[FR] A year in the life of the Cinema Mediator

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The Cinema Mediator - a function currently being carried out by Jeanne Seyvet - has published her report on the activities of 2013. The Cinema Mediator intervenes in the event of disputes regarding the circulation of films in cinema theatres, mainly between theatre operators and distributors. The parties meet with a view to seeking prior conciliation, in compliance with the rules on competition (Articles L. 213.1 to L. 213.8 of the Code on the Cinema and Animated Images and Decree No. 83-86 of 9 February 1983 as amended). The Mediator has powers of injunction. “Upstream” intervention nevertheless constitutes a significant part of her activity and contributes actively to the prevention and settlement of disputes within the profession. This latest report of activities notes that 84 requests for mediation were lodged in the course of 2013, 8% fewer than in 2012, and that a solution was found in 75% of cases. 65% of the requests were for a conciliation meeting to be organised between one or more operators and one or more distributors with a view to settling a dispute regarding the placement of one or more films. Three requests involved competition, three involved operating conditions, and 23 involved digital contributions (within the Mediator’s remit since the adoption of Act No. 2010-1149 of 30 September 2010 on the digital equipment of cinema theatres). The content of the agreement reached may vary, covering the film requested, the cinema theatre requested, one or more future films, the establishment of previously inexistent relations, or the resumption of interrupted commercial relations. The agreement may also cover operating conditions, the amount of digital contributions, or the terms of a contract. The treatment of a number of specific situations provided an opportunity, after concertation with the profession, to respond to the issue of access conditions for films beyond the first weeks of exploitation, in the form of a recommendation which was made public. The Cinema Mediator is also informed of all the decisions of the cinema committees in each département (Commissions Départementales d'Aménagement Cinématographique - CDAC) authorising the creation and extension of multi-screen cinema establishments with more than 300 seats. Among the 36 files investigated in this respect between January and December 2013, 27 were finally authorised; 18 of these concerned the creation or extension of establishments with eight or more screens (compared with 13 the previous year). The Mediator’s intervention was concentrated on cases where new projects did not appear likely to ensure the diversity of forms of operation and hence the diversity of the offer of films. Lastly, the Cinema Mediator is responsible for examining the implementation of the programming undertakings of the

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owners and operators concerned. Undertakings to limit multicasting, essential for ensuring the diversity of cinematographic circulation, constituted the focal point of negotiation efforts in 2013. The Mediator regretted that the scheme was a fragile one, since the elements needed to draw up an annual report of undertakings were lacking and it had not been possible to examine them at this stage for 2013. Nevertheless, it is recalled that the Code of the Cinema and Animated Images provides that administrative sanctions may be pronounced by the national cinematographic centre (Centre National du Cinéma and de l'Image Animée - CNC) against anyone neglecting their obligations in this respect. In conclusion, the Mediator invites operators to take a more determined stand in undertakings of collective interest for the sector, for example with regard to the conditions of access and exposure of fragile films, or to the preservation of the diversity of forms of exploitation in competitive areas.

Médiateur du cinéma, rapport d'activité 2013, avril 2014

http://www.lemediateurducinema.fr/Mediateur/Includes/Pdf/rapport_2013.pdf

Cinema Mediator, Report of Activities in 2013, April 2014

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