

# MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

## APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN MEMBER STATES AND CANDIDATE COUNTRIES IN 2023

Country report: Belgium

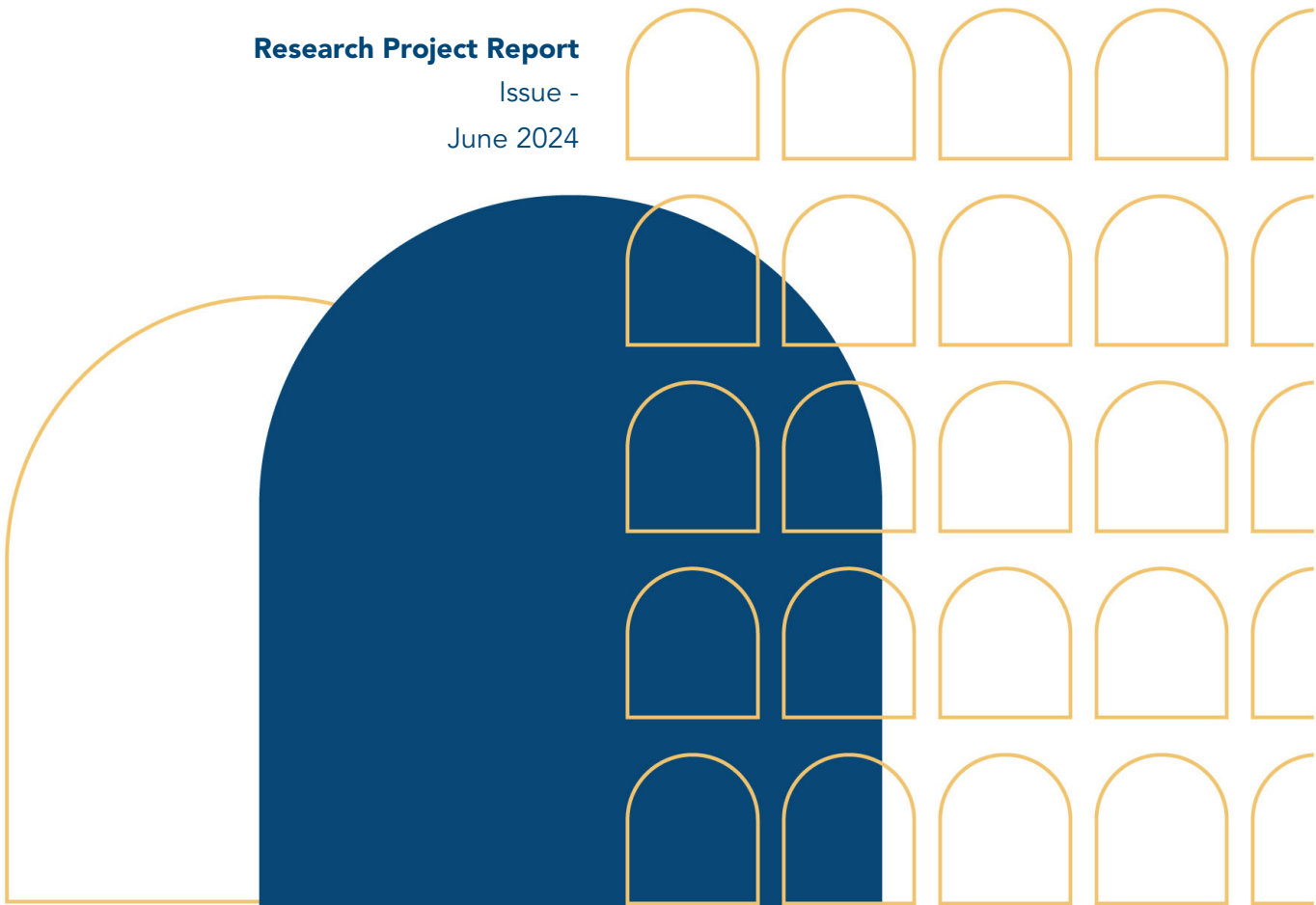
Peggy Valcke, CiTiP - KU Leuven

Ellen Wauters, CiTiP - KU Leuven

**Research Project Report**

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# 1. About the project

## 1.1. Overview of the Project

*The Media Pluralism Monitor (MPM) is a research tool that is designed to identify potential risks to media pluralism in the Member States of the European Union and in Candidate Countries. This narrative report has been produced on the basis of the implementation of the MPM that was carried out in 2023. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey. This year a part of the MPM has also been piloted in Bosnia and Herzegovina and Moldova. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.*

## 1.2. Methodological notes

### • Authorship and Review

*The CMPF partners with experienced, independent national researchers to carry out the data collection and to author the narrative reports. The research is based on a standardised questionnaire that was developed by the CMPF.*

*In Belgium the CMPF partnered with Peggy Valcke and Ellen Wauters (CiTiP - KU Leuven), who conducted the data collection, scored and commented on the variables in the questionnaire and interviewed experts. The report was reviewed by the CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts). For a list of selected countries, the final country report was peer-reviewed by an independent country expert. Risks to media pluralism are examined in four main thematic areas: Fundamental Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Table 1).*

### • The Digital Dimension

*The Monitor does not consider the digital dimension to be an isolated area but, rather, as being intertwined with the traditional media and the existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor also extracts digitally specific risk scores, and the report contains a specific analysis of the risks that related to the digital news environment.*

### • The Calculation of Risk

*The results for each thematic area and Indicator are presented on a scale from 0 to 100%.*

- *Scores between 0% and 33%: low risk*
- *Scores between 34% and 66%: medium risk*
- *Scores between 67% and 100%: high risk*

*With regard to the Indicators, scores of 0 are rated as 3%, while scores of 100 are rated as 97%, by default, in order to avoid an assessment that offers a total absence, or certainty, of risk.*

<b>Fundamental Protection</b>	<b>Market Plurality</b>	<b>Political Independence</b>	<b>Social Inclusiveness</b>
Protection of freedom of expression	Transparency of media ownership	Political independence of the media	Representation of minorities
Protection of right to information	Plurality of media providers	Editorial autonomy	Local/regional and community media
Journalistic profession, standards and protection	Plurality in digital markets	Audiovisual media, online platforms and elections	Gender equality in the media
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to the media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Editorial independence from commercial and owners' influence	Independence of PSM	Protection against disinformation and hate speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

- **Methodological Changes**

For every edition of the MPM, the CMPF updates and fine-tunes the questionnaire, based on the evaluation of the tool after its implementation, the results of previous data collection and the existence of newly available data. The results obtained for these indicators are therefore not strictly comparable with those results obtained in the previous edition of the MPM. The methodological changes are explained on the CMPF website at <http://cmpf.eui.eu/media-pluralism-monitor/>.

**Disclaimer:** The content of the report does not necessarily reflect the views of the CMPF, nor the position of the members composing the Group of Experts. It represents the views of the national country team who carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, MPM2024 scores may not be fully comparable with those in the previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2024, which is available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

