

# INDIREG

## FINAL REPORT – ANNEX

*Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)*

Annex II – Country Tables – France

## Table of contents

I. GENERAL INFORMATION .....	3
<b>Table 1 - Market data</b> .....	3
<b>Table 2 - Audiovisual laws and regulatory bodies</b> .....	3
<b>Table 3 - Regulatory bodies – general information</b> .....	6
<b>Table 4 - Sectors covered</b> .....	6
<b>Table 5 - Staff and overall budget</b> .....	7
II. INSTITUTIONAL FRAMEWORK .....	7
<b>Table 6 - Legislation establishing and governing the regulatory body</b> .....	7
<b>Table 7 - Legal status</b> .....	9
<b>Table 8 - Independence as a value</b> .....	10
III. POWERS OF THE REGULATORY BODIES .....	10
<b>Table 9 - Regulatory powers</b> .....	10
<b>Table 10 - Supervision and monitoring power</b> .....	11
<b>Table 11 - Powers of sanctions</b> .....	12
<b>Table 12 - De facto use of formally granted competences and monitoring powers</b> .....	13
<b>Table 13 - De facto use of formally granted sanction powers</b> .....	13
<b>Table 14 - Complaints handling</b> .....	14
IV. INTERNAL ORGANISATION AND STAFFING .....	14
<b>Table 15 - Highest decision-making organ – composition</b> .....	14
<b>Table 16 - Highest decision-making organ – competences and decision-making process and transparency</b> .....	16
<b>Table 17 - Highest decision-making organ – appointment process</b> .....	16
<b>Table 18 - Term of office and renewal</b> .....	18
<b>Table 19 - Professional expertise/qualifications</b> .....	18
<b>Table 20 - Rules to guard against conflicts of interest – Appointment process</b> .....	19
<b>Table 21 - Rules to guard against conflicts of interest – during term of office</b> .....	20
<b>Table 22 - Rules to guard against conflicts of interest – after term of office</b> .....	20
<b>Table 23 - Rules to protect against dismissal</b> .....	22
<b>Table 24 - Dismissal before term</b> .....	22
V. FINANCIAL RESOURCES .....	22
<b>Table 25 - Sources of income</b> .....	22
<b>Table 26 - Annual budget</b> .....	24
<b>Table 27 - Financial accountability – auditing</b> .....	24
VI. CHECKS AND BALANCES .....	25
<b>Table 28 - Formal accountability</b> .....	25
<b>Table 29 - Reporting obligation</b> .....	26
<b>Table 30 - Auditing of work undertaken</b> .....	26
<b>Table 31 - Power to overturn/instruct</b> .....	26
<b>Table 32 - Number of stages in appeal procedure</b> .....	28
<b>Table 33 - Does the regulator’s decision stand pending appeal?</b> .....	30
<b>Table 34 - Accepted grounds for appeal</b> .....	31
<b>Table 35 - Does the appeal body have power to replace the original decision with its own?</b> .....	32
VII. PROCEDURAL LEGITIMACY .....	32
<b>Table 36 - External advice regarding regulatory matters</b> .....	32
<b>Table 37 - Public consultations</b> .....	32
<b>Table 38 - Public consultations – figures</b> .....	33
<b>Table 39 - Publication of regulator’s decisions</b> .....	33
VIII. COOPERATION .....	34
<b>Table 40 - Cooperation with other regulatory authorities</b> .....	34
<b>Table 41 - International cooperation</b> .....	34

## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
France	More than 350 channels, including 20 terrestrial TV channels See the <a href="#">CSA website</a> for a list of the channels	Not relevant (no declaration or authorisation required for such services)	5 public channels (France2, France 3, France 4, France5, France O)+ regional PSB services (France 3 regions)

