



C/2024/3936

28.6.2024

COMMISSION DECISION

of 24 June 2024

**on the compatibility with Union law of the measures to be taken by France pursuant to Article 14(1)
of Directive 2010/13/EU of the European Parliament and of the Council**

(C/2024/3936)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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) ⁽¹⁾, and in particular Article 14(2) thereof,

Whereas:

- (1) By letter of 25 March 2024, France notified to the Commission certain measures to be taken pursuant to Article 14(1) of Directive 2010/13/EU and the purpose of which is to update the list of measures currently in force in that Member State, which were approved by the Commission with its Decision 2007/480/EC ⁽²⁾. The measures to be taken consist of a list of designated events of major importance for society and are additional to the measures currently in force.
- (2) The Commission verified the compatibility of those measures with Union law, in particular as regards the proportionality of the measures and the transparency of the national consultation procedure.
- (3) In examining the measures, the Commission took into consideration the available data on the French audiovisual market, in particular as regards the impact on the television market.
- (4) The list of additional events of major importance for society ('the list') was drawn up by France in a clear and transparent manner, following a wide public consultation.
- (5) On the basis of detailed evidence and viewing figures provided by the French authorities, the Commission verified that each additional event on the list meets at least two of the following criteria considered to be reliable indicators of the importance of such events for society: (i) a special general resonance within the Member State, and not simply a significance to those who ordinarily follow the event concerned; (ii) a generally recognised, distinct cultural importance of the event for the population of the Member State, in particular as a catalyst of cultural identity; (iii) the involvement of the national team in the event concerned in the context of a competition or tournament of international importance; and (iv) the fact that the event has traditionally been broadcast on free-to-air television and has commanded large television audiences.
- (6) As demonstrated by the French authorities, the Summer and Winter Paralympic Games have a special general resonance in France and are not only important for those who usually follow them. Furthermore, they involve the participation of the national team, have traditionally been broadcast on free-to-air television and involve a large audience.

⁽¹⁾ OJ L 95, 15.4.2010, p. 1, ELI: <http://data.europa.eu/eli/dir/2010/13/oj>.

⁽²⁾ Commission Decision 2007/480/EC of 25 June 2007 on the compatibility with Community law of measures taken by France pursuant to Article 3a(1) of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ L 180, 10/07/2007, p. 33, ELI: <http://data.europa.eu/eli/dec/2007/480/oj>).

- (7) The matches of the women's football national team in the FIFA calendar, the semi-finals and the final of the Women's Football World Cup, the semi-finals and the final of the Women's Football European Championship, the final of the UEFA Women's Champions League and the final of the French Women's Football Cup are also considered to be events of major importance for society. As demonstrated by the French authorities, those events have a special general resonance in France, and are not only important for those who usually follow them. They involve the participation of the national team and have traditionally been broadcast on free-to-air television in France commanding large television audiences.
- (8) The list includes the final of the UEFA Europa Conference League, where a club involved in one of the French championships is playing. This is considered to be an event of major importance for society as it is particularly popular with the general public and not just with those who usually follow that sport, it has been broadcast on free-to-air television from the onset and it has involved a large audience.
- (9) As demonstrated by the French authorities, the matches of the French national team at the Women's Six Nations rugby tournament, the semi-finals and the final of the Women's Rugby World Cup and the final of the French Women's Rugby Championship have a special general resonance in France, involve the participation of the national team and have traditionally been broadcast on free-to-air television in France commanding large television audiences.
- (10) Matches of the Men's and Women's national rugby teams in the World Rugby calendar are also considered to be events of major importance for society. The French authorities point out that they have special general resonance in France that extends beyond those who usually follow the sport, they involve the participation of the French national teams, command large television audiences and have traditionally been broadcast on free-to-air television.
- (11) The men's and women's semi-finals of the 'Internationaux de France', also known as 'Roland-Garros', in the event of participation of one or more French players, and finals of any Grand Slam tournament other than Roland-Garros, in the case of participation of one or more French players, have a special general resonance in France and are not only important for those who usually follow the events. They have traditionally been broadcast on free-to-air television involving a large audience.
- (12) The list includes the female equivalents of the Tour de France and Paris-Roubaix cycling races as events of major importance. They are not only important for those who usually follow this sport and have a generally recognised, distinct cultural importance for the population in France as a catalyst of cultural identity. Besides, they command large television audiences and have traditionally been broadcast on free-to-air television.
- (13) As demonstrated by the French authorities, the semi-finals of both the men's and women's European and World basketball championships, where the French national team is involved, have a special general resonance in France and are not only important for those who usually follow that sport. Apart from fulfilling the criterion of a national team being involved in an international tournament of major importance, they have traditionally been broadcast on free-to-air television and have commanded large television audiences.
- (14) The semi-finals of the men's and women's European and World handball championships, when the French national team participates, have a special general resonance and are not only important for those who usually follow this sport. They involve the respective national team in an international tournament of major importance and have traditionally been broadcast on free-to-air television commanding large audiences.
- (15) The finals and the semi-finals of both men's and women's European and World volleyball championships, when the French national team is involved, are included in the list. As demonstrated by the French authorities, apart from fulfilling the criterion of a national team involved in an international tournament of major importance, they are not only important for those who usually follow this sport and have traditionally been broadcast on free-to-air television commanding a large audience.

