

Press release

PRINT MEDIA DISTRIBUTION

Arcep launches two public consultations: one on assortment rules and the other on balanced cost distribution between print media enterprises

Paris, 18 December 2020

Today Arcep is publishing for consultation the draft assortment rules for general interest news publications, which are not part of general interest print publications.

It is also submitting for consultation its proposed method for calculating and implementing balanced cost distribution between print media enterprises.

Stakeholders are invited to send their contributions to Arcep before 1 February 2021.

Public consultation on assortment rules for general interest news publications

The law entrusts the inter-professional organisation with the task of establishing the procedure for general interest news publications to access the print media distribution network. The sectoral negotiations that took place during the first year after the adoption of the Law on modernising print media distribution (reforming the Bichet Act) resulted in an agreement but, as yet, it has not received wide enough support from the sector's players to come into effect.

Arcep remains heavily in favour of an inter-professional agreement on this matter. However, in accordance with the provisions set forth in the Bichet Act, it would be up to Arcep to establish the terms and conditions for this category of print media publication to access the distribution network, should an agreement fail to be reached.

Arcep sets forth a minimum set of rules for the sector's players to build on, in accordance with the established law and rules

Taking as its starting point a particular statute recognised by the Bichet Act for general interest publications, which enjoy full rights of access, as opposed to the remaining print media publications, whose distribution is governed by a system of contractual freedom between publishers and distributors, Arcep proposes a two-pronged solution:

- First, to provide general interest publications guaranteed assurances of a minimum representativeness in print media distributors' displays, and preferred access for titles that have been newly approved by the Joint Commission for Publications and Press Agencies (*Commission paritaire des publications*);
- Second, to give distributors leeway to improve the choice of titles that they offer at their point of sale (PoS), notably to reflect customer demand.

Arcep therefore plans on introducing a quota-based system that:

- Affords publishers the right to release this type of print media publication in every point of sale where the quota has not been reached;
- Affords distributors, provided they comply with the quota, the ability to improve the selection of publications that they sell at their PoS, based on the experience gained with their clientele, coupled with the tools made available to them by distributors and business discussions with the sector's other players (publishers, distributors, newsagents).

Stakeholders are being invited in particular to provide feedback on a suitable number to set for this quota, keeping in mind that the proportion of general interest publications may vary between points of sale, typically between 20% and 30% of the total number of publications on display.

In addition, to facilitate the refreshment of the selection of general interest publications, it is proposed:

- First, to give titles that have been newly approved by the Joint Commission for Publications and Press Agencies (*Commission paritaire des publications*) the right to access the network of print media distributors, to which distributors cannot object for a limited number of publications, to give them an opportunity to reach their readers;
- Second, to automatically cease delivery of titles to “non-seller” points of sale, i.e. which have not made a single sale on a consecutive number of issues.

This public consultation is open until 1 February 2021.

Arcep is aware that these rules provide an only partial response to the assortment issue. Additional sector-driven initiatives could therefore be created to build on this minimum set of proposals.

The document being published for consultation does not include any stipulations on quantities displayed at points of sale for general interest news publications, which are not part of general interest print publications – a matter on which work will continue in the first quarter of 2021.

The Bichet Act gives distributors the ability to contribute to the choice of print publications on display at their point of sale

The Bichet Act¹ was updated in 2019 by Act No. 2019-1063 on modernising print media distribution². To give print media distributors more choice in the selection of titles displayed at the point of sale, the Bichet Act now distinguishes the rules governing access to distributors’ network for the different categories of publication:

- political and general interest news publications enjoy free, unrestricted access, which distributors cannot oppose;
- general interest news publications, which are not part of general interest print publications, will be distributed under the terms and conditions defined by an inter-professional agreement or, failing that, by an Arcep decision;
- remaining non general interest publications will be distributed according the terms and conditions set forth in agreements between print media distributors and publishers.

Associated document:

[Arcep public consultation of 18 December 2020 on the rules governing the assortment of general interest news publications, which are not part of general interest print publications, in accordance with Par. 5 of Article 18 of amended Act No. 47-585 \(aka the Bichet Act\).](#)

¹ [Act No. 47-585 of 2nd April 1947](#)

² [Act No. 2019-1063 of 18 October 2019 on modernising print media distribution](#)

Public consultation on the method for calculating and implementing balanced cost distribution between print media enterprises

The Bichet Act provides for the creation of a mechanism of balanced distribution for the specific, unavoidable costs induced by the distribution of daily newspapers, between all publishers, of both daily papers and periodicals.

The purpose of the consultation that Arcep is launching today is therefore to query the sector's players on the soundness of the method used to calculate balanced cost distribution, and on the procedures for organising payment flows.

Stakeholders are invited to send their contributions to Arcep before 1 February 2021.

Associated document:

[Arcep public consultation of 18 December 2020 on the proposed method for calculating and implementing balanced cost distribution between print media enterprises.](#)

Arcep at a glance

The Regulatory Authority for Electronic Communications, Postal Affairs and Print Media Distribution (Arcep), a neutral and expert arbitrator with the status of independent administrative authority (IAA), is the architect and guardian of internet, fixed and mobile telecoms and postal networks in France.

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