

INDIREG

FINAL REPORT – ANNEX

Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)

Annex II – Country Tables – Belgium

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I. GENERAL INFORMATION

Table 1 - Market data

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Belgium	BE-Flanders 64 (national) 10 (regional)	BE-Flanders (www.vlaamseregulatoremedia.be) 16	BE-Flanders (www.vlaamseregulatoremedia.be) 3 2 non-linear
	BE-French community 23 national 12 regional/local	BE-French community (www.csa.be) 4	BE-French community (www.csa.be) 4
	BE-German speaking community	BE-German speaking community (www.medienrat.be)	BE-German speaking community (www.medienrat.be) 1 (+1 öffener Kanal, organised as a private association without profit objective)

Table 2 - Audiovisual laws and regulatory bodies

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Belgium	Information requirements (art. 5 AVMS Directive)	BE-VL : VL-media-act (40)	BE-VL : VRM	BE-VL : VRM	BE-VL : VRM
		BE-FR : FR-media-act (6, 36-38)	BE-FR : CSA	BE-FR : CSA	BE-FR : CSA
		BE-DE : DE-media-act (6.3)	BE-DE : MRat	BE-DE : MRat	BE-DE : MRat
	Audiovisual commercial	BE-VL : VL-media-act (47-101)	BE-VL : VRM	BE-VL : VRM	BE-VL : VRM

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	BE-FR: FR-media-act (10-32)	BE-FR : CSA	BE-FR : CSA	BE-FR : CSA
		BE-DE : DE-media-act (6, 6.1, 7, 10, 10.1)	BE-DE : MRat	BE-DE : MRat	BE-DE : MRat
	Accessibility to people with a disability (Art. 7 AVMS Directive)	BE-VL : VL-media-act (151)	BE-VL : VRM	BE-VL : VRM	BE-VL : VRM
		BE-FR : FR-media-act (33)	BE-FR : CSA	BE-FR : CSA	BE-FR : CSA
		BE-DE: DE-media-act (10.2)	BE-DE: MRat	BE-DE: MRat	BE-DE: MRat
	Broadcasting of major events (Art. 14 AVMS Directive)	BE-VL : VL-media-act (153)	BE-VL : VRM	BE-VL : VRM	BE-VL : VRM
		BE-FR : FR-media-act (3-4)	BE-FR : CSA	BE-FR : CSA	BE-FR : CSA
		BE-DE : DE-media-act (14)	BE-DE: MRat	BE-DE: MRat	BE-DE: MRat
	Access to short news reports (Article 15 AVMS Directive)	BE-VL : VL-media-act (118)	BE-VL : VRM	BE-VL : VRM	BE-VL : VRM
		BE-FR : FR-media-act (4)	BE-FR : CSA	BE-FR : CSA	BE-FR : CSA
		BE-DE : DE-media-act (14.1)	BE-DE: MRat	BE-DE: MRat	BE-DE: MRat
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	BE-VL : VL-media-act (154-157)	BE-VL : VRM	BE-VL : VRM	BE-VL : VRM
		BE-FR : FR-media-act (44-46)	BE-FR : CSA	BE-FR : CSA	BE-FR : CSA
		BE-DE : DE-media-act (12, 40)	BE-DE: MRat	BE-DE: MRat	BE-DE: MRat
	Hate speech (Art. 12 and 6 AVMS Directive)	BE-VL : VL-media-act (38-39)	BE-VL : VRM	BE-VL : VRM	BE-VL : VRM
		BE-FR : FR-media-act (9)	BE-FR : CSA	BE-FR : CSA	BE-FR : CSA
		BE-DE : DE-media-act (4, 80.1)	BE-DE: MRat	BE-DE: MRat	BE-DE: MRat
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	BE-VL : VL-media-act (78-84)	BE-VL : VRM	BE-VL : VRM	BE-VL : VRM
		BE-FR : FR-media-act (18-24, 31-31)	BE-FR : CSA	BE-FR : CSA	BE-FR : CSA
		BE-DE : DE-media-act (7, 15)	BE-DE: MRat	BE-DE: MRat	BE-DE: MRat
	Protection of minors (Art. 27 AVMS Directive)	BE-VL : VL-media-act (41-45)	BE-VL : VRM	BE-VL : VRM	BE-VL : VRM
		BE-FR : FR-media-act (9)	BE-FR : CSA	BE-FR : CSA	BE-FR : CSA
		BE-DE : DE-media-act (4, 6, 6.2)	BE-DE: MRat	BE-DE: MRat	BE-DE: MRat
	Right of reply (Art. 28 AVMS Directive)	BE-VL : VL-media-act (102-117)	BE-VL : VRM / President of court of first instance	BE-VL : VRM / President of court of first instance	BE-VL : VRM / President of court of first instance
		BE-FR : federal act of 23/6/1961 (BS 8/7/1961)	BE-FR : CSA	BE-FR : CSA	BE-FR : CSA
		BE-DE : DE-media-act (11, 15.1 (non-linear))	BE-DE: MRat	BE-DE: MRat	BE-DE: MRat

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	BE-VL : no general provision, specific provisions in some cases (e.g. 44 VL-media-act on minors, art. 154 on EU quota, art. 176, 221-222)	BE-VL : VRM	BE-VL : VRM	BE-VL : VRM
		BE-FR : FR-media-act (140) and 57 rules of procedure	BE-FR : CSA	BE-FR : CSA	BE-FR : CSA
		BE-DE : DE-media-act (107.1)	BE-DE : MRat/government	BE-DE : MRat/government	BE-DE : MRat/government

Table 3 - Regulatory bodies – general information

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Belgium	BE-VL : VRM	www.vlaamseregulatormedia.be	16 December 2005, Decreet betreffende de radio-omroep en de televisie van 27 maart 2009, <i>BS</i> 30 april 2010 (successor of the previously existing "Vlaams Commissariaat voor de Media") Entered into force February 10, 2006	Vlaamse Regulator voor de Media Koning Albert II-laan 20 - bus 21 B-1000 Brussel Tel : +32 2 553.45.04 Fax : +32 2 553.45.06 e-mail: vrn@vlaanderen.be
	BE-FR : CSA	www.csa.be	Originally Act of 24 July 1997, later taken over by Décret coordonné sur les services de médias audiovisuels du 30 avril 2009, <i>BS</i> 27 juillet 2009	Conseil supérieur de l'audiovisuel 13, Boulevard de l'Impératrice B-1000 Bruxelles Tel : +32 2 349.58.80 Fax : +32 2 349.58.97 email: info@csa.be

