[FR] Classification licence for ‘La Vie d’Adèle’ withdrawn

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After the films “Love”, “Saw 3D” and “Nymphomaniac”, it is the turn of “La Vie d’Adèle” (English title: “Blue is the Warmest Colour”), which was awarded the Palme d’Or at the Cannes Film Festival in 2014, to have its classification licence issued by the Minister for Culture withdrawn. In the present case, an association and a number of parents of under-18-year-olds had applied to the Administrative Court for the decision by the Minister for Culture granting a classification licence to the film to be changed to include a ban on the film being shown to anyone under 12 years’ old and for it to carry a warning pointing out the presence of “realistic sex scenes likely to be disturbing for young audiences”. As the Administrative Court had rejected the application, the applicants appealed against the judgment.

The Administrative Court of Appeal noted that the film at issue related the various stages in a passionate love affair between Adèle, a secondary school pupil under 18 years of age, and Emma, a 25-year-old artist. To illustrate their passion, the film includes a number of sex scenes presented in a realistic fashion, in close-up, including one in particular which lasts for almost seven minutes and apparently shows the actresses’ genitals. The Court began by stating that if a film included sex scenes that were presented in a realistic fashion and were likely to be disturbing for young audiences, the objectives of protecting children and young people referred to in Article L. 211-1 of the Cinema and Animated Image Code required the Minister with responsibility for culture to combine the classification licence with a blanket ban on showing the film to anyone under the age of 12.

The Court found that the film director’s decision to present these scenes in long takes, with neither artifice nor musical accompaniment, his aim being to confer greater emotional intensity on the scenes, made it impossible for anyone watching, and particularly younger audiences, to maintain any distance from what they were being shown. This meant that the realistic sex scenes were indeed likely to be disturbing for young audiences, and the Minister for Culture could not, without committing an error of appreciation, grant a classification licence that did not include a ban on the film being shown to anyone under the age of 12. The Minister was enjoined to reconsider the application for a classification licence for the film, within a period of two months from the date of notification of the appeal judgment. The other submissions, however, which called on the Court to decide on the age limit to be applied, were rejected, since there are a number of possible options for applying the classification: these are defined in Article R. 211-12 of the

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Cinema Code (licence with a ban on showing the film to either anyone under the age of 16 or to anyone under the age of 18).

Cour administrative d'appel, Paris, (4e ch.), 8 décembre 2015, Association Promouvoir et a.

Administrative Court of Appeal, Paris (4th chamber), 8 December 2015, the association 'Promouvoir' and others

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