## 2. Introduction

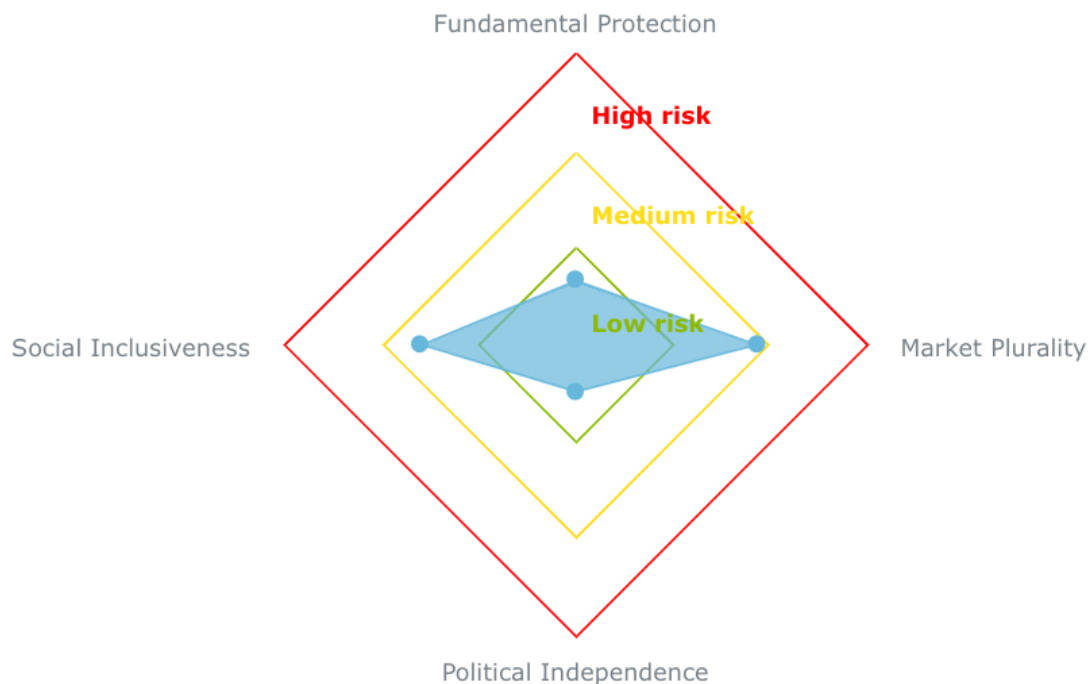
- **Country overview:** Belgium is a country situated in Western Europe, officially called the Kingdom of Belgium. It has a size of approximately 30k km<sup>2</sup> and a population of over 11.5 million. The capital is Brussels. Its institutional organization is complex and is structured on both regional and linguistic grounds. It consists of three regions: the Flemish (Flanders), Walloon (Wallonia), and Brussels-Capital Region. It further consists of three linguistic Communities: the Dutch-/French-, and German-speaking Communities. The Brussels community cuts across these communities as either primary language Community is responsible for its native speakers inhabiting Brussels.
- **Languages:** Belgium has two main linguistic groups: the Dutch-speaking Flemish community (approx. 60% of the population), and the French-speaking community (approx. 40% of the population). Additionally, there is a smaller German-speaking community in the eastern part of Belgium, consisting of approx. 80k citizens. The Communities mainly have powers in the domains of culture (theatre, libraries, audiovisual media, etc.) education, health care, social welfare and protection of youth.<sup>[1]</sup>
- **Minorities:** For historical reasons, Belgium and its Language Communities in principle refrain from clearly defining and recognizing certain minorities by law. French and Dutch native speakers form a minority in some parts of the country but not in others, so that none may generally be considered a minority, with the exception of the German-speaking population.
- **Economic situation:** Considering its location at the heart of Europe, Belgium has a globalized, service-oriented economy. The economy's health differs between regions however, with the northern Flanders region generally performing better than the southern Wallonia region. For 2023, Belgium's GDP increased by 1.5%. Inflation was 2.3% in 2023, which is related to the fast transmission of declining wholesale gas and electricity prices to retail prices, along with the effect of government measures to dampen price increases.<sup>[2]</sup> The Communities mainly have powers in the domains of culture (theatre, libraries, audiovisual media, etc.) education, health care, social welfare and protection of youth. Private consumption was resilient in 2023, supported by the automatic indexation of wages and social benefits, which contributed to maintaining household purchasing power. Furthermore, investment recovered strongly, on the back of a rebound in corporate investment.<sup>[3]</sup>
- **Political situation:** Belgium has a complex myriad of political institutions, which primarily revolve around the linguistic Communities. Since a series of State reforms in 1970, political parties have split across linguistic Communities, so that parties generally have a counterpart representing the interests of their Community. Political parties in Belgium may generally be considered to be political center, with the most popular parties being Christian Democrats, Liberals and Social Democrats, followed by a variety of smaller parties focused on nationalist, specific liberal ('separatism') or environmental themes.
- **Media market:** Economically speaking, there are two media markets: certain media companies concentrate on the north of Belgium with its predominantly Flemish speaking population, whereas other companies address the predominantly French-speaking population in the south of Belgium. This results in smaller media markets compared to neighbouring countries. The Belgian public also has access to a broad range of foreign media outlets, which are especially popular in the French-speaking and German-speaking parts of the country.<sup>[4]</sup> For television, in Flanders the PSM (VRT) is the largest media outlet. In the French speaking part the situation is different. Here the audience market share is more divided between different broadcasters, more more specifically the PSM (RTBF) and private broadcaster

RTL.<sup>[5]</sup> RTL was part of the RTL Group, but the Belgian broadcasting activities were acquired by Belgian private media companies DPG Media and Rossel Group in 2023.<sup>[6]</sup> With regard to print media, in Flanders, Mediahuis and DPG media are the dominant players in the market. In the French speaking part it is Groupe Rossel that controls the majority of the print market. With regards to online presence, in Flanders the most popular news brands are related to the domestic media companies. In the French speaking part the situation is more fragmented and it includes more foreign brands.<sup>[7]</sup>

- **Regulatory environment:** During the 1970 State reforms, Community authorities were given more powers to regulate radio and television broadcasting markets. As a consequence, each Community has its own (audiovisual) media law and a separate media regulator with sometimes varying tasks and competences. The Audiovisual Media Services Directive has been transposed in all the language Communities.<sup>[8]</sup> The autonomy of regional authorities also explains the need to assess both markets separately for those aspects which fall under the competences of the linguistic Communities. It is important to clarify, though, that the Belgian population has in principle access to (nearly) all media outlets provided in both languages irrespective of location.

### 3. Results of the data collection: Assessment of the risks to media pluralism

#### Belgium: Media Pluralism Risk Areas



JS chart by amCharts



As in the previous implementation rounds, Belgium scores relatively positively. However, risk levels have increased slightly in most of the domains. However, although the indicator on market plurality has decreased, it remains at high risk. This implies we need to be cautious about certain worrisome trends in specific areas such as regional and local media, safety of journalists, anti-SLAPP procedures and media literacy. The media will need further support to ensure its stability and plurality.

**Fundamental protection** (22% - Low risk). As in previous years, Belgium scores positively on the fundamental protection of freedom of the press and of expression. Although the risk remains low, we notice a slight increase of the risk level. Some concerns already have been raised in previous editions of the MPM, such as arbitrariness in accessing public information, job insecurity for self-employed journalists and the threat of criminal defamation sanctions. Recently there is a rise in aggression against journalists and there have been some strategic lawsuits against public participation (SLAPP), which could explain the augmentation.<sup>[9]</sup>

**Market plurality** (62% - medium risk). The economic situation of Belgium's media markets is a complex story. With three different language communities, markets are very small and media actors very concentrated. Recent years have witnessed a growing consolidation between media actors (within and across sectors). While the indicator on plurality of media providers maintain a high risk, there has been some improvements in the areas of media viability and editorial independence.

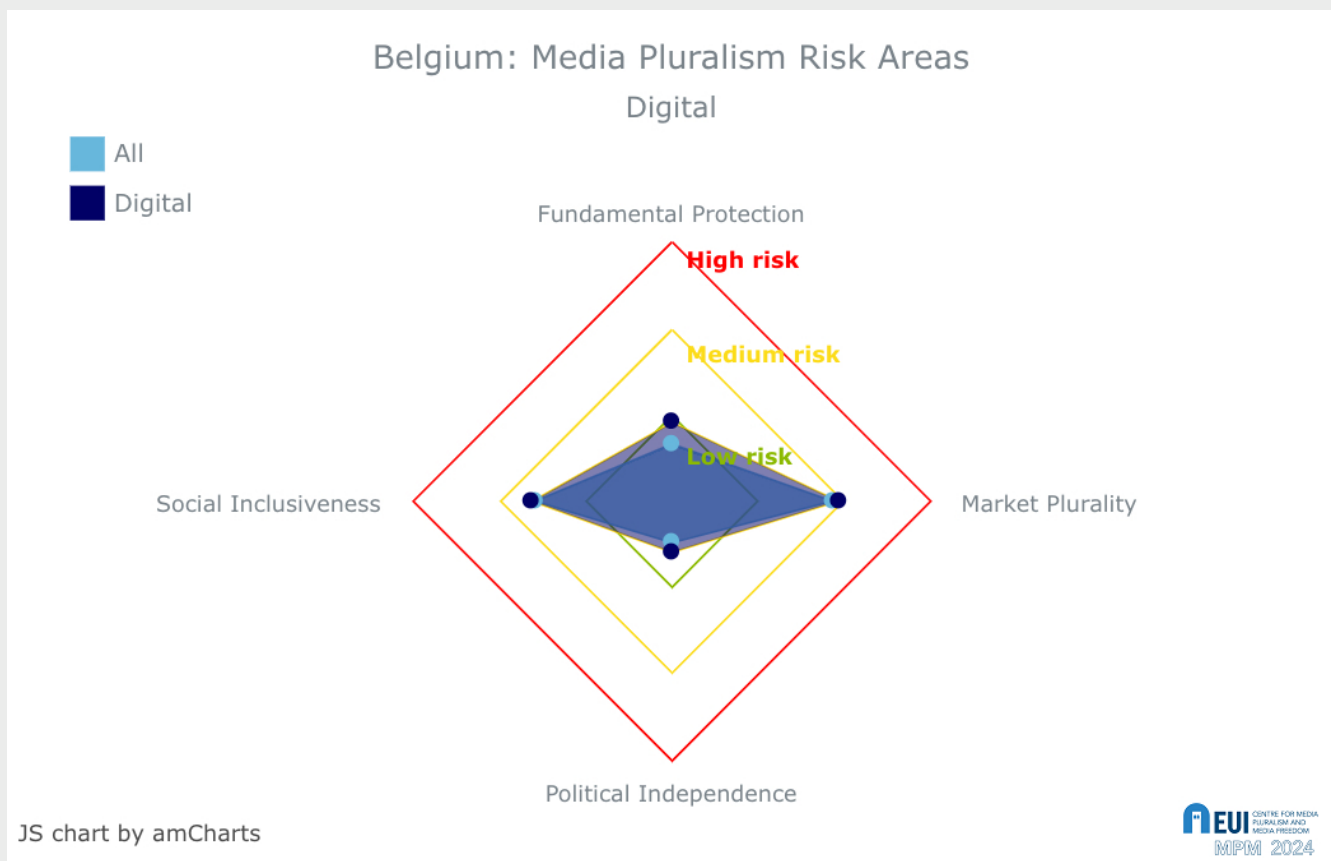
**Political independence** (16% - low risk). Similar to previous years, the political and commercial independence of audiovisual media outlets has been legally enshrined. The same cannot be said for the print media, though a strong and effective co- and self-regulatory framework ensures their independence in practice. Online media actors generally fall within these frameworks, though this may leave some room for



improvement in practice. Connected to the area on market plurality is the concern of a general lack of transparency related to digital native actors specifically. As in previous years, the editorial autonomy of these actors is not known to be compromised in practice, but vigilance by all stakeholders involved remains warranted.

