# [FR] Regulatory amendments concerning programming commitments and cinema passes

**IRIS 2023-10:1/10**

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Under a recently adopted decree, the *Code du cinéma et de l'image animée* (Cinema and Animated Image Code – for more information about the process, see IRIS 2022-10:1/1) was amended to take into account certain recommendations contained in the report entitled "*Cinéma et régulation - Le cinéma à la recherche de nouveaux équilibres : relancer des outils, repenser la régulation*" (Cinema and regulation – Cinema in search of new balances : relaunching tools, rethinking regulation) that was submitted to the Ministers of Culture and the Economy by Bruno Lasserre, former *Conseil d'Etat* (Council of State) vice-president and former president of the French competition authority, last April (IRIS 2023-5:1/12).

Firstly, one of the key issues identified in the report is the need to safeguard the diversity of works and their distribution throughout the country. Programming commitments are the main regulatory tool for achieving this. These commitments are obligations concerning cinema programmes, which are proposed by the operators and approved by the *Centre national du cinéma et de l'image animée* (National Centre for Cinema and the Moving Image – CNC). The decree describes the approval procedure for cinema groups' programming commitments and extends the powers of the CNC president, which already apply to owner-operators (Art. R. 212-36 of the Cinema and Animated Image Code), to determine programming commitments if the operator's proposals do not do enough to safeguard film diversity.

A second issue identified in Lasserre's report is the need to ensure a balanced commercial relationship between cinema operators and film distributors. In this regard, the report recommended simplifying the rules governing unlimited cinema passes (the main two examples of which are sold by UGC and Pathé). Under the decree, the procedure under which the CNC president approves unlimited cinema passes is made more flexible. Article R. 212-46 of the Cinema and Animated Image Code states that these passes must be reapproved whenever changes are made, in particular to their conditions of use, which are automatically regarded as substantial changes. In order to facilitate the commercial development of these passes, especially in terms of pricing, the decree revokes this requirement. As a result, companies that issue unlimited passes will have greater flexibility in their relations with their customers, will be able to amend their conditions of sale during the term of their licence, and will only be required to seek approval for substantial changes that are likely to call into question the parameters under

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which approval was initially granted.

***Décret n° 2023-999 du 27 octobre 2023 modifiant le Code du cinéma et de l'image animée et relatif aux engagements de programmation et aux formules d'accès au cinéma***

https://www.legifrance.gouv.fr/download/pdf?id=lxs02rOAPigvGZJSXMRv5QmEMiykiJvwYHs2k2p5fXg=

*Decree no. 2023-999 of 27 October 2023 amending the Cinema and Animated Image Code and regarding programming commitments and unlimited cinema passes*

***Rapport de Bruno Lasserre : « Le cinéma à la recherche de nouveaux équilibres : relancer des outils, repenser la régulation »***

https://www.cnc.fr/cinema/etudes-et-rapports/rapport/rapport-de-bruno-lasserre---le-cinema-a-la-recherche-de-nouveaux-equilibres---relancer-des-outils-repenser-la-regulation_1928729

*Report by Bruno Lasserre: "Cinema and regulation – Cinema in search of new balances : relaunching tools, rethinking regulation*"

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