

# The Lancelot Report and the Debate on Media Pluralism and Concentration in France

Carles Llorens i Maluquer

- *The French Government has started a reform process to change current broadcasting and press laws. As a first step, it has entrusted an experts' group to write a report on French media concentration and its regulation. This article reviews the final document, also known as the Lancelot Report, and analyses the specific French media market conditions, its concentration levels and the current regulation on media concentration and pluralism. Finally, the article assesses the Report's main proposals such as the use of audience share to measure the concentration of certain media markets.*

## Key words

Concentration, pluralism, media, media economy, communication policies, France.

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## 1. Introduction: a commission is born

France, like any country with a strong identity, has a great deal of affection for her great men and the French record the most ingenious things they say throughout their lives. However, I doubt the Breton Patrick Le Lay, director-general of TF1, the country's leading private station, enters the realm of these 'great men', despite having pronounced a phrase in 2004 which, although not ingenuous, has become popular because of how crudely it describes the commercial television business. The phrase is: "*Ce que nous vendos à Coca-Cola, c'est du temps de cerveau humain disponible*" (EIM 2004). In a country where the concept of *culture* (always associated with *française*) is sacred, the *boutade* naturally sparked uproar in the press, forcing Le Lay to qualify his initial statement. But the phrase "What we're selling to Coca-Cola is available human brain time" has been fixed as a cynical manifestation of the growing commercialisation of television and, indirectly, of the media.

Within this already classic ambivalence between economy and culture, between market and public space, in mid-February 2005, the French government of Jean-Pierre Raffarin commissioned a report to a group of ten personalities from the academic world and the State, under the presidency of the emeritus professor of political science, Alain Lancelot<sup>1</sup>.

The Raffarin Government set the Commission a number of targets: to describe the current context surrounding the media sector, study the laws on media concentration, assess their relevance and efficiency and present future actions that could be taken in this field, bearing in mind business viability and the political objectives of pluralism and the promotion of cultural diversity.

Throughout 2005, the Commission worked with a system of audiences and interviews with around 50 sector experts

and professionals. After it was written up and published, the Lancelot Commission released the Report to a new Prime Minister, Dominique de Villepin, in mid-January 2006 and it became known as the *Lancelot Report*<sup>2</sup>. The 100-odd pages stood out for being a professional and valuable analysis of the French media sector and its regulation and for offering a number of particular proposals to reorganise and simplify the rules on media concentration.

After the Report was published, the Villepin Government, through the Ministry for Culture and Communication, opened a period of public consultation until April 2006. The next step is up to the French executive, which must pronounce on the Report and the regulation of media concentration. In short, the Report attempts to evaluate the issue, start a debate and make proposals with a view to a new audiovisual law that would reform and simplify the different regulations that exist presently and which was announced by the President of the Republic, Jacques Chirac, in the 2006 New Year's Message<sup>3</sup>.

## 2. Context: media in mutation

To better understand the Report, it is important to describe the main features of the French media system, its leading agents and the main laws that affect it, particularly those that refer to anti-concentration regulations. To this end, I will use the valuable and important basis of the economic and legal information contained in the Report itself (Ministère de la Culture et de la Communication, 2006: 31-65).

The French media sector presents a number of general features similar to other European countries, in association with a number of its own peculiarities and logics. Firstly, as in the rest of Europe, there is a strong public-sector presence, with big firms like France Télévisions and Radio France also enjoying high audience levels. It is important to add that the public sector also takes the lion's share of the state aid and subsidies granted to all media, particularly broadcasters. Another thing the French system has in common with the rest of Europe is the important presence of a strong and independent broadcasting regulatory authority, in this case the Conseil Supérieur de l'Audiovisuel (CSA). Another aspect common to Europe is the oligopolistic nature of the media markets. The free-to-air television

market is dominated by the private operator TVF1, which enjoys 31.8% of the audience share and 54% of advertising turnover, plus a second private station, M6, controlled by the German group RTL, an affiliate of Bertelsmann, with 12.5% of the share and 22% of French advertising revenue. The pay-TV market also has oligopolistic tendencies: it is currently at the maturing point of the product's life cycle and is beginning to be a disadvantaged model in comparison to the triple-play (landline phone+television+broadband internet) and four-play offers (landline phone+mobile phone+television+broadband internet) of telecommunications operators. Plus, converts from the merger of the CanalSatellite and TPS platforms and the success in France of services like FreeTV, which offers ADSL TV and high-speed telephone and internet services, are also showing the exhaustion of the pay-TV model.

