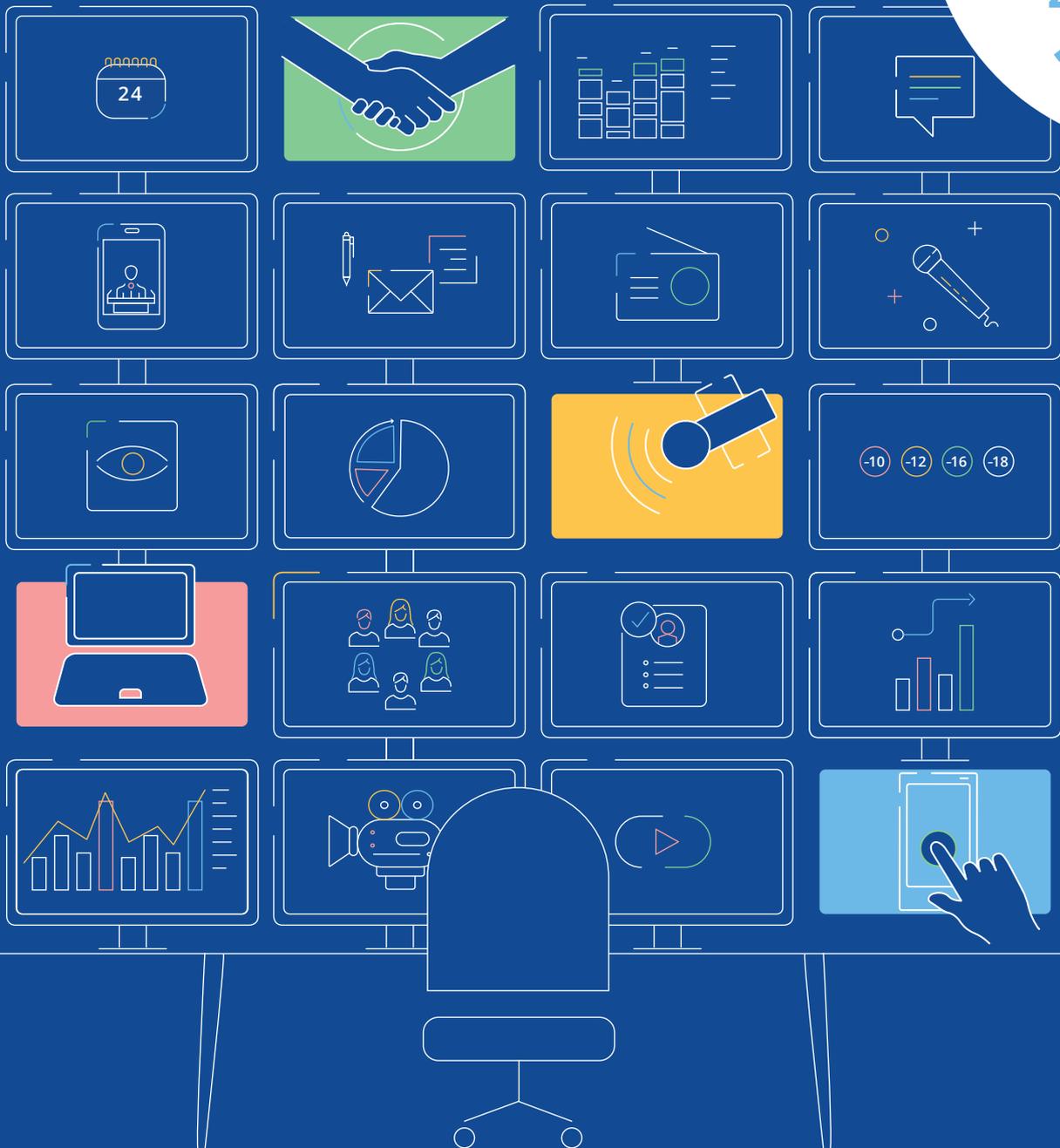


CSA

CONSEIL SUPÉRIEUR DE L'AUDIOVISUEL

ANNUAL
REPORT

20
18





CONSEIL SUPÉRIEUR DE L'AUDIOVISUEL

ANNUAL REPORT 2018

This report was adopted by the Conseil supérieur de l'audiovisuel during the plenary session of 22 May 2019, pursuant to Article 21 of the Act of 20 January 2017 bearing on the general status of independent administrative authorities and independent public authorities and to Article 18 of the Act of 30 September 1986, amended, relating to freedom of communication.

