European Commission: Infringement Proceedings against Belgium following VT4 Decision by Flemish Media Authority

IRIS 1999-7:1/9

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The European Commission has decided to send the Belgian authorities a «letter of formal notice» under Article 226 EC Treaty, in which it will express the opinion that Belgium failed to meet the requirements of the «Television Without Frontiers» Directive and Article 10 of the EC Treaty.

The Commission's action follows a recent ruling by the Vlaams Commissariaat voor de Media (Flemish Media Authority) concerning the application of Article 2 of the Directive to VT4, a television broadcaster serving exclusively the public of the Flemish Community but operating under a UK license (see IRIS 1999-3: 11). The Flemish Media Authority found that VT4 is established in the Flemish Community and thus required to adhere to the licensing requirements and media legislation of the Flemish community. The Commission considers that this finding not only violates EC law but also is in contradiction to the judgements of the European Court of Justice, which limit the competence of the receiving state (here Belgium) to ascertaining that the programmes in question emanate from another Member State (IRIS 1997-9: 4, IRIS 1997-7: 5).

Upon receipt of the letter, the Belgian authorities will have two months to reply.

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