of the programmes declared by the channels. A number of professionals fear the development of low-cost series qualified as stock fiction, which would dispense the television groups from investing in ambitious prime-time French fiction aimed at competing with the audience figures for American series. Apart from the economic concerns, it is feared in certain quarters that these series would bring down general programme quality.

On 9 January 2013, the CSA announced that it would be pronouncing on the qualification of these programmes “case by case”, each time they were declared by the channels under their production (and possibly broadcasting) obligation. It also recalled that there was no automatic link between its appreciations and those of the CNC regarding eligibility for COSIP support.

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Thus, faced with a scripted reality programme declared by its editor as a work of audiovisual fiction, to be able to apply the qualification the CSA will look for the presence of creators, and consider the nature of the work and what it involves, in conjunction with the level of the scenario, the content of the contracts for the scriptwriters, producers and performers, their mention in the credits, and the method of their remuneration. The CSA will also pay attention to the channels' compliance with their obligations to invest in stock audiovisual works, and also to the editors' compliance with the requirements for protecting young viewers and programme ethics. Lastly, the CSA will be vigilant regarding compliance with social legislation: compliance with the negotiated collective agreements and social regulations applicable to the creation sector, particularly regarding scales of remuneration applicable to creators, the negotiated collective agreements for performers and technicians, and the agreement protocols between producers and scriptwriters.

CSA, Concertation sur les programmes dits de « réalité scénarisée », 9 janvier 2013

http://www.csa.fr/Etudes-et-publications/Divers/Concertation-sur-les-programmes-dits-de-realite-scenarisee

CSA, Concertation on "scripted reality" programmes, 9 January 2013

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