Country	Name of regulatory body	Link to website	Date of establishment	Location
	BE-DE : MRat	www.medienrat.be	Dekret vom 27. Juni 2005 über den Rundfunk und die Kinovorstellungen, <i>BS</i> 6 september 2005	Ministerium der Deutschsprachigen Gemeinschaft Belgiens Gospertstraße 1 B-4700 Eupen Tel.: +32 87 59 63 00 Fax: +32 87 55 28 91 email: info@medienrat.be

Table 4 - Sectors covered

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Belgium	BE-VL: VRM	Yes	Yes	Yes	No	No	No
	BE-FR : CSA	Yes	Yes	Yes	No	No	No
	BE-DE : MRat	Yes	Yes	Yes	No	No	No

Table 5 - Staff and overall budget

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Belgium	BE-VL: VRM	20	20, excluding chambers (head count: 5 + 13) and management board (head count: 4)	Not specified, budget comprised of: <ul style="list-style-type: none"> subsidies 	Total: €2.041m 1. €1.187m	VL-media-act (art. 232) 2009 (public report VRM 2009)

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
				<ul style="list-style-type: none"> • licence fees • other 	2. €854,000	
	BE-FR : CSA	26	26 staff members, excluding collège (head count: 6) and bureau (head count: 4)	Not specified, budget comprised of: <ul style="list-style-type: none"> • General subsidy • Specific subsidy • Gifts • Own income 	Total 2009: €2.2m (yearly indexed at 1%)	2009 (art. 139, 151 FR-media-act and website CSA) Budget is part of the overall (yearly approved) state budget; CSA and government negotiate 5-year plan (covering 2009-2013)
	BE-DE : MRat	Not specified in law. The regulatory chamber (MRat-REG) has 3 members (art. 90 DE-media-act). The number of members of the advisory chamber (MRat-ADV) is not defined by law (art. 111 DE-media-act).	MRat has no specific or own staff members, but can rely on the services of the administration (= +/- 0.5 FTE). The current head-count of the regulatory chamber (MRat-REG) is 3 members. The current head-count of the advisory chamber (MRat-ADV) is 18 members.	Not fixed, budget comprised of (art. 111 DE-media-act): <ul style="list-style-type: none"> • General subsidy • Gifts • Own income • Administrative fees 	N/A	2009, DE-media-act (90, 111), www.medienrat.be

II. INSTITUTIONAL FRAMEWORK

Table 6 - Legislation establishing and governing the regulatory body

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Belgium	BE-VL: VRM	Articles 215-235 VL-media-act	<ul style="list-style-type: none"> • management contract VRM www.vlaamseregulatormedia.be/media/9032/beheersovereenkomstvrm.pdf

Country	Body	Legislation setting-up the regulatory body	Governing legislation
			<ul style="list-style-type: none"> rules of procedure management board www.juridat.be/cgi_loi/loi_a.pl?language=nl&caller=list&la=n&fromtab=wet&tri=dd+as+rank&rech=1&numero=1&cn=2006042139&sql=dd+=+date%272006-4-21%27 rules of procedure chambers www.vlaamseregulatormedia.be/media/9880/reglement_van_orde.pdf
	BE-FR : CSA	Articles 131-158 FR-media-act, art. 20 rules of procedure (specific deontology provisions applicable to members of the CSA), including the following issues: <ul style="list-style-type: none"> obligation of professional secrecy obligation to notify problems of independence to Bureau prohibition to seek or follow instructions or than following from the regulatory framework obligation to notify possible conflicts of interest rules on accepting gifts and specific conflicts of interests 	<ul style="list-style-type: none"> rules of procedure Bureau www.juridat.be/cgi_loi/loi_a.pl?language=nl&caller=list&la=n&fromtab=wet&tri=dd+as+rank&rech=1&numero=1&cn=2006042139&sql=dd+=+date%272006-4-21%27 rules of procedure collège d'autorisation et de contrôle du CSA (CAC) www.csa.be/documents/categorie/25 financial 5-year plan 2009-2013
	BE-DE : MRat	Articles 86-116 DE-media-act	<ul style="list-style-type: none"> rules of procedure MRat (15/5/2007) www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2007051564&table_name=wet

Table 7 - Legal status

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Belgium	BE-VL: VRM	Independent agency	Yes		<ul style="list-style-type: none"> Created within the broader framework of regulatory agencies, but with extra guarantees on independence for regulatory chambers No hierarchic relation between (administrative) management board and (regulatory) chambers 	VL-media-act (215)
	BE-FR : CSA	Independent agency	Yes		Highest organ of the CSA is the bureau, under the authority of which two collèges function (one advisory, CAV) and one regulatory, CAC)	FR-media-act (133-150)

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
					Government has to approve the rules of procedure of CSA and organises the legal position of all members CSA	FR-media-act (145)
	BE-DE : MRat	Independent agency	Yes		MRat has no specific or own staff members, but can rely on the services of the administration (= +/- 0.5 FTE). The MRat consists of a regulatory chamber (MRat-REG) and an advisory chamber (MRat-ADV)	Articles 86-116 DE-media-act, art. 3 rules of procedure

Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Belgium	BE-VL: VRM		Yes, explicit	VL-media-act (215, 218 §2 & §3)
	BE-FR : CSA		Yes, explicit	FR-media-act (133)
	BE-DE : MRat		Yes, explicit	DE-media-act (86), art. 3 rules of procedure

III. POWERS OF THE REGULATORY BODIES

Table 9 - Regulatory powers

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Belgium	BE-VL: VRM		N/A (constitutional concerns); however, VRM can advise government on appropriateness of regulatory framework	√ (VL-media-act, 218) General act	√
	BE-FR : CSA		N/A (constitutional concerns); however, Bureau can advise government on appropriateness of regulatory framework (141 FR-media-act)	√ (FR-media-act, 135) General act	√ Separate college competent for advising on media policy issues (CAV)
	BE-DE : MRat		N/A (constitutional concerns)	√ (DE-media-act, 86, 89, 97, 98, 114) General act	√ Separate chamber competent for advising on media policy issues (MRat-ADV)

Table 10 - Supervision and monitoring power

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Belgium	BE-VL: VRM	Quotas	√	√	√		Broadcasting networks and associated facilities, must-carry, API, EPG	VL-media-act (154-157, 220 §1 en §2)
		Advertising	√	√	√			VL-media-act (47-101, 220 §1 en §2)
		Protection of minors	√	√	√			VL-media-act (41-45, 220 §1 en §2)
	BE-FR : CSA	Quotas	√	√	√			FR-media-act (40, 44-46, 143): yearly, complaint, own initiative
		Advertising	√	√	√			FR-media-act (10, 40, 78-84, 143, 159-162): : yearly, complaint initiative
		Protection of minors	√	√	√			FR-media-act (10, 40, 78-84, 143, 159-162) : yearly, complaint own initiative
	BE-DE : MRat	Quotas	√ (120-121)	√ (120-121)	√ (102)		MRat-ADV has the task to develop models of deontology	DE-media-act (12, 40)
		Advertising	√ (120-121)	√ (120-121)	√ (102)			DE-media-act (7, 15)
		Protection of minors	√ (120-121)	√ (120-121)	√ (102)			DE-media-act (4, 6, 6.2)

