[FR] CSA Annual Report lists 25 proposed amendments to legislation and regulations

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The audiovisual regulatory body (*Conseil Supérieur de l'Audiovisuel* - CSA) published its annual report for 2013 on 14 April. Apart from a comprehensive panorama of the body's activity in the past year, and as required by law, the report presents a set of proposals for amendments to legislation and regulations. 2013 saw the submission of a number of major reports (including the Lescure Report; see IRIS 2013-6/19), and the Government is preparing new legislation on content creation; this report therefore constitutes the CSA's contribution to consideration of the future of audiovisual regulation. According to the report, its proposals "refer mainly to reinforcing the function of economic regulation carried out by the CSA, in line with the contributions made by the Act of 15 November 2013, and to associating the stakeholders on the digital scene in the fundamental objectives of the regulation of audiovisual communications. Such modernisation will necessarily involve adapting the European legal framework".

The first group of proposals concerns the digital perimeter of the audiovisual sector. The CSA is "convinced that audiovisual regulation is in need of a reform of the range of its scope and methods of action in order to accompany fully and effectively the digital transformation of the media", and therefore recommends involving the stakeholders in online communication around regulation. Thus, faced with the multiplication of operators of electronic communication services which have now become real audiovisual communication media and the fact that they are increasingly out of step with the services that are covered by regulation, the CSA proposes recognising "digital audiovisual services" as a separate category for regulation, and defining their main stakeholders; these include the distributors of such services as well as their editors. This adaptation should be based on their voluntary acceptance of a convention system which would include negotiating undertakings on diversity and pluralism in exchange for specific access to the market or to public aid. The second group of proposals covers the reform of on-demand audiovisual media services (AMS), for which the CSA recommends introducing a series of simplifications and some flexibility, including the creation of a scheme of graduated AMS, and a clarification of the notion of "service" separate from the mode of access used. The CSA also recommends differentiated adjustments to media chronology depending on whether the on-demand act is pay-per-view or by subscription, with time periods being graduated according to the existence of pre-financing, in order to ensure a competitive

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balance with television services.

In addition to all these proposals, the part of audiovisual regulations which deals with competition also needs to be brought up to date, to make the regulations “reactive, specific, and anticipatory”. The CSA believes this requires legislative intervention in three main areas: managing available broadcasting wavelengths, the CSA accompanying the balanced development of audiovisual markets, and regulating relations between producers and editors. A third group of proposals refer to problem areas that are “non-systematic” but nevertheless require some improvements to be made to the Act of 30 September 1986. The CSA is in favour of terrestrial digital television services being included in access providers’ offers, as a “crucial condition for the development of a universal, multi-platform, decentralised offer”, and also of a series of amendments to the regulations aimed at adapting the support mechanism for creation to the digital era and promoting the development of the legal offer of online audiovisual content (these adjustments should be made by amending the “On-Demand AMS Decree” of 12 November 2010). A number of potential areas for considering ways to boost cinema exposure on television are also presented. In addition to all the proposals it makes, the CSA is advocating the codification of the Act of 30 September 1986 and more generally of audiovisual law, in order to improve both legal security and regulation.

Rapport annuel du CSA - 2013

http://www.csa.fr/Espace-Presse/Communiques-de-presse/Le-Conseil-superieur-de-l-audiovisuel-publie-son-rapport-annuel-2013

CSA Annual Report - 2013

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