[FR] AVMS Directive transposition talks continue

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At a joint committee meeting held at the French Parliament on 22 October, MPs and senators failed to reach agreement on the outstanding provisions of the *Projet de loi portant diverses dispositions d'adaptation du droit national au droit de l'Union européenne* (Bill covering various provisions to adapt national law to European Union law – DDADUE). The bill is designed to enable the government to transpose the European Union's Audiovisual Media Services, Copyright and Cab-Sat Directives by ordinance. Having been adopted at first reading by the Senate on 8 July 2020 and then by the National Assembly on 7 October, it must now pass through both chambers again in November. However, the Ministry of Culture intends to submit the draft ordinance and decree transposing the AVMS Directive to public consultation. The *Société des Auteurs et Compositeurs Dramatiques* (Society of Drama Authors and Composers – SACD) said: "With subscription-based digital platforms required to contribute between 20% and 25% of their turnover to film production, Roselyne Bachelot, Minister of Culture, has set a realistic target and laid the ground for a new, balanced partnership with video-on-demand services." However, nothing can happen before the DDADUE is promulgated.

During their examination of the bill, the MPs adopted a series of amendments aimed primarily at the audiovisual sector. The first amendment enables the government to fix a deadline for media chronology negotiations "in order to encourage those involved to hold this discussion within a reasonable timescale". This provision follows the expansion, under the AVMS Directive, of the system under which platforms established abroad contribute to film production. Media chronology will be adapted in accordance with the principle that each platform's contribution to film production should have an impact on its respective exploitation window.

A second amendment provided clarification concerning the negotiations currently underway to include foreign platforms in the film production contribution system. The MPs also adopted two amendments concerning copyright. The first one states that online public communication services whose primary purpose is to infringe copyright and neighbouring rights (namely pirate sites) will not be able to benefit from liability exemption mechanisms on account of the content they share. Finally, the other amendment is designed to protect the contractual freedom of authors, performers and producers who do not want the content of works to which

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they hold the rights to be shared on platforms.

Unless the health crisis causes further delays, the President of the Republic's promise that the AVMS Directive will be transposed into French law by the end of the year could still be met.

Projet de loi portant diverses dispositions d'adaptation au droit de l'Union européenne en matière économique et financière, texte du 22 octobre 2020 renvoyé à la Commission des affaires économiques de l'Assemblée nationale après échec de la CMP

http://www.assemblee-nationale.fr/dyn/15/dossiers/alt/dispositions_adaptation_droit_ue_economie_finances

Bill covering various provisions to adapt to European Union economic and financial law, version of 22 October 2020 sent to the National Assembly Economic Affairs Committee after the joint committee's failure to agree

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