[FR] Will there be a follow-up to Conseil d'Etat proposals for promoting access to audiovisual sports programmes?

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With view to preparing for the 2024 Olympic Games, the Conseil d'État, in its annual report entitled ‘Le sport, quelle politique publique?’ (public policy on sport), makes twenty-one proposals for drawing up a more decisive and ambitious policy on sport, focusing on three priority areas: bringing together public stakeholders and associations, making access to sport more democratic, and regulating the sport economy.

On this last point in particular, the Conseil d'État recalls that the broadcasting of sports events is a central feature of the funding of sport and a key issue for the audiovisual sector. It therefore recommends ensuring accessibility to audiovisual sports programmes. However, providing the largest possible audience with access to the broadcasting of the main sports events and to the diversity of sporting disciplines presupposes that the public-sector audiovisual service has sufficient resources to be able to acquire rights, and that the public authority ensures regulation so that it is not only the pay channels that are in a position to broadcast such programmes. The Conseil d'État warns that “increasing the cost of broadcasting rights might in the long term put them beyond the scope of public-service broadcasting”, highlighting the “constant decrease” in the budget France Télévisions has allocated to sport in the past four years (from 230 million euros in 2016 to 192 million euros in 2019). The Conseil d’Etat therefore finds it advisable to waive the ban on advertising on public channels after 8 p.m. when sports events are being broadcast in full in order to fund the purchase of broadcasting rights for sports competitions (proposal 19 in the report). In addition, the list of events of major importance defined by decree should be extended in order to ensure greater visibility for both women’s sports and Paralympic events. The CSA's area of competence should also be reinforced in order to ensure that the public has access to these events.

The Conseil d'État points out that preserving the financial resources generated by entertainment sport also calls for tools for combatting piracy (proposal 20), which can only be effective if competition organisers are granted specific neighbouring rights, and if regulatory arrangements in line with the specific features of entertainment sport are set up.

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Will these recommendations be taken up in the draft legislation to reform the audiovisual sector which is scheduled for presentation to the Government's Ministerial Council at the end of November? Nothing could be less certain. "We want to maintain the balance we have achieved today for advertising on public-sector radio and television, so we do not want to start advertising on public-sector television after 8 p.m.", said the Minister for Culture. "In the case of sport, there are sponsorship arrangements that make it possible to promote sport on television after 8 p.m. on the public-sector channels without having to resort to advertising", Franck Riester pointed out. The future legislation also provides for the creation of 'split screens' for broadcasting advertising without actually interrupting the broadcasting of sports events.

Étude annuelle du Conseil d'État, 2019, "Le sport, quelle politique publique" ?, La Documentation française

https://www.vie-publique.fr/rapport/271258-etude-2019-du-conseil-detat-le-sport-quelle-politique-publique

Annual study of the Conseil d'Etat 2019, "Le sport, quelle politique publique" ?, La Documentation française

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