[FR] Culture Minister clarifies various aspects of audiovisual reforms

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At the start of September, the French Minister of Culture, Franck Riester, hosted key representatives of the audiovisual sector for a final series of consultations concerning the previously announced audiovisual reforms. After its subsequent examination by the *Conseil Supérieur de l'Audiovisuel* (the national audiovisual regulatory authority – CSA) and the *Conseil d'Etat*, the draft law should be presented to the Council of Ministers in early November before being discussed by the National Assembly in January 2020.

One objective of the reforms is to "provide a level playing field for television channels competing with digital providers without an increase in advertising". It is therefore proposed that, for a one-year trial period, television channels will be able, under supervision, to experiment with "addressable" and location-based advertising that targets a specific audience or viewer – a service that broadcasters cannot currently offer to their advertisers. The draft also creates the possibility for cinema films to be advertised on television, which is currently prohibited. A third commercial break could be authorised during films longer than 90 minutes on private channels, while the rule requiring a 20-minute gap between commercial breaks could be relaxed.

Under the reforms, there will no longer be certain days on which films cannot be shown on television (currently Wednesdays, Fridays and Saturdays), since these rules have become obsolete in the age of SVOD. As regards relations between producers and broadcasters, the draft redefines "independent" production, setting out a stricter definition of the rights of television channels and producers. SVOD platforms such as Netflix will be obliged to invest in European and French works in the same way as unencrypted channels (around 16% of their turnover – the exact percentage will vary from one platform to another) in return for a more favourable media chronology.

The provisions of the decrees of 27 March 1992 and 2 July 2010 setting out advertising and production obligations will therefore be revised. Draft decrees on advertising and film broadcasting restrictions are due to be submitted to the *Conseil d'Etat* for an opinion at the end of November and then published in January – before the law has even been adopted.

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With regard to the regulation of the audiovisual sector, the CSA and the Hadopi (High Authority for the Dissemination of Works and the Protection of Rights on the Internet) are set to merge and become known as the “Autorité de régulation de la communication audiovisuelle et numérique” (Regulatory Authority for Audiovisual and Digital Communication).

On 25 September, the Minister of Culture also decided to create a holding company for public audiovisual services, known as France Médias. The parent company will hold 100% of the capital of daughter companies France Télévisions, Radio France, France Médias Monde (RFI and France 24) and the INA (National Audiovisual Institute). Arte France, LCP and TV5 Monde will not be part of the new company. The way in which the heads of public audiovisual services are appointed will also be changing. Currently chosen directly by the CSA, they will in future be selected by the boards of the companies concerned, including that of France Médias.

Lastly, the draft will also contain provisions concerning the fight against piracy – especially in respect of sports content. In particular, it will transpose Articles 17 and 18 of the Directive on Copyright in the Digital Single Market concerning the protection of works on online content-sharing platforms.

Les objectifs du projet de loi sur l'audiovisuel, Ministère de la Culture, 13 septembre 2019

https://www.culture.gouv.fr/Actualites/Les-objectifs-du-projet-de-loi-sur-l-audiovisuel

The objectives of the draft audiovisual law, Ministry of Culture, 13 September 2019

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