[BE] CSA Comes Down against TVI

IRIS 2007-1:1/5

Mara Rossini
Institute for Information Law (IViR), University of Amsterdam

Since 1 January 2006, RTL-TVI, Club RTL and Plug TV have ceased to be considered as television broadcasting services in the French-speaking Community. That, in any case, was the view held by the Belgian PLC TVI which, until 31 December 2005, was the editor of these services and which claims that editorial responsibility for these three services now lies in the hands of its parent company, the Luxembourgish company CLT-UFA, on the basis of Luxembourgish concessions (see IRIS 2006-3: 10).

The *Conseil Supérieur de l'Audiovisuel* (audiovisual regulatory authority - CSA) of the French-speaking Community did not agree, and on 28 November 2005 it fined TVI EUR 500 000 for broadcasting the RTL-TVI and Club RTL services without authorisation. The CSA held, more particularly, that "it is indeed the company TVi, located in Brussels, which in fact meets all the criteria of a broadcasting service editor in the eyes of the law of the French-speaking Community. Most of the essential functions that are characteristic of editorial responsibility are still being exercised at the premises of the company TVi in Brussels; these functions include more particularly its general management, programme management, editorial responsibility, everyday decision-making concerning the programme editing..." .

The fine of EUR 500 000 - the highest ever inflicted by the CSA - has been suspended for three months, "in view of the legal complexity of the case", to give TVi time to set its house in order by applying for authorisations in the proper manner.TVi's management, however, promptly announced that the company had no intention of doing so. Indeed the company decided to apply to the Belgian *Conseil d'Etat* to have the CSA's decision cancelled. This means that the case is not unlike that of RTL 4 and RTL 5 in the Netherlands.

For Plug TV, the RTL group's third French-language Belgian channel, things are somewhat different. TVi had announced that it wanted to renounce the authorisation granted to it by the CSA on 29 January 2004 from 1 January 2006. But in this case the CSA held that TVi could not renounce its authorisation before its normal expiry date since it had already taken up the authorisation; in a decision on 20 September 2006 it therefore considered that the Belgian company was still the editor of the Plug TV service and fined it EUR 5 000 for violating various provisions concerning advertising.

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Décision du CSA en date du 29 novembre 2006

http://www.csa.be/pdf/CAC_20061129_tvi_diffusion_sans_autorisation.pdf

CSA Decision of 29 November 2006

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