Extensive audiovisual reform bill unveiled

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The wide-ranging new draft law on audiovisual communication and cultural sovereignty in the digital age, which was announced several months ago, was tabled by the Minister of Culture on 5 December. The government has applied the expedited procedure for the document, which is expected to be examined by parliament from spring onwards.

The draft contains far-reaching amendments to the Freedom of Communication Act of 30 September 1986, designed to take into account the rapidly changing nature of this sector. Firstly, it sets out a series of measures to support audiovisual creation, in particular by including digital platforms in the financing and dissemination of French and European films and audiovisual works. This support involves making foreign on-demand television and audiovisual media services targeted at French viewers subject to the contribution scheme for the production of films and audiovisual works, which currently only applies to French-based providers. The draft also simplifies current legislative provisions concerning service providers' contribution to the development of the production of cinematographic and audiovisual works, especially independent productions.

The reforms also endeavour to loosen the legal constraints on television companies in the fields of advertising and the transmission of cinematographic works. The draft law permits split-screen television advertising during sports broadcasts, giving the regulator delegated regulatory powers for this purpose. Three commercial breaks will be allowed during the broadcast of a cinematographic or audiovisual work lasting longer than two hours. The draft also aims to transpose the provisions of Audiovisual Media Services Directive 2018/1808 concerning product placement, taking into account changes in the market. However, the relaxing of advertising rules should take place first, without delay and by regulatory means, through the amendment of the decree of 27 March 1992. The government has proposed including measures to allow targeted television advertising and advertising for cinema films, as well as relaxing various other regulations. It also hopes to relax the rules on the televising of cinema films, starting with the lifting of certain restrictions on the days on which films can be broadcast and the annual limit on the number of films that can be shown per channel, by amending the decree of 17 January 1990.

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The second major element of the bill, covered in section II, is an extensive overhaul of how the sector is regulated. The key change here is the merger between the *Conseil Supérieur de l'Audiovisuel* (the national audiovisual regulatory authority – CSA) and the *Hadopi* (High Authority for the Dissemination of Works and the Protection of Rights on the Internet) to become the *Autorité de régulation de la communication audiovisuelle et numérique* (Regulatory Authority for Audiovisual and Digital Communication – ARCOM). The newly created ARCOM will carry out new tasks assigned to it under the law of 22 December 2018 on the fight against the manipulation of information and the future law on the fight against hatred on the Internet, which is currently being adopted by parliament. One chapter, implementing the revised AVMS Directive, contains provisions specific to video-sharing platforms. The draft law also aims to bolster the fight against Internet piracy. The Hadopi's former powers to combat piracy have been strengthened and transferred to the ARCOM. In view of the urgency inherent in the live audiovisual transmissions of sports events (live streaming), the draft makes provision for a specific interim procedure to combat sports piracy in the Sport Code. Section III of the draft law is devoted to the transformation of the public audiovisual sector in the digital age, with the governance of the sector being revamped through the creation of a group of companies led by a single parent company, France Médias, which will define an overall strategy. The composition of the respective boards and the method of appointing board members have also been revised.

Finally, the draft law will also implement Articles 17 to 22 of Directive 2019/790 on copyright and related rights in the Digital Single Market. It also authorises the government to transpose the so-called Cable and Satellite Directive (2019/789) by way of an ordinance.

Projet de loi relatif à la communication audiovisuelle et à la souveraineté culturelle à l'ère numérique

http://www.assemblee-nationale.fr/15/projets/pl2488.asp

Draft law on audiovisual communication and cultural sovereignty in the digital age

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