[FR] Change in scheme for television channels contributing to audiovisual production

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The Decree amending the scheme requiring editors of television services broadcast terrestrially to contribute to the production of audiovisual works has now been published. It amends Decree No. 2010-747 of 2 July 2010, in order to account for a number of agreements reached recently between service editors and the organisations representing the audiovisual producers.

For the main part, the new Decree introduces the possibility for the national audiovisual regulatory body (Conseil Supérieur de l'Audiovisuel - CSA) to reduce the independent part of the contribution required of an editor of television services devoted to stock works in return for undertakings in favour of increasing the independence of production. In doing so, the CSA may reiterate the requirements contained in these agreements in the convention it concludes with the service editor in question. The CSA thus becomes authorised to reduce the independent part of the contribution devoted to stock works provided for in Article 15 of the Decree of 2 July 2010. However, this is prohibited from being less than 8% of annual net turnover for the previous year, in return for undertakings in favour of increasing the independence of production. The aim of this measure is two-fold. Firstly, it allows service editors greater flexibility in managing the rights they hold in return for their investment in production, thereby enabling them to adapt to the new competition context, marked by the arrival of new players and changes in the way works are used. Secondly, it guarantees to independent producers that the flexibility allowed to editors will be accompanied by new protection in their favour (duration of rights, criteria for capital independence, etc.).

For certain types of works, the Decree adds the possibility of waiving the editor's minimum financing threshold (fixed at 70%), giving the editor the right to hold coproduction shares in the independent part of the obligation. The waiver cannot result in determining a lower financing threshold than 60%. The aim is, for certain types of works (particularly fiction), to allow editors more latitude in holding coproduction shares and thus receiving income from the works they finance. The Decree also introduces the possibility of excluding income not directly connected with broadcasting from the contribution base.

In order to determine compliance with the requirement to broadcast 120 hours of new European works between 8 and 9 pm, the Decree also introduces the

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possibility of extending the time-slot for calculating such broadcasting (from 9 to 9.30 pm) in return for a smaller allowance for broadcasting repeats, which are currently allowed up to 25% of airtime. This change makes it possible to take into account the evolution in programming practices that are changing in line with audiences and their expectations, with the first evening broadcasts tending to start later than was previously the case. Lastly, the Decree states that the contribution of an on-demand audiovisual media service to the development of the production of audiovisual works may be considered globally, along with the contribution of television services belonging to the same group.

Décret n° 2017-373 du 21 mars 2017 portant modification du régime de contribution à la production d'œuvres audiovisuelles applicable aux éditeurs de services de télévision diffusés par voie hertzienne terrestre et aux éditeurs de services de médias audiovisuels à la demande

https://www.legifrance.gouv.fr/eli/decret/2017/3/21/MCCE1633130D/jo

Decree No. 2017-373 of 21 March 2017 amending the scheme requiring editors of television services broadcast terrestrially and editors of on-demand audiovisual media services to contribute to the production of audiovisual works

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