[BE] RTBF brings a case against the CSA

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Last July, Radio-télévision belge de la Communauté française (Belgian public-sector radio and television station broadcasting to the French-speaking CommunityRTBF) was ordered by the Conseil supérieur de l'audiovisuel (the audiovisual regulatory body - CSA) to read out a statement, as the regulatory authority had found that the public-sector broadcasting channel had broadcast at 5.50 pm a programme called "Mortelle perversion", an episode in the German police series "Im Namen des Gesetzes" ("En quête de preuves" in French) with the "blue ring on a white circle" marker (parental agreement preferable) rather than the "white triangle on an orange circle" marker (parental agreement compulsory, and not to be broadcast before 8 pm). RTBF claimed that it had used the marker used by France 2 when it had broadcast the episode (at 4.10 pm), but this argument was not accepted.

Not only did RTBF contest the sanction before the Conseil d'État (an administrative jurisdiction); it also attempted to obtain a stay of execution of the sanction from a judge sitting in urgent matters (a legal jurisdiction). In an order delivered on 3 October 2002, the judge sitting in urgent matters in Brussels declared the case brought by RTBF inadmissible on the grounds that, given the present state of the law, although the CSA was an independent administrative authority set up within the French-speaking Community, it did not have the status of a legal entity. The judge held that RTBF should have taken action directly against the Government of the French-speaking Community. RTBF had the statement read out on air on 10 October and has not lodged an appeal.

Décision du Collège d'autorisation et de contrôle du Conseil supérieur de l'audiovisuel du 9 juillet 2002

http://www.csa.cfwb.be/pdf/Décision%202002-09%20(RTBF).pdf

Decision of 9 July 2002 of the CSA's Board for Authorisation and Supervision

Civ. Bxl (réf.), 3 octobre 2002, Journal des Procès, n ° 444, du 18 octobre 2002, p. 29

Civil court of Brussels (urgent matters), 3 October 2002, Journal des Procès, issue no. 444, 18 October 2002, p. 29

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