- (16) The list includes the Alpine World Ski Championships when the competition takes place in France. As demonstrated by the French authorities, the events have a special general resonance in France and are not only important for those who usually follow this sport, they are of cultural importance and are generally recognised by the population of France as a catalyst for its cultural identity, and have traditionally been broadcast on free-to-air television involving a large audience.
- (17) The measures notified by France do not go beyond what is necessary to achieve the aim pursued, namely the protection of the right to information and wide access of the public to television coverage of events of major importance for society, taking into account the modalities according to which the events in question will be broadcast, the definition, in Decree No 2004-1392 of 22 December 2004, of a 'qualifying broadcaster', the role of arbitration in the resolution of disputes and the fact that the Decree No 2004-1392 of 22 December 2004 containing the list of events will apply to events for which contracts granting exclusive rights are concluded after the amended Decree enters into force. As a result, the effects on the right to property, as provided for in Article 17 of the Charter of Fundamental Rights of the European Union, do not go beyond those which are intrinsically linked to the inclusion of the events concerned in the list referred to in Article 14(1) of Directive 2010/13/EU.
- (18) For the same reasons, the French measures appear to be proportionate to justify derogation from the fundamental freedom to provide services laid down in Article 56 of the Treaty on the Functioning of the European Union. The overriding public interest is to ensure wide public access to broadcasts of events of major importance for society. In addition, the French measures do not constitute any discrimination or market foreclosure against other Member States' broadcasters, right holders or other economic operators.
- (19) The measures are compatible with Union competition rules. The definition, in Decree No 2004-1392 of 22 December 2004, of the qualifying broadcaster is based on objective criteria, which allow actual and potential competition for acquiring the rights to broadcast the events. In addition, the number of designated events is not disproportionate to an extent that would distort competition on the downstream free-to-air and pay television markets. Therefore, the effects on freedom of competition do not go beyond those which are intrinsically linked to the inclusion of the events in the list.
- (20) The Commission communicated the measures to be taken by France to the other Member States and presented the results of its verification to the committee established by Article 29 of Directive 2010/13/EU. The committee adopted a favourable opinion,

HAS DECIDED AS FOLLOWS:

Sole Article

1. The measures to be taken by France, pursuant to Article 14(1) of Directive 2010/13/EU, and notified to the Commission pursuant to Article 14(2) of that Directive, are compatible with Union law.
2. The measures, as taken by France, shall be published in the *Official Journal of the European Union*.

Done at Brussels, 24 June 2024.

For the Commission
Thierry BRETON
Member of the Commission