[FR] Report on application of legislation on the independence of the public audiovisual media

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On 21 January 2016, French MP Marcel Rogemont submitted his report on application of the Act of 15 November 2013 on the independence of the public audiovisual media. In it he made 21 proposals. It should be borne in mind that the most recent legislation reforming the audiovisual sector substantially reinforced the powers of the audiovisual regulatory authority (Conseil Supérieur de l'Audiovisuel - CSA). Firstly, regarding the public audiovisual sector by giving it the power to appoint the Presidents of the companies France Télévisions, Radio France and France Média Monde, previously in the hands of France's President; and secondly regarding its powers to regulate the sector's economy. At the same time the Act has also increased Parliament's control over the CSA's exercise of its missions, as the appropriate committees in each chamber may express their opinion on the CSA's application of the Act. This report is the first time this provision has been applied.

The author begins his report by examining the conditions under which the CSA appointed the Presidents of the companies Radio France in 2014 and France Télévisions in 2015. Given the difficulties encountered and the criticisms put forward (see article on the Conseil d'État's decision elsewhere in this issue), the author of the report favours the CSA's choice focusing more clearly on criteria of 'managerial competence and experience', and removing the reference to a 'strategic project' from the appointment procedure. He recommends maintaining the confidentiality of the procedure, which faced serious criticism when the President of France Télévisions was appointed, partly to enable a wide range of candidates to come forward, and partly to systematise prior scoping by the State in the form of a road map published in advance of the appointments. Thus Mr Rogemont deplored 'the clear violation of the secrecy of the deliberations in the procedure for the appointment of Ms Ernotte'. He felt that this 'compromised the credibility and legitimacy of the institution'. He also stressed the need to clarify the distribution of responsibilities between the shareholder State, the Parliament, and the regulator, by reverting to giving the CSA the task of defining the strategic objectives of the public-sector audiovisual media, thereby refocusing it on the supervision of implementation of those objectives. He would also like to see the CSA stop issuing opinions on the public audiovisual sector companies' contracts of aims and means. Regarding the reinforcement of the economic dimension of regulation of the audiovisual sector, the author of the report calls on the CSA to exercise greater transversality in dealing with applications, and invites

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the authorities to construct a clear doctrine on the use of impact studies. It was felt that these studies constitute undeniable progress in terms of the transparency of the CSA's action, but they should not result in the institution becoming paralysed. As for the CSA's supervision of the operators' compliance with their undertakings, the author of the report wondered why the CSA made so little use of its power of sanction. He recommends reinforcing the legislative framework applicable if the company capital of the authorisation holders changes, in order to avoid the risk of speculation regarding terrestrial frequencies in the public sector.

Assemblée Nationale, Rapport d'information sur l'application par le Conseil supérieur de l'audiovisuel, de la loi n° 2013-1028 du 15 novembre 2013 relative à l'indépendance de l'audiovisuel public, présenté par M. Marcel Rogemont, 21 janvier 2016

http://www.assemblee-nationale.fr/14/rap-info/i3430.asp

National Assembly, Report on application of the Act of 15 November 2013 on the independence of the public audiovisual media, by Mr. Marcel Rogemont, 21 January 2016

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