

[BE] CSA decides not to sanction broadcaster for failing to meet its obligations to broadcast French-speaking Belgian works in 2023

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Eric Munch
European Audiovisual Observatory

In a decision of 27 March 2025, the *Collège d'autorisation et de contrôle* (authorisation and supervision panel) of the *Conseil supérieur de l'audiovisuel* (audiovisual regulatory body – CSA) announced that it did not consider it appropriate to sanction the broadcaster Be TV SA for “failing to fulfil its obligations to broadcast audiovisual works of French-speaking Belgian origin, in breach of Article 4.2.2-1, § 1 of the decree on audiovisual media and video-sharing services”.

In its decision, the panel stated that, in its opinion no. 100/2024 of 5 December 2024 on the fulfilment of the obligations of Be TV SA for the production of its linear and non-linear television services during the 2023 financial year, it had noted that the broadcaster had not complied with its obligation to offer a minimum of 10% of French-speaking Belgian audiovisual works in its non-linear television service. It had found that only 4.99% of the broadcaster’s eligible catalogue had comprised French-speaking Belgian audiovisual works.

During its hearing before the panel on 10 February 2025, the broadcaster said it was committed to protecting Belgian cinema. It said this support was demonstrated in particular by its role as co-producer of more than 465 Belgian films since 2014 and by the fact that it had founded the Magritte film awards ceremony. It also said it was one of a small number of broadcasters to offer a weekly programme dedicated to cinema, including Belgian cinema, and that its VOD catalogue gave pride of place to Belgian films by highlighting them in several places, including a “Made in Belgium” section.

On account of the pay-per-view nature of its service, the broadcaster claimed that this support was motivated by editorial rather than financial reasons, as evidenced by the fact that Belgian films and shorts were not particularly profitable and that it faced tough competition from other platforms.

The broadcaster did not dispute the infringement but pointed out that it was economic rather than structural in nature and could be explained by three reasons. Firstly, the COVID crisis had drastically reduced film production in 2020 and 2021, significantly reducing the number of recent films available in 2023.

Secondly, its takeover by Orange in 2023 had put a heavy strain on its staff, making them less available to edit the catalogue. Thirdly, the general increase in the number of films in the catalogue, designed to counter the decline in TVOD, had inevitably reduced the proportion of Belgian films in the catalogue. The broadcaster added that it had managed to increase the ratio of French-speaking Belgian audiovisual works in its catalogue since 2024, in particular by increasing the number of older Belgian films and including Belgian short films, and had consistently exceeded the required 10% in all four quarters of the year.

The panel noted that the circumstances cited by the broadcaster had made it “particularly difficult” to meet the quota for 2023. In view of these circumstances, the broadcaster’s declared commitment to Belgian cinema, its good track record and the efforts it had made from 2024 onwards to meet its obligation once again, the panel decided it was not appropriate to sanction Be TV SA.

In its decision, the panel also noted that “the obligation imposed by decree in the form of a proportion rather than a volume is also likely to disadvantage broadcasters who offer a large number of films in their catalogue”.

Oeuvres européennes - Contrôle annuel 2023 : Décision Be TV SA

<https://www.csa.be/document/oeuvres-europeennes-controle-annuel-2023-decision-betv/>

European works: Annual inspection 2023: Be TV SA decision

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