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
France	Information requirements (art. 5 AVMS Directive)	Law 86-1067, September 30, 1986, « relative à la liberté de communication », as subsequently amended by various laws, including the Law 2009-258, March 5, 2009, “relative à la communication audiovisuelle et au nouveau service public de la télévision” which has incorporated the last version of the AVMS directive. Please note that there is also an English translation in this link but that the English version does not incorporate changes made after November 2001 <a href="http://www.csa.fr/infos/textes/textes_detail.php?id=116517">www.csa.fr/infos/textes/textes_detail.php?id=116517</a> Article 43.1 page 55 (unless advised differently, page numbers refer to the 1986 law and the related texts as published by the CSA in the link here above)	Conseil Supérieur de l’Audiovisuel (CSA)	CSA	CSA

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	<p><u>Law 86-1067, September 30, 1986 as amended by law 2009-258, March 5, 2009</u></p> <p>Articles 14 and 14.1 page 16  Article 28, page 25  Article 33 page 39  Article 33-2 page 41  Article 43 page 55</p> <p><u>Law 2009-258, March 5, 2009 (rules not incorporated in Law 86-1067 but still forming part of the body of regulation):</u></p> <p>Article 28, page 111  <u>Code la santé Publique (Public Health Code)</u>  Article 2133-1 page 199  Article 3323-2 and sq. page 200-201-202  Article 3511-3 and sq. page 203-204</p>	<ul style="list-style-type: none"> <li>CSA</li> <li>The self regulation fostered by the AVMS directive (article 9-2) and mentioned in the 1986 law (article 14) is the <a href="#">Autorité de Régulation Professionnelle de la Publicité</a></li> </ul>	CSA ARPP	CSA ARPP
	Accessibility to people with a disability (Art. 7 AVMS Directive)	<p><u>Law 86-1067:</u></p> <p>Article 28, Para. 5bis, 5 ter (private operators)  Articles 43-11 et 53 (PSB)  Article 81 (Yearly consultation on the Conseil national consultatif des personnes handicapées by the CSA on the application of accessibility rules and conventions)</p> <p><u>Law 2009-258</u></p> <p>Article 54 (Report by the CSA to the Parliament on the status of application of accessibility rules by broadcasters)</p>	CSA	CSA	CSA
	Broadcasting of major events (Art. 14 AVMS Directive)	<p><u>Law 1986-1067 Article 20-2</u></p> <p><u>Decree 2004-1392, December 22, 2004 (List of major events)</u></p> <p><a href="http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000786247&amp;fastPos=1&amp;fastReqId=132624247&amp;categorieLien=cid&amp;oldAction=rechTexte">www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000786247&amp;fastPos=1&amp;fastReqId=132624247&amp;categorieLien=cid&amp;oldAction=rechTexte</a></p>	CSA	CSA	CSA
	Access to short news reports (Article 15 AVMS Directive)	<p><u>Code du sport</u></p> <p>Article 33-7 as amended by the 2009-258 law, page 210</p>	CSA	CSA	CSA
	Promotion of European works (Art. 13,	<p><u>Law 86-1067</u></p> <p>Article 27 page 23 (60% of transmission time devoted to European programs and 40% to French programs-production</p>	CSA	CSA	CSA

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	16, 17 AVMS Directive)	requirements, contribution to production including independent production) Article 33 page 39 (applicability to non terrestrial broadcasting) Article 33-2 page 41 (contribution of on-demand AMS to original production, independent production and promotion of European and French originated programs) Article 70 page 77 (broadcasting of European and French speaking movies) Article 71 page 77 (contribution to independent movie production)			
	Hate speech (Art. 12 and 6 AVMS Directive)	<u>Law 86-1067</u> Article 1 page 11 Article 15 page 16	CSA	CSA	CSA
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	<u>Law 86-1067</u> Article 27 Para. 1 referring to 2 decrees: <ul style="list-style-type: none"> <li>92-280, March 27, 1992 (general) as amended by Decree 2001-1331, December 28, 2001 relating to television:</li> <li><a href="http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000346165&amp;fastPos=1&amp;fastReqId=889794558&amp;categorieLien=cid&amp;oldAction=rechTexte">www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000346165&amp;fastPos=1&amp;fastReqId=889794558&amp;categorieLien=cid&amp;oldAction=rechTexte</a></li> <li>87-239, April 6, 1987 (rules regulating radio):</li> <li><a href="http://www.csa.fr/infos/textes/textes_detail.php?id=13111">http://www.csa.fr/infos/textes/textes_detail.php?id=13111</a></li> </ul>	CSA	CSA	CSA
	Protection of minors (Art. 27 AVMS Directive)	<u>Law 86-1067</u> Article 15 pages 16-17 Article 41-9 (sanctions relating to breach by on-demand AMS)	CSA	CSA	CSA
	Right of reply (Art. 28 AVMS Directive)	<u>Law 82-652</u> as amended in 1992, 2000 and 2004 Article 6 page 97 (no link to full text of 82-652 available)	Judicial procedures	Judicial procedures	Judicial procedures
	Communication and cooperation	<u>Law 86-1067</u> Article 9, page 15			