THE CSA

Each member of the Conseil supérieur de l'audiovisuel chaired or served as Deputy Chair of one or more expertise groups.



Chairman
Olivier Schrameck



Carole Bienaimé Besse

Youth protection (Chair);
Pay television (Chair);
Economy, competition and sport (Deputy Chair);
National and local free-to-air television (Deputy Chair).



Nicolas Curien

Broadcasting and distribution of audiovisual services (Chair);
Radio (Chair);
Development, promotion and cultural diversity (Deputy Chair);
Youth protection (Deputy Chair).



Mémona Hintermann-Afféjee

Social cohesion (Chair);
Europe and international (Chair);
Public service (Deputy Chair);
Rights and freedoms – Consumer protection (Deputy Chair).



Jean-François Mary

Development, promotion and cultural diversity (Chair);
Rights and freedoms – Consumer protection (Chair);
Pluralism (Deputy Chair);
Radio (Deputy Chair).



Sylvie Pierre-Brossolette

Public service (Chair);
Pluralism (Chair);
Social cohesion (Deputy Chair)
Women's Rights;
Pay television (Deputy Chair).



Nathalie Sonnac

Economy, competition and sport (Chair);
National and local free-to-air television (Chair);
Europe and international (Deputy Chair);
Broadcasting and distribution of audiovisual services (Deputy Chair).

C. Bienaimé Besse © Thomas Deron ; M. Hintermann-Afféjee © Manuelle Toussaint ; S. Pierre-Brossolette © Crédit-Kahn-DR ;

O. Schrameck et J.F. Mary ©CSA ; N. Curien et N. Sonnac © C. Voulgaropoulos;

Since February 2019, under the chairmanship of Roch-Olivier Maistre, the board has been renewed. The number and the scope of expertise groups have been reviewed.

Carole Bienaimé-Besse : Education, protection for audiences, social cohesion (Chair); Televisions (Deputy Chair);

Nicolas Curien : Digital radio and audio (Chair); Broadcasting, distribution and digital uses (Deputy Chair);

Hervé Godechot : Broadcasting, distribution and digital uses (Chair); Digital radio and audio (Deputy Chair);

Michèle Léridon : Rights and freedoms, pluralism and ethics (Chair); Education, protection for audiences, social cohesion (Deputy Chair);

Jean-François Mary : Creation and production (Chair); Rights and freedoms, pluralism and ethics (Deputy Chair);

Nathalie Sonnac : Televisions (Chair); Creation and production (Deputy Chair).



ARTICLE 21 OF ACT NO. 20174-55 OF 20 JANUARY 2017 BEARING ON THE GENERAL STATUS OF INDEPENDENT ADMINISTRATIVE AUTHORITIES AND INDEPENDENT PUBLIC AUTHORITIES

Each independent administrative authority or independent public authority shall, before 1st June every year, address an activity report to the Government and to Parliament, providing details of the performance of its mission and its resources. It shall include a multiannual plan for optimising its expenditures, which assesses the

foreseeable impact on its workforce and on each category of expenditure, of pooling its services with the services of other independent administrative authorities or independent public authorities, or with those of a ministry. The annual report is published.