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
							rules in the area of protection of minors and commercial communication (114)	

Table 11 - Powers of sanctions

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Belgium	BE-VL: VRM	Quotas	√ In all cases and for all regulators, the regulator decides on a case by case basis on the sanctions, they are therefore discretionary within the limits of the act	√ (up to €125k)	√	√	√	Suspension of distribution
		Advertising	√	√ (up to €125k)	√	√	√	
		Protection of minors	√	√ (up to €125k)	√		√	
	BE-FR : CSA	Quotas	√	√ (from €250 to 3% of turnover)	√	√	√ government collects fines (FR-media-act, 160)	Suspension of distribution (FR-media-act, 159)
Advertising	√	√ (from €250 to 3%	√	√	√			

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
				of turnover			government collects fines (FR-media-act, 160)	
		Protection of minors	√	√ (from €250 to 3% of turnover)	√	√	√ government collects fines (FR-media-act, 160)	
	BE-DE : MRat	Quotas	√ DE-media-act (12, 40 & 120)	√ up to €25k DE-media-act (12, 40 & 120)	√ DE-media-act (12, 40 & 120)	√ DE-media-act (12, 40 & 120)	N/A	Sanctions by MRat – REG only possible after advice by MRat-ADV (120-121)
		Advertising	√ DE-media-act (7, 15 & 120)	√ up to €100k DE-media-act (120 & 124)	√ DE-media-act (7, 15 & 120)	√ DE-media-act (7, 15 & 120)	N/A	
		Protection of minors	√ DE-media-act (4, 6, 6.2 & 120)	√ up to €25k DE-media-act (4, 6, 6.2 & 120)	√ DE-media-act (4, 6, 6.2 & 120)	√ DE-media-act (4, 6, 6.2 & 120)	N/A	

Table 12 - De facto use of formally granted competences and monitoring powers

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Belgium	BE-VL: VRM	No	√	√	√	√	√	√
	BE-FR : CSA	No	√	√	√	√	√	√
	BE-DE : MRat	No	√	√	√	√	√	√

Table 13 - De facto use of formally granted sanction powers

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Belgium	BE-VL: VRM	√ 2009: 17 2008: 27 2007: 6	√ 2009: €83k 2008: €105k 2007: €121k	No	√ Yes, 2009: revocations: 6 (5 frequency licenses of local radios revoked because of unused radio spectrum, 1 TV-station bankruptcy)	No Fines paid on time
	BE-FR : CSA	√ 2009: 5	√ 2009: 5	√ 2009: 3	√ 2009: 3 (revocation of license of frequency spectrum use)	No Fines paid on time
	BE-DE : MRat	No	No	No	No	N/A

Table 14 - Complaints handling

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Belgium	BE-VL: VRM	Yes, complaints are examined by the staff of the VRM and then forwarded to the relevant chamber (government decree on VRM-procedure, art. 12)	www.vlaamseregulatormedia.be/nl/faq/klacht-indienen-bij-de-vlaamse-regulator-voor-de-media.aspx
	BE-FR : CSA	Yes, complaints are forwarded to the instruction service, which examines them; it can decide whether or not to go to a second instruction phase and compiles a file which it forwards to the CAC	www.csa.be/guichet/plainte , art. 29-42 rules of procedure Bureau et CAC
	BE-DE : MRat	Yes, when complaints are not within the legal powers of the MRat-REG, they are registered and send to the president and the permanent commission of the MRat-ADV, which examines it and prepares a draft decision for the MRat-ADV, which decides about the complaint and possible sanctions.	Art. 114 DE-media-act, 23, 31-32 rules of procedure

IV. INTERNAL ORGANISATION AND STAFFING

Table 15 - Highest decision-making organ – composition

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Belgium	BE-VL: VRM	Management: board	3	0%	0%	0%	0%	66%	Director: 33% Requirements on more equal participation of male and female: (D 13/07/2007)	n/a	VL-media-act (224)
		General chamber: board	5	0%	0%	0%	0%	60% (3)	40% (2 judges, including chairman)	n/a	VL-media-act (216)
		Chamber impartiality and minors: board	9	n/a	n/a	n/a	n/a	n/a	min. 44% (4 professional journalists); in case of complaints about minor protection, 4 extra members (2 psychologists & 2 family representation)	n/a	VL-media-act (216)
	BE-FR : CSA	Bureau: board	4	n/a	n/a	n/a	n/a	n/a	Nominations have to respect federal act on ideological and philosophical	n/a	FR-media-act (140-142)

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
									groups in public functions (16/07/1973)		
		CAC: board	6 (+bureau)	n/a	Yes, one representative of administration attends the meetings of the CAC, except when ascertain infractions (147 §2). They are not formal members, but they attend meetings.	n/a	n/a	Yes, but no formal quota ("expert in law, audiovisual or communication")	Nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	n/a	FR-media-act (139)
		CAV: board	30 (+bureau)	Yes, should be member of 15 specific socio-economic categories (society, operational, PBS, labour unions, etc.). At least one representative per specified group.	Yes, two representatives of government and administration and three representatives from the Council for media-education attend the meetings of the CAV (147§2). They are not formal members, but they attend meetings	n/a	Yes, but no formal quota	n/a	Nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	n/a	FR-media-act (138)
	BE-DE : MRat	MRat-REG: board	3	0%	0%	0%	0%	100%	n/a	n/a	DE-media-act (90)
		MRat-ADV: board	18	40%	0%	15%	45%	0%	0%	n/a	DE-media-act (111)

Table 16 - Highest decision-making organ – competences and decision-making process and transparency

