

[BE] New Media Authority

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On 10 February 2006, the new Flemish Regulator for the Media (FRM) was officially established. As an external autonomous agency, the FRM is responsible for licensing and supervising radio and television broadcasting organisations, cable networks and radio and television services in the Flemish Community. The FRM integrates the competences of the former *Vlaams Commissariaat voor de Media* (Flemish Media Authority), the former *Vlaamse Geschillenraad voor Radio en Televisie* (Flemish Council for Radio and Television Disputes) and the former *Vlaamse Kijk- en Luisterraad* (Flemish Listening and Viewing Council).

The new media authority has two separate and independent chambers, a general chamber and a chamber for impartiality and protection of children. Its members are appointed by decision of the Flemish government. The general chamber is composed of five members: two judges and three academic media experts, independent of any media enterprise or media institution. This chamber is responsible for the monitoring of most of the Flemish Broadcasting Act's provisions. It will allocate licenses to broadcasting providers and networks, monitor and handle complaints regarding advertising, sponsoring and teleshopping rules and provide analysis of relevant markets. The latter entails reporting on relevant markets' competitiveness or identifying undertakings with significant market power and imposing specific regulatory obligations where necessary. The general chamber will also monitor concentrations in the audiovisual and print media and the implementation of the executive agreement between the Flemish government and the public broadcaster VRT (see IRIS 2001-9: 7).

The chamber for impartiality and protection of children is composed of nine members (judges, professional journalists and academics). It can decide on complaints which concern alleged infringements of provisions relating to editorial independence, impartiality, discrimination (art. 111 *bis*), incitement to hatred on the grounds of race, gender, religion or nationality and the protection of minors on radio and television (Art. 96 § 1). In case of complaints regarding the protection of minors, the chamber welcomes four additional members, all experts in the field of child psychology, pedagogy or families' and children's interests. The broadcasting organisations, cable networks and radio and television services are obliged to hand over the documents and programmes requested by the FRM. All members of the FRM, as well as its staff, are under a strict obligation of confidentiality (art. 176 *octies*). The Flemish broadcasters are no longer under a

legal obligation to respect journalistic ethics (see IRIS 2005-6: 8). This is from now on within the remit of the *Raad voor de Journalistiek* (Council for Journalism), a self-regulatory body overseeing journalistic ethics, both in print media and radio and television.

Decreet van 16 december 2005 houdende de 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, Belgisch Staatsblad 30 december 2005

<http://www.ejustice.just.fgov.be/cgi/welcome.pl>

Legislative decree of 16 December 2005 providing for the establishment of the Flemish Regulator for the Media and modifying the Broadcasting Act 2005, Moniteur Belge, 30 December 2005

Besluit van de Vlaamse regering van 10 februari 2006 tot bepaling van de datum van inwerkingtreding van het decreet van 16 december 2005 houdende de 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, Belgisch Staatsblad 7 maart 2006

<http://www.ejustice.just.fgov.be/cgi/welcome.pl>

Decision of the Flemish Government of 10 February 2006 determining the date of coming into force of the Decree of 16 December 2005 on the establishment of the Flemish Regulator for the Media and modifying the Broadcasting Act 2005, 7 March 2006

Raad voor de Journalistiek

<http://www.rvdj.be/>

Website of the Council for Journalism