**Social inclusiveness** (53% - Medium risk) With regards to Social Inclusiveness, there is again an increase in risk compared to the previous edition of the MPM. This increase is linked to the indicator on representation on minorities in the media, which went up from medium risk to high risk. This could be explained by a recoding of the variable as Belgium does not have legally recognised minorities. The fragmentation of Belgium's media landscape remains at the core of Belgium's challenges. With three different communities sharing powers over media affairs, attempts to guarantee inclusion of minorities has proven difficult.

### Focus on the digital environment



### Fundamental protection

The legal framework in Belgium does not make a distinction between freedom of expression in the online and offline environment. However, Belgium's Constitution does not prevent legislation from imposing a posteriori restriction on expressions. As a result, restrictive measures present themselves in a wide array of regulations in favour of the protection of other rights, such as anti-discrimination, honour and good reputation, public decency, and privacy and data protection.<sup>[10]</sup> The issue is not limited to a posteriori measures either, as over a decade ago, the ECtHR found the framework for a priori restrictions lacking as well.<sup>[11]</sup> Though, in theory, both types of restrictions may constitute risks to the freedom of expression, in practice, the risk is mitigated by consistent application of both proportionality tests and balancing exercises with other fundamental rights, applicable both on- and

offline and thoroughly accounting for each case's characteristics

As in the previous year, risks specifically related to the possibility to block and filter content in the online environment, lies primarily with online platforms. Though the most popular platforms provide their transparency reports on their blocking and filtering activities, the concern remains that the transparency, comprehensiveness and accuracy of these reports are at the discretion of these players. For instance, Meta issued a country report for Belgium in 2022, but this is not the case anymore. Both X and Tiktok also produce transparency reports. TikTok provides this on country basis, however, Belgium is not included.

Attacks in general, but also online attacks are on the rise. Special attention should also be given to the situation of female journalists, and more notably those of ethnic background of a minority group. There have been a few cases of deliberate and grave assault, making this a variable that should receive all the necessary care and attention by all stakeholders involved to curb this trend.<sup>[12]</sup>

### **Market Plurality**

As was reported in consecutive MPM implementation rounds, digital native news media do not (yet) fall under the competence of the transparency obligations towards their respective Community media regulator. As a result, very little is known about their market share or ownership structures. Furthermore, there are virtually no cross-media ownership restrictions and no specific thresholds incorporated in media legislation, mainly the result of the division of powers in Belgium limiting each legislator's scope for action. News consumption via digital platforms and digital applications is still increasing.<sup>[13]</sup> Media companies are looking for new types of innovation with regards to news, for example digital first.<sup>[14]</sup>

### **Political Independence**

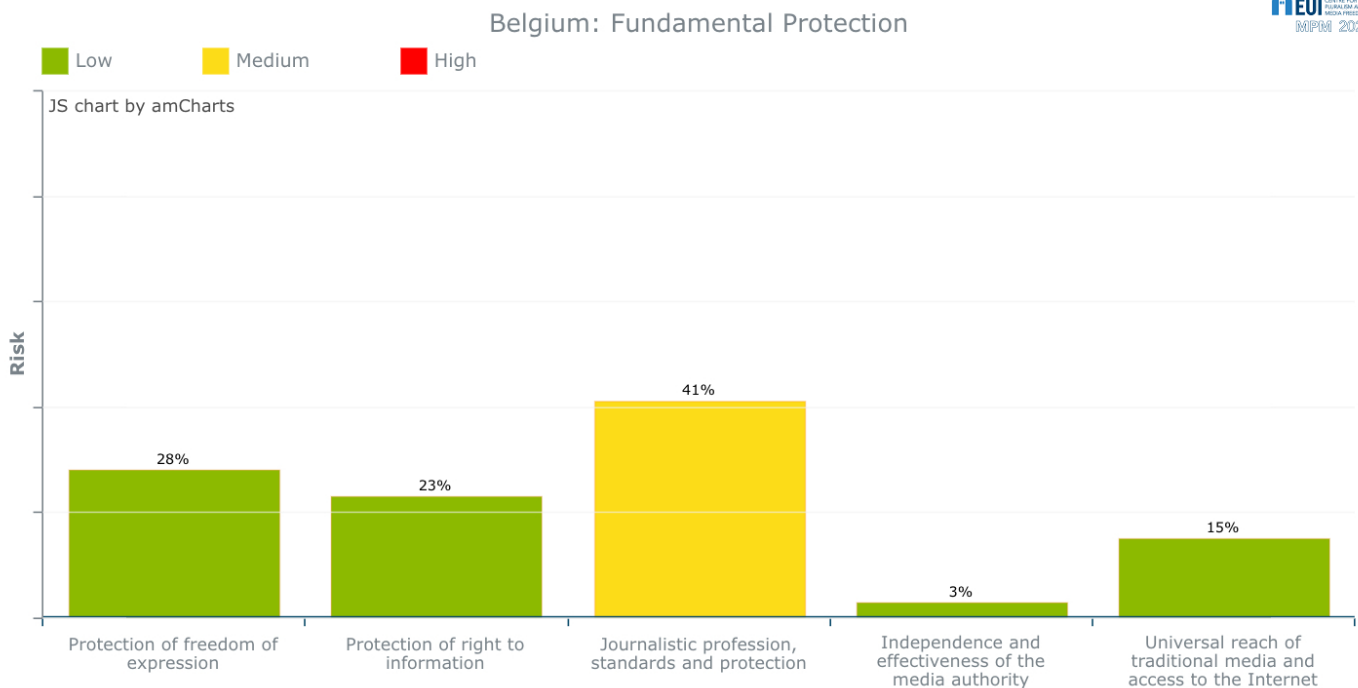
The risk for political independence in the online environment has decreased by 23 percentage points since the previous implementation. Similar to the remark about transparency on the ownership structures of traditional media, the overall absence of transparency poses risks in relation to political control over these media outlets. Though press traditions in Belgium result in generally more ideologically coloured media, a tradition which has continued as press media moved into the online environment, no direct control is hitherto openly discovered. With regards to political advertising, there are some general rules, but not specifically targeted to political ads. In addition, parties are not always transparent, for instance with regard to the platforms they chose to advertise on, or whether or not their campaign was based on personalized or targeted advertising techniques. Though social media platforms themselves generally appear capable of accurately indicating whether a certain ad is political, including the option for users to indicate an ad is political, this alone does not suffice to prevent online media users from being exposed to an imbalanced representation of political parties.

### **Social Inclusiveness**

With respect to Belgium's efforts in the fight against disinformation, as in the previous implementation round of the MPM, the problem of disinformation in Belgium still appears to be limited. However, there is also disinformation that comes from international platforms which can have a significant impact. Efforts to tackle issues primarily originate from industry stakeholders, sometimes with government support. The limited risks in this area should therefore by no means be considered a reason to cut back on ongoing efforts to fact-check or on efforts to raise awareness with the general public on the dangers and nature of online disinformation.

### 3.1. Fundamental Protection (22% - low risk)

The Fundamental Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have the competence to regulate the media sector, and the reach of traditional media and access to the Internet.



#### The indicator for Protection of freedom of expression has a low risk level (28%).

The risk level for freedom of expression remains stable over the different implementation rounds of the MPM. However, the concerns identified in previous implementation rounds remain. Belgium maintains the criminalization of defamation, despite the Council of Europe's 2007 call to abolish prison sentences for defamation.<sup>[15]</sup> In practice, however, prosecutors will rarely (if ever) use the criminal law for defamation because of the difficulties and expense of a jury trial (Assize Court), which is mandated for press offenses (except hate speech and racist speech) by Article 150 of the Belgian Constitution.<sup>[16]</sup> Such violations are thus traditionally tried by civil courts for claims of personal injury. Although the laws may not be applied in practice, the possibility of criminalization remains. Although Belgium has constitutional protection of the press and of expression, it has also been the subject of unresolved warnings from the ECtHR for the lack of a clear legal framework of a priori restrictions, an issue that remains unresolved today.<sup>[17]</sup> Finally, there is insufficient data to assess the filtering, monitoring and/or blocking of content by online platforms for Belgium. This lack of knowledge is considered a risk for media pluralism.

#### The indicator on the Protection of the right to information scores low risk (23%)

The risk level of the indicator on Protection of the Right to Information remains low. Although there is a legislative and regulatory framework for the protection of the right to information<sup>[21]</sup>, there are still medium risks regarding its effective implementation. The risk stems from problems in practice, including arbitrariness

and abuse of remedies.<sup>[22]</sup> Since 2023, the federal law transposing Directive (EU) 2019/1937 relating to whistleblowers is applicable. It applies to employees in the private sector. Companies must have a reporting channel available through an email address, tool or app or verbally.<sup>[23]</sup> A total of 24 responsible officials have been designated by the government. The law is relatively new and there have been no cases so far. Public records show that there is no arbitrariness in punishing whistleblowers, as the federal ombudsman publishes the relevant cases along with their procedures and considerations.