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Belgium	BE-VL: VRM	Management board: administration and management of VRM	Majority vote (quorum: 66%, casting vote of president)	No specific transparency measures (VL-media-act 220 §4 + governmental decree)	No (confidential by law)
		General chamber: general regulatory supervision and enforcement powers	Majority vote (quorum: 3/5 (=60%), casting vote of president)	No specific transparency measures (VL-media-act 220 §4 + governmental decree)	No (confidential by law)
		Chamber impartiality and minors: regulatory powers in the field of impartiality of the media and protection of minors	Majority vote (quorum: 5/9 (=55%), casting vote of president (FR media-act 149)	No specific transparency measures (VL-media-act 220 §4 + governmental decree)	No (confidential by law)
	BE-FR : CSA	Bureau: general management and representation of CSA; coordinating and organising the work of the CSA	Majority vote (quorum: 3, (=50%)), casting vote of president)	Yes, bureau meeting reports contain minority opinions and notes and are made public (art. 145 FR-media-act, art. 12, 54 rules of procedure)	No (only decisions and minority notes are made public, cf. art. 8, 54-55 rules of procedure)
		CAC: general supervisory role, taking decisions about market entry, market regulation, violation of the legal framework and enforcement; formulating advice to government on specific issues (e.g. on radio frequencies)	Majority vote (quorum: 50%), casting vote of president (FR-media-act 148, 161)	Yes, meeting reports of the bureau contain minority opinions and notes and are made public (art. 145 FR-media-act, art. 12, 54 rules of procedure)	No (only decisions and minority notes are made public, cf. art. 54-55 rules of procedure)
		CAV: formulate advice to government, parliament and develop co-regulatory measures on advertising, protection of human dignity & minors, access for disabled	Majority vote (quorum: 20%), casting vote of president, (FR-media-act 148)	Yes, meeting reports of the bureau contain minority opinions and notes and are made public (art. 145 FR-media-act,	No (only decisions and minority notes are made public, cf. art. 54-55 rules of procedure)

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
		people, extracts of public events and political speech.		art. 12, 54 rules of procedure)	
	BE-DE : MRat	MRat-REG: general supervisory role, taking decisions about market entry, market regulation, violation of the legal framework and enforcement	Consensus (quorum: 50%), art. 98 DE-media-act, art. 10 and 19 rules of procedure	No specific transparency measures (cf. DE-media-act 105: general publication obligation)	No
		MRat-ADV: general advisory role, incl. advice on decisions and sanctions	Majority vote, casting vote president, quorum: 50% art. 115 DE-media-act, art. 10 and 22 rules of procedure	No specific transparency measures; meetings are in principle confidential (art. 4 & 12 DE-media-act)	No

Table 17 - Highest decision-making organ – appointment process

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source	
Belgium	BE-VL: VRM	Management board	Board	No	n/a	Government	n/a	VL-media-act (215-223)
			Chairman	No	n/a	Government	n/a	VL-media-act (215-223)
		general chamber	Board	No	n/a	Government	n/a	VL-media-act (215-223)
			Chairman	No	n/a	Government	n/a	VL-media-act (215-223)
		chamber impartiality and minors	Board	No	n/a	Government	n/a	VL-media-act (215-223)
			Chairman	No	n/a	Government	n/a	VL-media-act (215-223)
	BE-FR:	Bureau	Board	No	n/a	Government	n/a	FR-media-act (142)

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source	
	CSA		Chairman	No	n/a	Government	n/a	FR-media-act (142)
		CAC	Board	No	n/a	50% Parliament, 50% Government	n/a	FR-media-act (139)
			Chairman	No	n/a	Chairman of Bureau (appointed by government) <i>de iure</i> = chairman CAC	n/a	FR-media-act (142)
		CAV	Board	No	n/a	Government	n/a	FR-media-act (138)
			Chairman	No	n/a	Chairman of Bureau (appointed by government) <i>de iure</i> = chairman CAV	n/a	FR-media-act (142)
		BE-DE: MRat	Chairman MRat-REG & MRat-ADV	Chairman	No	n/a	Government	n/a
	MRat-REG		Board	No	n/a	Government	n/a	DE-media-act (86)
	MRat-ADV		Board	No	n/a	Government	n/a	DE-media-act (86)

Table 18 - Term of office and renewal

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Belgium	BE-VL: VRM	Management board	5 years	The terms explicitly have to coincide with the election cycle	Yes, unlimited	Art. 17-18 act administrative governance (18/07/2003)
		General chamber	5 years	No specific rules	Yes, unlimited	VL-media-act (215-223)
		Chamber impartiality and minors	5 years	No specific rules	Yes, unlimited	VL-media-act (215-223)
	BE-FR : CSA	Bureau	5 years	No specific rules	Yes, unlimited	FR-media-act (142)
		CAC	4 years	No specific rules	Yes, unlimited	FR-media-act (139)
		CAV	4 years	No specific rules	Yes, unlimited	FR-media-act (138)
	BE-DE : MRat	President	5 years	The terms explicitly have to coincide with the election cycle	Yes, unlimited	DE-media-act (87)
		MRat-REG	5 years	The terms explicitly have to coincide with the election cycle	Yes, unlimited	DE-media-act (87)
		MRat-ADV	5 years	The terms explicitly have to coincide with the election cycle	Yes, unlimited	DE-media-act (87)

Table 19 - Professional expertise/qualifications

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Belgium	BE-VL : VRM	Management board: members	n/a	n/a	n/a
		Management board: chairman	n/a	n/a	n/a
		general chamber: members	<ul style="list-style-type: none"> 2 magistrates/judges 3 scientific experts 	5 years of relevant professional experience	VL-media-act (215-223)
		general chamber: chairman	<ul style="list-style-type: none"> Magistrate 	5 years of relevant professional experience	VL-media-act (215-223)
		chamber impartiality and minors: members and chairman	<ul style="list-style-type: none"> Magistrates/judges scientific experts professional journalists 	5 years of relevant professional experience	VL-media-act (215-223)
	BE-FR : CSA	Bureau (members & chairman)	No specific provisions	No specific provisions	FR-media-act (140-142)
		CAC (members & chairman)	No specific provisions	Expertise in law, audiovisual and/or communication	FR-media-act (139)
		CAV (members & chairman)	Should be member of 15 specific socio-economic categories (e.g. society, operational, PBS, labour unions). At least one representative per specified group.	No specific provisions	FR-media-act (138)
	BE-DE : MRat	MRat-REG	No specific provisions	Scientific, legal, economic and technical	DE-media-act (91)

Country	Body		Qualifications	Professional expertise	Source
				knowledge in media or expert in electronic communications	
		MRat-ADV	No specific provisions	No specific provisions	DE-media-act (111-112)

