[FR] Amendment of system for contribution to cinematographic and audiovisual production

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Decree no. 2022-1610 of 22 December 2022 amending the system for the contribution to cinematographic and audiovisual production of television services amended both decree no. 2021-1926 of 30 December 2021 on the contribution to cinematographic and audiovisual production of terrestrial television services (known as the “DTT” decree) and decree no. 2021-1924 of 30 December 2021 on the contribution to cinematographic and audiovisual production of television services distributed via networks that do not use the frequencies assigned by the Regulatory Authority for Audiovisual and Digital Communication (known as the “Cabsat” decree).

The main objective of these changes is to enable film services that make a substantial contribution to cinematographic production to calculate their contribution on a lump-sum basis in accordance with professional agreements signed for this purpose. To this end, the decree, as part of the contribution arrangements applicable to film services, creates the possibility to set a fixed contribution to cinematographic production for these services, provided it is greater than EUR 120 million. The decree states that this contribution must not be more than 10% lower than if it were calculated according to the standard rules (where it is based on a percentage of turnover).

These amendments should enable Canal+ to implement the agreement it reached with the French cinema industry on 2 December 2021. Under this agreement, Canal+ will make a total contribution of EUR 570 million over three years, made possible by the new decree. This sum is payable in three annual instalments of EUR 190 million, with EUR 170 million coming from Canal+ and EUR 20 million from Ciné+. The application of the agreement will see the overall Canal+ contribution increase (from EUR 136.1 million for Canal+ and EUR 28.2 million for Ciné+ in 2020) to a figure that will be guaranteed for three years.

The decree also introduces three other changes to the “DTT” and “Cabsat” decrees. Firstly, it states that the ban on service providers holding marketing mandates applies whether they are held directly or indirectly, as provided in section 5 of Article 71-1 of the Law of 30 September 1986. Secondly, it explains that amendments to the type and extent of rights fixed as part of independent audiovisual production depend on the types of works concerned or the level of

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financing provided by the service provider. Finally, in the second paragraph of section 7 of Article 24 of the “DTT” decree concerning the possibility to take “non-works” into account in the contribution to audiovisual production of “non-film” services, it reintroduces the system that existed under the previous decree for services with an annual turnover below EUR 100 million.

Décret n° 2022-1610 du 22 décembre 2022 portant modification du régime de contribution à la production d'œuvres cinématographiques et audiovisuelles des services de télévision, JO du 23 déc. 2022.

https://www.legifrance.gouv.fr/download/pdf?id=KIg5AGW6FHTjeDQaXav9I4F2ptmxfYTEzY1Uc9FoyEc=

Decree no. 2022-1610 of 22 December 2022 amending the system for the contribution to cinematographic and audiovisual production of television services, OJ of 23 December 2022

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