The daily general-press market is structured, as is common in Europe, on the basis of regional press titles and is dominated by four groups with a tendency towards oligopoly. There is a powerful specialist and regional press group, i.e., Socpresse, controlled by the Dassault Group, followed by other, also important, groups like Lagardère, the leader in the specialist press, and, somewhat down the table, Ouest France and the Le Monde Group. The Amaury Group, which publishes *L'Équipe* and *Le Parisien*, is quarter-owned by Lagardère.

As well as the public stations of Radio France, the radio market features private stations like NRJ, RTL (owned by Bertelsmann) and Europe 1 and Europe 2 from the Lagardère Group. There is also a group of independent local

**Table 1. Monday to Friday Average Annual Audience Share of Private Analogue Stations in 2004**

Station	% of Share
France Télévisions	39
TF1	31.8
M6	12,5
Canal+	3.8
ARTE	1.8

Source: Ministère de la Culture et de la Communication, 2006: 43

broadcasters only associated in questions of advertising supply.

In terms of the peculiarities of the structure of the French media sector, the first thing to mention is that France does not have a large multimedia group comparable to ones in countries like Germany (Bertelsmann) or Spain (PRISA). Vivendi's expansion from 1999 to 2001 could have created one, but the failure of its American adventure and subsequent withdrawal, with shares being sold simply to reduce the accumulated debt, put an end to that. The Report mentions this point, saying the only group with a significant presence on the three classic markets of radio, television and press is, paradoxically, the German group RTL, which owns the RTL radio station, the M6 television station and the specialist press group Prisma.

**Table 2. General non-free daily press circulation figures of the leading press groups (2004-2005)**

Group	Circulation %
Socpresse	20.2
Amaury	10.3
Ouest-France	9.3
Le Monde	7.2
L'Est Républicain	5.2
Lagardère	4.8

Source: Ministère de la Culture et de la Communication, 2006: 44

**Table 3. Monday to Friday Average Annual Audience Share of the Main Radio Groups (April to June 2005)**

Radio Group	% of Share
Radio France	19.8
NRJ	18.4
RTL	17.6
EuropeFM (Lagardère)	14.5
GIE "Les indépendants"	10
Skyrock	5.1

Source: Ministère de la Culture et de la Communication, 2006: 44

The Lancelot Report also highlights the scarcity of French groups in international activities (except for Hachette, the owner of the Lagardère Group, the world leader in the specialist magazine sector). The Reports puts the reasons for this weakness among French media groups down to under-development of the French advertising market with respect to other countries. Advertising investment in France accounts for 0.64% of GDP, while in the US it is 1.34%, in the UK 0.98%, and in Spain 0.79%. Furthermore, investment in non-conventional media is very high in France and represents close to two-thirds of total investment, according to the Report (Ministère de la Culture et de la Communication, 2006: 46-48). By comparison, 51% of advertising investment in Spain goes to non-conventional media and 49% to conventional media (InfoAdex, 2006).

Another specific point about the French media system is the presence of large industrial groups or conglomerates: the construction group Boygues controls TF1, as well as the TPS distribution platform and eight thematic channels and has a 35% stake in the French subsidiary of the Swedish free-press group behind *Metro*. The Canal+ group and its thematic-station affiliates are controlled by urban-services firm Vivendi. The industrial group Dassault, with a strong orientation towards electronics and military products, controls, via Socpresse, *Le Figaro* and a good handful of regional papers in the west and north of the country. The Lagardère Group, with a stake in the European aeronautics firm EADS, manages more than 10 regional press titles, is the world leader in specialist magazines along with Hachette, has various thematic stations, controls 34% of CanalSatellite and is the owner of the Europe FM1 and Europe FM2 radio network. Consequently, there is a potential conflict between communication companies and their interests in other sectors. It is also important to mention the threat represented by the close relationship between these conglomerates and State organizations, given their regular presence in tenders for public services and facilities.