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	with other European regulation bodies and the Commission (Art. 30 AVMS Directive)				

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
France	Conseil Supérieur de l'Audiovisuel (CSA)	<a href="http://www.csa.fr/">www.csa.fr/</a>	1989 (established by the Law 89-25, January 17, 1989) succeeding the Commission Nationale de la Communication et des Libertés (established by the Law 86-1067, September 30, 1986) and the Haute Autorité de la Communication Audiovisuelle established by the law 82-652, July 29, 1982	Tour Mirabeau 39-43 Quai André Citroën 75739 Paris Cedex 15 Tel : 33 1 40 58 38 00 Fax : 33 1 45 79 00 00

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
France	CSA	Yes	Yes (Planification and coordination role)	Yes	No	No	No

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
			for frequencies within spectrum allocated to broadcasting services by the Government). Adoption of technical norms and standards remains a government prerogative.				

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
France	CSA	283 in 2009, 293 in 2010 (Budget Law adopted by Parliament on a yearly basis)	Average 2009: 300 Average 2010: 310	€34.4m (2008) €34.78m (2009)	€34.4m (2008) €35m (2009)	Annual Reports of the CSA Year 2008 and 2009

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
France	CSA	<p>Law 89-25, January 17, 1989, amending the 86-1067 fundamental law on audiovisual communication</p> <p><a href="http://www.csa.fr/infos/textes/textes_detail.php?id=116517">www.csa.fr/infos/textes/textes_detail.php?id=116517</a></p>	<p>Law 86-1067, September 30, 1986</p> <p>Articles 3-1, 4 to 9.</p>



**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
France	CSA	Autorité Administrative Indépendante (AAI): Independent Administrative Authority	Yes		<ul style="list-style-type: none"> <li>• Capacity to take autonomous decisions</li> <li>• Responsible for all aspects of audiovisual communication in relation to content, authorizations, licenses and conventions</li> <li>• Power to compel, require and sanction</li> <li>• Members are independent and non revocable during their mandate</li> <li>• Specific resources and funding</li> <li>• Decisions can be contested within administrative law (Tribunal Administratif, Conseil d'Etat)</li> </ul>	<a href="http://fr.jurispedia.org/index.php/Autorit%C3%A9_administrative_ind%C3%A9pendante_%28fr%29">Jurispedia http://fr.jurispedia.org/index.php/Autorit%C3%A9_administrative_ind%C3%A9pendante_%28fr%29</a>

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
France	CSA		<ul style="list-style-type: none"> <li>At the heart of the law establishing the first regulation body in 1982 and at the centre of the discussion regarding audiovisual regulation since</li> <li>Various items in the 1986 law to ensure independence of the institution and its members. Appointment procedures (see Article 4) and relative lack of means of investigation and research still makes it an issue</li> </ul>	<a href="#">Law 86-1067</a> Articles 3-1, 4, 5, 7, 8 and 9

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
France	CSA	Tick boxes ✓	No General policy is defined by law and application decrees, but official advice from the CSA is required on any issue, project or decree affecting audiovisual issues.	✓	✓
		<u>Areas</u> Content/distribution policy		Specific rules governing the application of quota (production and programming) over the years, the coverage areas, the absolute and relative amounts of production spending committed by major	Decision power on all issues where the CSA is endowed with a regulation and monitoring issue, including quotas, advertising breaches, license infringements, relations between

