[FR] CSA orders TF1 to stop cross-promoting LCI

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In a decision issued on 21 September 2016, the national audiovisual regulatory authority (Conseil Supérieur de l'Audiovisuel - CSA) ordered the company TF1 to comply with the ban on cross-promotion included in the agreement, which is concluded with the CSA on 8 October 2001 by virtue of a codicil agreed on 17 February 2016. If TF1 fails to comply forthwith, the CSA has indicated that a sanction procedure may be instigated.

Under Article 3-1 of the Act of 30 September 1986, the CSA "ensures equality of treatment (...) and makes every effort to promote unrestricted competition (...)." In December 2015, the CSA authorised the continuous news channel LCI, which owns the TF1 group, to switch to Freeview, subject to the signature of a codicil to its agreement with the CSA. The codicil was to incorporate all the undertakings entered into by the TF1 group in support of its application to switch to Freeview. More particularly, the group undertook to "refrain from any cross-promotion on the TF1 channel of the programmes carried on the channel LCI" and to "refrain from broadcasting on the channel TF1 any advertising intended to promote the programmes broadcast on the channel LCI". In February 2016, these undertakings were set out in a codicil to the channel's agreement with the CSA. They were made in order to preserve competition between the news channels based solely on their respective merits, because of the TF1 group's position in the publicity market and the channel's large audiences.

In September 2016, however, and more particularly during a number of news broadcasts, TF1 announced the guests and themes of LCI programmes, and broadcast a message or banner inviting the audience to follow "the continuous news on LCI" and indicating the identification number of the channel on DTTV.

The CSA considered that the references to specific broadcasts or the general theme of the channel had had the effect of promoting the programmes of the channel LCI which were devoted to covering the news. The same applied to associating the phrases "all the news" or "continuous news" with the name of the channel. Furthermore, merely referring to the LCI service ought to be considered as constituting a promotion of its programmes if such reference attracted viewers.

Since the TF1 television service had promoted programmes on the channel LCI to the public in this way, in contravention of the stipulations of its agreement with

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the CSA, it was ordered to comply with the agreement.

The channel's managers expressed surprise that all the channels of France Télévisions and all the stations of Radio France had been used for cross-promoting the new public-sector news channel launched in late summer, and called on the CSA to allow TF1's agreement with it to be amended on this issue.

Décision n° 2016-726 du 21 septembre 2016 mettant en demeure la société Télévision française 1

Decision No. 2016-726 of 21 September 2016 ordering the company Télévision Française 1 to comply with the terms of its agreement with the CSA

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