[FR] Signature of interprofessional agreement on sustained exploitation of works

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On 11 October 2016, after six months of intense negotiation, the representative organisations of professionals in the cinema and audiovisual sectors signed an agreement with the Ministry of Culture and the National Centre for Cinema and the Animated Image (Centre National du Cinéma and de l'image animée - CNC) undertaking to achieve the sustained exploitation of audiovisual and cinematographic works. The agreement is based on the desire to facilitate access to iconic works of the French cinematographic and audiovisual heritage - masterpieces that are sometimes impossible to find and incomplete filmographies that constitute “so many sources of discontent and frustration, for both the public and professionals, and more particularly for writers”. Specifically, the agreement should allow wider access to works for everyone, in every possible way: in cinema theatres, on television, on DVD, and even online, whether the works are films or series, documentaries, short films, etc.

Incorporated in the 1985 Act and continued in the ‘Creation and Heritage’ Act of 7 July 2016, the principle of the sustained exploitation of works had not previously been applied to audiovisual and cinematographic works.

Under the terms of the agreement, the producer must retain all the elements that were used to produce the work and keep up with current standards for showing it. The obligation to seek to achieve sustained exploitation concerns all distribution channels (cinema theatres, TV, digital platforms) and is described as an obligation of means, not of result. The agreement also provides for obligations aimed at informing writers of efforts made to ensure that the work is shown, and laying down certain deadlines for presuming the obligation has been met. The agreement will remain valid for three years; it includes a clause providing for the option of revision after eighteen months, when a report on its application will be drafted.

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