[FR] Decree reforming the classification of cinema films

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Amélie Blocman
Légipresse

In February 2016, after undertaking broad consultations, Jean-François Mary, Chairman of the Film Classification Board, submitted to Minister for Culture Audrey Azoulay a report on the classification of cinematographic works with regard to minors aged between 16 and 18. The report had been commissioned after considerable controversy was caused by the courts' cancellation of the licences issued to a number of films containing scenes of non-simulated sexual activity (including Love and La Vie d'Adèle) or scenes of extreme violence (including Salafistes). Despite the fact that at the time the Minister announced that a decree would be issued in the near future aimed at "making the current scheme for classifying films more flexible" - and even though the source of the controversy continues - it has taken almost exactly a year for the announced text to finally appear.

Previously, Article R. 211-12 of the Cinema and Animated Film Code had provided that any film containing "scenes of non-simulated sexual activity" would automatically be banned from being shown to under-18s. In line with the recommendations set out in the Mary report, the Government wanted to stop this being automatic and to lay down criteria that would enable the licensing board to make a balanced appreciation of the desirability and nature of a film's classification.

The Decree provides that "if the work or document [in question] includes scenes of sexual activity or violence [the term used previously was "extreme violence"] which - particularly by their cumulative effect - may be seriously disturbing for minors, or present violence in a favourable manner, or render banal [the concept of] violence ...", then the film's licence must include a ban on it being shown to under-18s, whether or not it has an "X" rating. The licensing board has exercised its discretion in deciding on measures that are "proportionate to the need to protect children and young people, and in keeping with the sensitivities and stages in personality development specific to each age group".

The Decree also provides that if a film includes scenes of sexual activity or extreme violence "the aesthetic approach or the narrative process on which the work or document is based" may justify the film's licence including a ban on it being shown to under-18s without necessarily requiring it to be given an "X" rating (which would automatically bar the film from receiving any aid).

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The Mary report also raised the issue of the initiation of court proceedings in respect of a film's licence. To simplify the appeals procedures, speed up the legal process, and harmonise case-law, the Decree provides that the Administrative Court of Appeal in Paris shall have jurisdiction at the first and last instance to deal with appeals lodged against decisions made by the Minister for Culture regarding the issuance of licences to films. However, parties retain the possibility of appealing to the Conseil d'Etat in the final instance.

The text has been welcomed by professional organisations in the sector. It entered into force the day after its publication, except for the arrangements altering the Code of Administrative Justice, which will apply to appeals lodged on or after 1 March 2017.

Décret n° 2017-150 du 8 février 2017 relatif au visa d'exploitation cinématographique

https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000034015623

Decree No. 2017-150 of 8 February 2017 on film licensing

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