[BE] New Telecom Decree Implementing Electronic Communications Framework

IRIS 2004-10:1/10

Wouter Gekiere
European Parliament

By its Decree of 5 May 2004, the Flemish Parliament has implemented the European Electronic Communications Framework (see IRIS 2002-3: 4). The Decree was adopted more than ten months after the deadline for implementation provided by the framework. In April 2004, the European Commission had announced its decision to refer to the European Court of Justice six Member States, including Belgium, for failing to fully implement the framework (see IRIS 2004-6: 6).

The new Decree introduces a new general definition of "electronic communications networks", which is inspired by the Framework Directive and modifies the existing definitions included in the Broadcasting Act of 1995 accordingly.

It also substantially extends the power of the Vlaams Commissariaat voor de Media (Flemish Media Authority). It entitles the Media Authority to determine the relevant geographical markets for products and services as regards electronic communications networks and services and to investigate whether they are effectively subject to competition. These markets correspond to the 18 markets that have been defined by the Commission in its Recommendation on Relevant Product and Service Markets (see IRIS 2003-3: 7). Furthermore, the Decree replaces the existing licensing requirement for cable networks by a simple notification requirement to the Media Authority and it introduces a new licensing system for so called digital broadcast networks.

Finally, in accordance with Article 31 of the Universal Service Directive, the must carry obligations for cable television networks have been weakened. They will henceforth only apply to the public broadcaster (VRT) and regional broadcasters that have obtained a license from the Flemish Community. No remuneration will provided for these must-carry obligations.

The French-speaking Community of Belgium has already adapted its legislation to the Electronic Communications Framework last year (see IRIS 2003-7: 7). The federal Government, which is responsible for telecommunications, recently started the implementation process by adopting a Draft Bill on Telecommunications on 7 May 2004.

© European Audiovisual Observatory (Council of Europe) 2026

Decreet Vl. Parl. 5 mei 2004 houdende wijziging van sommige bepalingen van de decreten betreffende de radio-omroep en de televisie, gecoördineerd op 25 januari 1995, en van sommige andere bepalingen betreffende de radio-omroep en de televisie, B.S. 9 augustus 2004

http://www.moniteur.be/

Decree of the Flemish Parliament of 5 May 2004 amending some provisions of the Broadcasting Act 1995 and some other provisions on broadcasting, Moniteur 9 August 2004

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026