### **The indicator for Journalism profession, standards and protection scores a medium risk (41%)**

The indicator for Journalism profession, standards and protection continues to maintain a medium risk. One area of concern that was addressed in previous implementation rounds, namely the working conditions of freelance journalists, remains an issue. Two other issues are also of concern, SLAPP practices and violence against journalists. Currently, there is no legal framework to counter these lawsuits. Another issue is the increase in violence against journalists. Both the annual report of the Flemish journalists' association VVJ and the journalists' survey show a significant increase in aggression, both offline and online.<sup>[18]</sup> More than half of the journalists in the survey have already experienced some form of aggressive behavior, with verbal aggression being the most common. Women are proportionately more likely to experience transgressive behavior. In terms of verbal violence or harassment, there are no statistically significant differences between men and women. Belgium has a law on the protection of sources.<sup>[19]</sup> The law grants journalists the right not to reveal their sources and prohibits investigative measures. Only very limited and reasonable exceptions to this right are allowed and can only be granted by the courts. The data retention law has been overturned several times by the Constitutional Court. A new law was introduced and took effect July 20, 2022.<sup>[20]</sup> According to some authors, some provisions could be incompatible with the case law of the European Court of Justice. In 2023, five cases were brought before the Constitutional Court to overturn the new law. There is no ruling yet. Measures have also been taken to prevent illegal surveillance of journalists and media service providers, and the exception for journalistic activities in the GDPR has been implemented.

### **The Media Authority Independence and Effectiveness indicator scores a low risk (3%)**

The indicator maintains a consistent 3% compared to previous implementation rounds for three main reasons, all related to the existing regulatory framework governing the structure and functioning of independent media authorities in both language communities. First, Belgium maintains formal guarantees of independence: being a member of a media authority in either language community is incompatible with holding a position in the respective government or having interests in a media or advertising company.<sup>[24]</sup> Second, the selection of experts is based on predefined objective criteria, nor should the overall composition of the Council show any unjustified imbalance in favor of a specific ideological point of view. This principle of balanced representation is reflected in the selection criteria for its members based on their professional background. For the Flemish Community, the criteria stipulate that media experts must have held a scientific or teaching position for at least five years at a Flemish university or at a Flemish institution of higher education leading to higher degrees, or have at least five years of professional experience in the media. To be appointed president of the general chamber, one must have held the office of magistrate in the courts or in the Council of State for at least five years.<sup>[25]</sup> For the French Community, a general guiding principle is that representation should not constitute an unjustified imbalance in favor of a specific ideological point of view. This principle of balanced representation is reflected in the selection criteria for

members based on their professional background.<sup>[26]</sup> Third, only a court can overturn a decision of the media authorities, ensuring the necessary transparency and accountability of the decision-making processes.

### **Universal coverage of traditional media and Internet access scores low risk (15%)**

The risk score has also remained low compared to previous implementations. However, a specific concern remains the high level of concentration in the Internet access market. However, this remains a low risk as the Belgian Institute for Postal Services and Telecommunications (BIPT) remains critical and alert with regard to market developments and activities of market players.

#### **Focus on the digital environment**

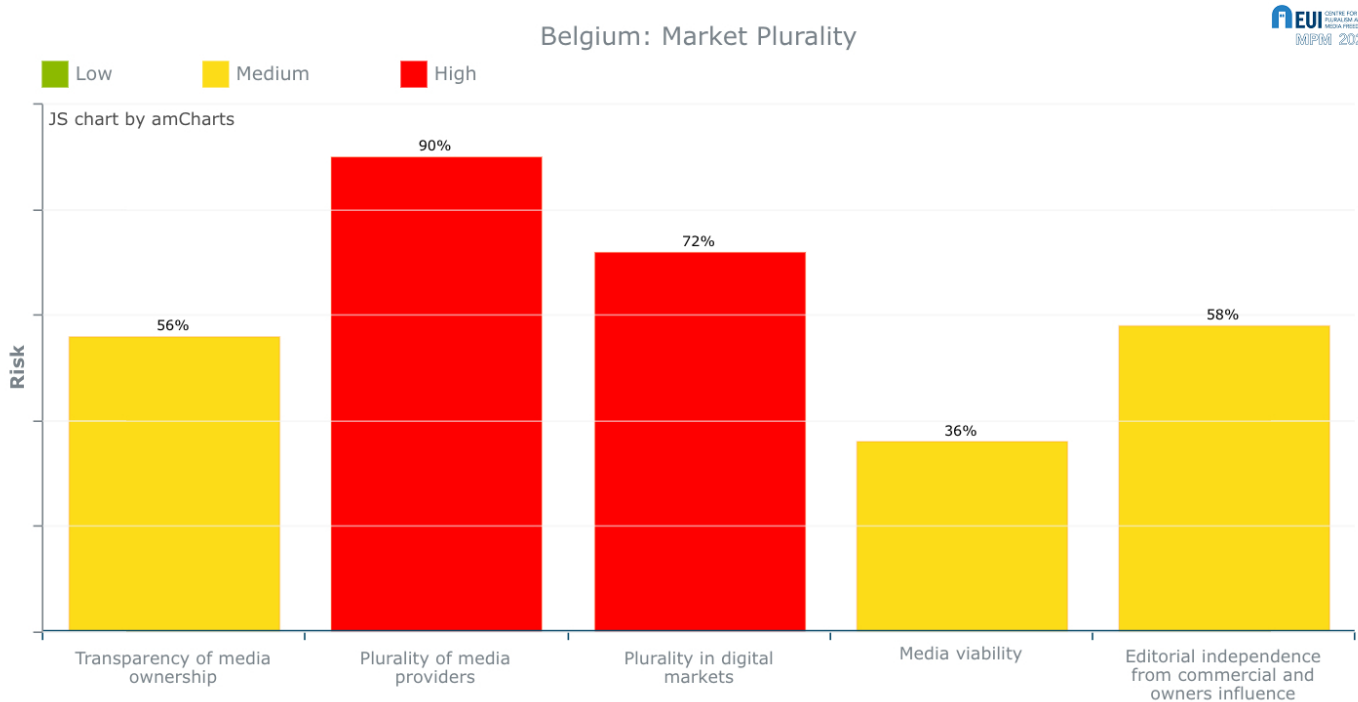
Regarding freedom of expression online, the law basically does not distinguish between online and offline restrictions, implying that the issues of the offline context also apply to the online environment. As for arbitrary filtering and blocking by the state, there is no evidence of arbitrary removal of content. The Belgian Institute of Postal Services and Telecommunications (BIPT) again blocked access to the Internet in 2022 to counter Flubot virus attacks by blocking communications between infected smartphones and control servers. BIPT publishes a report on the monitoring of net neutrality in Belgium.<sup>[27]</sup>

Based on this report, it could be argued that there is a low risk. No cases of blocking of services or applications in the network were identified. As for the risks specifically related to the ability to block and filter content in the online environment, the risk for Belgium lies mainly with the online platforms. The platforms provide more information since the beginning of their self-regulatory codes in light of the Covid-19 fight against disinformation and disinformation, and it is an improvement over the situation before the EU Code of Conduct on Disinformation. But the transparency provided does not meet the requirements as set forth in the MPM's description of variables, as it neither fails to clarify the legal grounds for removing/filtering/blocking online content, nor categorizes such interventions based on specific motivation, nor that no repositories are publicly accessible.

In December 2023, the Flemish journalists' association VVJ published a status report on the platform where journalists can report aggression/harassment. It shows that most aggression is verbal. If we look at the comments of the Reporters Sans Frontières (RSF) index (indicator 26), they confirm these figures. According to them, journalists have a sense of insecurity.<sup>[28]</sup>

### 3.2. Market Plurality (62% - medium risk)

The Market Plurality area considers the economic dimension of media pluralism, assessing the risks deriving from insufficient transparency in media ownership, the concentration of the market in terms of both production and distribution, the sustainability of media content production, and the influence of commercial interests and ownership on editorial content. The actors included in the assessment are media content providers, with indicators including Transparency of media ownership, Plurality of media providers, Media viability, Editorial independence from commercial and ownership influence, and digital intermediaries (with the indicator on Plurality in digital markets).



**The indicator on Transparency of media ownership scores a medium risk (56%).**

The risk on this indicator remains the same in comparison to last year. The risk indicators refer to the obstacles in the way of ensuring effective disclosure of media ownership to public bodies and/or the public at large. These concerns are especially relevant in relation to the transparency of digital native news media actors for which media regulatory authorities in Belgium have limited data regarding financial or ownership structures. This rings especially true in light of the transparency provided by the digital counterparts of existing media companies. Given the high market concentration, larger media companies in Belgium tend to operate cross-media, including audiovisual media services. As a consequence, these larger companies come within the scope of transparency obligations targeted at the audiovisual media industry, resulting in some transparency related to their digital media activities. While this thus results in some degree of transparency in practice, the information obtained is more incidental than systemic. The fact remains that the absence of transparency provided by and related to digital news media specifically remains an ongoing concern. Though Belgium has a long-standing tradition of leaving nonaudiovisual news media relatively free and unsupervised, when assessing potential risks to media pluralism, transparency on their ownership, control and funding is considered essential, including for those active in the online environment.



## **The indicator on Plurality of media providers scores a high risk (90%).**

As in the previous implementation rounds this indicator shows a high risk level. As we indicated in the introduction, there are two media markets: one that caters to the Dutch speaking part and the other to the French speaking part of Belgium. Only a handful of companies own all media outlets on the Flemish and French market. The market and audience concentration shares of the Top4 in any media format remain close to 100%, resulting in very high concentration indices for both markets. However, it should be borne in mind that, due to the various language overlaps with neighbouring countries, content from media outlets based in France, Germany, Luxembourg and the Netherlands help diversify the available offer in practice. An important factor at play is the absence of sector-specific anti-concentration rules. Apart from some restrictions on the accumulation of radio or TV licenses, community media laws do not contain specific thresholds or procedures for (cross-)media mergers, mainly caused by the division of powers in Belgium between the Federal State and Communities. Nevertheless, general merger control rules evidently also apply to the media sector. As a result, the Belgian Competition Authority occasionally attaches conditions to a merger, but only as part of its consumer welfare analysis.<sup>[30]</sup> There is, however, no explicit legal obligation for the Competition Authority to take into account media pluralism in its competition assessments. Though this has ensured access to media networks and distribution, it has not effectively prevented the current high level of concentration.<sup>[31]</sup> In 2023, it was announced that Ads & Data would also integrate the advertising services of the Flemish public broadcaster VRT.

