[BE] Flemish Public Broadcaster Infringes Commercial Communication Provision

IRIS 2012-3:1/10

Katrien Lefever
iMinds - ICRI - KU Leuven

On 19 December 2011, *Vlaamse Regulator voor de Media* (Flemish Media Regulator - VRM) decided that the public broadcaster VRT infringed the rules on commercial communication (Art. 53 *Mediadecreet* (Flemish Broadcasting Act)) when referring to Jupiler Pro League (the Belgian national football league) during the sports programme Extra Time.

Every Monday evening, the programme Extra Time is broadcast on Canvas, a channel of the Flemish public broadcaster. Usually, this programme contains an analysis of each match day of Jupiler Pro League. However, on 10 October 2011, this programme was exceptionally dedicated to the matches of the Belgian national football team. Even though the matches of Jupiler Pro League were not the subject of this show, the logo and the name of Jupiler Pro League were visually displayed.

The Belgian national football league is sponsored by Jupiler, a Belgian beer. Hence, it comes as no surprise that the official name of the league and the logo of the league refer to this beer. Pro League, the organisation that upholds the interests of all professional football clubs in Belgium, requires the broadcaster to include the logo and the name of the competition in each programme dealing with the Belgian football competition. As such, VRM is not opposed to the fact that the name and logo of the league makes reference to a commercial brand, but indicates that any references to the name and logo could be labeled as commercial communication. Commercial communication is defined as “images with or without sound, or sounds, which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal entity pursuing an economic activity. Such images accompany or are included in a programme in return for payment or for similar consideration or for self-promotional purposes” (Article 2, 5° Flemish Broadcasting Act). According to VRM, the systematic visual display of the name and the logo promotes (at least indirectly) the goods, services or image of a natural or legal entity pursuing an economic activity: the beer Jupiler and Jupiler Pro League itself. Furthermore, VRM stated that when Extra Time is dedicated to the Belgian national football league, the display of the name and logo is allowed. However, on 10 October 2011, this programme dealt with the matches of the Belgian national football team. As a result, the V.R.M. decided that Extra Time contained commercial communication which was not readily recognisable as such, as required by Article 53 of the Flemish Broadcasting Act.

© European Audiovisual Observatory (Council of Europe) 2026

VRM decided not to impose a fine but issued a warning instead.

VMMa t. VRT, Beslissing 2011/034, 19 december 2011

http://www.vlaamseregulatormedia.be/media/17930/beslissing%202011-034.pdf

VMMa v. VRT, Decision 2011/034, 19 December 2011

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026