[FR] Relations between Producers and Television Channels - Towards Revised Regulations?

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The Senate's Committee on Culture, Education and Communication has asked a working party to draw up an inventory of the state of audiovisual production in France and to consider ways in which the current regulations could be improved. These current regulations are based on the principle of broadcasting quotas and the contribution of service editors to production, while promoting independent production. After 27 hearings and meetings with more than 70 persons, Senator Jean-Pierre Plancade has now published his report. As he emphasises, "in the field of audiovisual production, it is industrial policy that should come to the assistance of our cultural exception". However, former Minister for Culture, Catherine Tasca believes that "today, maintenance of the status quo is under threat"; her name is attached to the decrees that currently govern relations between the channels and the production companies. Set up in 2001 to protect and boost independent production, these "Tasca" decrees are seriously questioned in the report. The first section of the report gives a comprehensive description of the framework of legislation and regulations from a historical point of view, in the light of the impact it has on the sector, and in the light of current technological evolution.

The working party goes on to propose three areas for reform. Firstly, it recommends revising the definition of independent production by re-establishing the channels' entitlement to hold coproduction shares in independent works, but limiting this to the works they finance in a significant fashion (more than 30%). The channels could thus be co-owners of the rights in the programmes they co-produce. The report goes on to reduce the independent production quota (variably, according to differing points of view). Currently, the channels are only allowed to produce 25% of their programmes through their own subsidiaries, and are obliged to call on independent production companies. The final set of recommendations covers introduction of the principle of an obligation of continuous exploitation of audiovisual works, encouraging the unfreezing of broadcasting rights for terrestrial and non-terrestrial frequencies (cable, satellite, ADSL) through the drafting of a code of professional use and the institutionalisation of the role of the mediator for the circulation of works, and also by laying down a strict obligation of continuous exploitation of audiovisual works on digital media.

While these recommendations appear to satisfy the channels, production professionals are more sceptical, as shown in the discussions held in Paris on

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5 June at the first “Audiovisual Assizes”. The Minister for Culture launched a process of concertation so that proposals and an inter-professional agreement may be reached by the end of November. The aim is to “modernise the system” of relations between producers and the television channels, particularly with a view to improving the broadcasting of works on any media.

Production audiovisuelle : pour une politique industrielle au service de l'exception culturelle - Rapport d'information de M. Jean-Pierre Plancade, fait au nom de la commission de la culture, de l'éducation et de la communication du Sénat n° 616 (2012-2013) - 30 mai 2013

http://www.senat.fr/notice-rapport/2012/r12-616-notice.html

Audiovisual production: for an industrial policy in the service of the cultural exception - Information report by Jean-Pierre Plancade on behalf of the Senate’s Committee on Culture, Education and Communication (no. 616, 2012-2013) - 30 May 2013

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