## **The indicator on Plurality in digital markets scores a high risk (72%).**

In comparison to the last implementation round, this indicator has decreased with 9 procent points. This is mainly due to the adoption of the minimum tax law in 2023, which introduces a minimum tax for multinational companies and large domestic groups.<sup>[32]</sup> This law is the transposition of Directive 2022/2523 on ensuring a global minimum level of taxation for multinational enterprise groups and large-scale domestic groups in the Union. Similar to previous implementations, Belgium shows high risks primarily due to an absence of media-specific considerations in the regulation of ownership, advertising or audience concentrations which makes it difficult to address challenges both in the online and offline environment. The indicator concerns the capacity of national and regional media players (e.g. videostreaming services) to compete with international online market players, and their capacity to absorb important economic resources in the online environment, such as advertising revenue and audiences (e.g. side-door access to news and information). The market impact of these international players has incentivised leading Belgian advertising and media companies to cooperate, in the context of the Belgian Data Alliance. This Alliance has taken concrete form in Ads & Data, a joint venture between different media companies, in which the parties bring their portfolios together, resulting in a significant cross-media offering in television, video, audio, print, offline and online.<sup>[34]</sup> In 2023 it was announced that Ads & Data would also work together with the advertising department of the Flemish broadcaster VRT.<sup>[33]</sup>

Regulatory authorities are not always sufficiently equipped to assess the potential harm of these new type of activities of media companies, not only to the market, but also to media pluralism. In 2022, a new copyright law came into force, creating a special publishing right law. This should allow press publishers to valorise their news offerings more efficiently against Google, Facebook and other online platforms. These have long been generating masses of online traffic and advertising revenue thanks to news stories they take over from professional news media. The new publishing law now makes it explicitly legally possible - and therefore much easier in practice - to shield their content from that use.

## **The indicator on Media viability scores a medium risk (36%).**

To some extent, the viability of the media sector may be owed to high market concentration, as vertically and horizontally integrated companies were better equipped to spread losses and mitigate income loss caused by the resulting economic harm. This also prevented larger media companies from having to, or limiting the need to, perform lay-offs or similar large budget cuts. It would appear that the media outlets suffering the most are those working on a freelance basis, such as some printed press and digital native news outlets. As reflected in a medium risk, viability thus appears precarious but manageable. Revenues of the different media sectors remain stationary. Media companies are experimenting with new formats and developing new revenue streams, for instance, in the form of podcasts. Another example is the "total TV - ecosystem," launched by Ads & Data. It is the result of two connected ecosystems (that of set-top boxes and that of the online world). Ads & Data is the first player on the market which, thanks to its shareholders Proximus and Telenet, integrates and links telco data with online data and data from the advertiser. This can be deployed across different environments for targeted advertising.<sup>[35]</sup> The viability or growth is secured to a large extent thanks to Flemish media companies that are not only active in Flanders and the French speaking parts of Belgium, but are actively looking for growth opportunities in the Netherlands and Ireland. For instance, DPG Media and Mediahuis are the two largest publishers in the Netherlands. Together they reach almost 95% of the Dutch market for printed newspapers. Roularta Media Group, in turn, is the second largest publisher of magazine brands in the Netherlands. Last year Mediahuis and DPG Media took a stronger position in the Dutch radio market through acquisitions and the Dutch FM frequency auctions.<sup>[36]</sup>

For several years there was a contract between the Belgian State and Bpost for the distribution of written press. This followed a tender procedure. Bpost received a fee to deliver newspapers and magazines throughout the country before 7.30 am. In 2023 the federal government wrote a European tender for the new contract. Not Bpost, but a private company PPP, won the bid. This opened a political discussion. In the end the the federal government decided to cancel the concession for the distribution of newspapers and magazines. Bpost now receives one-time 75 million euros to organize the distribution of newspapers and magazines until the end of June 2024.<sup>[38]</sup>

## **The indicator on Editorial independence from commercial and owner influence scores a medium risk (58%).**

The cause for this medium risk lies with the lack of social protection for journalists and editors accounting for the risks associated with the profession (i.e. failing to protect against undue commercial influences or conflict of interests with management or boards, other than through traditional 'soft' regulation such as self-regulatory statutes and deontology). While the Social Charter for journalists was previously approved in 2019, there has been no effective implementation resulting in concrete safeguards for journalists.<sup>[37]</sup> Though no sufficient hard evidence may be found of commercial influence on editorial content, experts indicate a growing risk of commercial interests and considerations entering editorial-making processes. Such a potential trend notwithstanding, regulation of advertising, as well as deontological and ethical standards have consistently been assessed as well-implemented and effective in practice, providing a welcome counterbalance to the potential risks of editorial-decision making becoming influenced in practice. None of the media companies have interests in sectors that are not related to the media.



## Focus on the digital environment

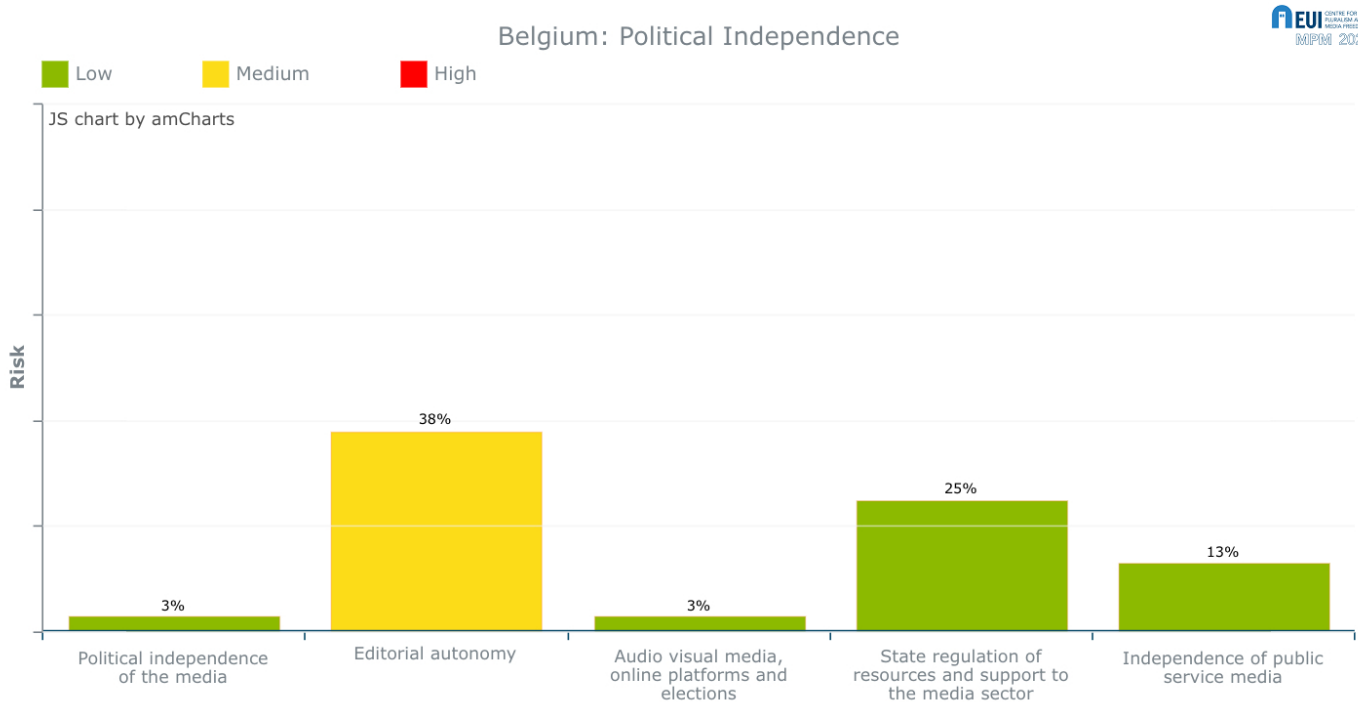
Digital native news media do not (yet) fall under the competence of the transparency obligations towards their respective Community media regulator. Therefore, media regulatory authorities in Belgium have limited data regarding financial or ownership structures of digital news media. For media companies who tend to operate cross-media and thus also in the digital environment, there is more information available. Because they often also operate in the domain of audiovisual media services, these larger companies come within the scope of transparency obligations targeted at the audiovisual media industry, resulting in some transparency related to their digital media activities. There is no information on revenue, only on visitor's data. This data shows that the four largest media groups (Mediahuis, DPG Media, VRT and Roularta) together achieve a market share of 90%.