### 3. Context: Complex anti-concentration laws

The need to rethink the formulation of concentration regulations is explained on the one hand by the growing presence of the aforementioned industrial conglomerates in

the influential French regional press, as well as problems arising from the multiple stakeholding relations between these big groups when it comes to accessing bids for new digital terrestrial TV stations and the multiplication of content distributors. The logic behind the reform is also shored up by the discrimination facing ADSL TV-service operators who cannot include the analogue terrestrial stations in their packages to customers, a practice that is allowed to cable operators. The big private television operators, mainly TF1 and M6, are also interested in lowering concentration limits and the detention of capital imposed by the State (which stops them from consolidating earnings and shares) because they find them obsolete in an environment where an important percentage of TV company capital is in the stock exchange and where content distribution is multi-platform. What are these regulations?

Leaving aside rules on competition protection which apply to all sectors, including media companies, the specific system that limits press, radio and television concentration presently has a bipolar structure. There are regulations applicable to one particular type of media, i.e., single-media regulations, and those that apply to diverse media at the same time, i.e., multimedia regulations.

The single-media regulations in force in relation to the press are set out under Act 86-897 and make it illegal to control another newspaper or publishing company if total circulation exceeds 30% of the total circulation of political and general newspapers across the national territory<sup>4</sup>. Furthermore, non-EC foreigners cannot buy more than 20% of any newspaper or magazine publishing company, regardless of the regularity of publication or topics covered – a regulation that applies to TV and radio, too.

Single-media laws referring to television are more complex. Act 86-1067<sup>5</sup>, which regulates TV, has been modified 41 times since it was approved in 1986 (Ministère de la Culture et de la Communication, 2006: 38). What does it say? Firstly, that public TV companies are excluded from the field of application of anti-concentration regulations because they already have a duty to promote pluralism and programme diversity. For the other companies, the law sets out measures to guarantee internal and external pluralism. The former attempts to ensure pluralism by limiting to a maximum of 49% the amount of national licence's capital that can be in the hands of a single individual or legal entity.

With the launch of DTT and to shore up its capital stock and development, this measure is only applied to stations that exceed an average annual audience share of 2.5%.

State analogue stations may hold stakes in other similar stations up to a maximum of two supplementary shares. If a company has a stake of more than 15% in one station's capital, it cannot exceed 15% in another company; if it has two stakes of more than 5% in two national broadcasters, it cannot own more than 5% of a third station. These regulations do not apply to DTT licences, where there are no limits on capital stakes in different companies.

In the local and regional sphere, groups or companies that already have a national television service and exceed 2.5% of the annual average audience share cannot own a regional licence or exceed 33% of the capital stock of a regional station. Furthermore, local and regional stations cannot exceed a potential audience of 12 million viewers, and their owners cannot have two licences that partially or completely broadcast in the same area.

Secondly, the system tries to favour television diversity through a system of external pluralism to prevent an individual or legal entity from simultaneously controlling diverse TV stations. It is illegal to own more than one national analogue TV service authorisation – the exception is the case of state-wide DTT licences, where a person or company can own up to seven authorisations of a national scope.

With regard to radio, single-media concentration is regulated differently depending on whether an analogue or digital station is involved. The former cannot buy or obtain a new licence if the accumulated potential audience reaches 150 million listeners, while the latter has a limit of 20% of accumulated potential audiences of all radio types.

The second big group of regulations, as we have already seen, are the multimedia anti-concentration regulations, i.e., the limit on the concentration of different types of media. In this case, the so-called "two out of three" rule applies. In the national sphere, this consists of the fact that an operator cannot exceed two of the following three hypothetical situations:

1. Control one or various television licences with a total potential audience of 4 million viewers.
2. Control one or various radio broadcasters with a potential audience of 30 million listeners.