ARTICLE 18 OF THE ACT OF 30 SEPTEMBER 1986 ON THE FREEDOM OF COMMUNICATION

The annual report drawn up by the Conseil supérieur de l'audiovisuel presents:

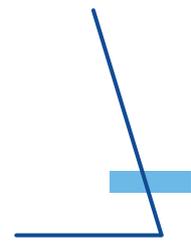
- 1 the enforcement of this Act;
- 2 the impact, particularly in economic terms, of its decisions to authorise radio spectrum use issued pursuant to Articles 29, 29-1, 30-1, 30-5 and 30-6;
- 3 an assessment of the statutory compliance of the corporations and public institutions mentioned in Articles 44 and 49 of this Act;
- 4 the volume of TV programmes subtitled and of those translated into sign language, for a clearer idea of the cost of this subtitling and translation into sign language for national broadcasters, public TV channels and all other public bodies who develop such processes;
- 5 the measures taken pursuant to Articles 39 to 41-4 aimed at limiting concentration and preventing attacks on pluralism, not least a detailed analysis of the situation of the audiovisual companies concerned regarding the limits set under the aforementioned Articles 39 to 41-;
- 6 the development and financing of local television services;
- 7 an assessment of cooperation and convergence achieved between the national audiovisual regulators of the EU Member States;
- 8 an assessment of radio service broadcasters' compliance with the provisions in Paragraph 2 bis of Article 28 and Paragraph 5 of Article 33 on the broadcasting of musical works in French or interpreted into a regional language in use in France, of the variety of works proposed to the public and of measures taken by the Conseil supérieur de l'audiovisuel to end the deficiencies identified and of the reasons why it did not take such measures, where applicable;
- 9 an assessment of service broadcasters' compliance with the principles set out in Paragraph 3 of Article 3-1 and of the measures taken by the Conseil supérieur de l'audiovisuel to end the deficiencies identified.

The Conseil supérieur de l'audiovisuel may be referred formal requests from the Government, the President of the National Assembly, the President of the Senate or the competent committee of the National Assembly and the Senate for opinions or studies on all the activities coming under its remit.

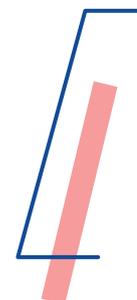
In the month following its publication, the report mentioned in Paragraph 1 is presented every year by the Chair of the Conseil supérieur de l'audiovisuel in a public hearing before the standing committees in charge of cultural affairs of each parliamentary assembly. Each committee may adopt an opinion on the enforcement of the Act, which is forwarded to the Conseil supérieur de l'audiovisuel and made public. This opinion may contain suggestions for the attention of the Conseil supérieur de l'audiovisuel for proper enforcement of the Act or assessment of its effects.



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A few months since taking up my duties, it is my responsibility to present this annual report which, as provided for by law, provides a summary of how the Conseil supérieur de l'audiovisuel (CSA) has fulfilled its various regulation duties and used its resources. In addition, this publication contributes towards the dialogue between the institution and public authorities – and, in particular, the Parliament –, as well as stakeholders. This allows all individuals and organisations to be informed of our actions and the conditions for their implementation; it provides various information on the situation of the sector and its actors, in addition to the economic studies, assessments and opinions made public every year.

This is an opportunity for me to pay tribute to the work of my predecessor, Olivier Schrameck, who led the authority this past year. In 2018, significant works were successfully completed – the continued deployment of the DAB+, or the launch of processes to renew channel authorisations – whilst the regulator's societal involvement increased, as attested to by the signing of the Charter of voluntary commitments to combat sexual, sexist and gender stereotypes in advertising, as well as the new campaign to raise awareness on the protection of young people. Furthermore, the authority has fully performed its fundamental duty of ensuring pluralism, particularly by taking stock of the last presidential and parliamentary elections, and by monitoring the referendum in New Caledonia.

Above all this year, decisive steps were taken to transform how audiovisual media are regulated and, particularly, how they are adapted for digital transition. In September, the CSA developed its view of these changes by putting forward twenty proposals to extend, simplify and relax the system in force.

