



C/2024/6985

18.11.2024

Measures adopted by France in accordance with Article 14(1) of Directive 2010/13/EU of the European Parliament and of the Council and referred to in recital 1 of Decision C(2024) 4423 final of 24 June 2024

(C/2024/6985)

Decree No 2004-1392 of 22 December 2004 applying Article 20-2 of Law No 86-1067 of 30 September 1986 on freedom of communication

Last update of the information set out in this text: 7 July 2024

NOR: MCCT0400912D

Version in force as at 18 September 2024

The Prime Minister,

Having consulted the report of the Minister for Culture and Communication,

Having regard to Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, as amended by Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997, and in particular Article 3a thereof;

Having regard to the European Convention on Transfrontier Television, opened for signature on 5 May 1989, as amended by the Protocol adopted by the Committee of Ministers of the Council of Europe on 9 September 1998, opened for acceptance by Parties to the Convention on 1 October 1998, and in particular Article 9 bis thereof, together with Law No 94-542 of 28 June 1994 and Law No 2001-1210 of 20 December 2001, which authorise the approval thereof, and Decrees No 95-438 of 14 April 1995 and No 2002-739 of 30 April 2002 under which it was published;

Having regard to the Agreement on the European Economic Area signed at Porto on 2 May 1992 and the Protocol adjusting the Agreement on the European Economic Area signed at Brussels on 17 March 1993, and in particular Annex X thereto, together with Law No 93-1274 of 2 December 1993, which authorises the ratification thereof, and Decree No 94-43 of 1 February 1994 under which it was published;

Having regard to Law No 86-1067 of 30 September 1986, as amended, on freedom of communication, and in particular Article 20-2 thereof;

Having regard to the letter of 7 April 2004 from the European Commission on the draft measures communicated by France for the implementation of Article 3a of Directive 89/552/EEC, as amended by Directive 97/36/EC;

Having consulted the Council of State (Home Affairs section),

Article 1

This Decree lays down the conditions under which television services are to handle the exclusive broadcasting of events of major importance such that a substantial proportion of the public is not denied the opportunity of viewing them on free television.

**TITLE I: PROVISIONS APPLICABLE TO THE BROADCASTING OF EVENTS OF MAJOR IMPORTANCE IN FRANCE
(Articles 2 to 5)**

Article 2

For the purposes of this Title, the following definitions shall apply:

- a) 'free television service' means any television service that does not seek payment from its users and that can be received by at least 85% of households in metropolitan France;

- b) 'pay television service' means any television service that does not fulfil the two conditions set out in the previous subparagraph.

*Article 3***Amended by Decree No 2024-699 of 5 July 2024 – Article 1**

The list of events specified in Article 20-2 of Law No 86-1067 of 30 September 1986 is as follows:

1. the summer and winter Olympic Games;
2. matches of the French national football team in the Fédération Internationale de Football Association (FIFA) calendar;
3. the semi-finals and final of the Football World Cup;
4. the semi-finals and final of the European Football Championship;
5. the final of the Union of European Football Associations (UEFA) Europa League, where a French club in one of the French leagues is competing;
6. the final of the Football Champions League;
7. the French Football Cup Final;
8. the Six Nations rugby tournament;
9. the semi-finals and final of the Rugby Union World Cup;
10. the French Rugby Union Championship final;
11. the European Rugby Union Champions Cup final, where a French club in one of the French leagues is competing;
12. the finals of the men's and women's singles events of the Roland Garros tennis tournament;
13. the finals of the international team competitions organised by the International Tennis Federation (ITF), where the French national tennis team is competing;
14. the French Formula 1 Grand Prix;
15. the Tour de France (cycling, men);
16. the Paris-Roubaix cycling race;
17. the men's and women's finals of the European Basketball Championships, where the French national team is competing;
18. the men's and women's finals of the World Basketball Championships, where the French national team is competing;
19. the men's and women's finals of the European Handball Championships, where the French national team is competing;
20. the men's and women's finals of the World Handball Championships, where the French national team is competing;
21. the World Athletics Championships.

*Article 3-1***Created by Decree No 2024-699 of 5 July 2024 – Article 2**

The following events shall be added to the list set out in the previous Article:

1. the summer and winter Paralympic Games;
2. matches of the French national women's football team in the FIFA calendar;
3. the semi-finals and final of the women's Football World Cup;
4. the semi-finals and final of the women's European Football Championship;
5. the final of the women's Football Champions League;
6. the final of the UEFA Europa Conference League, where a French club in one of the French leagues is competing;
7. the French women's Football Cup Final;

