[FR] TF1 follows France Télévisions in signing an agreement with audiovisual producers

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Amélie Blocman
Légipresse

The Decree amending the terms of reference of France Télévisions so as to allow implementation of the agreement concluded on 10 December 2015 between the public-sector audiovisual group and the representative organisations of audiovisual producers (USPA, SPFA, SPI and SATEV) was published in the Journal Officiel on 8 June 2016. In application of Article 48 of Act No. 86-1067 of 30 September 1986, the text amends Article 9 of the terms of reference and its annex on the extent of the rights transferred, in order to take into account this professional agreement, the aim of which is to allow France Télévisions to devote more of its expenditure on audiovisual production to works that are not produced independently. The Decree therefore includes in the terms of reference the main stipulations contained in the agreement: while maintaining unchanged France Télévisions' contribution of 20% of its turnover to the production of audiovisual works, Article 2 of the Decree, amending Article 9 (IV) of the terms of reference, reduces initially from 95% to 75% the proportion of independent productions in this contribution. In return, the non-independent proportion of the contribution, fixed henceforth at a maximum of 25%, is to be strictly regulated. Only half may be made with a production company that is dependent on France Télévisions in terms of company capital within the meaning of Article 15 of Decree No. 2010-747 of 2 July 2010. The tables attached to the terms of reference, on the extent of the rights transferred by genre of work, have been amended to take into account the new negotiated framework, setting out these rights in detail in relation to the independent/dependent parts of the contribution to be made.

At the same time, on 24 May 2016, under the auspices of the Ministry of Culture, an agreement was signed governing relations between audiovisual producers and the TF1 Group. The agreement increases to 36% the proportion of dependent production, with 26% earmarked for TF1's subsidiaries. Concurrently, the threshold for triggering coproduction shares, enabling TF1 to have property rights in respect of the works, has been lowered from 70% to 60% of the proportion financed for fiction works. Details have also been laid down on the rules on marketing mandates. As for France Télévisions, the agreement gives TF1 exclusive rights for subscription video on demand (SvOD). In exchange, TF1 will be required to invest 12.5% of its turnover in the creation of catalogue works for four years, and to allocate 75% of its investments to new production, compared with about two thirds up till now.

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The Government will have to adapt the regulatory provisions which are impacted by the agreement signed between the broadcasters and the distributors, and this will have to be done by the end of 2016.

Décret n° 2016-752 du 6 juin 2016 portant modification du cahier des charges de la société nationale de programme France Télévisions

https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032657653&dateTexte=20160706

Decree no. 2016-752 of 6 June 2016 amending the terms of reference of France Télévisions

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