Already, two important texts have launched the operational phase of this reform: at European level, the new directive on “Audiovisual Media Services” (AVMSD) and, at national level, the Act relating to the fight against the manipulation of information, which both extend the scope of an increasingly European regulation to new actors in the digital sphere.

For the CSA, whose Board was renewed in January–February 2019 with the arrival of two new members, this is where its new challenges for the following years lie.

Placed at the core of the founding Act of 30 September 1986, the structuring objectives of audiovisual media regulation are still up-to-date: beyond the mere economic and competitive challenges, this regulation meets democratic requirements – the fair expression of different schools of thought and opinions –, cultural requirements – the financing of a wealthy and diverse creation – and societal requirements – respect for the dignity of persons, the protection of youth, gender equality, fair representation of the diversity within French society and territories. However, due to digital transformation, which is marked by the appearance of new content services and changes to economic models and value chains, the scope and the terms of this regulation needs to evolve. On the one hand, to be truly operative, it must permeate new areas, take interest in new, often highly internationalised, actors such as social networks. While, on the other hand, to be completely realistic, it must be more collaborative, more participatory, thereby leading the regulator towards becoming the supervisor of the frameworks put in place by operators themselves.

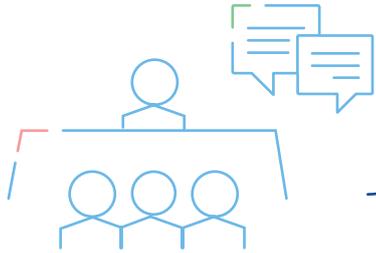
These developments were started several months ago: as a member of the European Regulators Group for Audiovisual Media Services (ERGA), the CSA contributes towards works to enact the new directive and, since the Spring 2019 European elections, has implemented the act relating to the fight against the manipulation of information, by publishing a recommendation with a view to accompanying platforms in fulfilling their duty of cooperation. The report of the Social Network Regulation mission, which an expert from the CSA contributed towards, has set out new routes – as has the draft Act to combat hate online – in a time in which, following the Christchurch call, public opinion and public authorities are taking full measure of the responsibilities incumbent upon content platforms. In the coming months, the draft audiovisual act, which the Government announced it intends to present, could be a new step towards definitely introducing audiovisual media regulation into the digital era.

On the occasion of the CSA's thirtieth birthday, and bolstered by its Board's commitment and its teams' expertise, it is determined to successfully carry out this transformation.

Roch-Olivier Maistre

KEY FIGURES AT A GLANCE

342
expertise
group
sessions



63
meetings
of its Plenary
Board



931
case files
examined

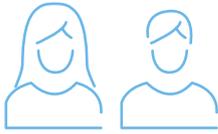


120
hearings

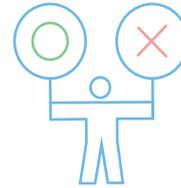


8 opinions
submitted to the
Government

2 recommendations
for broadcasters



2 chairs appointed
1 administrator renewed
for public audiovisual
companies



2 deliberations

56 formal notices drawing attention to breaches
of the Act of 30 September 1986
or of broadcasters' agreements



2 sanctions



27 foreign delegations received & **54 missions** abroad

RADIO

the DAB+
21.3%
of the population
covered on
31 December 2018



8 calls for applications in FM,
including **2 Overseas**



171
different
services
are authorised

83 under Category **A**
52 under Category **B**
1 under Category **C**
31 under Category **D**
1 under Category **E**
& **3** public radios

TELEVISION



**12 new
agreements
signed**



9 declarations processed for services aired or distributed over networks that do not use the frequencies allocated by the CSA



2,365

authorised changes in frequency as part of transfer operations for the 700 MHz band



23 services declared as on-demand audiovisual media services (catch-up TV and video-on-demand service)

