[FR] More films to be broadcast on television with fewer constraints

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Announced several months ago as part of audiovisual reforms designed to ease the regulatory constraints on broadcasters struggling to compete with online platforms, Decree No. 2020-984 of 5 August 2020 has relaxed the rules on programme schedules as well as on the annual limits on the broadcasting of cinematographic works on television, as enshrined in Decree No. 90-66 of 17 January 1990. The changes particularly reflect the fact that the rules, which had been unaltered for more than ten years, had become obsolete as a result of the emergence of numerous delinearised methods of accessing films (especially film channel catch-up services) that are not subject to any such programming restrictions. According to the decree's explanatory memorandum, although the rules were originally designed to protect cinemas, delinearised access to films "has not led to a fall in cinema attendances." The decree of 17 January 1990 lays down certain quotas for the television broadcasting of cinematographic works. The total number of feature-length films that can be broadcast or rebroadcast each year is fixed, with the requirement that 60% of them be European works and 40% original French-language works (Article 7). As part of these obligations, channels that are not film or pay-per-view services will be able to broadcast 244 works per year instead of 192. The number of annual prime-time broadcasts, that is, between 8.30 p.m. and 10.30 p.m., will increase from 144 to 196 (Article 8 of the amended decree of 17 January 1990). Meanwhile, dedicated film channels will see their annual quota rise from 500 to 800 feature-length films, none of which may be broadcast more than seven times in a three-week period, apart from multiple programming services (Article 9 of the amended decree of 17 January 1990).

The other major change concerns the abolition of rules restricting the days on which films may be shown on television. Under Articles 10 and 11 of the amended decree of 17 January 1990, services other than film and pay-per-view services can now broadcast films on Wednesday and Friday evenings as well as during the day on Saturdays and Sundays. The ban will nevertheless remain in place on Saturday evenings from 8.30 p.m., except for films funded by the channel concerned and artistic and experimental films.

The restrictions for dedicated film channels have been relaxed even further, mainly because of their significant investment in film production. On Saturday

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evenings, for example, as well as the quotas applicable to non-specialist channels, film channels can now broadcast films that have been watched by fewer than 2 million people in French cinemas (and 15 films that have exceeded this threshold) and films released more than 30 years previously. The *Conseil supérieur de l'audiovisuel* (the French audiovisual regulator – CSA) will publish a report on the effect of these changes no later than 18 months after their entry into force.

The next stage of the audiovisual reform process, which has become fragmented as a result of the health crisis and a full parliamentary agenda, will include the adoption of a bill authorising the government to transpose the Audiovisual Media Services Directive into French law by means of an ordinance. The text, which was adopted by the Senate on 8 July, is yet to be examined by the National Assembly. The directive's transposition will maintain the momentum of these regulatory reforms, in particular by imposing on large foreign platforms the same obligations to finance production and comply with audiovisual regulations that apply to traditional broadcasters.

Décret n° 2020-984 du 5 août 2020 portant modification du régime de diffusion des œuvres cinématographiques sur les services de télévision

https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000042211247&categorieLien=id

Decree No. 2020-984 of 5 August 2020 amending the rules on television broadcasting of cinematographic works

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