# [FR] Application for suspension of licence to show subtitled original and French dubbed version of the film ‘Sausage Party’ to under-12s

**IRIS 2017-5:1/17**

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On 8 March 2017, the Conseil d’Etat (Council of State) deliberated on an application for the suspension of two film licences issued by the Minister for Culture for the animated film ‘Sausage Party’, which prohibited the film from being shown to anyone under 12 years old. The appeal was lodged by a number of associations against the judgments delivered under the urgent procedure rejecting their application. One of the licences had been issued for the original version of the film, the other for the French version.

The applicant associations claimed, in support of their appeal, that the licencing board had failed to view the French version of the film. The Conseil d’Etat recalled that, under the regulatory provisions of the Cinema Code, a work that was to be made available both in its original version and dubbed into French required the issue of a licence for each format. If the licencing board is consulted in such a case, it is required to submit an opinion providing the Minister for Culture with suitable information regarding each of the licences to be issued. As provided for in the Cinema Code, if the licencing board, when viewing the work in its original version, has at its disposal the full and final dialogue in French, it is not required, on pain of the procedure being irregular, to view separately each of the formats.

In the case at issue, however, the documents in the file lodged with the judge did not show that the licencing board, at the time it viewed the film ‘Sausage Party’ in its original version, had had at its disposal the dialogue of the version dubbed into French. In doing so, and whereas it had not been not claimed that it had viewed the version of the film dubbed into French, the Conseil d’Etat found that it had not been put in a position to appreciate the specific features of the dubbed version compared with the original sub-titled version. In the circumstances, the Conseil d’Etat found that the judge had committed an error at law in considering that the fact that the licencing board had viewed only the original version of the film in order to deliver its opinion of both of the formats did not appear likely to have had any influence over the decision made or to have deprived the interested parties of any guarantee.

The applicants also claimed, in support of their referral, that there was no warning accompanying the issue of the licence for the original subtitled version of the film. The judge deliberating under the urgent procedure had felt that the audience was

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sufficiently informed of the content of the film and of the aspects that were likely to cause offence to younger audiences. This was because, firstly, there was a ban on the film being shown to anyone under 12 years old, which is exceptional in the case of an animated film. Secondly, it was due to the conditions for the film being shown, particularly because of the nature of its title and the promotional poster, and the content of the trailer shown before the film's release. On the basis of these elements, the Court had found that the requirement to provide potential audiences with information about the particularities of the film did not require the licence issued to the subtitled original version of the film to be accompanied by a warning, and the Conseil d'Etat held that the judge deliberating under the urgent procedure had committed a further error at law on this point. The contested judgment rejecting the application for the suspension of the licence issued to the subtitled version and to the dubbed French version of the film 'Sausage Party', which banned showing the film to anyone under 12 years old, was therefore cancelled.

### *Conseil d'Etat, (10e et 9e sous-sect. réunies), 8 mars 2017, Associations Promouvoir et Juristes pour l'enfance*

https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000034158715&fastReqId=582561937&fastPos=8

*Council of State, (9th and 10th sub-sections together), 8 March 2017, the associations 'Promouvoir' and 'Juristes pour l'Enfance'*

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