3. Control a general newspaper with more than 20% of the total national circulation.

The “two out of three” rule also applies at the local sphere, but with more restrictions. No additional authorisation can be awarded to an operator that meets two of the following situations and which as a result of the new licence would meet three of them:

1. Control one or various local or national terrestrial television services.
2. Control one or various radio broadcasters which have, in a particular area, more than 10% of the accumulated potential audience.
3. Control or publish a general newspaper circulated in a particular area, regardless of whether or not it is national.

The main criticism about this regulation is that it allows the local monopoly of a newspaper and a local television station. The Report, as will be shown further on, proposes replacing this regulation with a ban on a double local monopoly of press and local television, as occurs in the US.

As already shown, the Lancelot Report assesses the efficacy of these regulations and proposes reforming them and adding new ones. However, it is important to first do a theoretical analysis of the relationship between concentration and pluralism, before tackling current levels of concentration on the French media market. We shall now follow this plan.

#### 4. Lancelot report analyses

The Lancelot Report was entitled “Les problèmes de concentration dans le domaine des medias” – an approach that posits media concentration as a ‘problem’. It is therefore unsurprising that the first part of the Report should start with an evaluation and theoretical discussion about whether or not there is an inversely proportional relationship between media concentration and pluralism. After analysing the academic literature that exists and some of the most recent reports (OECD 2003; Ward 2004; Council of Europe, 2004), the Commission came to the conclusion there was no direct relationship because, as the television market shows,

an oligopolistic market structure does not necessarily guarantee pluralism: competition among operators has standardized the offer. A plurality of agents does not therefore necessarily guarantee pluralism and in fact concentration can sometimes contribute to it. This argument is not new and has already been put by authors such as De Moragas and Prado (2000, 206), Doyle (2002, 23) McQuail (1992), Llorens (2003, 52) and Sánchez-Tabernero *et al.* (1993).

From this conclusion, the Report deduces a need to use other instruments to protect pluralism beyond limiting ownership, and gives content regulation as an example, such as screen time for parties during electoral periods, the quota on works from Europe or in the French tongue, and the list of general-interest events which, with regards pluralism of reception, are protected. Another way to guarantee pluralism is to protect editorial independence with respect to owners by promoting editorial staff statutes, monitoring committees and boosting the worker’s committee in journalism companies - but these are ideas the Report does not want to implement. Finally, there are also economic policy instruments, such as limiting TV advertising to favour the press, or providing aid for the press sector which, according to the Report, represented 1.15 billion euros in 2004, i.e., 11% of sector turnover. In short, controlling concentration should be just another instrument in the preservation of pluralism.

The Lancelot Report takes a new look at whether it is necessary to have regulations that limit concentration. The Report recognises the relevance of regulation in promoting pluralism, even if there is no direct relation, adducing a “democratic requirement” which is commonplace in the majority of advanced democracies. In France, recent jurisprudence from the highest legal authority, the Conseil Constitutionnel, considered the preservation of the pluralism of different currents of thought and opinions an objective of constitutional worth above freedom of expression or business freedom and found that it should apply to the press and particularly to radio and TV because of the scarcity of frequencies. The public’s right to receive plural information and entertainment should come before business freedom and that of expression of the publisher.

The Report then goes on to examine the current regulations controlling media concentration as set out under *Loi n.*

86-897 *Portant Réforme du régime juridique de la presse* and *Loi n. 86-1067 relative à la liberté de communication*, detailed in section 3. The Report stresses that the logic and internal consistency of these regulations have not been reviewed since they were established in the mid-1980s. The regulations are a product of the sedimentation of texts resulting from numerous modifications.

Then the Report makes the statement that hit the headlines in most of the French press: “In its current state, the French media sector has not reached an alarming level of concentration” (Ministère de la Culture et de la Communication 2006, 40). To support this statement, the Lancelot Report used figures from the aforementioned Ward study (2004), which analysed the levels of market concentration of the three main media in each sector, private and public, from six European countries and which was commissioned by the Dutch media regulatory body.

