[BE] Flemish media regulator publishes 2022 report on media concentration in Flanders

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The *Vlaamse Regulator voor de Media* (Flemish Regulator for the Media — VRM) released its annual report on media concentration in Flanders (the Dutch-speaking area of Belgium) in November 2022.

The report first discusses the media sector generally. The most important finding regarding the television sector is that the traditional role of broadcasters as content aggregators and curators is increasingly under pressure in a modern media landscape where media is consumed both in a linear and non-linear way. It points to service distributors and international actors who act increasingly as 'referees' by determining what content is offered to consumers. An important evolution is that several Flemish corporations have cooperated to develop uniform advertising standards regarding addressable TV advertising, and that there are advertising partnerships. Regarding the written press, the report notes the continued tendency for convergence between newspaper editors and other forms of media. It also refers to the finding by the *Vlaamse Vereniging van Journalisten* (Flemish Association of Journalists — VVJ) that there is a decrease in professional journalists in Flanders and a 'structural divestment' of professional journalism. The convergence between physical and digital magazines has seen an acceleration due to the COVID-19 pandemic. Belgium has seen its place on the World Press Freedom Index decrease from the 11th to the 23rd position. In the report, special mention is also made to the so-called Content Creator Protocol. This initiative was developed by the VRM and is meant for content creators, vloggers and influencers to better understand how they can place content on social media platforms in compliance with existing regulations. New guidelines have also been published that allow the *Jury voor Ethische Praktijken inzake reclame* (JEP) (an advertising watchdog) to better check the commercial relationship between advertisers and influencers.

Second, the report discusses media groups in the Flemish media landscape. The changing, strategic alliances of the past are now replaced by integration. However, cooperative initiatives are still in vogue – particularly to deploy new media initiatives that aim to respond to international actors. Groups also try to strengthen their position by performing vertical integration, i.e. taking different positions in the value chain. Some examples are distributors such as Telenet and Proximus which are now also becoming involved in content creation and/or

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aggregation.

The third aspect of the report discusses media concentration itself. It stipulates that a clear distinction between distribution and aggregation still exists in the radio sector. Nonetheless, vertical integration takes place, especially between the segments of production and aggregation. The concentration of media groups in the radio sector remains very high, especially due to the outsized strength of the public broadcaster *Vlaamse Radio- en Televisieomroeporganisatie* (VRT). The limited availability of the radio spectrum is partly to blame for this lack of competition. Digital radio does offer more opportunities for new actors and the rise in popularity of podcasts has also seen a strong performance by independent actors. In general, convergence and cross-mediality have become commonplace in the Flemish media landscape and brands are exported across different forms of media. The fact that distributors now perform content creation and aggregation – and that aggregators establish platforms to directly reach consumers – are noted as important indications for vertical and cross-medial integration. This is particularly the case for the television sector. The risk of such a strong vertical integration is that market players shield certain data and content for competitors – which can strongly impact the negotiating power of independent actors. The report also warns that editorial activities and advertising should remain separated to ensure that media concentration does not lead to self-promotion. For the aggregation of classic media, only five companies are responsible for 80-100% of the entire market.

The report ends with recommendations on how to stimulate media diversity through several policy recommendations. It acknowledges the performance of existing initiatives, but suggests several expansions thereof and some new actions. Most relevant for journalism are the suggestions to remove libel and defamation as violations in the penal code, and to adopt qualitative legislation regarding strategic lawsuits against public participation (anti-SLAPP legislation).

Flemish Regulator for the Media, 'Media concentration in Flanders: report 2022', 28 November 2022

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