COMMUNICATION, EXPERTISE & PUBLIC RELATIONS



45 press releases and **50** reports, sets of minutes or studies

33,000

letters, emails or phone calls from viewers and listeners



CSA.fr

583,937

active users i.e. a 24% increase in one year



4,088

press articles, across all types of media, cited the CSA



over **28,000**
subscribers
@csaudiovisuel



5,418 subscribers
(+ 18% compared to 2017)
@conseilsuperieurdelaudiovisuel



6,780
subscribers

KEY DATES AT A GLANCE

JANUARY

04. The CSA published its 2017 annual survey assessing the perception of diversity on television. Positive trends were observed, such as an increasing presence of women, however, people in vulnerable circumstances are still rarely seen on-screen. The CSA authorises local Île-de-France television channels Télé Bocal, Demain ! IDF, Via Grand Paris and IDF1 to broadcast in high definition.

24. The CSA declared the applicant files submitted for local television on the shared DTTV channel in the Paris region as from 20 March 2018 admissible.

25 & 27. The CSA met with professionals during the Radio fair. The 2018-2020 roadmap adopted by the CSA at the end of 2017 sets out the schedule for deployment of DAB+ in mainland France.

31. The CSA decided to withdraw Mathieu Gallet's mandate as Chair of Radio France. This decision was set to enter into force on 1 March 2018.

06. Publication of the 3rd study carried out by the CSA lab, the prospective think tank, entitled "How do digital technologies change the financing of programmes".

07. The CSA selected candidates as part of calls for applications for the DTTV shared-time channel in Île-de-France.

10 & 11. The CSA launched the "Sport Féminin Toujours" operation in cooperation with the Ministry of Sports and the Secretary of State in charge of gender equality and fighting discrimination. This operation is a new high-point in media coverage for feminine sports with a view to involving a large amount of audiovisual media across France.

FEBRUARY

MARCH

06. The CSA signed the Charter of voluntary commitments to fight against sexual, sexist and gender stereotypes in advertising with the Union des Annonceurs (UDA), the Association des Agences Conseil en Communication (AACC), the Autorité de Régulation Professionnelle de la Publicité (ARPP) and the "communication" sector.

07. On the CSA's initiative, the fourth French Language in the Audiovisual Media Day. It encouraged TV channels and radio stations to give pride of place to the French language over the airwaves.

APRIL

04. The CSA partially removed the competitive commitments undertaken in the context of LCI's move to free DTTV. It decided to maintain the commitment relating to the ban on cross-promotion of LCI on TF1 until 31 August 2018.

12. The CSA appointed Sibyle Veil as Chair of Radio France, for a five-year term from 16 April 2018.

18. The CSA appointed Marie-Christine Saragosse as Chair of France Médias Monde, for a five-year term from 23 April 2018.

20. The CSA approved the exclusive takeover of the company Group News Participations by the SFR group, in light of the commitments made by the purchaser.

24. The CSA published its report on the 2017 electoral campaigns. This document revisited how the 2017 presidential and legislative elections unfolded and made several proposals for the evolution of applicable rules.

26. The CSA applauded the political agreement reached by European institutions as regards revision of the Audiovisual Media Services Directive (AVMSD), which modernises the European audiovisual sector's legal framework by ensuring a better balance between the competitiveness of its actors and the protection of audiences.

MAY

02. The CSA published its new ethics charter applicable to the Conseil supérieur de l'audiovisuel's members and employees.

17. The CSA committed alongside the Collectif national des associations d'Obèses (CNAO), for the 9th edition of the European Obesity Day, the topic of which is "Dare, eat, move for your health".

29. The CSA published its annual report on the accessibility of programmes on the television to disabled individuals and the representation of disabilities on air. It set out the actions that it decided to take in 2018 alongside Ms. Sophie Cluzel, Secretary of State in charge of disabled individuals.

JUNE

19. DAB+ was launched in Lille.

06

26. 4th CSA lab study: "The future of audiovisual media: building the best". This study aims to identify possible levers for action, for the economic and social aspects of audiovisual regulation.