Table 4 shows the level of horizontal concentration in France is no greater than in other European countries of a similar size. The Lancelot Commission defends that pluralism does not seem to have been reduced over the past decade, mainly because the public’s freedom of choice has grown. There are 26 analogue and digital terrestrial TV stations of a national scope in France, a further 104 stations distributed over cable, satellite or ADSL and 89 international stations received via satellite. In radio, there are 1,070 different operators, according to the CSA. In the press area, supply has been stable these past ten years.

However, the Report recognises that the plurality of su-

pply, i.e., the public’s ability to exercise choice, is not enough: to guarantee pluralism it is necessary for a single agent to not control an excessive number of media. From the analysis of audience leaders in the press, radio and television (see tables 1,2 and 3), the Report deduces that the relative weight of the leading groups in each sector is always under 40% and in general is quite well balanced. In other words, the weight of the big French groups is relative, and it is in this context that it made the remark about the level of media concentration on the French market not being alarming.

However, the Report believes concentration is more dangerous for pluralism in the local sphere and in certain vertical concentrations. An example of the latter is the main press distributor NMPP (controlled by the Hachette Group and therefore by Lagardère) and the Lagardère Group itself.

## 5. The report’s proposals

The final section of the Lancelot Report tackles particular proposals to change the laws on media concentration. The Report says that although the general regulatory framework can be maintained, substantial changes in some areas are needed to make the regulations simpler and to adapt them to the new environment. In the area of lack of adaptation, the Report mentions the growing process of funding media companies and their presence on the stock exchange, which involves control with a reduced percentage of shares

**Table 4. Accumulated Market Percentage of the Three Main Groups (2002)**

Country	National Daily Press: General Newspapers	Regional Daily Press: General Newspapers	Television	Radio
France	70	46.7	80.7	59
Germany	87.4	27.9	90.9	56.8
Spain	NA	47.3	71.4	76.6
Italy	44.8	NA	88.7	58.7
Holland	98.2	88.1	84.6	69
United Kingdom	70.6	51.6	69.9	72.3

Source: David Ward, 2004

and renders useless the 49% limit on analogue television shares. Also, the Report says there are many inconsistencies. One example is the heterogeneity of the laws applicable to the different media (why distinguish between digital and analogue TV when no distinction is made between digital and analogue radio?). Others are the lack of adaptation to technological evolutions, like television over the internet, and the CSA's lack of executive ability to control concentration – a power the organisation that protects competitors rights does have, for example.

The modifications the Commission proposes are an attempt to simplify the regulations and make them more efficient. In particular, it proposes replacing the limits on horizontal concentration, currently based on a maximum detention of one analogue TV licence and seven digital ones to limit ownership of the former to 49% of shares, with a new criterion, i.e., real audience. Each TV operator could exceed 37.5% of the audience share. This is a system to 'measure' pluralism that has been used in the past decade and which is present to different degrees in the anti-concentration laws of Germany (with a limit of 30%) and the US (with 39%). This regulation would not apply to public operators or internal growth processes – only to television takeovers or mergers and external growth. The Report rules out using other criteria, such as percentage of the advertising market or proportion of total sector turnover, because they are economic criteria that bear little relation to pluralism, the main goal of the law. The Commission proposes creating a new system of measures to make it possible to calculate the average audience share for the past 12 months. The figures would be published each month on the CSA website. Also, this criterion permits technological neutrality between analogue and digital TV. However, in the event of exceeding 37.5%, what rules would apply and to whom? Here the Report runs into its first problem: in France, for legal reasons involving the protection of freedom of expression, it would not be possible to impose the sale of assets or award a programming licence to third parties to a station that exceeded this threshold through internal growth, as is anticipated for example under the German law. It could only work in the case of external growth, such as a takeover or new-licence request, in which case the CSA would deny the authorisation.

In the case of the press, the current regulation on news-

papers being unable to exceed 30% of national circulation would remain, because the Commission considers it to be a measure that is very like the 'real-audience' criterion. However, it proposes including in the total recount the free daily papers and general weekly papers like *Le Nouvel Observateur* and *L'Express*, which have an import weight in France, and applying a corrector coefficient for their higher circulation than general daily newspapers.

