[BE] Flemish Commercial Broadcaster Allowed to Interrupt a Film for Advertising

IRIS 2012-5:1/7

Katrien Lefever
iMinds - ICRI - KU Leuven

On 31 December 2011 at 20:20h, the film “Ratatouille” was broadcast on VTM, a Flemish commercial broadcaster. This movie was interrupted three times for advertising breaks. Vlaamse Regulator voor de Media (Flemish Media Regulator - VRM) received a complaint. According to the plaintiff, this movie could not be interrupted by advertising because it is a children’s programme (Article 80 (2) Mediadecreet (Flemish Broadcasting Act)). However, VRM judged that this Article was not violated.

The general rule about the interruption of programmes by advertising is that broadcasters can choose when they interrupt their television programmes for advertising, on the condition that the integrity of the programmes, taking into account natural breaks in and the duration and the nature of the programme, and the rights of the rightsholders, are not prejudiced (art. 80 (1)). However, children’s programmes cannot be interrupted for advertising (Article 80 (2)).

According to the plaintiff, the film “Ratatouille” should be labelled as a children’s programme. As a result, it was forbidden to interrupt this film for advertising blocks. However, VRM judged that “Ratatouille” should not be labelled as a children’s programme. Article 2, 19° Flemish Broadcasting Act defines children’s programme as “a programme that is mainly aimed at children, evidenced by the content, the time of the broadcast, the design, the presentation and the way it is announced”. A child is defined as “a person under the age of twelve” (Art. 2, 18°). The VRM emphasised that not all programmes suitable for children would fall under the definition of children’s programme. Only the programmes that primarily aim at children under the age of twelve years do fall under the scope of this definition. The content, time of broadcast and presentation of the film “Ratatouille” (criteria mentioned by the legislature) demonstrate that the film was aimed at a broad audience, including both children and adults. Different reviews of this film even indicate that it is a kid-friendly film, but that adults might like it more because of the nuanced humour and references aimed directly at adults. Additionally, the film was not aired at a time when VTM would normally broadcast children’s programmes. As a result, VRM judged that the film “Ratatouille” cannot be classified as a children’s programme and, thus, could be interrupted by advertising.

© European Audiovisual Observatory (Council of Europe) 2026

P.V. t. VMMa, Beslissing 2012/006, 20 februari 2012

http://www.vlaamseregulatormedia.be/media/18721/2012-006.pdf

P.V. v. VMMa, Decision 2012/006, 20 February 2012

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026