[FR] Playmédia carrying France Télévisions channels - further intervention by the CSA

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There has been a further development in the dispute between Playmédia, the editor of the Play TV site, and France Télévisions. The Conseil Supérieur de l'Audiovisuel (audiovisual regulatory authority - CSA) was alerted by Play TV, which broadcasts nearly seventy television channels live and by streaming, of the repeated refusal by the public-sector audiovisual group to contract with it to carry the channels France 2, France 3, France 4, France 5 and France Ô. Playmédia claimed the benefit of the provisions of Article 34-2 of the Act of 30 September 1986, which introduced a must-carry obligation requiring distributors of audiovisual services to make the France Télévisions services "available free of charge to their subscribers". In a decision issued on 23 July 2013 (see IRIS 2013-8/15), the CSA considered that Playmédia did indeed have the status of a distributor of services, but that it had to have subscribers in order to be subject to the must-carry obligation, which was not the case at the time since the service was available unencrypted and free of charge.

In its decision, which was made public on 20 April 2015, the CSA noted that the offer put forward by Playmédia was henceforth directed at subscribers, and consequently asked the public-sector group not to oppose its services being carried on the Play TV site. To access it, "users subscribe to a contractual undertaking by accepting the general conditions for use, and by indicating a number of items of personal information such as e-mail address, date of birth, and gender." The CSA also found that the fact that the public-sector group did not having the necessary rights for broadcasting its programmes on the Internet was not an obstacle to observing the provisions of Article 34-2 of the Act of 30 September 1986. In this respect, the CSA recalled that it is the responsibility of France Télévisions to obtain, prior to broadcasting, the necessary rights in connection with the programmes it broadcasts in order to be able to comply with its obligations. The CSA has therefore called on the public-sector group to take the necessary steps as quickly as possible in order to regularise the situation. The group will, however, probably wait for the decision of the Court of Appeal, which was initiated after the judgment delivered on 9 October 2014 by the Regional Court in Paris (see IRIS 2014-10/13) found that setting up the must-carry scheme was subject to observance of three conditions which Play TV was not meeting. The court therefore found that France Télévisions had not been guilty of any abuse by refusing to contract with Playmédia to authorise it to broadcast its programmes on the site.

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« Reprise des chaînes de France Télévisions par Playmédia : intervention du Conseil », Assemblée plénière du 25 février 2015

http://www.csa.fr/Espace-juridique/Decisions-du-CSA/Reprise-des-chaines-de-France-Televisions-par-Playmedia-intervention-du-Conseil

France Télévisions channels on Playmédia: CSA intervention, plenary assembly on 25 February 2015

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