

[BE] A free cake, a borrowed bag, and two administrative fines: the Flemish Media Regulator takes action against content creators once again

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On 18 May 2026, the General Chamber of the Flemish Media Regulator (*Vlaamse Regulator voor de Media* - VRM) issued two decisions against Flemish influencers for failing to clearly identify commercial communication in their online videos. In the cases of *VRM v. Josefien Weyns* (Decision No. 2026/034) and *VRM v. Galatea Rommelaere* (Decision No. 2026/031), both content creators were fined EUR 1 500 for violating Article 53 of the Flemish Media Decree (i.e. the decree of 27 March 2009 on radio broadcasting and television), which requires that commercial communications be “readily recognisable as such”. This provision stems from the transposition of the revised Audiovisual Media Services Directive (Directive (EU) 2018/1808) via the decree of 19 March 2021, which brings social media channels and influencer profiles within the scope of the decree and requires them to comply with the provisions on commercial communication.

Both cases stem from the regular monitoring that the VRM has been conducting of Flemish content creators since December 2025. The investigation unit screened the influencers’ social media profiles (including Instagram and TikTok) throughout the month of February 2026 and identified three videos in each case.

The Josefien Weyns case involved an Instagram Story (with an affiliate link but without mentioning the brand), a TikTok video (in which the word “advertisement” was mentioned, but only at the end of the description), and a TikTok daily vlog in which she documented, among other things, her presence at an event where she was also given a handbag by the brand organising the event; the bag was “on loan” during her visit.

The Galatea Rommelaere case involved an Instagram Story about a birthday stay in a penthouse, a TikTok video about her birthday party featuring a cake, and another Instagram Story in which she demonstrated a product.

In both cases, the VRM confirmed that the social media profiles of the parties involved qualify as broadcasting services (non-linear television services or on-demand audiovisual services) within the meaning of Article 2, 26° of the Media Decree, and the content creators themselves as broadcasters (Article 2, 27°). This classification is based in each case on three criteria: an economic nature, editorial

responsibility on the part of the creator, and a primary purpose focused on offering audiovisual programmes (such as video content) to the general public.

Furthermore, both decisions applied the Content Creator Protocol (CCP), the guidelines that the VRM has been using since 2021 and which set out three cumulative requirements:

- (1) the word “advertisement” (*advertentie*) or “publicity” (*publiciteit*) must appear at the beginning of the description;
- (2) the brand must be mentioned at the beginning of the description; and
- (3) the platform’s disclosure feature must be activated.

However, the VRM must always assess, on a case-by-case basis and in light of all the facts at hand, whether commercial communication is readily recognisable as such. In the cases involving the two influencers, however, none of the six videos examined contained all three of these elements cumulatively.

It is important to note that in both cases, the VRM reiterated that a product or benefit received free of charge (such as a handbag on loan or a free stay) is sufficient to constitute “equivalent compensation” and for the communication to be considered commercial; financial compensation for the influencer is therefore not required for a communication to be classified as commercial. For example, the VRM noted that Rommelaere clearly showed the product and service in the video in a favourable light.

The VRM further stated that at least one of Weyns’ videos did contain the word “advertisement”, albeit placed too late in the description. The VRM referred here to a number of previous decisions where it had noted that such a reference must be visible when the video is playing, not just after clicking “more”. In Rommelaere’s case, all three videos completely lacked any reference to “advertising” or “publicity”.

The mere fact that Weyns’ daily vlog also covers other events does not detract from the conclusion that part of the video does indeed relate to the event depicted (to which she was invited) and (whether directly or indirectly) to the brand. The explicit mention of the loan in the video, in turn, is not in itself sufficient to provide adequate clarity regarding the commercial nature of the video. Similarly, the inclusion of an affiliate link in another video undermines the presumption that the product was featured purely for non-commercial purposes, while at the same time failing to make it sufficiently clear that the content constituted commercial communication.

Finally, previous violations were also a factor in both cases. Even though the VRM noted that Rommelaere likely did not derive any significant financial benefit from

the videos, and Weyns indicated that she would take steps in the future to comply with the regulations, the VRM nevertheless found that both influencers had previously been warned for similar violations, a factor that was taken into account in each case when determining the administrative fine of EUR 1 500.

Vlaamse Regulator for de Media (algemene kamer), VRM t. Josefien Weyns, nr. 2026/034, 18 mei 2026.

<https://www.vlaamseregulatormedia.be/nl/beslissingen/vrm-legt-content-creator-josefien-weyns-een-boete-op-van-1500-euro-duidelijk>

Flemish Media Regulator (General Chamber), VRM v. Josefien Weyns, Application No. 2026/034, 18 May 2026.

Vlaamse Regulator for de Media (algemene kamer), VRM t. Galatea Rommelaere, nr. 2026/031 18 mei 2026.

<https://www.vlaamseregulatormedia.be/nl/beslissingen/vrm-legt-content-creator-galatea-rommelaere-een-boete-op-van-1500-euro-duidelijk>

Flemish Media Regulator (General Chamber), VRM v. Galatea Rommelaere, Application No. 2026/031, 18 May 2026.