Table 20 - Rules to guard against conflicts of interest – Appointment process

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Belgium	BE-VL : VRM	Management board	Yes		Members cannot also be member of any government or staff of government members	No specific provisions on political party links; rules limited to active functions in parliaments	No	No	No	Art. 19, 21 act administrative governance (18/07/2003); art. 49 gov. decree VRM-procedure 18/5/2009 art. 21 §1, adm. proc act. 18/7/2003
		General chamber	Yes		No Members cannot also be member of any government	No specific provisions on political party links; rules limited to active functions in parliaments	Prohibition to have links with or economic participation in any media or advertising company and/or any distribution company.	No	No	VL-media-act (216 §1), act administrative governance (18/07/2003)
		chamber impartiality and minors	Yes		Members cannot also be member	No specific provisions on political	Prohibition to have links with or economic	No	No	VL-media-act (216 §1), act administrative governance (18/07/2003)

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
					of any government	party links; rules limited to active functions in parliaments	participation in any media or advertising company and/or any distribution company (not applicable to journalists to whom a specific prohibition applies: no management functions in those companies)			
	BE-FR : CSA	Bureau	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions	Yes, members cannot be member of staff or administration board of public or private market players	No	No	FR-media-act (142), rules of procedure (22) act administrative governance (18/07/2003)
		CAC	Yes		Members cannot also be member of any government or staff of government	No specific provisions, to the opposite: nominations have to respect	Yes, members cannot be member of staff or administration board of public or private	No	No	FR-media-act (139), rules of procedure (22) act administrative governance (18/07/2003)

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
					members	federal act on ideological and philosophical groups in public functions	market players			
		CAV	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions	No, to the opposite. Some members have to represent industry	No	No	FR-media-act (138), rules of procedure (22) act administrative governance (18/07/2003)
	BE-DE : MRat	MRat-REG	Yes		Members cannot also be member of any government or staff of government members	No specific provisions	Yes	No	No	DE-media-act (91)
		MRat-ADV	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: every political party in parliament	No, to the opposite. Some members have to represent industry	No	No	DE-media-act (111)

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
						can appoint one non-voting member				

Table 21 - Rules to guard against conflicts of interest – during term of office

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Belgium	BE-VL : VRM	All management board and chambers members and chairmen	Yes		Members cannot also be member of any government or staff of government members	No specific provisions on political party links; rules limited to active functions in parliaments	Board members cannot take part in decisions when they have direct or indirect interest.	Art. 19, 21 act administrative governance (18/07/2003); art. 49 gov. decree VRM-procedure 18/5/2009 Art. 21 §1, adm. proc act. 18/7/2003
		General chamber	Yes		Members cannot also be member of any government	No specific provisions on political party links; rules limited to active functions in parliaments	Prohibition to have links with or economic participation in any media or advertising company and/or any distribution company.	VL-media-act (216 §1), act administrative governance (18/07/2003)
		Chamber impartiality and minors	Yes		Members cannot also be member of	No specific provisions on political	Prohibition to have links with or economic	VL-media-act (216 §2), act administrative governance (18/07/2003)

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
					any government	party links; rules limited to active functions in parliaments	participation in any media or advertising company and/or any distribution company (not applicable to journalists, to whom a specific prohibition applies: no management functions in those companies).	
		Senior staff	Yes		Internal deontological code			website VRM
	BE-FR : CSA	Bureau	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	Yes, members cannot be member of staff or administration board of public or private market players	FR-media-act (142), rules of procedure (22)
		CAC	Yes		Members cannot also be member of any government or staff of government	No specific provisions, to the opposite: nominations have to respect	Yes, members cannot be member of staff or administration board of public or private market players	FR-media-act (139), rules of procedure (22)

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
					members	federal act on ideological and philosophical groups in public functions (16/07/1973)		
		CAV	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	No, to the opposite: some members have to represent industry	FR-media-act (138), rules of procedure (22)
		Senior staff	Yes		No information available	No information available	No information available	FR-media-act (144), rules of procedure (23-48)
	BE-DE : MRat	MRat-REG	Yes		Members cannot also be member of any government or staff of government members	No specific provisions	Yes	DE-media-act (91)
		MRat-ADV	Yes		Members cannot also	No specific provisions,	No, to the opposite: some	DE-media-act (111)

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
					be member of any government or staff of government members	to the opposite: every political party in parliament can appoint one non-voting member	members have to represent industry	

Table 22 - Rules to guard against conflicts of interest – after term of office

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Belgium	BE-VL : VRM	Management board (members and chairman)		No		
		General chamber (members and chairman)		No		
		chamber impartiality and minors (members and chairman)		No		
	BE-FR : CSA	Bureau (members and chairman)		No		
		CAC (members and chairman)		No		

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
		CAV (members and chairman)		No		
	BE-DE : MRat	MRat-REG		No		
		MRat-ADV		No		

Table 23 - Rules to protect against dismissal

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Belgium	BE-VL : VRM	Management board		No	Government	No	Individual members Independent expert members (not present in the board of VRM): dismissal only with 2/3 majority in board	Art. 18 act administrative governance (18/07/2003)
		Chambers	Yes		Members: Government (in case of breach of the deontology: only after proposition of the committee of presidents)	Yes (physical or mental illness, conflict of interest, request of board member, mutual agreement, long absence, deontological sanction as proposed by committee of presidents)	Individual members	VL-media-act 216-217

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
					of both chambers)			
					Presidents : Government (in case of breach of the deontology: only after proposition of the general council of the VRM)	Yes (physical or mental illness, conflict of interest, request of board member, mutual agreement, long absence, deontological sanction as proposed by committee of presidents)	Individuals	VL-media-act 216-217
	BE-FR : CSA	Bureau (members and chairman)	Yes		Parliament , after a proposition of government	Yes, in case of criminal prosecution, non-compliance with rules on conflict of interests, or deontology rules	Individual members	FR-media-act (142)
		CAC (members)	Yes		Government (own initiative, or after request of CAC)	Yes, in case of criminal prosecution, non-compliance with rules on conflict of interests, or deontology rules	Individual members	FR-media-act (139)
		CAV (members)	Yes		Government (own initiative, or after request of CAV)	Yes, in case of criminal prosecution, non-compliance with rules on conflict of interests, or deontology rules	Individual members	FR-media-act (138)

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
	BE-DE : MRat	MRat-REG	Yes		Government	Yes, non-compliance with rules on conflict of interest or confidentiality obligation	Individual members	DE-media-act (91, 93, 108)
		MRat-ADV	Yes		Members themselves (or represented organisation)	Yes, non-compliance with rules on conflict of interest or in case of long absence	Individual members	DE-media-act (111-113)

Table 24 - Dismissal before term

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Belgium	BE-VL: VRM	2008	Replacement of president, vice-president and one member of the general chamber	Yes		Mutual agreement	Replacement because of internal problems and conflicts in general chamber
	BE-FR : CSA	2007	Non-prolongation of bureau of CSA		No	End of second term	Political reasons www.lalibre.be/economie/actualite/article/372867/evelyne-lentzen-bientot-debarquee-du-csa.html