With regards the radio, the Commission contradicts itself and its goal of simplifying and unifying regulations: it prefers to uphold the current limit that forbids an operator from exceeding 150 million accumulated potential listeners rather than apply the model based on the real-audience percentage. The explanation is utilitarian: this measure has demonstrated its usefulness because it enables the existence of diverse radio groups with a similar market weight.

In terms of multimedia regulations, the Report distinguishes between situations in the national and local spheres. For the former, it proposes eliminating the "two out of three" rules in favour of a new "three-thirds, two-thirds, one-third" formula. This would mean that a communications group present in a single sector could reach the maximum, i.e., three-thirds, of the concentration limit established in the sector. If it were present in two sectors, the limit would fall to two-thirds, and if it were present in the three sectors the limit would fall to one-third. For example, a group that only has radio broadcasters may reach the 150 million accumulated potential audience share. If the group exceeded this figure and also wanted to control a press group, its maximum circulation limit in the press would not be 30% of national circulation but two-thirds of this amount - so it could not buy a newspaper if it meant it exceeded 20% of total circulation. If, furthermore, the group wanted to buy a television station, it could not exceed one-third of the 37.5% established for TV, i.e., 12.5% of the audience share. The Report suggests the CSA be responsible for applying these rules.

With respect to the regulations on local multimedia concentration, the Report also proposes eliminating the "two out of three" rule and applying a direct ban on simultaneously controlling in the same area a daily or weekly general newspaper and a local television station that exceeds 50% of the audience share. The regulations banning the accumulation of local television licences in

a single area and up to a maximum of 12 million potential viewers would be maintained. It also proposes reestablishing the ban on national stations buying local broadcasters.

In terms of vertical concentration between publishers and distributors, whether press or television, the Report proposes applying the right of competition as a general rule, but with a particular measure for the case of broadcasters. Firstly, it proposes giving more power to the CSA to assess relations between the publishers and distributors of broadcast services and fining them if they are discriminatory. It also recommends establishing a minimum proportion of independent stations within distributors' offers, as well as expanding the must-carry concept to a must-offer one. In other words, all the analogue stations should be available on all the TV-service distribution platforms and there must be an end to television's discrimination against ADSL, which does not offer either TF1 or M6 because it is not authorised to because of the need to promote their own satellite TV distribution platform, TPS.

Finally, on matters of procedure, the Report emphasises the need to share powers in a clear manner and to establish communication channels between the CSA and the *Conseil de la Concurrence*, and between the CSA and the *Autorité de Régulation des Communications Électroniques et Postales* (ARCEP). As a final proposal, it calls for the establishment a pluralism observatory for the press, which would publish an annual report on the sector and in particular on concentration trends, and complement the tasks that the CSA carries out with its annual reports on the French radio and television sectors.

## 6. Conclusions

The first thing to say is that the Lancelot Report is nothing new. It is framed within the reform process of the anti-concentration laws that countries like Germany, the US, the UK and Italy have been concentrating on in recent years. Its content is not new either: the idea of taking part of the prominence in the defence of pluralism from owner concentration to give more importance to the criterion of audience concentration is also a process that has already been carried out, to different degrees, in the aforementioned

countries. The same occurs when the relationship (which some people believe is necessary) between concentration and lack of pluralism is denied, or the indirect and always secondary function of the policy of protecting competition in defence of pluralism.

The highlight of the Report may be the explicit recognition that the problem of media concentration in France is not alarming when compared to other neighbouring countries. This statement provoked media uproar and led to the Report being branded 'neo-liberal'. Although the figures it includes show this to be untrue and support the Lancelot Commission, it is undeniable that the analysis of the media markets presented in the Report is add-hoc and synchronic, and that trends over the past decade should be analysed. In terms of concentration, movement in time is just as important as the fixed snapshot. Another criticism about the Report is that it does not consider worthy of analysis the close shareholding relations between the big conglomerates of French industry and the media sector.

