

[FR] Timetable for transposition of AVMS Directive and revision of SMAD Decree becomes clearer

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Through an amendment of the *Projet de loi portant diverses dispositions d'adaptation au droit de l'Union européenne en matière économique et financière* (Bill covering various provisions to adapt to European Union economic and financial law - DDADUE), examined by the Senate on 7 and 8 July, the government gave itself the power to legislate by ordinance in order to transpose the Audiovisual Media Services Directive 2018/1808 of 14 November 2018 (AVMS Directive). The bill will be examined by the National Assembly on 7 October. The Ministry of Culture announced that, once the enabling law is adopted, "ordinances will be quickly published after the opinions of the *Conseil supérieur de l'audiovisuel* (the French audiovisual regulator - CSA) and the *Conseil d'Etat* (Council of State) have been gathered". The head of state has promised that all the reforms will enter into force on 1 January.

In the meantime, however, in addition to the amendment of Articles 27, 33 and 33-2 of the Law of 30 September 1986 by way of ordinance, the transposition of the directive will require several regulatory measures to be adopted in the following fields: the contribution to the production of works by audiovisual media service providers established in another member state and targeting France (Article 13.2 of the directive); the procedure for settling disputes applicable to video-sharing platforms; means of blocking services from a member state; access for disabled people to on-demand audiovisual media services; and the exhibition of European works on on-demand audiovisual media services.

With this in mind, the *Direction générale des médias et des industries culturelles* (General Directorate of Media and Cultural Industries - DGMIC) and the *Centre national du cinéma et de l'image animée* (National Centre of Cinematography and the Moving Image - CNC) have, through a public consultation, collected the views of the stakeholders concerned on the amendment of Decree No. 2010-1379 of 12 November 2010 on on-demand audiovisual media services (SMAD Decree).

The Ministry of Culture has announced that another consultation, this time on the amendment of Decree No. 2010-416 of 27 April 2010 on non-terrestrial television services (Cable and Satellite Decree), will be held very soon.

"The transposition of the AVMS Directive and the revision of the SMAD Decree are the first stage in the overall rebalancing of our system for financing audiovisual

creation, which is indispensable for guaranteeing not only sustainability but also fairness,” said Roselyne Bachelot, Minister of Culture.

Consultation publique sur la révision du décret « SMAD »

<https://www.culture.gouv.fr/Sites-thematiques/Audiovisuel/Actualites/Consultation-publique-sur-la-revision-du-decret-SMAD>

Public consultation on the revision of the SMAD Decree