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
	BE-DE : MRat	2007	Replacement of president	Yes		Mutual agreement	

V. FINANCIAL RESOURCES

Table 25 - Sources of income

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Belgium	BE-VL: VRM	No	State funding 58%	42%	No	No	No	Public report VRM 2009
	BE-FR : CSA	No	State funding 100%	No	No	No	No	FR-media-act (151), www.csa.be
	BE-DE : MRat	No	State funding MRat-ADV: 100% (no own budget)	No	No	No	No	DE-media-act (116)

Table 26 - Annual budget

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Belgium	BE-VL: VRM	Parliament, after proposition of government	Yes, the regulator has to propose its budget to the minister (art. 18 management agreement VRM)	Only public stakeholders: <ul style="list-style-type: none"> • Regulator • Minister • Government • parliament 	Limited	VL-media-act (232)
	BE-FR : CSA	Parliament, after proposition of government	Yes, the CSA and the government conclude a 5 year budget plan (2009-2013)	Only public stakeholders: <ul style="list-style-type: none"> • Regulator • Minister • Government • parliament 	Limited	FR-media-act (151), www.csa.be
	BE-DE : MRat	Parliament, after proposition of government	MRat-REG: president of MRat prepares a draft of a financial plan (over two years) and proposes for approval to MRat general meeting; which sends it to the relevant minister for approval by budget minister, government and parliament (art. 75-78 administrative governance act of 25-05-2009) MRat-ADV: no own budget, costs are carried by administration	Media minister prepares draft act on budget adjustment, sends it to budget minister for approval by government and information of parliament (art. 78 administrative governance act of 25-05-2009)	Limited	DE-media-act (110, 116 and 15 rules of procedure) Art. 75-78 administrative governance act of 25-05-2009

Table 27 - Financial accountability – auditing

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Belgium	BE-VL: VRM	Yes	Continuous, after request of the minister or government	Yes Management board regulator, government representative, revisor, administration of finance and budget, internal audit Flemish community, inspection of finance, Rekenhof, government, parliament	Yes Budget has to be checked by commissioner-revisor	No	Art. 19 management agreement VRM, art. 33-34 act on administrative management)
	BE-FR : CSA	Yes	Continuous	Yes Financial and administrative supervision by government representative. Budget supervision by Rekenhof	Yes Budget supervision commissioner-revisor	No	FR-media-act (153) www.csa.be
	BE-DE : MRat	Yes	Continuous	Yes Internal control service and internal audit service of the German speaking community; budget supervision by Rekenhof	No information available	No	Art. 44-47 administrative governance act of 25-05-2009

VI. CHECKS AND BALANCES

Table 28 - Formal accountability

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Belgium	BE-VL: VRM	Parliament	Yes	<ul style="list-style-type: none"> Yearly activity report 	VL-media-act (218 §4 en 5); art. 15 act administrative governance (18/07/2003)
		Government as a whole	Yes	<ul style="list-style-type: none"> Yearly activity report Policy supervision (incl. "general interest considerations") by government representative in management board (1/3), possibility to appeal and suspend a decision Specific reporting obligations regarding personnel and finances and evaluation of management agreement 	VL-media-act (218 §4 en 5), art. 15 & 23 act administrative governance (18/07/2003), art. 20 management agreement
		Specific ministers (e.g. Media, finance, etc.)	Yes	<ul style="list-style-type: none"> Minister Media: receives copy of every decision of VRM Supervision over decisions with financial or budget impact by government representative in management board 	VL-media-act (218 §4 en 5), art. 15 & 23 act administrative governance (18/07/2003), art. 20 management agreement
		Public at large	Yes	<ul style="list-style-type: none"> Yearly activity report Website 	VL-media-act (218 §4 en 5), management agreement
		Other	No	N/A	N/A
	BE-FR: CSA	Parliament	Yes	<ul style="list-style-type: none"> Yearly report on financial aspects Yearly activity report on performing of tasks and sanctions 	FR-media-act (146, 153)
		Government as a whole	Yes	<ul style="list-style-type: none"> government commissioner: supervision of administrative and financial management (can issue appeal to government) Yearly activity report 2 representatives of government and/or administration and 3 representatives of council of media-education participate in meetings CAV 1 representative of administration participates in meetings CAC 	FR-media-act (146, 152)

Country	Body	Body accountable to		Accountability means	Legal basis
		Specific ministers (e.g. Media, finance, etc.)	Yes	<ul style="list-style-type: none"> Yearly activity report on performing of tasks and sanctions 	FR-media-act (146)
		Public at large	Yes	<ul style="list-style-type: none"> Yearly activity report on performing of tasks and sanctions Website and information bulletin 	FR-media-act (146), rules of procedure (56)
		Other	No	N/A	N/A
	BE-DE: MRat	Parliament	Yes	<ul style="list-style-type: none"> Yearly activity report 	DE-media-act (88), art. 14 rules of procedure
		Government as a whole	Yes	<ul style="list-style-type: none"> MRat under hierarchical supervision of government 	DE-media-act (96)
		Specific ministers (e.g. Media, finance, etc.)	Yes	<ul style="list-style-type: none"> Yearly activity report Specific financial and budget reporting obligations 	DE-media-act (88), art. 14 rules of procedure
		Public at large	Yes	<ul style="list-style-type: none"> Yearly activity report Publication of information about regulatory framework, decisions, authorisations etc. on internet 	DE-media-act (88), art. 14 rules of procedure DE-media-act (104)
		Other	No	N/A	N/A

Table 29 - Reporting obligation

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Belgium	BE-VL: VRM	Parliament / government / general public	Annual	General reporting obligation (activities, budget, finances...) art. 15 adm. governance act 18/7/2003	No	No	No	2009: www.vlaamseregulatormedia.be/media/12535/jaarverslag%202009.pdf Source: art. 218 VL-media-act
		Minister Media	Sending copy of every decision	"Every decision"	No	No	No	VL-media-act (218 §4 en 5)
		Different ministers	Different periodicities	<ul style="list-style-type: none"> Staff and HR decisions Reporting on progress management contract 	Yes	No	No	Art. 20 management contract VRM
	BE-FR : CSA	Parliament / government	Annual	<ul style="list-style-type: none"> Report on financial aspects Activity report on performing of tasks and sanctions 	Yes, about complaints handling	No	No	FR-media-act (146)
BE-DE : MRat	Parliament / Government	Annual	Activity report	No	No	No	DE-media-act (88), art. 14 rules of procedure	

