[BE] RTBF Infringes Self-Promotion Provisions of Broadcasting Act

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On 28 February 2013, during a news programme on RTBF, the French public broadcaster in Belgium, a news report was shown regarding an upcoming episode of RTBF's programme "The Voice Belgique". According to the *Conseil supérieur de l'audiovisuel* (audiovisual regulatory body- CSA) this report infringed Article 14, § 1 of the *décret coordonné sur les services de médias audiovisuels* (the Broadcasting Act) requiring that commercial communication must be readily recognizable as such. The CSA also argued that the report was in breach of Article 18, § 3 of the Act which prohibits the inclusion of self-promotion in news programmes.

RTBF denied having infringed the self-promotion provisions of the Act. Firstly, according In regard to RTBF, it was justifiable to include a report about the particular episode of The Voice Belgique in the news programme, because it was a hot and important topic that day (newspapers also referred to the episode on their front pages). Secondly, the reference to The Voice Belgique did not differ from other references made in the news programme to other programmes on the public broadcaster, such as "Questions à la Une". As a result, RTBF argued that this report could not be labelled as self-promotion.

However, CSA did not share RTBF's opinion. According to CSA, a programme could be presented in two different ways: in an informative way or in a promotional way. The latter should be referred to as self-promotion, that is, any message transmitted at the initiative of a broadcaster to promote its own programmes, channels, services or products that have a direct link with the programmes - Article 1, 3° of décret coordonné sur les services de médias audiovisuels. CSA stated that The Voice Belgique report did not promote the programme in an informative way, but rather in a promotional way. In particular, the way in which the news report about The Voice Belgique was presented differed from the way the other news reports were made. The Voice Belgique report was characterised by any lack of criticism. Furthermore, CSA judged that this news report could not be compared with the references made to Questions à la Une, because that programme was made by the same news department of RTBF. As a result, CSA decided that this report should be labelled as self-promotion and that the broadcaster had infringed Articles 14, § 1 and 18, § 3 of décret coordonné sur les services de médias audiovisuels. On this occasion, the CSA decided not to impose a fine on RTBF but instead issued the broadcaster with a warning.

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CSA, Décision du 28 mars 2013

http://www.csa.be/system/documents_files/2032/original/CAC_20130328_decision_autopromotion_RTBF_thevoice.pdf?1366014120.

CSA, Decision du 28 mars 2013 (CSA, Decision of 28 March 2013)

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