[FR] New Decree defines rules for scheme for television editors' contribution to independent production

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The Decree implementing the reform of the scheme for contribution to independent audiovisual production, following on from the Act of 15 November 2013 on the independence of the public-sector audiovisual scene, was published on 29 April 2015. The aim of the reform was to allow editors of television services to hold producer shares in those audiovisual works for which they have provided a considerable proportion of the financing. The Decree defines this "considerable proportion" as 70% of the production estimate for an audiovisual work, and lays down the conditions for television service editors holding secondary rights and commercialisation mandates as a result of this. A service editor may henceforth hold producer shares, either directly or indirectly, if it has financed at least 70% of the production estimate for the work; this estimate is appended to the co-production contract. In this respect, the editor must meet a number of conditions.

First of all, the investment in co-production shares may not exceed half of the service editor's expenditure on the work. An editor's holding of commercialisation mandates and secondary rights for works is subject to four conditions. Firstly, the mandates and rights must be covered by a separate contract and must have been negotiated under equitable, transparent and non-discriminatory conditions, as laid down in agreements and terms of reference, taking into account the agreements reached between the service editors and the professional organisations in the audiovisual industry. Secondly, an editor may only hold a commercialisation mandate if the producer does not have either distribution capacity, whether internally or through a subsidiary, or a framework agreement reached with a distribution company for the work in question. However, the principle may be adjusted somewhat by an agreement reached between an editor and one or more organisations representing producers. Thirdly, the editor must undertake to repeat the showing of the work for which rights in France have been acquired on one of its group's services within eighteen months of the date of acquiring the rights; this provision does not apply to series for which the service editor has acquired the rights to broadcast further episodes. Lastly, if the editor holds a mandate to commercialise the work in France on a television service, it must undertake to use it.

Accessorily, the Decree also introduces a series of changes in the scheme for contributing to audiovisual production, the main change being a simplification of the method for calculating the investment obligation incumbent on editors of

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European works not originally made in the French language, which is to be expressed as a minimum number of works originally made in the French language rather than a maximum number of European works.

Décret n° 2015-483 du 27 avril 2015 portant modification du régime de contribution à la production d'œuvres audiovisuelles des services de télévision, JORF du 29 avril 2015

http://www.legifrance.gouv.fr/affichTexte.do;jsessionid=29A47CD0B651EBAB9C806870BB75DBD6.tpdila16v_1?cidTexte=JORFTEXT000030534110&dateTexte=20150429&categorieLien=cid

Decree No. 2015-483 of 27 April 2015 altering the scheme of contribution by television services to the production of audiovisual works, published in the Official Journal of 29 April 2015

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