[BE] Preparation of List of Major Events and some other recent Developments in Flemish Broadcasting Law

IRIS 1999-6:1/24

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On 4 May 1999, the Flemish Government agreed in principle on a list of events of major social significance with regard to the application of article 3bis of the "Television without Frontiers" Directive. The list contains an enumeration of international and/or national sport events (e.g., Olympics, football, cycling, tennis, athletics, motor racing, F1 car racing) and recognizes one cultural event as being protected in the sense of article 3bis of the Directive (the Queen Elisabeth Contest). The State Council, the Contact Committee in regard to application of article 23bis of the Directive and the European Commission will now be asked for advice. The Flemish Government will after this consultation decide on the final version of the list.

On 11 May 1999, the Decree of the Flemish Parliament of 30 March 1999 was published in the official publication Belgisch Staatsblad/Moniteur . The Decree modifies some articles of the Flemish broadcasting legislation, especially with regard to the new Council for the guarantee of the protection of minors (see IRIS 1999-4:8). In IRIS 1999-4:8, it was mentioned that two of the nine members of the new Flemish Viewing and Listening Council "must be lawyers, specialised in media law or youth law". This has to be read as two members "must be judges, specialised in media law or youth law".

Again there is some news about the procedures by or against VT4, a broadcasting organisation operating with an ITC-licence under UK law but targeting the Flemish Community. In a decision of 23 March 1999, the Flemish Media Authority declared the appeal by VT4 inadmissible. This meant that the Media Authority's decision of 17 February 1999 was upheld (see IRIS 1999-3:11). The Media Authority is of the opinion that VT4 in reality is a Flemish broadcasting organization and that VT4 has to request a licence under the Flemish Broadcasting Decree. The Media Authority has ordered VT4 to do this before 15 September 1999. VT4 has initiated a new procedure against the decision of the Media Authority, this time before the Administrative High Court (State Council, Raad van State/Conseil d'Etat). On the other hand, the case in which VT4 requested the State Council to annul a Ministerial Order of 16 January 1995 to stop the Flemish cable networks from distributing the television programmes of VT4 was dismissed at the request VT4 (State Council, 27 April 1999, case nr. 79.952) (see also: IRIS 1995-1:14, IRIS 1995-2:6, IRIS 1995-3:11, IRIS 1996-3:11 and IRIS 1997-7:5).

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Decreet van 30 maart 1999 houdende wijziging van de artikelen 78 en 79 van de decreten betreffende de radio-omroep en de televisie, gecoördineerd op 25 januari 1995, Belgisch Staatsblad/Moniteur, 11. Mai 1999, und Verklaring tot herziening van de Grondwet, Belgisch Staatsblad/Moniteur, 5. Mai 1999.

Decreet van 30 maart 1999 houdende wijziging van de artikelen 78 en 79 van de decreten betreffende de radio-omroep en de televisie, gecoördineerd op 25 January 1995, Belgisch Staatsblad/Moniteur, 11 May 1999 and Verklaring tot herziening van de Grondwet van 5 mei 1999, Belgisch Staatsblad/Moniteur, 29 May 1999.

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Decision of 23 March of the Flemish Media Authority in the case VT4 and the judgement of the State Council of 27 April 1999.

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