[FR] New media chronology agreement finally signed

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The French rules on media chronology, which cover all distribution windows for films, from their release in cinemas to free public access, were in urgent need of reform and modernisation. The previous agreement was more than ten years old, and was signed before subscription-based VoD platforms had appeared in the audiovisual landscape.

In autumn 2017, following a breakdown in industry negotiations, the Minister for Culture asked mediators to unblock the situation so an agreement could be reached. More than a year later, on 21 December 2018, in line with their recent signature of agreements with film industry organisations, Canal+ (the French film industry's biggest investor - contributing EUR 160 million in 2017) and Orange OCS signed the new media chronology agreement in the presence of Franck Riester, Minister of Culture.

Although the agreement entered into force with immediate effect, an extension order that will make it compulsory across the whole industry for three years has yet to be adopted.

As far as television is concerned, the first exploitation window, which covers pay-TV film channels (Canal+, Ciné+, OCS), is brought forward under the new agreement from ten to eight months after a film's first cinema screening, or six months for films that attract fewer than 100,000 cinema viewers in the first four weeks following their release. In order to benefit from these windows, the channels will need to meet certain conditions (relating to investment, broadcasting quotas for French and European works, etc.), otherwise they will be extended from 12 to 18 months. The second film exploitation window, which also applies to pay-TV film channels, will open after 17 rather than 24 months (15 rather than 22 where waivers are granted) if the services concerned meet certain conditions. The final exploitation window concerns free-to-view television services and non-film pay-TV channels, which will be able to broadcast films 30 months after their cinema release, or 22 months if they invest 3.2% of their turnover in European film production.

The agreement also creates three windows for subscription-based VoD platforms such as Netflix and Amazon Prime Video, which were previously subject to a single 36-month window. Under a rather complex system, if these platforms agree

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to support the French and European film industries by meeting production and broadcast quotas, paying the video tax to the Centre National de la Cinématographie et de l'Image Animée (the national cinema centre - CNC) and signing an agreement with the Conseil Supérieur de l'Audiovisuel (the national audiovisual regulatory authority - CSA)), the window may be brought forward to 30 or 17 months (and even 28 or 15 months for films with fewer than 100,000 tickets sold). Although these services will need to meet very strict conditions in terms of investment in film production, they will be able to show films before some television channels. It is by no means certain that Netflix or Amazon will take up this opportunity immediately.

Finally, according to the Ministry for Culture, this new agreement "will enhance public access to films, taking appropriate account of changing expectations and viewing habits (...). The new rules will therefore strengthen the financing of French film-making by favouring the most virtuous and committed broadcasters. Finally, it will contribute to the fight against piracy by making films available sooner."

Communiqué de presse du ministère de la Culture, Signature de l'accord sur la chronologie des médias

http://www.culture.gouv.fr/Presse/Communiques-de-presse/Signature-de-l-accord-sur-la-chronologie-des-medias

Ministry for Culture press release, "Signature of media chronology agreement",

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