8. matches of the men's and women's French national rugby union teams in the World Rugby calendar;
9. matches of the French national team in the women's Six Nations rugby tournament;
10. the semi-finals and final of the women's Rugby Union World Cup;
11. the final of the women's French Rugby Union Championship;
12. the semi-finals of the men's and women's singles events of the Roland-Garros tennis tournament where a French player is competing;
13. the finals of the men's and women's singles events of Grand Slam tournaments other than Roland-Garros where a French player is competing;
14. the women's Tour de France cycling race;
15. the women's Paris-Roubaix cycling race;
16. the men's and women's semi-finals of the European Basketball Championships, where the French national team is competing;
17. the men's and women's semi-finals of the World Basketball Championships, where the French national team is competing;
18. the men's and women's semi-finals of the European Handball Championships, where the French national team is competing;
19. the men's and women's semi-finals of the World Handball Championships, where the French national team is competing;
20. the men's and women's finals and semi-finals of the European Volleyball Championships, where the French national team is competing;
21. the men's and women's finals and semi-finals of the World Volleyball Championships, where the French national team is competing;
22. the Alpine World Ski Championships when the competition is held in France.

Article 4

Amended by Decree No 2024-699 of 5 July 2024 – Article 3

Where a television service in France exercises exclusive rights acquired after 23 August 1997 to broadcast one of the events of major importance listed in Article 3 or, from the date of entry into force of Decree No 2024-699 of 5 July 2024, exercises exclusive rights to broadcast one of the events listed in Article 3-1, free television services shall not be prevented from broadcasting that event, which shall be broadcast live and in full, except in the following cases:

1. broadcasting of the events indicated in point 15 of Article 3 and point 14 of Article 3-1 may be limited to highlights, in accordance with the broadcasting tradition for this event;
2. broadcasting of the events indicated in points 1 and 21 of Article 3 and point 1 of Article 3-1 may be limited to representative moments reflecting the diversity of sporting disciplines and participating countries and may include recorded material when events take place at the same time;
3. events of major importance may also be broadcast in pre-recorded form where they take place between midnight and 6 am, French time, on condition that the broadcast in France starts before 10 am.

The broadcasting of an event of major importance live and in full, subject to the above provisions, by a pay television service which seeks payment from its users and whose programmes can be received under the conditions specified in Article 2(a) of this Decree, without imposing specific conditions for access, shall not be deemed to prevent the broadcast of that event by a free television service.

Article 5

In order to allow a free television service to broadcast an event of major importance under the conditions specified in Article 4, a television service with exclusive broadcasting rights to all or part of an event of major importance and which is unable to meet those conditions shall, reasonably in advance of the event, inform free television services that it proposes to cede the broadcasting rights for that event under the conditions specified in Article 4. That offer shall be made under fair, reasonable and non-discriminatory market conditions and terms.

If, in response to the offer, no proposal is made by a television service or if the proposal is not made according to fair, reasonable and non-discriminatory market conditions and terms, the television service that holds the exclusive broadcasting rights may exercise those rights without meeting the conditions of Article 4.

TITLE II: PROVISIONS APPLICABLE TO THE BROADCASTING OF EVENTS OF MAJOR IMPORTANCE IN OTHER EUROPEAN COUNTRIES (Articles 6 to 8)

*Article 6***Amended by Decree No 2024-699 of 5 July 2024 – Article 4**

The provisions of this Title shall apply to television services coming under French jurisdiction which broadcast to another Member State of the European Union, a member country of the European Economic Area or a state which is party to the European Convention on Transfrontier Television an event designated by that state as being of major importance to its society within the meaning of Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) and to which they acquired the broadcasting rights after 23 August 1997.

*Article 7***Amended by Decree No 2024-699 of 5 July 2024 – Article 5**

Television services coming under French jurisdiction shall exercise, in the states specified in Article 6, their broadcasting rights to events of major importance, as defined by those states, in such a way as not to deprive a substantial proportion of the public of the opportunity of viewing such events, either live or in pre-recorded form, via a free television service within the meaning of Article 14 of Directive 2010/13/EU of 10 March 2010.

Article 8

Where a television service coming under French jurisdiction broadcasts an event of major importance in one of the states specified in Article 6, it shall comply with the conditions laid down by that state on broadcasting by the television service.

TITLE III: FINAL PROVISIONS (Articles 9 to 10)

*Article 9***Amended by Decree No 2022-779 of 2 May 2022 – Article 28**

Where referred to by a television service, or on its own initiative, the Authority for the regulation of audiovisual and digital communication may deliver an opinion on the conditions of application of this Decree.

Article 10

A subsequent Council of State decree shall establish the list of events of major importance and the conditions of televised broadcasting for the overseas departments, Saint Pierre-et-Miquelon, Mayotte, New Caledonia, French Polynesia and the islands of Wallis and Futuna, taking into account the individual needs of each community and the technical issues of broadcasting overseas.

Article 11

The Minister for Culture and Communication and the Minister for Overseas Territories shall be responsible, each within their remit, for the execution of this Decree, which shall be published in the Official Journal of the French Republic.

For the Prime Minister:

Jean-Pierre Raffarin

Minister for Culture and Communication

Renaud Donnedieu de Vabres

Minister for Overseas Territories

Brigitte Girardin