However, the text has an orientation that strongly defends public intervention in the media with one exception: public operators. France Télévisions and Radio France, audience leaders in radio and TV in France, are expressly excluded from the application of the new proposals. Also, it recognises the legitimacy of imposing regulations on ownership limits for a reason of democratic demand and in fact imposes new ones on the local sphere, where it suggests raising the level of protection by impeding the simultaneous control of a local television station and a daily or weekly newspaper in the same area, and banning national television companies from buying local broadcasters. It is on this point where one of the main contributions of the Report turns: attention to the local sphere, as pluralism today faces greater threats in the local and regional spheres than in the big communication spaces.

The idea to create a pluralism observatory for the press will not guarantee pluralism, but it is another step towards achieving information and transparency in a sector that constantly makes claims on the economic and political sectors but is very hesitant about revealing its own figures.

With regards the idea of simplifying regulation and eliminating the inconsistencies of 20 years' worth of modifications, the Report's proposals are ambivalent. On the one hand, it improves technological neutrality by

applying the real-audience criterion to all television stations, both analogue and digital. On the other hand, it does not apply the same mechanism to radio, where it prefers 'potential audience', or the press, where it values circulation. There are still inconsistencies in the proposal. The problem could possibly be resolved if it recognised from the start that each medium is different in content and impact and that heterogeneous measures are required.

In terms of vertical integration, the proposed solutions are along the usual lines: it suggests giving more power to the CSA to ensure that relations between general- and thematic-station directors with content distributors who are at the same time audiovisual content directors are non-discriminatory. Also, it suggests setting a minimum number of independent channels in the television services proposed by distributors. Finally, it proposes eliminating the power of terrestrial stations to stop content being broadcast to other distribution platform operators, such as ADSL television providers.

In short, the Report, although making a diagnosis that could be taken as liberal, in fact proposes a series of changes that shows that public intervention continues to be necessary in the media sector. Although commercial TV may continue selling advertisers the 'available human brain time', it must also be understood that popular will, through its representatives, has the right to intervene in this special business in benefit of society at large.

## Notes

- 1 The Commission was formed of renowned academics and top-level civil servants: Francis Balle, professor of the University of Paris II and former member of the Conseil de l'Audiovisuel (CSA); Jean-Pierre Boisivon, emeritus professor and president of the Centre National d'Enseignement à Distance; Yves Cannac, honorary member of the Council of State and member of the Economic and Social Council; Marc-André Feffer, former member of the Council of State, former board member of Canal+ and now one of the directors-general of the French public mail company La Poste; Jérôme Huet, professor at the University of Paris II and director of the Centre for Multimedia Legal and Economic Studies; Philippe Labarde, journalist and former member of the CSA; Elisabeth Lulin, Tax Office inspector and Pierre Sirinelli, professor at the University of Paris I. The speaker was Michel Balluteau, inspector-general at the Ministry of Culture. Décret n. 2005-217 du 8 mars 2005 portant création d'une commission chargée d'examiner les problèmes de concentration dans le domaine des médias. *Journal Officiel*, n. 57 du 9 mars 2005, p. 3943. Available at: <http://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=MCCT0500120D>.
- 2 MINISTÈRE DE LA CULTURE ET DE LA COMMUNICATION. *Les problèmes de concentration dans le domaine des médias* [Online]. Paris, Direction du Développement des Médias, Ministère de la Culture et de la Communication, 2006. <[http://www.ddm.gouv.fr/IMG/pdf/rapport\\_lancelot.pdf](http://www.ddm.gouv.fr/IMG/pdf/rapport_lancelot.pdf)> [Consulted: 11 April 2006]
- 3 PRÉSIDENTE DE LA RÉPUBLIQUE. *Allocution de M. Jacques CHIRAC, Président de la République, à l'occasion des vœux aux forces vives*. [Online] Présidence de la République. <<http://www.elysee.fr/elysee/root/bank/print/37533.htm>>. [Consulted: 11 April 2006]
- 4 Loi n. 86-897 du 1 août 1986 Portant Réforme du régime juridique de la presse. *Journal Officiel*, n. 54 du 2 août 1986, p. 9529-9530.
- 5 Loi n. 86-1067 du 30 septembre 1986 relative à la liberté de communication. *Journal Officiel* n. 32 du 1 d'octobre de 1986, p. 11756-11759, 11763-11766.

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