Table 30 - Auditing of work undertaken

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Belgium	BE-VL: VRM	Yes	Continuous, after request of the minister or government	Yes Management board VRM, government representative, revisor, administration of finance and budget, internal audit Flemish community, inspection of finance, Rekenhof, government, parliament	Yes Budget has to be checked by commissioner-revisor	No	Art. 19 management agreement VRM
	BE-FR : CSA	Yes	Continuous	Yes Bureau CSA (internal), government representative (presence at meetings), revisor, administration of finance and budget, inspection of finance, Rekenhof (monitoring financial reporting), government, parliament	Yes Budget has to be checked by commissioner-revisor	No	Art. 152-152 FR-media-act
	BE-DE : MRat	Yes	Continuous	Yes Internal audit	No	N/A	Art. 44-47 act on administrative management (25-05-2009)

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
				service & budget and financial supervision by Rekenhof			

Table 31 - Power to overturn/instruct

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Belgium	BE-VL: VRM	Does anybody have the power to overturn decisions of the regulator?	Management board	Yes	No	Not without changing regulatory framework	No	VL-media-act (218)
			Chambers	No	No	Not without changing regulatory framework	No	VL-media-act (218)
		Does anybody have the power to give instructions to the regulatory body?	Management board	No	Yes, at least indirect via management contract	Not without changing regulatory framework	No	VL-media-act (218)
			Chambers	No	Yes, government can assign specific tasks	Not without changing regulatory framework	No	VL-media-act (218)
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude	Management board	No (supervision including legality check, general interest check ...)	N/A	N/A	N/A	VL-media-act (218)
			Chambers	N/A	N/A	N/A	N/A	VL-media-act (218)

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		political supervision)?						
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	Management board	N/A	Yes, limitations formulated by legal framework for management agreement	N/A	N/A	VL-media-act (218)
			Chambers	N/A	No, government can issue tasks "when needed"	N/A	N/A	VL-media-act (218)
	BE-FR: CSA	Does anybody have the power to overturn decisions of the regulator?	Bureau	No	Yes, via appeal lodged by government representative	Not without changing regulatory framework	No	FR-media-act (140-142, 152)
			CAC & CAV	No	Yes, via appeal lodged by government representative	Not without changing regulatory framework	No	FR-media-act (135-136, 152)
		Does anybody have the power to give instructions to the regulatory body?	Bureau	No	Yes at least indirect via financial long-term contract	Not without changing regulatory framework	No	FR-media-act (140-142, 152)
			CAC & CAV	No	Yes at least indirect via financial long-term contract, government can also ask CAC to investigate issues or ask CAV to give	Not without changing regulatory framework; parliament can ask CAV for advice on specific issues	No	FR-media-act (135-136, 152)

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
					advice			
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	Bureau	N/A	Yes Limited to decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium	N/A	N/A	FR-media-act (140-142, 152)
			CAC & CAV	N/A	Yes Limited to decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium	N/A	N/A	FR-media-act (135-136, 152)
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	Bureau	N/A	Yes, limitations formulated by legal framework	N/A	N/A	FR-media-act (140-142, 152)
			CAC & CAV	N/A	Yes, limitations formulated by legal framework	N/A	N/A	FR-media-act (135-136, 152)
	BE-DE: MRat	Does anybody have the power to overturn decisions of the regulator?	MRat-REG	No	Yes, limited to violations of legal acts	Not without changing regulatory framework	No	DE-media-act (96)
			MRat-ADV	No	No	No	N/A	DE-media-act (111-116)

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		Does anybody have the power to give instructions to the regulatory body?	MRat-REG	No	Yes, government can point MRat-REG to infractions on legal framework; also indirect influence via negotiations on budget or staff	Not without changing regulatory framework	No	DE-media-act (96)
			MRat-ADV	No	No	No	N/A	DE-media-act (111-116)
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	MRat-REG	N/A	Yes, limited to violations of legal acts	N/A	N/A	DE-media-act (96)
			MRat-ADV	No	No	No	N/A	DE-media-act (111-116)
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	MRat-REG	N/A	Yes, limitations formulated by legal framework	N/A	N/A	DE-media-act (96)
			MRat-ADV	No	No	No	N/A	DE-media-act (111-116)

Table 32 - Number of stages in appeal procedure

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Belgium	BE-VL: VRM (chambers) Note: Decisions of management board can be overruled and suspended by minister, including because of “reasons of general interest” and/or legality concerns	Internal: request for reconsidering by relevant chamber	1	Informal appeal	No	All concerned parties	General principle of administrative law
		External: appeal at council of State (administrative court) or civil courts	1	Administrative and civil appeal		All concerned parties	General administrative and civil procedure law
	BE-FR : CSA	Internal: request for reconsidering by relevant chamber	1	Informal appeal	No	All concerned parties	General principle of administrative law
		External: appeal of government representative to government	1	Administrative appeal	No	Government representative	152 FR-media-act
		External: appeal at council of State (administrative court) or civil courts	1	Administrative and civil appeal	Yes	All concerned parties, also specific explicit possibility for government	General administrative and civil procedure law, 137 FR-media-act
	BE-DE : MRat-REG	Internal: request for reconsidering	1	Informal appeal	No	All concerned parties	Art. 95 DE-media-act

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
		All decisions of the MRat-REG can be appealed before the Council of State	1	Administrative appeal	No	All concerned parties	Art. 95 DE-media-act

Table 33 - Does the regulator's decision stand pending appeal?

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Belgium	BE-VL: VRM (chambers)			√	Decisions of management board can be overruled and suspended by minister, including because of "reasons of general interest" and/or legality concerns
	BE-FR : CSA			√	The government representative in CSA can lodge appeal (at the government) against decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium
	BE-DE : MRat-REG			√	N/A

Table 34 - Accepted grounds for appeal

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Belgium	BE-VL: VRM (chambers)	√	√	√ (in case of informal internal appeal)	Decisions of management board can be overruled and suspended by minister, including because of "reasons of general interest" and/or legality concerns
	BE-FR : CSA	√	√	√ (in case of informal internal appeal)	The government representative in CSA can lodge appeal (at the government) against decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium
	BE-DE : MRat-REG	√	√	√ (in case of informal internal appeal)	N/A

Table 35 - Does the appeal body have power to replace the original decision with its own?

