[FR] CSA opinion on draft legislation organising ethical committees in the public audiovisual sector

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On 22 February the Conseil Supérieur de l'Audiovisuel (French national audiovisual regulatory authority - CSA) delivered an explanatory opinion in response to notification from the Ministry of Culture of draft legislation amending the terms of reference of the national companies in the public audiovisual sector (France Télévisions, Radio France, and France Média Monde, the company responsible for France's audiovisual presence outside France) with a view to defining the operating methods of the ethical committees instituted by the Act of 14 November 2016. The CSA qualified the new legislation as the 'focal point' of the arrangements with which the legislator hoped to 'rebuild trust' between the audiovisual media and the general public.

The Media Independence Act (Loi «Indépendance des médias») adds an Article 30-8 to the Act of 30 September 1986, providing for a committee on honesty, independence, and diversity of information and programmes, with independent members. Committees must be set up for every nationwide generalist radio station or TV channel broadcasting political and general news programmes terrestrially. The committees' operating methods must be laid down in the agreements concluded between the editors and the CSA.

With this draft legislation, the Government intends to set up one committee for each national programme company. The CSA believes, however, that when a company edits a large number of broadcasting centres it might be better to have more than one committee. The CSA also recommends setting up one committee for each continuous news service, because of the specific nature of programming.

The draft legislation provides that each committee should have five members, appointed by the board of directors, who would designate a chair from among their number. The CSA feels that, given the committee's field of competence, which is by nature extensive, there should be more committee members, and that it would be preferable for the members, who must be independent of the editor as required by law (Article 30-8 (2) of the 1986 Act), to elect their own chair. The CSA also suggests that the committee should be able to propose that the board of directors terminate the term of office of any member failing to abide by the statutory criteria for independence. Lastly, while the draft legislation gives a company's board of directors the possibility of paying committee members an

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allowance, the CSA feels that this is not compatible with the independence their status requires.

The text submitted to the CSA provides that the committee should meet at least once every six months, but the CSA feels it is 'essential' for meetings to be held at least once a quarter, given the importance of the missions entrusted to the ethical committee and the number of referrals or consultations it is likely to have to handle.

The CSA also proposes supplementing several points in the draft Decree. The first one concerns the need to add safeguards to ensure the confidentiality of the committee's procedure for investigating cases, particularly with regard to the managing bodies. The second concerns the timetable for publication and the content of the ethical committee's annual report. Lastly, the CSA advocates the possibility of the committee publishing a number of its decisions, which could help to make its work more effective.

Once these committees have been set up, they may receive referrals from 'the editor's managing bodies, the mediator if there is one, or any other person' and give their opinion on observance of the requirements within their remit.

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http://www.csa.fr/Espace-juridique/Avis-du-CSA-au-Gouvernement/Avis-n-2017-05-du-22-fevrier-2017-sur-le-projet-de-decret-portant-modification-des-cahiers-des-charges-des-societes-nationales-de-programmes-France-Televisions-Radio-France-et-de-la-societe-en-charge-de-l-audiovisuel-exterieur-de-la-France

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