JULY

07

25. Online publication of the new CSA website, csa.fr. The Ministry of Culture and the CSA published the study on "Online media and advertising: transfer of value and new practices".

SEPTEMBER

10. The CSA published its 3rd study on the economic tissue of audiovisual production. It analysed the mainstream programme industry and the performance of French programme exports.

11. The CSA presented its 20 proposals for a reform of audiovisual regulation.

12 & 13. The CSA publicly interviewed broadcasters of television services whose authorisations are set to expire on 29 February 2020.

09

24. Interview of third parties as part of the simplified procedure to renew the authorisations of C8, W9, TMC, TFX, NRJ 12, LCI and Paris Première, on DDTV.

OCTOBER

29. The CSA published the annual “Food charter” report on the commitments made by television channels.

10

06. The report on implementation of the AVMS directive was adopted by the European Regulators Group for Audiovisual Media Services (ERGA) during its 10th meeting.

NOVEMBER

14. The Conseil supérieur de l’audiovisuel published a satisfactory assessment of media coverage of the consultation on New Caledonia’s accession to full sovereignty of 4 November 2018.

11

15. The CSA revealed its new campaign to raise awareness on the protection of young people (2018-2020) *#ÇaNousRegardeTous*. For the first time, TV and radio commercials are completed by three tutorials available on csa.fr.

DECEMBER

07. The CSA called for media accountability on the eve of a new day of mobilisation by the “gilets jaunes”.

13. The DAB+ was launched in Lyon.

18. The DAB+ was launched in Strasbourg.

20. The DAB+ surpassed the threshold of 20% of the population covered with 26 multiplexes broadcasting in Lille, Marseille, Nice, Paris, Strasbourg and their surroundings.

12

22. The Act of 22 December 2018 relating to the fight against the manipulation of information charges the CSA with the mission of monitoring how digital platforms perform their duty of cooperation and provides it with strengthened powers in terms of authorising, monitoring and issuing penalties to audiovisual media.

MAIN ACTIONS

Obligation reminder letter



51
cautions

56
formal
notices

Penalty procedures

2 penalty
procedures

The 56 formal notices issued by the CSA in 2018 related to the following areas:

- compliance with rights and freedoms (3 television channels and 1 radio);
- advertising breaches (1 television channel and 1 radio);
- breaches relating to the broadcasting of information and local radio coverage (2 radios);
- non-provision of activity reports, financial reports or recording reports (4 television channels and 19 radios);
- non-compliance with the obligation to broadcast (2 television channels and 20 radios);
- non-compliance with French-language songs on the radio (3 radios);

If the operator having received formal notice does not comply with the latter, the CSA may issue penalties against said operator, depending on the seriousness of the breach and provided that said breach is based on separate events or relates to a separate period to those having already been the subject of formal notice.

In order to ensure that the CSA's ability to issue penalties fully complies with constitutional and European requirements in terms of impartiality and the guarantee

of rights (rights to defence, right to a fair trial), the Act of 15 November 2013 reformed the penalty procedure followed by the CSA. This reform consists of separating the duties of prosecution and investigation on the one hand, and those of issuing penalties on the other, by entrusting one to a rapporteur who is independent from the Conseil supérieur de l'audiovisuel and the other, as before, to the Conseil supérieur de l'audiovisuel.

Régis Fraisse, Councillor of State, appointed on 23 January 2014 fulfilled the duties of independent rapporteur until 23 January 2018, when he was replaced by Mr. Bertrand Dacosta, Councillor of State, appointed by the Vice-President of France's Council of State following the opinion of the Conseil supérieur de l'audiovisuel.

In 2018, the CSA issued two penalties against the broadcasters of terrestrial television services. Furthermore, following the penalty procedure launched by the independent rapporteur against the broadcaster of a non-terrestrial television service, the Conseil supérieur de l'audiovisuel decided that there were no grounds to issue a sanction.