Apart from the general merger control rules, which are laid down in the federal Code of Economic Law, there are virtually no media concentration restrictions in the online media sector. Therefore there are no specific thresholds incorporated in media legislation regarding cross-border ownership between television and other media. This is mainly the result of the division of powers in Belgium between the federal state (press, film, etc.) and communities (radio and television), limiting each legislator's scope for action to one of these media types. Still, the media sector is by no means excluded from the Code of Economic Law, and the Competition Authority investigates crossownership in the media sector. Despite not having an explicit obligation to take into consideration media pluralism aspects, the Authority has made due regard for media pluralism aspects in its interventions, limited, however, to a consumer welfare and accessibility analyses.<sup>[39]</sup>

In 2023, 76% of Belgians access news online and 43% through social media.<sup>[40]</sup> While this is an impressive improvement, it still creates risks to the media's traditional advertising revenue model. In response, media companies are experimenting with new formats. For instance, regional newspaper Het Belang van Limburg works completely digital first (Digital first is a communication theory that states that publishers should release content on new media channels rather than traditional media). Gazet van Antwerpen and ATV of Mediahuis are the main media for news about Antwerp. They have joined forces to create one news site and app for and about the city. The editors of both media continue to work independently, but have combined their regional journalism on one online platform. Belgian news industry body La Presse has been developing technology to translate text into audio via smartphone, so newsreaders can listen to stories on their phones.<sup>[41]</sup>

### 3.3. Political Independence (16% - low risk)

The Political Independence indicators assess the existence and effectiveness of regulatory and self-regulatory safeguards against political bias and political influences over news production, distribution and access. More specifically, the area seeks to evaluate the influence of the State and, more generally, of political power over the functioning of the media market and the independence of the public service media. Furthermore, the area is concerned with the existence and effectiveness of (self)regulation in ensuring editorial independence and the availability of plural political information and viewpoints, in particular during electoral periods.



#### The indicator on Political independence of media scores low risk (3%).

The indicator on political independence again scores a low risk. The legal safeguards with regards to political control and influence only exist for radio and television.<sup>[42]</sup> For instance, (regional) broadcasters have to be independent from a political party and they cannot be linked to a political party. However, variables on legal limitations to direct and indirect control of newspapers by party, partisan group or politicians have to be answered negatively, as newspapers have no legal obligation to put in place an editorial statute; instead there is a traditional informal system in place. In practice, these informal mechanisms in place amongst practitioners appear effective in preserving the political independence of the media in Belgium, including the general constitutional protection of freedom of expression and press freedoms<sup>[43]</sup>, and the effective self-regulatory codes of ethics for journalists.<sup>[44]</sup> As far as we could determine, there have been no reports or cases (yet) that indicate a presence of political control over the audiovisual media. In the Flemish online environment, there are some news brands that have political affiliations. However, at the moment they do not reach a large audience and for this reason cannot be seen as leaders within the Flemish media landscape. To our knowledge, the largest newspapers are not related to political parties in terms of ownership, key positions in the organisation, or editorial policy. Traditionally, newspaper brands have been 'coloured' in ideological orientation of their content, but they are not controlled by political groupings or individuals in the meaning of this indicator.

### **The indicator on Editorial autonomy scores medium risk (38%).**

The risk level for this indicator domain evolved from a low (25% in 2023) to a medium risk. The concerns from previous years remain, namely the lack of regulatory safeguards to guarantee autonomy when appointing and dismissing editors-in chief. Even though there is a lack of specific legislation on this matter, in practice there have been no cases reported from stakeholders in which a certain appointment or dismissal was considered politically influenced. Simultaneously, the experts interviewed in the context of this implementation round agree that there is a lack of hard evidence regarding genuine independence from political influences in editorial content. This year some of the experts indicated that there have been several instances of politicians criticising journalists. Something that, in the long term, negatively affects public confidence over journalists, ultimately exerting an indirect pressure on journalistic work.

### **The indicator on Audiovisual media, online platforms and elections scores a low risk (3%).**

The low risk assessment has remained stable for this indicator. Rules on impartiality and fair political representation on PSM and commercial broadcasters are available, and there is evidence of effective implementation of these rules. The low risk assessment of this year's implementation is derived from the results of the various independent studies undertaken to assess the political impartiality of media outlets, both on PSM and on private audiovisual media outlets.<sup>[45]</sup> Commissioned by the Flemish Media Regulator, a research group of the University of Antwerp conducted a study on VRT's impartiality in news coverage in the year 2021, a study that was repeated in 2022 and 2023. First, the study consisted of an extensive reporting of the actors and topics in the Eén-Journaal (7pm) of the VRT, taking commercial broadcaster VTM's channel 7pm news as a point of comparison. Second, there was more in-depth research focused on two cases in which VRT coverage was compared with coverage in other media. Again, the comparison between the Eén Journaal (public broadcaster -7pm) and VTM Journaal (commercial broadcaster -7pm) produced strikingly similar results. The most pronounced similarity is that the emphasis in both newscasts is on actors with power, in this case ministers and government parties. This greater focus is due to newsworthiness (impact on the daily lives of all people) rather than political preference. When power changes, the actors most prominently featured also change. This dominant representation of politicians in power is by no means new and could be explained by the fact that policies of the government have a direct impact on the daily life of citizens. Another possible explanation given by the researchers could also be the many internal conflicts within the several governments, thereby drawing attention away from the opposition.<sup>[46]</sup>

### **The indicator on State regulation of resources and support to media sector scores low risk (25%).**

The indicator on State regulation of resources and support to media sector scores again scores a low risk. Both the French speaking and Flemish Community allocation of frequencies with detailed rules. There is a legal framework for the distribution of direct and indirect state subsidies to media. Indirect subsidies are for instance the federal tax shelter (a tax scheme that allows investments in the production of audiovisual works through a tax exemption) and the 0% VAT rate for printed and digital newspapers on their sale. With regards to the distribution of state advertising to media outlets there are no clear, specific rules or laws. There is no obligation to report on advertising expenditure by the public sector. Also, both the federal state and the regional entities can run advertising campaigns, making transparency more difficult.

## **The indicator on Independence of public service media shows a low risk (13%).**

There are extensive regulatory safeguards (in the media acts and management contracts), which are overseen by independent regulatory authorities, both in the Flemish and in the French Community. Additionally, the Council of State is competent as appeal mechanism.<sup>[47]</sup> There have been no cases before these bodies that provide any cause of concern in relation to independence of PSM. The risk for this indicator lies mainly with the grounds on which the government bases its decision of assigning funds to the PSM. Considering that the allocation of funds is not done on a set of objective pre-defined economic criteria, the independence of the PSM may be considered at risk when the allocation of funds is based solely on non-economic factors. At the same time, it has to be mentioned the reconsideration of the legal variable related to the safeguards related to the funding of the online remit of PSM and the risks to competition distortion, which improved the risk level of the present indicator.

### **Focus on the digital environment**

The risk in the digital environment decreased from a medium risk of 43% to a low risk of 20%. The risk decreased because of the reconsideration of the available safeguards related to the online presence of public service media.

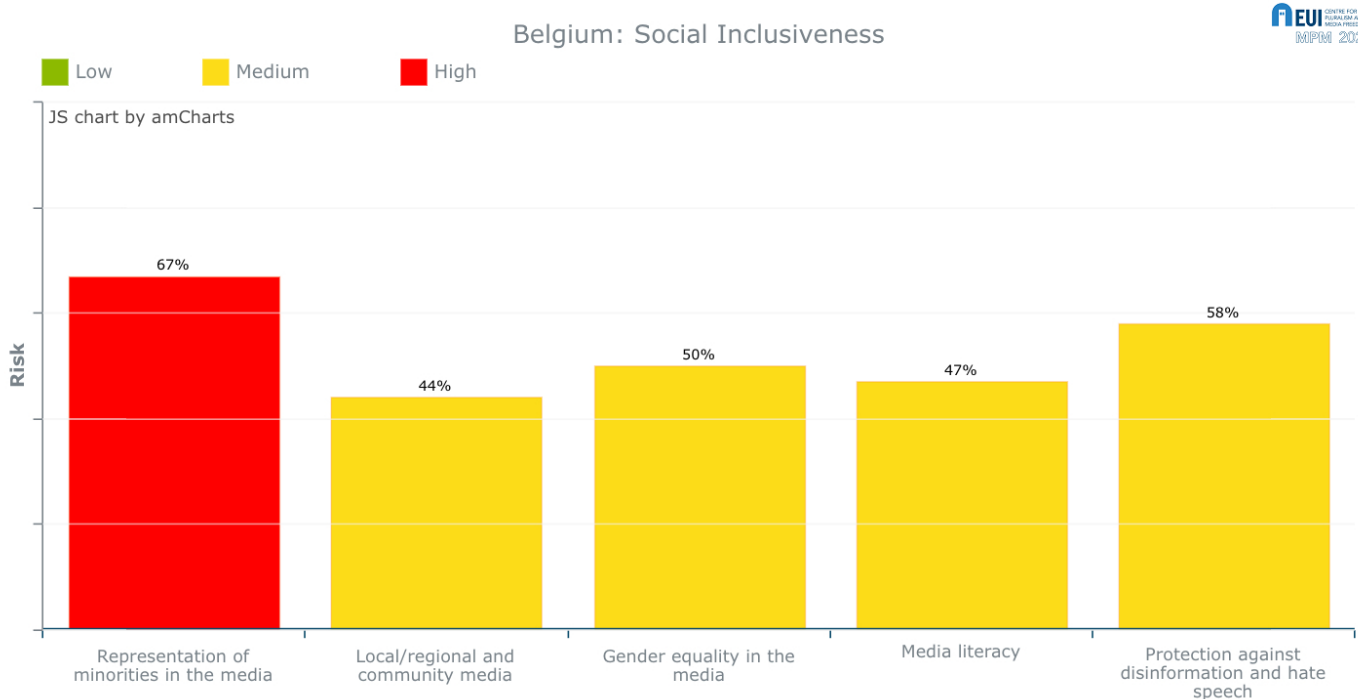
Applying the terminology of control as outlined alongside the indicator, digital native newspapers do not appear to be under any political control. However, it needs to be stated that digital native media currently do not appear to fall under the same clear scrutiny in terms of transparency regarding ownership or control as legacy media do, this is mostly due to their limited size and reach compared to legacy media groups and holdings. Therefore it is unclear what certain website's affiliations to political groupings are in practice.

