[FR] New media chronology completes audiovisual reforms

IRIS 2022-3:1/10

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A key element of the latest audiovisual reforms, media chronology, which determines when cinematographic works can be released via different methods of exploitation, is set out in Articles L. 231-1 *et seq*. of the *Code du cinéma et de l'image animée* (Cinema and Animated Image Code). Under the law, a professional agreement should be signed, setting out when a film can be made available by an on-demand audiovisual media service provider or when it can be broadcast on television.

Under the new legal framework created through the transposition of the Audiovisual Media Services Directive (Article 28 of Ordinance no. 2020-1642 of 21 December 2020) and the so-called SMAD Decree of 22 June 2021, which requires foreign platforms in particular to help finance film production, media chronology in France had to be adapted to changes in how these services are used. With the conclusion on 24 January 2022 of a new agreement between professional film organisations and broadcasters' representatives following lengthy consultations supported by the Ministry of Culture and the *Centre national du cinéma et de l'image animée* (National Centre for Cinema and the Moving Image – CNC), the integration of these platforms into the funding system for French and European film production was completed. The previous agreement of 6 September 2018, renewed under the decree of 25 January 2019, was therefore revoked.

Under a decree of 4 February 2022, the new agreement on the adjustment of media chronology applies to all the companies concerned. It has three main objectives: to make works as accessible to the public as possible, to ensure broadcasters contribute to film production and to develop cinematographic creativity in all its diversity. According to the Ministry of Culture, it "also constitutes the final stage in the ambitious process of transposing" the Audiovisual Media Services Directive into French law.

The agreement concerns the exploitation of cinematographic works by on-demand audiovisual media services in return for an annual investment, under the SMAD Decree, of 20% of their turnover generated in France in French and European productions, and by television broadcasters. First of all, it brings forward the exploitation window for SVoD platforms from 36 to 17 months, or 15 months for platforms that sign an agreement with the French cinema industry

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(e.g. Netflix). A shorter period of at least six months is possible under an agreement similar to those reached by pay-TV film channels. These channels can show films nine months after they are released in cinemas (or six months in the case of Canal +, which has signed an agreement with the industry), compared with 18 months previously.

There is no change to the 22-month window for free-to-view TV channels (France TV, TF1, M6) that commit to contribute at least 3.2% of their turnover to film production (30 months for those that do not). However, it is shortened to 19 months for works that are not acquired for pay-TV in the second exploitation window or by a subscription-based on-demand audiovisual media service. The window for free-to-view VoD is cut from 44 to 36 months, while the VoD (single purchase) window remains four months, the same as for DVD.

The agreement is valid for three years which, according to the *Société des Auteurs et Compositeurs Dramatiques* (French society of dramatic authors and composers – SACD), which refused to sign it, is "incomprehensible and unreasonable" on account of the rapid changes in the film industry. It can apply to previously agreed contracts if this is expressly stipulated or if an additional clause is included to this end. An initial review of its application will be conducted under the aegis of the CNC 12 months after its entry into force. The parties also believe it is "essential to step up the fight against piracy in all its forms through the adoption of new measures during the term of the agreement."

Arrêté du 4 février 2022 portant extension de l'accord pour le réaménagement de la chronologie des médias du 24 janvier 2022

https://www.legifrance.gouv.fr/download/pdf?id=9u1gzlohKBVHlGkEzAYSJ7w3yK_PLxR0hN1ut-xPoP4=

Decree of 4 February 2022 extending the agreement amending media chronology of 24 January 2022

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