[BE] Implementation of the Digital Services Act (DSA)

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Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) is fully applicable since17 February 2024 (Article 93).

Although all aspects of an EU Regulation are binding on and directly applicable in all member states, its application requires the member states to adopt various measures. In this case, for example, they are required to designate "one or more competent authorities to be responsible for the supervision of providers of intermediary services and enforcement of this Regulation" and a digital services coordinator (Article 49).

The notion of intermediary services is central to the Regulation and can include audiovisual services. The regulation of intermediary services therefore falls within the remit of both the federal authority and the Belgian federated entities (the "communities"), which are responsible for broadcasting.

These various authorities have therefore recently adopted measures designed to implement various provisions of the Digital Services Act in Belgium. These measures are the result of a political agreement reached at the end of 2023, under which the *Institut belge des services postaux et des télécommunications* (Belgian postal and telecommunications authority – IBPT) will take on the role of coordinator for digital services for the Kingdom. The federal government has tabled a bill to this effect.

The other competent supervisory authorities will be designated by the respective political authority.

In particular, the communities have adopted the necessary legislative measures in order to designate the competent authorities in accordance with Article 49 of the Regulation.At the time of writing, only the decree of the German-speaking Community has not yet been published in the Belgian Official Journal. However, it was already approved on 14 December 2023 by the parliament of this community.

These laws designate the respective audiovisual media regulators as competent authorities. They are the *Vlaamse Regulator voor de Media* (Flemish Regulator for

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the Media — VRM) for the Flemish-speaking Community, the CSA for the French-speaking Community and the *Medienrat* (Media Council) for the German-speaking Community. A federal bill should be adopted to designate the IBPT as the competent authority at federal level.

A cooperation agreement was drafted by the federal authority and the communities to regulate the collaboration and the exchange of information between the federal and federated competent authorities as well as with the coordinator for the Kingdom's digital services. It also defines the tasks of this coordinator for digital services. Finally, it governs the Kingdom's representation on the European Digital Services Committee referred to in Article 61 of the regulation. The agreement is due to be approved shortly by the respective parliamentary assemblies.

Note de politique générale

https://www.lachambre.be/FLWB/PDF/55/3649/55K3649019.pdf

General policy note

Programmdekretvorschlag 2023, Parlament der Deutschsprachigen Gemeinschaft Belgiens

https://pdg.be/desktopdefault.aspx/tabid-4632/8158_read-71086/

Draft 2023 programme decree, Parliament of the German-speaking Community of Belgium

Decreet van 26 januari 2024 tot wijziging van het decreet van 27 maart 2009 betreffende radio-omroep en televisie tot gedeeltelijke uitvoering van de digitaledienstenverordening

http://www.ejustice.just.fgov.be/eli/decret/2024/01/26/2024001001/justel

Decree of 26 January 2024 amending the Decree of 27 March 2009 on radio and television broadcasting, partially implementing the regulation on digital services

Décret du 15 février 2024 modifiant le décret du 4 février 2021 relatif aux services de médias audiovisuels et aux services de partage de vidéos et mettant partiellement en œuvre le règlement sur les services numériques

https://www.ejustice.just.fgov.be/cgi/article_body.pl?language=fr&caller=summary&pub_date=2024-03-08&numac=2024001713%0D%0A#top

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Decree of 15 February 2024 amending the Decree of 4 February 2021 on audiovisual media services and video-sharing services and partially implementing the regulation on digital services

Projet de loi mettant en œuvre le règlement (UE) 2022/2065 du Parlement européen et du Conseil du 19 octobre 2022 relatif à un marché unique des services numériques et modifiant la directive 2000/31/CE, portant modifications du livre XII et du livre XV du Code de droit économique et portant modifications de la loi du 17 janvier 2003 relative au statut du régulateur des secteurs des postes et des télécommunications belges, DOC 55 3799/001

https://www.lachambre.be/FLWB/PDF/55/3799/55K3799001.pdf

Draft law implementing Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC, amending Books XII and XV of the Code of Economic Law and amending the Law of 17 January 2003 on the status of the regulator of the Belgian postal and telecommunications sectors, DOC 55 3799/001

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