[FR] Procedure for provisionally suspending retransmission of certain television and on-demand audiovisual media services

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Decree no. 2021-1923 of 30 December 2021 explains how the *Autorité de régulation de la communication audiovisuelle et numérique* (Regulatory Authority for Audiovisual and Digital Communication – ARCOM), pursuant to Article 43-8 of the Law of 30 September 1986 as amended by the Law of 25 October 2021 transposing the Audiovisual Media Services Directive, can provisionally suspend the retransmission of television and on-demand audiovisual media services that fall under the jurisdiction of another EU member state. Such a sanction can be imposed if a service poses a serious risk to public safety or national security, clearly and seriously violates the ban on broadcasting a programme or commercial communication likely to harm minors or the ban on inciting racial or religious hatred, condones terrorism or poses a serious risk to public health. In urgent cases, the suspension can be enforced no earlier than 48 hours of the alleged breaches and planned measures being notified to the service provider, all its distributors and the satellite network operators concerned. The decision is also notified to the European Commission and to the member state in which the service provider is based.

The decree also describes, in accordance with Article 43-10 of the Law of 30 September 1986, the conditions under which ARCOM can decide that a television or on-demand audiovisual media service has established itself in another EU member state in order to avoid being subject to French regulations. This is the case if the service's programmes are entirely or primarily aimed at the French public, taking particular account of the origin of its advertising or subscription income or its main language. Through the government, ARCOM can submit a written request to the member state in which the service is based, with the aim of reaching an amicable resolution. It must also submit evidence proving that the service has established itself in the member state concerned in order to bypass stricter French rules. Unless an amicable resolution is reached within two months, ARCOM will notify the service concerned of the measures it intends to take in accordance with Article 43-10 of the 1986 law, on the grounds that the service is "considered subject to the rules applicable to services established in France". These measures can only be implemented once the European Commission has ruled that they are compatible with EU law.

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Décret n° 2021-1923 du 30 décembre 2021 relatif à la procédure de suspension provisoire de la retransmission de certains services de télévision et de médias audiovisuels à la demande et à la procédure visant à empêcher le contournement par ces services de la loi n° 86-1067 du 30 septembre 1986 relative à la liberté de communication

https://www.legifrance.gouv.fr/download/pdf?id=tuJ-YzZKSB-nAqvlqBHixw9sdRaKAOxC0KwaEqtFOgA=

Decree no. 2021-1923 of 30 December 2021 on the procedure for provisionally suspending the retransmission of certain television and on-demand audiovisual media services and the procedure for preventing such services from bypassing the provisions of Law no. 86-1067 of 30 September 1986 on freedom of communication

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