



Notification Number: 2010/138/F

## Decree passed for application of Articles 43-8, 43-9 and 43-10 of Law 86-1067 of 30 September 1986 on freedom of communication

Date received : 08/03/2010

End of Standstill : 09/06/2010

### Message

Message 002

Communication from the Commission - SG(2010) D/50576

Directive 98/34/EC

Translation of the message 001

Notification: 2010/0138/F

No abre el plazo - Nezaahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201000576.EN)

#### 1. Structured Information Line

MSG 002 IND 2010 0138 F EN 09-06-2010 08-03-2010 F NOTIF 09-06-2010

#### 2. Member State

F

#### 3. Department Responsible

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#### **4. Notification Number**

2010/0138/F - SERV30

#### **5. Title**

Decree passed for application of Articles 43-8, 43-9 and 43-10 of Law 86-1067 of 30 September 1986 on freedom of communication

#### **6. Products Concerned**

On-demand audiovisual media services

#### **7. Notification Under Another Act**

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#### **8. Main Content**

The decree in particular sets out the means of implementing the procedure for preventing the offshoring of on-demand audiovisual media services and television services. This procedure enables the French Higher Council for the Audiovisual Sector (CSA) to detect the offshoring of a service whose schedule is entirely or primarily intended for French viewers to another Member State and the take measures to prevent this.

#### **9. Brief Statement of Grounds**

This procedure is explicitly provided for in Article 3 of Directive 2007/65/EC of 11 December 2007 for television services. The French legislator has extended the scope of Article 43-10 of the law of 30 September 1986 incorporated by Article 66 of Law 2005-258 of 5 March 2009 to cover on-demand audiovisual services. It does not see it as appropriate to make a distinction between audiovisual media services on the basis of their broadcasting method. As the directive opens the possibility of regulations on the content of on-demand audiovisual media services differing from one Member State to another, there is a risk of illegal offshoring taking place. Consequently, preventive measures should be taken.

#### **10. Reference Documents - Basic Texts**

a) Law 2009-258 of 5 March 2009 on audiovisual communication and the new public television service

#### **11. Invocation of the Emergency Procedure**

NO

#### **12. Grounds for the Emergency**

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**13. Confidentiality**

NO

**14. Fiscal measures**

NO

**15. Impact assessment**

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**16. TBT and SPS aspects**

TBT relevance

a) NO

b) i) The draft is not a technical regulation or a conformity assessment procedure pursuant to Annex 1 of the TBT Agreement.

SPS relevance

a) NO

b) i) The draft is not a sanitary or phytosanitary measure pursuant to Annex A of the SPS Agreement.

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