Country	Body	Appeal stage	Yes	No	Comments
Belgium	BE-VL: VRM (chambers)	Internal (chambers)	√		Decisions of management board can be overruled and suspended by minister, including because of "reasons of general interest" and/or legality concerns
		External: council of state and courts		√	Courts in principle cannot replace original administrative decisions with their own.
	BE-FR : CSA	Internal	√		General administrative law
		External: council of state and courts		√	General administrative and civil procedure law. Courts in principle cannot replace original administrative decisions with their own.
		External: appeal at government by its representative	√		The government representative in CSA can lodge appeal (at the government) against decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium
	BE-DE : MRat-REG	Internal	√		General administrative law

Country	Body	Appeal stage	Yes	No	Comments
		External: council of state and courts		√	General administrative and civil procedure law. Courts in principle cannot replace original administrative decisions with their own.
		External: government can suspend decision because non-compliance with the law		√	Art. 96 DE-media-act. Government can only suspend a decision of MRat-REG, but not take new decision itself.

VII. PROCEDURAL LEGITIMACY

Table 36 - External advice regarding regulatory matters

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Belgium	BE-VL: VRM (chambers)	VRM can decide over the allocation of its budget <u>Note:</u> Art. 15 internal rules chambers 18/5/2009: chambers can request for external advice	Management board decides about necessity	Yes	N/A	Yes, also in preparing regulatory decisions
	BE-FR : CSA	No specific budget, but bureau can decide about its own external support	N/A	Yes	N/A	Yes, also in preparing regulatory decisions FR-media-act (141), 13 rules of procedure

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
		CAC: no specific budget; bureau decides about external support for CAC	N/A	Yes	N/A	Yes, also in preparing regulatory decisions FR-media-act (141), 13 rules of procedure
	BE-DE : MRat	MRat-REG: no specific budget (cf. principle: 94 DE-media-act)	N/A	Yes	N/A	No information available but probably not, because of its small size

Table 37 - Public consultations

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Belgium	BE-VL: VRM (chambers)	Market definition and analysis and imposing obligations on network operators <u>Note:</u> VRM is aiming at consulting more than it is legally required, up till now in a informal way	Public consultation	Not defined	Yes	N/A	Art 192 VL-media-act
	BE-FR : CSA	Market definition and analysis and imposing obligations on network operators	Public consultation	1 month	Yes	Yes	Art. 94-95 FR-media-act, art. 53 rules of procedure
		CAC & CAV can organise further public consultations	Public consultation	> 8 weeks	Yes	Yes	Art. 94-95 FR-media-act, art. 53 rules of procedure

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
		when they consider it useful					
	BE-DE : MRat-REG	Market definition and analysis and imposing obligations on network operators	Public consultation	In principle: 1 month	Yes	Yes	Art. 103 DE-media-act
		Obligation to take into account consumers perspective in decisions on e-communications	No specific requirements	No specific requirements	N/A	N/A	Art. 104 DE-media-act

Table 38 - Public consultations – figures

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Belgium	BE-VL: VRM (chambers)	2009	1 (product placement)
		2008	1 (broadcasting transmission)
		2005-2007	No
	BE-FR : CSA	2009	1 (product placement)
		2008	2 (broadcasting transmission)
		2007	1
		2006	2
		2005	2
	BE-DE : MRat	2009	0
2008		1 (broadcasting transmission)	
2005-2007		0	

Table 39 - Publication of regulator's decisions

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Belgium	BE-VL: VRM (chambers)	All regulatory decisions of the chambers (art. 219 VL-media-act, art. 11 procedural rules decree 30/6/2006; art. 9-15 and 33 internal rules chambers 18/5/2009)	All regulatory decisions of the VRM have to be motivated according to general administrative law (see also art. 219 VL-media-act, art. 11 procedural rules decree 30/6/2006; art. 9-15 and 33 internal rules chambers 18/5/2009)	No specific provisions	No specific provisions
	BE-FR : CSA	Activities, decisions and advices of CSA via the 3-monthly information bulletin and website Yearly activity report (art. 145, FR-media-act, art. 46, 54 and 56 rules of procedure)	Yes (art. 136, 145, FR-media-act, art. 46, rules of procedure)	No specific provisions	No specific provisions
	BE-DE : MRat	Decisions on transmission of signals (e-communications): art. 105 DE-media-act	Yes, based on general principles of administrative law	No specific provisions	No specific provisions

VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Belgium	BE-VL: VRM	<ul style="list-style-type: none"> With other national media regulators (joint networks or services) With other national media regulators, telecom regulators, competition authority, other regulators (when needed in case of decisions about networks or distributors) With Commission and international media regulators (market definition, analysis and imposing of obligations) With administration 	<ul style="list-style-type: none"> Collaboration agreement between governments, approved by parliament Art. 218 VL-media-act Art. 192 and 218 VL-media-act Art. 25 management contract 	No	n/a
	BE-FR : CSA	<ul style="list-style-type: none"> With other national media regulators, telecom regulators, competition authority, other regulators (when needed in case of decisions about networks or distributors) collaboration with competition authorities in monitoring media pluralism bureau can contact any other authority when relevant for fulfilling its tasks voluntary collaboration with MRat 	<ul style="list-style-type: none"> FR-media-act (94-95) , 49 and 57 rules of procedure FR-media-act (7), 48 and 57 rules of procedure FR-media-act (140) and 57 rules of procedure Collaboration protocol: www.medienrat.be/pdf/Bericht2006-2007.pdf 	No	n/a
	BE-DE : MRat-REG	<ul style="list-style-type: none"> With competition authority With regulators in other economic sectors With EU-commission and other regulators (e-communications market regulation) With consumer protection authorities 	Art. 94 DE-media-act, exchanging view on draft decisions, concluding agreements or collaboration protocols	No	n/a
		<ul style="list-style-type: none"> With EU-commission and audiovisual media regulators 	Art. 107.1 DE-media-act: communication and cooperation with other European regulation bodies and the Commission (cf. art. 30 AVMS Directive)	No	n/a

Table 41 - International cooperation

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Belgium	BE-VL: VRM	Yes, collaboration with Commission and international media regulators (on market definition, analysis and imposing of obligations)	Art. 192 and 218 VL-media-act	VRM participates in EPRA and Euregiolators
	BE-FR : CSA	Specific collaboration procedures in market regulation of networks and associated facilities Bureau can contact any other authority when relevant for fulfilling its tasks	FR-media-act (94-95), 49 and 57 rules of procedure FR-media-act (140) , 53 and 57 rules of procedure	CSA participates in EPRA
	BE-DE : MRat	<ul style="list-style-type: none"> With regulators in other economic sectors With EU-commission and other regulators (e-communications market regulation) With consumer protection authorities 	Art. 94 DE-media-act, exchanging view on draft decisions, concluding agreements or collaboration protocols	n/a
		<ul style="list-style-type: none"> With EU-commission and audiovisual media regulators 	Art. 107.1 DE-media-act: communication and cooperation with other European regulation bodies and the Commission (cf. art. 30 AVMS Directive)	n/a