[BE] New Official Audio-visual Monitoring Body (CSA) for the French-speaking Community

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On 17 July 1997 the Council of the French-speaking Community, and then on 21 July the Community's Government, adopted a decree concerning the official audio-visual monitoring body (Conseil Supérieur de l'Audiovisuel - CSA), which strengthens and rationalises the regulatory bodies which were set up in 1987. The decree of 21 July 1997 also changes the legal status of private radio broadcasters.

Strengthening and rationalising the CSA The decree demonstrates a very strong desire to adapt the CSA in keeping with its tasks. Thus the CSA itself has just four members (one chairman and three vice-chairmen) and comprises three panels: the opinion panel, the authorisation and control panel, and the advertising panel. The four members of the CSA are ex officio members of the three panels. The role of each of the panels justifies the pragmatism of the decree of 17 July 1997, ie not only the number of their members, but also the basis for their appointment, is variable. Thus the twenty members of the opinion panel, which has a consultative role with the Government and the Council of the French-speaking Community, must each belong to one of the sixteen socio-professional categories stipulated in the decree. The five members of the authorisation and control panel, which delivers a preliminary reasoned opinion on all authorisations for audio-visual communication services and decides on sanctions (suspension, withdrawal of authorisation, fine, etc) are selected from among people recognised for their competence in the communication field. Lastly, the fourteen members of the advertising panel must have recognised competence in the field of advertising communication and consumer protection; the panel gives its opinion on these matters and is responsible for drawing up a code of ethics for advertising.

The "variable-geometry" composition and responsibilities of the CSA leave the Government and the Council of the French-speaking Community with an essential role to play. The Government appoints the chairman and the three vice-chairmen of the CSA for a five-year period, and the members of the opinion panel and the advertising panel for a four-year period. Members of the authorisation and control panel, also appointed for a four-year period, are appointed by the Council of the French-speaking Community (three members) and by the Government (the other two members).

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The Government relies on the opinions, reports and studies of the opinion and advertising panels and shares regulation of audio-visual matters with the authorisation and control panel; the Government is responsible for issuing authorisations to audio-visual communication services and defining the rules on programming, while the authorisation and control panel monitors compliance and withdraws authorisations if necessary.

Definition of a legal system for private sound broadcasting services The decree of 17 July deals with private sound broadcasting services in a specific section. Other audio-visual services, including television and RTBF, are dealt with in other texts.

For simplicity's sake, the decree envisages two categories of radio stations - networks and independent radio stations. Both may broadcast advertising and they are required to pay an annual fee for using the frequencies allocated to them.

The system of authorisations, which are issued by the Government for a renewable nine-year period, works on the principle of open invitation to tender in order to ensure transparency and to cope with the constraint of the scarcity of frequencies.

The invitation to tender is published by the Government on the opinion of the authorisation and control panel. It includes the list of frequencies to be allocated to networks and independent radio stations, and defines the tender specifications, including obligations concerning programme content. Authorisations are issued according to the principles of respect of diversity, cultural concerns, etc. Since the breakdown of radio and television monopolies in all the states of Europe, each country has been seeking the best way of regulating the audio-visual field. Nearly every country has tried out a monitoring body. The example of the CSA set up by the decree of 17 July 1997 is worth looking into.

Decree of 17 July 1997 concerning the official audio-visual monitoring body (Conseil Supérieur de l'Audiovisuel- CSA). Le Moniteur du Film en Belgique, August 1997, no.1255: 20-29

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