# [BE] Towards a Reorganisation of the Media Authorities

**IRIS 2005-6:1/14**

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The Flemish government has taken the initiative of reorganising the authorities currently licensing and/or supervising radio- and television broadcasting, cable networks and radio- and television services in the Flemish Community. The idea is to unite the existing authorities into one agency, the Vlaamse Regulator voor de Media (Flemish Regulator for the Media - FRM).The draft bill integrates the competences of the Vlaams Commissariaat voor de Media (Flemish Media Authority), the Vlaamse Geschillenraad voor Radio en Televisie (Flemish Council of Disputes for Radio and Television) and the Vlaamse Kijk- en Luisterraad (Flemish Listening and Viewing Council) into what is called “a public law-founded external autonomous agency”, the FRM. The establishment of the FRM implies the abolition of the Flemish Media Authority, the Council for Disputes and the Listening and Viewing Council. The objective is to make the monitoring function of the new media regulator in the Flemish Community more transparent, more accessible and more effective. According to the explanatory memorandum the structure of the new FRM also implements the obligations, policy objectives and regulatory principles of EC-Directive 2002/21 on a common regulatory framework for electronic communications networks and services (Framework Directive), especially with regard the National Regulatory Authorities.

According to the draft bill the FRM will have two separate and independent chambers, a general chamber and a chamber for ethics (Kamer deontologie en ethiek). All its members will be appointed by decision of the Flemish Government. The general chamber will be composed of 5 members: 2 judges and 3 media experts, independent of any media enterprise or media institution. This chamber will have a whole set of competences, such as the monitoring of most of the provisions of the Flemish Broadcasting Act, the licensing of broadcasting providers and broadcasting networks, the analysis of the relevant markets, the reporting of whether a relevant market is effectively competitive or the identification of undertakings with significant market power, eventually imposing the necessary specific regulatory obligations. The general chamber will also monitor concentrations in the audiovisual media and print media. The chamber for ethics will be composed of 9 members (judges, professional journalists and academics) and will deal with such issues as journalistic ethics, editorial independence, impartiality, discrimination, incitement to hatred on the grounds of race, gender, religion or nationality and the protection of minors on radio and television.

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In its advisory opinion of 9 May 2005 the Vlaamse Mediaraad (Flemish Media Council) has proposed some modifications to the draft bill. The Media Council's main suggestion is to withdraw the supervisory competence on journalistic ethics from the chamber of ethics, as this aspect of professional ethics is sufficiently guaranteed by the Council for Journalism (Raad voor de Journalistiek), a self-regulatory body for journalistic ethics established by the media sector in the Flemish Community (see IRIS 2003-6: 7).

***Voorontwerp van Decreet houdende oprichting van het publiekrechtelijk vormgegeven extern verzelfstandigd agentschap Vlaamse Regulator voor de Media en houdende wijziging van sommige bepalingen van de decreten betreffende de radio-omroep en de televisie, gecoördineerd op 4 maart 2005***

*Draft Bill on the establishment of the Flemish Regulator for the Media and modifying the Broadcasting Act 2005*

***Advies 2005/2 van de Vlaamse Mediaraad betreffende het voorontwerp van decreet houdende de oprichting van het publiekrechtelijke vormgegeven extern verzelfstandigd agentschap Vlaamse Regulator voor de Media en houdende wijziging van sommige bepalingen van de decreten betreffende de radio en televisie***

http://www2.Vlaanderen.be/ned/sites/media/vlmediar/2005-002def.doc

*Advisory opinion 2005/2 of the Flemish Media Council of 9 May 2005*

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