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
		Pluralism, diversity, protections of minors and human integrity Regulation of relations between channels and bouquet operators Advertising/Sponsorship/Product placement		broadcasters and cab/sat broadcasters based in France Definition of categories of programming (such as genres, formats, etc) for the purpose of law enforcement Law 86-1067, article 17-1  Definition of practical rules	channels and distributors.
		Source	Law 86-1067	Law 86-1067	Law 86-1067

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
France	CSA	Quotas  All channels have to declare their quotas fulfilment on a regular basis and register their broadcast content (15 days logs)	√ for major channels	√ Sampling on thematic channels	√	√ Also used in practice as a cross check especially on small channels		Legislation Law 86-1067 articles 27,33, 70 and 71
		Advertising	√ for major channels (time length and duration of breaks)	√ Same as above	√	√ Same as above		Legislation Law 86-1067 Articles 28,33,43
		Protection of minors	√ for major channels	√ Same as above	√	√ Same as above		Legislation Law 86-1067 Article 15

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
France	CSA  Sanction power applying to broadcasters, distributors/, satellite networks operators and on-demand audiovisual media service providers	Quotas	Yes (Mise en demeure: Articles 42 and 48-1 of the <a href="#">86-1067 Law</a> ) Formal objections have to be systematically published by the CSA	Yes (not exceeding 3% of the turnover, 5% in case of second breach)  Articles 42-2, 48-2 and 48-6	At the discretion of the CSA but only in the regulatee concerned by the sanction Article 48-3	Yes (Articles 42-1 and 48-2) <ul style="list-style-type: none"> <li>• for less than one month</li> <li>• .between one month and one year</li> <li>• For the remaining time of the licence (revocation)</li> </ul>	?	
		Advertising	Same as above	Same as above	Same as above	Same as above		
		Protection of minors	Same as above	Same as above	Same as above	Same as above		

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
France	CSA	N/A	√	√	√	√	√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
France	CSA	√ 48 in 2008 73 (2009)	√ 1 (€200k)	√ (for some)	√ (2)	No

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
France	CSA	Yes Complaints are handled by the 'Service d'Information et de Documentation' of the CSA, which reports directly to the director general. In 2008, 8700 complaints were received (mostly by mail) and handled the service	Example of protection of minors <a href="http://www.csa.fr/protection_mineurs_TV/alerter.html">www.csa.fr/protection_mineurs_TV/alerter.html</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ						Implicit representation structures?	Source	
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts			Others (e.g. regions)
France	CSA	Board	9		3 members are appointed by the President of the Republic, among which the Chairman of the CSA	3 members appointed by the President of the National assembly (Low chamber) 3members appointed by the President of the Senate (High chamber)				Members are not supposed to represent any power or lobby but act in their own conscience to implement the CSA's missions and role. In practice, members tend to be mostly professionals such as engineers, producers, journalists or media experts.	

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
										None of these qualifications is explicitly defined.	

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
France	CSA	<ul style="list-style-type: none"> <li>Content regulation(pluralism, quotas on broadcasting and production)</li> <li>Licensing</li> <li>Monitoring of obligations</li> <li>Sanction power</li> </ul>	<ul style="list-style-type: none"> <li>Quorum of 6 members present</li> <li>Majority vote (the Chairman has a casting vote in case of deadlock of a public vote - i.e. not made by secret ballot. Such secret ballot can be required by any member).</li> </ul> <p>Rules governing the functioning of the Conseil are set up in the decree 89-518 (see pages 239-240)</p> <p>Internal set of rules (“Règlement Intérieur”) as established in deliberations of July 2001 and February 2008 (see pages 241 to 252)</p>	No (secret of deliberations)	No

