[FR] On-demand audiovisual media services: public consultation on revision of regulations

IRIS 2014-7:1/18

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The process of revising the Decree on On-Demand Audiovisual Media Services of 12 March 2010 (see IRIS 2011-1/26) continues. Following on from the audiovisual regulatory authority (Conseil Supérieur de l'Audiovisuel - CSA) submitting a report to the Government in November 2013 in which it made a number of proposals for amending the text (see IRIS 2014-2/20), the Minister for Culture and Communication embarked on a public consultation at the beginning of June with a view to obtaining comments from the stakeholders concerned. The aim is to determine what the follow-up should be to the recommendations made by the CSA. Firstly, the three recommendations requiring amendment of the Act of 30 September 1986 on freedom of communication are presented. These involve introducing the pooling of the principle of contributing to the production of on-demand audiovisual media services (on-demand AVMS) other than for catch-up TV edited by a single group or, alternatively, introducing a scheme for providing a number of different versions of the same on-demand AVMS. The third proposal involving an amendment to the legislation concerns the introduction of the principle of pooling the contributions of catch-up TV services to cinematographic production with those of the television services on which they are based, since Articles 28 and 33-1 of the Act of 30 September 1986 do not currently provide for this except for audiovisual production. The stakeholders are therefore being asked whether they are in favour of implementing all or part of these amendments to the legislation and, if so, whether they wish to make any changes. The same question is then asked in the consultation in respect of the six proposals made by the CSA regarding amendment of the decree on on-demand AVMS. It should be recalled that in its report the CSA proposed the adoption of the same threshold of 20 works for triggering the financial obligations and obligations of exposure of the decree on on-demand AVMS; "substantially raising" the current financial threshold of turnover of 10 million euros for triggering the obligation to contribute to the development of audiovisual and cinematographic production; the expansion of the scope of the expenditure taken into account for the contribution to the development of production so that this would also include expenditure on digitisation and combating piracy; the abandonment of the obligation of exposure of European works and works made originally in the French language "at any time" in favour of an appreciation on an annual basis applied to both catch-up TV and video on demand; a relaxation of the obligations of exposure of certain themed services in exchange for obligations to invest in other forms of support for

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the French or European creative industry. Stakeholders are also being invited to make specific recommendations where the proposals call for additional details. Thirdly, the Ministry seems to have Netflix clearly in its line of fire when it asks whether “the projects for the launch in France of new on-demand AVMS established on the territory of other member States of the European Union and hence not subject to the French regulations” would result in the parties concerned changing their replies to the consultation the CSA held last year. Lastly, the stakeholders are being invited to say whether they wish to make any other comments or requests for changes to the regulations, for example with regard to the contribution rate, quotas for the exposure of works, or the arrangements governing advertising. Replies are to be sent to the Ministry of Culture and Communication no later than 15 September 2014.

Consultation publique sur l’adaptation du décret relatif aux services de médias audiovisuels à la demande, Ministère de la Culture et de la Communication, 24 juin 2014

http://www.culturecommunication.gouv.fr/Disciplines-secteurs/Audiovisuel/Actualites/Consultation-publique-sur-l-adaptation-du-decret-relatif-aux-services-de-medias-audiovisuels-a-la-demande

Public consultation on adapting the Decree on on-demand audiovisual media services, Ministry of Culture and Communication, 24 June 2014

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