There is no separate framework for online platforms and elections, so it mainly follows the general regulations. One particular point of concern persists throughout the implementations, however, as there is (still) no specific regulation obliging parties or intermediaries to be transparent to authorities on whether online political advertising campaigns are run fairly and by use of which techniques.

While no specific provision against distorting competition as such is available in media decrees (Flemish nor French), the new charter agreement for the Flemish PSM does specify that it has a responsibility to have an online presence, but that it has to be complementary and supportive of the highly competitive private media ecosystem online, implying the respect for private media actors.

### 3.4. Social Inclusiveness (53% - medium risk)

The Social Inclusiveness area focuses on the access to media by specific groups in society: minorities, local and regional communities, women and people with disabilities. It also examines the country's media literacy environment, including the digital skills of the overall population. Finally, it also includes new challenges arising from the uses of digital technologies, which are linked to the Protection against disinformation and hate speech.



#### The indicator on Representation of minorities in the media scores a high risk (67%).

The indicator Representation of minorities in the media shows an increase of 13 percentage points compared to last year, making it a high risk. This rise is mainly attributed to recoding of certain variables as there were no significant policy changes. The different language communities have difficulty defining clear categories of minorities due to politically sensitive language legislation. French and Dutch speakers form a minority in some parts of the country but not in others, so that none can truly be considered a minority. As a result, any protection of access to media for minority groups, is mostly based on rather abstract, generic anti-discrimination regulation. For example, legal obligations regarding third-party programming on PSM have eroded over the years, but PSM still have the obligation to represent the diverse ideological and sociological groups in society in their programming, as specified in their mission charter. This notwithstanding, management contracts of the PSM do set out certain standards to be met regarding diversity, be it regarding their workforce or representation. This year's round indicates that the VRT manages to meet its objectives and obligations in providing the necessary access.<sup>[48]</sup> Media accessibility for people with disabilities is also associated with a medium risk. Different institutions and regions in Belgium have policies and regulations in place to ensure media accessibility for people with disabilities.<sup>[49]</sup> However, in practice, the implementation of measures is rather fragmented.<sup>[50]</sup> PSM generally do a better job than private actors in implementing them, as they have to report their efforts in this regard on an annual basis. Overall, Belgium would benefit from a thorough revision, streamlining and correct implementation of the existing policies.

## **The indicator on Local/regional and community media scores medium risk (44%).**

This indicator shows a higher risk assessment and evolved from low to medium risk. The augmentation is primarily in light of a recoding of variables related community media. In the Flemish Community, there are no specific rules for community media, only for regional media. For community media, the general rules apply. In the French Community, there are specific provisions for 'media of proximity', which have to, amongst others, be incorporated as a non-profit association or social enterprise; have submit a financial plan when applying for authorization, demonstrating that it has the effective capacity to ensure economic viability for a period of 3 years.<sup>[52]</sup> As far as local media is concerned, the situation for local press media has turned dire. According to the media concentration report of the VRM, the advancement of wholesale distribution and e-commerce already put a great pressure on the local market, resulting in declining advertising revenue for local. The COVID-19 pandemic added to this trend, making some local publications unsustainable.<sup>[51]</sup> As a consequence, the production and distribution of some local editions and of some free press support have stopped entirely, such as Steps and Jet. However, some established media players continue issuing popular local editions (e.g. Het Belang van Limburg has 7 regional editions, de Gazet van Antwerpen en Het Laatste Nieuws both bring news on municipal level). As far as subsidies are concerned, the wide range of policies regarding grants and support measures in both language communities has resulted in a fragmented system for supporting local media (in Flanders) and community media (in the French speaking Community). For independent local media, the risk is greater since the allocation of support, funds or grants was in fact often opaque. For instance, in Flanders, the media decree speaks of a range compensation ('bereikvergoeding), i.e. a financial contribution from service distributors to regional television broadcasters, determined on the basis of the local broadcasters' reach.<sup>[54]</sup> There is also the subsidy in Flanders that per regional television broadcaster which brings a single linear newsreel be granted a subsidy of: a maximum of 245,500 euros excl. indexation on an annual basis, during the period 2024-2026 and a maximum of 255,500 euros excl.<sup>[55]</sup> In the French speaking Community, community media receive an annual operating subsidy to carry out their public service missions, as defined by agreement, as well as investment subsidies for audiovisual equipment.<sup>[56]</sup>

## **The indicator on Gender equality in the media scores a medium risk (50%).**

For the whole of Belgium, women are generally underrepresented in management, board or CEO positions. With regards to production staff in general, there is also a gender gap both in news media and in the entertainment media. Moreover, they are also still underrepresented in news media, both as 'news subjects' and as 'reporters or presenters'. In 2019, the media regulator of the French speaking Community had started a new monitor on the representation of various groups in the media, including women. The first findings of this monitor were presented in 2020 and a new study was published in 2023. In the space of ten years, the proportion of women on screen has increased by 7.94 percentage points, reaching a representation rate of 39.35% in 2021. For 2021, the Barometer notes the highest ever rate of women in the role of journalist-host (46.14%). This increase can also be seen in the representation of women as experts (+ 8%), spokespersons (+ 13%) and sports journalists (+ 9%), despite a persistent large underrepresentation in this field.<sup>[59]</sup> The CSA states: "*The qualitative analysis of programmes that we added this year shows that strong gender stereotypes and assignments persist within programmes. The only two sections in which women outnumber men are in programmes dealing with teaching and education.*"<sup>[53]</sup> On the Flemish side recent research was mainly with regards to the PSM VRT which shows similar results.<sup>[60]</sup>

## **The indicator on Media literacy scores a medium risk (47%).**

The risk for media literacy in Belgium evolved from low to medium risk. The French and Flemish language communities have differing policies regarding the mandatory inclusion of media literacy in the education curriculum, which could explain the risk level<sup>[57]</sup>. While in Flanders media literacy is incorporated in the final terms, this is (still) not the case in the French speaking part of the country. In terms of the number of media literacy initiatives in the country, initiatives have come to revolve around two main projects: on the Flemish Community side this is Mediawijs (the Flemish Knowledge Center for Digital and Media Literacy of the Flemish government) on the French Community side this is the CSEM (Conseil Supérieur de l'éducation aux médias, which ensures development and coordination of initiatives in order to promote and coordinate media literacy). Though this may show a decrease in terms of numbers, it should not be understood as a decrease in terms of efforts, as both initiatives are actively working towards the betterment of media literacy levels within their respective language Communities. Belgium scores, for the first time, a low risk regarding the share of internet users that have at least basic digital usage and communication skills.<sup>[58]</sup> However, this could be mainly be due to the fact that the data set has changed and measure now information and data literacy skills. Various and extensive initiatives on media literacy in both language communities are working hard to improve these results by educating citizens and by contributing to the public debate.



## Focus on the digital environment

### Belgium scores a medium risk on Protection against disinformation and hate speech (58%).

The indicator Protection against disinformation against hate speech is associated with a medium risk. Initiatives to fight disinformation can be found at the federal and regional level. For instance, the Senate published a report concerning the necessary cooperation between the federal government and the Communities to combat disinformation.<sup>[61]</sup> However, as an external expert pointed out, the spread of disinformation appears relatively limited in Belgium, leading to a rather low political incentive to increase efforts to mitigate the risks.<sup>[63]</sup> Efforts also stay project-based, there is no overall strategy to combat disinformation. Nevertheless, a wide range of stakeholders, such as media practitioners, PSM, academia and factchecking non-profits, makes continuous efforts to fight disinformation with financial support from the government. The Flemish government for example approved five projects that focus on various aspects of disinformation. These include work on increasing media literacy and the resilience of citizens and journalists against disinformation.<sup>[62]</sup> Several news media have also acquired the IFCN label (Flemish PSM VRT and news magazine Knack).

Regarding the protection against hate speech, the existing legal framework focuses on hate speech, such as slander and defamation in general and anti-discrimination, negationist, sexism specifically.<sup>[64]</sup> This legislation is quite extensive. However, the enforcement of the existing framework can be problematic. The reason for is that this legislation is qualified as a 'printing press offence' (drukkersmisdrijf), meaning it has to be brought for the 'Court of Assizes' (Hof van Assisen). In practice, this happens very rarely. Since World War II, only three 'printing press offences' have been brought before this Court. As a result, most of the cases with regards to hate speech slip through the cracks. In order to solve this, the Constitution has to be amended. In 1999, article 150 of the Constitution was amended to include racism and xenophobia. However, this was not sufficient to counter hate speech. So an option would be to include age, sexual preferences, disability, religion or belief.<sup>[65]</sup>



## 4. Conclusions

Overall, Belgium scores relatively positively, but risk levels have increased since 2017. This is partly due to new indicators assessing risks associated with the online environment. Thanks to the increasing efforts of stakeholders and experts in Belgium to monitor various aspects of the media in Belgium, findings continuously become a more accurate reflection of reality with every MPM implementation. Several traditional risks remain as well, though, leaving Belgium with room for improvement. Below is a list of considerations based on the MPM risk assessment that may benefit the situation of media pluralism in Belgium.

