[BE] New Broadcasting Decree

IRIS 2003-7:1/10

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On 17 April the long-awaited new decree on broadcasting came into force in the French-speaking Community of Belgium, replacing the old decree on the audio-visual sector dating back to 17 July 1987 and the decree of 24 July 1997 on the audio-visual regulatory body (Conseil supérieur de l'audiovisuel CSA) and private radio broadcasting services in the French-speaking Community (see IRIS 1997-8: 14). The new decree encompasses all the legislation on the audio-visual sector in the French-speaking Community with the exception of the public-sector service (RTBF), which remains governed by the decree of 14 July 1997 as amended by the decree of 19 December 2002 (see IRIS 2003-4: 6). The new decree also includes the various applicable directives, some of which have already been transposed into national legislation (the directives on "Television Without Frontiers", "television signals" and "conditional access services") or more recent directives (the four directives of 7 March 2002, on "access, "authorisation", "framework" and "universal service" - see IRIS 2002-3: 4).

The main new feature of the decree of 27 February 2003 is the classification of operators into three categories service editors, service distributors, and network operators. The decree contains no less than 168 articles and is divided into 11 sections, including general provisions (the public's right to information, transparency, the maintenance of diversity), programmes (respect for human dignity and protection of minors, advertising), editing broadcasting services, offer (distribution) of services or broadcasting networks, resources, and associated services.

One section is also devoted to the CSA, which is the subject of a number of major reforms, including the abolition of the advertising board (whose tasks are taken over by the two remaining boards, the authorisation and supervision board and the opinions board) and the creation of a secretariat for investigating complaints. More importantly, the CSA now has the power to authorise service editors; only local editors (the present local and Community television stations) remain subject to Government authorisation in view of their public-service nature. Service distributors and network operators are now only subject to a prior declaration scheme.

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