
SUMMARY OF LEGAL OBLIGATIONS¹ APPLICABLE TO AUDIOVISUAL MEDIA SERVICES IN THE BRUSSELS-CAPITAL REGION²

1. Provisions applicable to all providers of audiovisual media services

1.1. Location (art. 4)

1.2. Registration with BIPT via a prior declaration (art. 7)

1.3. Hate (art. 11)

Prohibition to broadcast programs that incite hate based on race, gender, religion or nationality.

1.4. Commercial communication (art. 14)

- shall be readily recognizable as such;
- shall not use subliminal techniques;
- shall not affect human dignity;
- shall not include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation;
- shall not encourage behaviour prejudicial to health or safety;
- shall not encourage behaviour grossly prejudicial to the protection of the environment;

¹ Law of 5 May 2017 on Audiovisual Media Services in Bilingual Brussels-Capital Region ([direct link](#))

² This document is for information purposes only and should not be viewed as a binding position or interpretation of the law by the BIPT.

- shall not cause physical or moral detriment to minors. Therefore the provider shall not directly exhort minors to buy or hire a product or service by exploiting their inexperience or credulity, directly encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust minors place in parents, teachers or other persons, or unreasonably show minors in dangerous situations.

Audiovisual commercial communication is prohibited for:

- surreptitious advertising;
- cigarettes and other tobacco products;
- medicinal products and medical treatment available only on prescription in Belgium;
- alcoholic beverages specifically aimed at minors or which encourage immoderate consumption of such beverages.

1.5. Sponsored programs (art. 15)

The audiovisual media services or programs that are sponsored should meet the following requirements:

- their content and, in the case of television broadcasting, their scheduling shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of the media service provider;
- they shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;
- viewers shall be clearly informed of the existence of a sponsorship agreement. Sponsored programs shall be clearly identified as such by the name, logo and/or any other symbol of the sponsor such as a reference to its product(s) or service(s) or a distinctive sign thereof in an appropriate way for programs at the beginning, during and/or at the end of the programs.

Sponsoring is prohibited for:

- news, current affairs and children programs;
- programs by companies whose principal activity is the manufacture or sale of cigarettes and other tobacco products;
- programs by companies whose principal activity is the manufacture or sale of medicinal products and medical treatment available only on prescription in Belgium.

1.6. Product placement (art. 16)

Product placement is prohibited for:

- cigarettes and other tobacco products;
- products from companies whose principal activity is the manufacture or sale of cigarettes and other tobacco products
- specific medicinal products and medical treatment available only on prescription in Belgium;
- children's programs.

Product placement is only allowed:

- in cinematographic works, films and series made for audiovisual media services, sports programs and light entertainment programs, except for children programs;
- where there is no payment but only the provision of certain goods or services free of charge, such as production props and prizes, with a view to their inclusion in a program.

The programs with product placement must meet minimum requirements (see [AVMS](#), art 10).

2. Specific provisions for television broadcasters

2.1. Protection of fundamental rights (art. 17 et 18)

Prohibition of broadcasting programs that:

- violating human dignity or inciting discrimination, hatred or violence, particularly on grounds of race, ethnicity, sex, nationality, religion or philosophical disability, age or sexual orientation or tending to denial, minimization, justification, approval of the genocide committed by the Nazi regime during the Second World War;
- favoring a current of thought, belief or opinion hostile to the fundamental freedoms guaranteed by the Constitution or the European Convention on Human Rights, the object of which is to oppose a principle which is essential to the democratic character of the regime and which manifests itself in the incentive to violate a legal norm in force.

2.2. Protection of minors (art. 17 = linear et 27 = on demand)

- Prohibition of broadcasting programs that could have serious negative effects on the physical, mental or moral development of minors, including programs involving scenes of pornography or gratuitous violence;
- The dissemination of programs or sequences of programs that may impair the physical, mental or moral development of minors is possible if it is ensured, by selecting the time of the broadcast or by any other technical measure, that minors in the area of transmission will not normally hear or see such broadcasts and as long as this program is preceded by an acoustic warning or is identified by a visual symbol throughout its duration.

2.3. European works (art. 21)

Broadcaster should reserve, where practicable and by appropriate means (excluding the time allotted to news, sports events, games, advertising, teletext services and teleshopping):

- A majority proportion of their transmission time for European works;
- at least 10 % of their transmission time for European works created by producers who are independent of broadcasters. It must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within 5 years of their production.

Exception:

- television broadcasts that are intended for local audiences and do not form part of a national network;
- channels broadcasting entirely in a language other than those of the Member States of the European Union (If they also broadcast in an EU language, the obligations apply only to the broadcast time in that language);
- television channels devoted exclusively to television advertising, teleshopping or self-promotion.

2.4. Television advertising and teleshopping (art. 22 to 25)

- shall be readily recognizable and distinguishable from editorial content and shall be kept quite distinct from other parts of the program by optical and/or acoustic and/or spatial means;
- The proportion of television advertising spots and teleshopping spots within a given clock hour shall not exceed 20% (except television channels exclusively devoted to advertising and teleshopping as well as to television channels exclusively devoted to self-promotion);
- Each television commercial will take a maximum of twelve minutes (except announcements made by the broadcaster in connection with its own programs and ancillary products directly derived from those programs, sponsorship announcements and product placements);
- Television advertising and teleshopping for alcoholic beverages shall comply with specific criteria (see AVMS, art 22).

Prohibition of:

- teleshopping for medicinal products which are subject to a marketing authorization, as well as teleshopping for medical treatment, shall be prohibited;
- interruption of films made for television (excluding series, soap operas and documentaries), cinematographic works and television news programs, for more than once in each thirty minutes period;
- children's programs and religious services.

2.5. Obligation to keep a complete copy of the programs (art.26)

The television broadcasters keep an integral copy of their programs for a period of three months from the time of broadcasting the program and make this copy available to any government that would request it pursuant to a legal or regulatory provision.

2.6. Special development obligation (providers of audiovisual media services on demand (art. 27 to 29) (see AVMS, chapter IV)