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
France	CSA	Chairman	Yes	The president of the Republic who chooses the chairman of the CSA	The president of the Republic formally appoints the chairman and all board members	No	Law 86-1067 Article 4
		Board members	Yes	The President of the republic		No	Law 86-1067 Article 4



Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
				(3 members including the chairman) The president of the National Assembly (3 members) The President of the Senate (3 members)			

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
France	CSA	Chairman of the board	6 years	No	No	Article 4 of Law 86-1067
		Board members	6 years	No	No	Same as above

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
France	CSA	Chairman of the board	None in theory. In practice, media professional or high civil servant	No in theory. In practice, the CSA has had 3 chairmen since 1989: <ul style="list-style-type: none"> <li>Hervé Bourges (former CEO of a major commercial channel)</li> <li>Dominique Baudis (former TV journalist)</li> <li>Michel Boyon (civil servant and prime Minister's cabinet member)</li> </ul>	The law says nothing about qualifications or professional expertise to be chairman or member of the board of the CSA. It only defines the nomination/appointment process.

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
France	CSA	Chairman	Yes		Civil servants can be appointed but must give up their position once appointed. The position of board member/chairman is incompatible with any elective membership and any public office.	No	Members of the industry can be appointed but once appointed, cannot carry out functions for or have an interest in an audiovisual, cinema, publishing, press, advertising or telecommunications company.	No	Yes: Obligation to disclose direct and indirect interests in the industry and to sell them within 3 months of appointment. Prohibition to hold any electoral mandate and any other public office or mandate	Article 5 of <a href="#">Law 86-1067</a>
		Board members	Yes		Same as above	Same as above	Same as above	No	Same as above	Article 5 of <a href="#">Law 86-1067</a>
		Senior staff		No	General principles and rules regarding public service agents employed by administrative independent authorities	General principles and rules regarding public service agents employed by administrative independent authorities	General principles and rules regarding public service agents employed by administrative independent authorities	Not in principle	Senior staff can keep interests they had in the industry when they enter the CSA staff but shall not buy or sell these interests during their tenure	

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
France	CSA	Chairman	Yes		The position of board member/chairman is incompatible with any elective membership and any public office.	The position of board member/chairman is incompatible with any elective membership.	Prohibition to carry out functions for or have an interest in an audiovisual, cinema, publishing, press, advertising or telecommunications company.	Article 5 of the law 86-1067 <a href="http://www.csa.fr/infos/textes/textes_detail.php?id=116517">www.csa.fr/infos/textes/textes_detail.php?id=116517</a> Deontology Code (Internal set of rules adopted by the CSA regarding in particular conflicts of interest) and published in the Official Journal of February 23, 2003 <a href="http://www.csa.fr/conseil/composition/organisation_textes_deontologie_1.php">www.csa.fr/conseil/composition/organisation_textes_deontologie_1.php</a> (applicable to all public agents) <a href="http://www.csa.fr/conseil/composition/organisation_textes_deontologie_2.php">www.csa.fr/conseil/composition/organisation_textes_deontologie_2.php</a> (specific rules applicable to CSA members)
		Board members	Yes		Same as above	Same as above	Same as above	
		Senior staff	Yes					

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
France	CSA	Chairman	Yes		Period of 3 years after exit from the CSA during which any member cannot be employed by regulated companies. One year period during which the exiting member cannot work in a media/telecommunications company.	Article 5 Law 86-1067
		Board members	Yes		Same as above	Same as above
		Senior Staff		No	No but such employment is submitted to the Commission of Deontology which can oppose it	

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
					for civil servants being poached by private entities	

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
France	CSA	Chairman	Yes		2/3 majority of the Board	Non Compliance with the rules of the Deontology Code	Only individual members	Deontology Code
		Individual board members	Yes		2/3 majority of the Board	Non Compliance with the rules of the Deontology Code	Only individual members	Deontology Code

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
France	CSA	2005-2009	Chairman		No		
			Individual board members				

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
France	High Council for Broadcasting	No	State funding 100% Approved annually by Parliament	No	No	No	No	Law 86-1067, Article 7