### Fundamental Protection

- Amending the legal framework for restrictions to freedom of expression and decriminalizing defamation
- Maintaining the Independent Media Regulators' strong position
- Improving transparency and efficiency of the process to obtain government-held information for citizens and journalists in order to enhance trust
- When finalised, transpose the Anti-SLAPP Directive promptly and go beyond the minimum requirements
- Improving awareness of and responsiveness to the need to ensure the safety and protection of journalists 'in the field' in cooperation with the relevant stakeholders and associations
- Increase efforts to provide an environment in which journalists can work safely, without feeling harassed or threatened
- Increase existing efforts by relevant organisations to monitor and follow up on cases of hate speech targeted at women specifically, with special attention for their safety in the online environment

### Market Plurality

- Looking for a way to increase media market transparency in the online media environment
- Reinforcing the role of Independent Media Authorities in mergers & acquisitions in the media sector and/or include an explicit obligation for the Competition Authority to consider media pluralism consideration in competition cases
- Considering integrating media-specific considerations into existing competition regulations in dialogue with the various levels of government
- Developing additional legal safeguards for the professional independence of journalists and editors-in-chief across all media formats
- Developing social protections for journalists and editors-in-chief across all media formats
- Improve social protection for self-employed journalists
- Looking for ways to (financially) support local media

## **Political Independence**

- Extending electoral legislation and regulations on electoral campaigning to include transparency on the techniques and data used during online political campaigns
- When assigning PSM budgets, establish objective pre-defined economic criteria which account for possible distortions of market competition, to complement other criteria for a fair quantification of the budget
- Embed safeguards of political independence such as codes of conduct and editorial statutes more formally in solid rules
- Draw up rules for political parties to report and provide transparency on their online campaigns
- To define rules that ensure a fair distribution of state advertising and their full transparency

## **Social Inclusiveness**

- Streamline and monitor the efforts made by the PSM and commercial media to ensure access to media for individuals with disabilities in an inclusive and comprehensive manner, i.e. to ensure the measures' pertinence and effectivity
- Streamline the rules subsidies for local and community media, with transparent and objective attribution criteria, with special attention for press media
- Develop a centralised strategy with regards to disinformation, in cooperation between the federal government and the language Communities
- Amend the Constitution with regards to hate speech
- Presence of women and minority groups in management positions in media companies and regulatory bodies should be actively stimulated and ensured, e.g. by adopting a gender and diversity policy

## 5. Notes

- [1] No separate market for German-speaking media has been assessed, given the small scale of it. This was decided by the research team already during the previous implementation rounds, in consultation with the stakeholders and the Medienrat (the media regulator of the German-speaking Community in Belgium). Only three local media providers are active in the German-speaking Community, solely offering radio services (BRF, Offener Kanal Ostbelgien and Private Sender). The media policy of the bilingual region Brussels-capital falls within the competences of both the Flemish and French Community. Media consumption in that region has been considered in assessing both markets.
- [2] [https://economy-finance.ec.europa.eu/economic-surveillance-eu-economies/belgium/economicforecast-belgium\\_en](https://economy-finance.ec.europa.eu/economic-surveillance-eu-economies/belgium/economicforecast-belgium_en).
- [3] <https://www.imf.org/en/News/Articles/2023/10/24/belgium-staff-concluding-statement-of-the-2023-article-iv-mission>
- [4] For more information about online news consumption in Belgium see: RISJ Digital Report 2023, p. 63, [https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2023-06/Digital\\_News\\_Report\\_2023.pdf](https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2023-06/Digital_News_Report_2023.pdf).
- [5] <https://statista.com/topics/6492/media-usage-in-belgium/#topicOverview>.
- [6] <https://dpgmediagroup.com/nl-BE/dpg-media-en-rtl-nederland-bundelenkrachten?referrer=https://www.google.com/>
- [7] <https://statista.com/topics/6492/media-usage-in-belgium/#topicOverview>.
- [8] For the French speaking Community: [Décret relatif aux services de médias audiovisuels et aux services de partage de vidéos](#), 4 februari 2021, [https://www.ejustice.just.fgov.be/cgi/article\\_body.pl?language=nl&caller=summary&pub\\_date=21-03-26&numac=2021020568](https://www.ejustice.just.fgov.be/cgi/article_body.pl?language=nl&caller=summary&pub_date=21-03-26&numac=2021020568); For the Flemish Community: Decreet betreffende Radio-omroep en televisie, 2009, zoals laatst gewijzigd bij Decreet van 4 februari 2022, Belgisch Staatsblad, 21 februari 2022, [https://www.vlaamseregulatormedia.be/sites/default/files/media-decreet\\_27\\_maart\\_2009\\_23\\_versie\\_04022022.pdf](https://www.vlaamseregulatormedia.be/sites/default/files/media-decreet_27_maart_2009_23_versie_04022022.pdf).
- [9] VVJ. (2024). Jaar van ondenkbaar nieuws. Jaarverslag 2023, [https://www.journalist.be/sites/default/files/2024-02/VVJ-AVBB-EFJ-IFJ-Jaarverslag\\_2023\\_0.pdf](https://www.journalist.be/sites/default/files/2024-02/VVJ-AVBB-EFJ-IFJ-Jaarverslag_2023_0.pdf). Vanhaelewyn, B., Van Leuven, S., Raeymaeckers, K., Libert, M., Le Cam, F., & Lethimonnier, C. (2023). *Portret van Belgische Journalisten in 2023*. Academia Press.
- [10] Examples refer to: the four anti-discrimination laws (anti-racism law, general anti-discrimination law, the gender law and the anti-sexism law), the protection of honour and reputation (e.g. articles 443-444 Criminal Code), the protection of public decency (e.g. Article 383 Criminal Code) and privacy and data protection (e.g. privacy law of 1992 and the GDPR implementation).
- [11] ECtHR (2011). Case of RTBF v. BELGIUM, 50084/06, Strasbourg.
- [12] VVJ. (2024). Jaar van ondenkbaar nieuws. Jaarverslag 2023, [https://www.journalist.be/sites/default/files/2024-02/VVJ-AVBB-EFJ-IFJ-Jaarverslag\\_2023\\_0.pdf](https://www.journalist.be/sites/default/files/2024-02/VVJ-AVBB-EFJ-IFJ-Jaarverslag_2023_0.pdf). Vanhaelewyn, B., Van Leuven, S., Raeymaeckers, K., Libert, M., Le Cam, F., & Lethimonnier, C. (2023). *Portret van Belgische Journalisten in 2023*. Academia Press.
- [13] De Marez, L., Sevenhant, R., Denecker, F., Georges, A., Wuyts, G. & Schuurman, D. (2024). Imec.digimeter.2023. Digitale trends in Vlaanderen. Imec.
- [14] VRM (2023). Rapport mediaconcentratie 2023.
- [15] Council of Europe, Parliamentary Assembly, Resolution 1577 (2007) Towards decriminalization of defamation, 4 October 2007.
- [16] Since the Second World War, the public prosecutor has only on four occasions brought a case before the Court of Assize. In these three cases, the Court of Assize has not yet convicted anyone on the

- basis of article 150 of the Constitution. However, in 2023, there was a conviction. Regardless of any future convictions, the extension of the definition of press offences to online publications by the Belgian Court of Cassation in 2012 can be considered a broadening of the de facto de-penalization.
- [17] There was a recent case, see Voorhoof D. (2023) *Media mogen geen informatie verspreiden uit stukken strafonderzoek in zaak Conner Rousseau*, De Juristenkrant, p. 6 en 7.
- [18] VVJ. (2023). Jaarverslag, [https://www.journalist.be/sites/default/files/2024-02/VVJ-AVBB-EFJ-IFJJaarverslag\\_2023\\_0.pdf](https://www.journalist.be/sites/default/files/2024-02/VVJ-AVBB-EFJ-IFJJaarverslag_2023_0.pdf). Vanhaelewyn, B., Van Leuven, S., Raeymaeckers, K., Libert, M., Le Cam, F., & Lethimonnier, C. (2023). Portret van Belgische Journalisten in 2023. Academia Press.
- [19] Act of 7 april 2005 concerning the protection of journalistic sources, amended by Act of 9 May 2006 (Official Gazette 7 March 2007).
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Since 2 January 2024, Peggy Valcke took up a 6-year mandate as executive board member at the Belgian Institute for Postal Services and Telecommunications.

## ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2024 CT Leader
<i>Peggy</i>	<i>Valcke</i>	<i>Prof. Dr.</i>	<i>CiTIP - KU Leuven</i>	X
<i>Ellen</i>	<i>Wauters</i>	<i>Legal researcher</i>	<i>CiTIP - KU Leuven</i>	

## ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and experience in the field of media. The role of the Group of Experts was to review especially sensitive/subjective evaluations drafted by the Country Team in order to maximize the objectivity of the replies given, ensuring the accuracy of the final results.

First name	Last name	Position	Institution
<i>Johan</i>	<i>Cassimon</i>	<i>Member Legal/Economic Research Unit</i>	<i>Vlaamse Regulator voor de Media (VRM)</i>
<i>Charlotte</i>	<i>Michils</i>	<i>Legal advisor</i>	<i>Algemene Vereniging van Beroepsjournalisten/Vlaamse Vereniging van Journalisten (VVJ/AVBB)</i>
<i>Jonathan</i>	<i>Van de Velde</i>	<i>Media umbrella association representative</i>	<i>Medianet Vlaanderen vzw</i>
<i>Jonas</i>	<i>Frojmovics</i>	<i>Economist</i>	<i>Conseil Supérieur de l'Audiovisuel (CSA)</i>
<i>Jonathan</i>	<i>Hendrickx</i>	<i>Doctor of Media and Communication Studies</i>	<i>Vrije Universiteit Brussel (VUB)</i>
<i>Martine</i>	<i>Simonis</i>	<i>Secretary General</i>	<i>Association des journalistes professionnels (AJP)</i>

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