[FR] CSA orders Canal Plus to respect its obligations to contribute to audiovisual production

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After finding that the Société d'Edition de Canal Plus (SECP) had failed to meet its obligations to contribute to the development of audiovisual production in the 2018 and 2019 financial years, the *Conseil Supérieur de l'Audiovisuel* (French audiovisual regulatory body – CSA) ordered the company to meet these obligations, which were laid down in Articles 40, 42 and 43 of the Decree No. 2010-747 of 2 July 2010 and which included an obligation to promote independent and French-language productions.

Canal Plus and its special-interest television channels (Comédie+, Piwi+, Télétoon+, Planète, Planète A&E, Planète CI, Seasons, Polar+, Cstar Hits France) had asked to pay a combined contribution for the years in question. The dispute concerned the basis for assessing the size of this contribution, since the SECP had subtracted from its total income a figure that it claimed had been generated by a complementary service beneficial to users.

However, the CSA considered that the current regulations were designed to take into account all the income that the broadcaster derived from its activities, including when, as was the case here, they were only indirectly linked to the broadcast of cinematographic works. For example, according to Article 33(2) of the decree of 2 July 2010, film service subscriptions included those that provided access both to the film service itself and to one or more services of a different type, such as those offered as part of a package. According to its calculations, Canal Plus should have invested at least EUR 56.15 Million in 2018 but had only spent EUR 50.38 Million. For the 2019 financial year, it had invested EUR 51.15 Million but should have spent EUR 56.66 Million. In the future, this calculation problem could also arise in relation to video-on-demand platforms, which will soon be required to contribute to audiovisual and cinematographic production in France under the AVMS decree that is currently being adopted. In its opinion of 17 March 2021 on the draft decree, the CSA noted in particular that this problem could affect certain platforms that combined different activities, such as Amazon, for example.

In order to ensure the regulator can effectively monitor production funding obligations and impose appropriate sanctions, the bill "on the regulation and protection of access to cultural works in the digital age", to be debated in

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parliament from 18 May 2021, amends the procedure and allows it to issue bigger fines in such cases.

Décision n° 2021-252 du 3 mars 2021 portant mise en demeure de la société d'édition de Canal Plus, JORF du 26 mars 2021

https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043290779

Decision no. 2021-252 of 3 March 2021 to issue a formal order against the Société d'Edition de Canal Plus, Official Gazette of 26 March 2021

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