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry)?	De facto influence of third parties on budget amounts	Source
France	CSA	Parliament approves the budget proposed by the government	Yes as it “negotiates” its budget with the government (in effect the Ministry of Budget)	Government	High as the CSA has no independent access to funding	<a href="#">Law 86-1067</a> Article 7

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
France	CSA	Yes: supervision by the Cour des Comptes endowed with control of public expenses )	As decided by the Cour des Comptes	Yes	No	No	General legal framework on supervision by public bodies



## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
France	CSA	Parliament	Yes	Annual report on activity and various reports on sector-related issues	Article 18, law 86-1067
		Government as a whole	Yes	Idem	Article 18, law 86-1067
		Specific ministers	No	No, though relation with the Ministry of Culture and Communication (which provides a lot of bodies and expertise to the CSA and drafts the laws) is very close to the Council.	
		Public at large	No	(No in addition to complaints handling procedure).	
		Other	No	N/A	

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
France		Parliament	Yearly	Activities	No (some information contained in the annual Loi de Finances	No	N/A	?
		Government as a whole	?	?	?	?	?	?

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
France	CSA	No	N/A	N/A	N/A	N/A	N/A

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
France	CSA	Does anybody	No	No	No	No (unless through		

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		have the power to overturn decisions of the regulator?				a change of the law)		
		Does anybody have the power to give instructions to the regulatory body?	No	No	Yes to a limited extent. The prime minister can ask a second deliberation on some very specific issues which have frequency implications or involve local governments- Article 6) (In theory there is no room for any power or entity to give instructions to the CSA (within the framework of its prerogatives as defines by the law). Obviously as the CSA depends on parliament and government for its funding, the government's	Yes Can require specific reports on dedicated issues	No	

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
					position is rarely ignored).			
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?						

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
France	CSA	Internal		None	No, but the process is generally the following: Letter to the regulatee reminding it of the law and its obligations If breach continues, official notification ("mise en demeure") The regulatee can then lodge a « recours gracieux » If such recourse is not accepted by the CSA and the alleged breach continues, the CSA can take a sanction Such a sanction can be directly appealed before the Conseil d'Etat (no intermediate chamber)	The entity concerned by the decision	General Administrative Law
		External	1	Conseil d'Etat			

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
France	CSA		√		N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
France	CSA	√	√	√	√ (No legal competence)

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
France	CSA	1 Conseil d'Etat		√ (in most cases)	No in most cases. In case of annulment of the decision, the Conseil d'Etat sends it back the decision to the CSA for a new decision. But in some cases Conseil d'Etat has power to replace the original decision (conflicts between channels and operators; Sanctions)

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
France	CSA	Yes	Not disclosed	Yes	No	Yes

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
France	CSA	<ul style="list-style-type: none"> <li>Use of spectrum allocated to audiovisual services</li> <li>Plan for switch off of analogue frequencies and transition to digital</li> </ul>	No	No formal prescription but generally three months	Yes	Yes	Law 86-1067 Article 31



Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
		broadcasting					

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
France	CSA	2009	
		2008	1
		2007	4
		2006	1
		2005	4

**Table 39 - Publication of regulator's decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
France	CSA	All decisions and publications are published in the Journal Officiel  Article 6 of Law 86-1067	Yes	No	No

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
France	CSA	Cooperation with ARCEP (Autorité de Régulation des Communications Electroniques et des Postes) ANFR (Agence nationale des Fréquences) and Autorité de la Concurrence (competition issues)	Official consultation/advice required by Law or decrees Exchange of information	No	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
France	CSA	√ Participation in 3 international bodies and platforms for cooperation between regulators: <ul style="list-style-type: none"> <li>• EPRA (European Platform of Regulation Authorities)</li> <li>• Réseau des Institutions de Régulation Méditerranéennes (RIRM)</li> <li>• Réseau Francophone des régulateurs des Médias (REFRAM)</li> <li>• Tripartite meetings with regulation authorities of Germany and UK</li> </ul>	Ad hoc voluntary cooperation	

