

# Study to support the preparation of an EU instrument to help improve the resilience of our democracies and address the threats of interference in elections through greater transparency in political advertising, and other measures to promote resilient democracy in the EU

## Mapping of national legislation – Belgium

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
<b>I. General information about the national legal framework</b>		
<b>National legal act(s)</b> governing political advertising	<p>Law of 4 July 1989<sup>1</sup> relating to the limitation and control of electoral expenses incurred for the election of the House of Representatives, as well as to the financing and open accounting of political parties.</p> <p>Law of 19 May 1994<sup>2</sup> regulating the electoral campaign, concerning the limitation and declaration of electoral expenses incurred for the elections of the Walloon Parliament, the Flemish Parliament, the Parliament of the Brussels-Capital Region and the Parliament of the German-speaking Community, and setting the criterion for controlling official communications from public authorities</p> <p>Law of 7 July 1994<sup>3</sup> on the limitation and control of electoral expenses incurred for the elections</p>	<p><b>Please provide an overview of how political advertising is regulated in your Member State:</b></p> <p><i>Which legal act(s) is the principal piece of legislation governing political advertising (e.g. national elections act, specific act on political advertising, media act etc.)? How are they interlinked (e.g. via definitions or other common provisions)?</i></p> <p><i>Please, specify the principal piece of legislation or other regulations, (self-/co-regulatory codes or guidelines) governing <b>online</b> political advertising, if applicable. Please, provide any other relevant legislation and self-regulatory/co-regulatory instruments applicable to political advertising, political campaigning and parties/candidates funding.</i></p> <p>The main piece of information Law of 4 July 1989 relating to the limitation and control of electoral expenses incurred for the election of the House of Representatives, as well as to the financing and open accounting of political parties (amended) which is first setting rules for limiting and controlling the electoral expenses of political parties and candidates during elections; for financing the political parties</p>

<sup>1</sup> [https://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg\\_2.pl?language=fr&nm=1989000418&la=F](https://www.ejustice.just.fgov.be/cgi_loi/change_lg_2.pl?language=fr&nm=1989000418&la=F)

<sup>2</sup> [https://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg\\_2.pl?language=fr&nm=1994000287&la=F](https://www.ejustice.just.fgov.be/cgi_loi/change_lg_2.pl?language=fr&nm=1994000287&la=F)

<sup>3</sup> [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=fr&la=F&cn=1994070734&table\\_name=loi](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1994070734&table_name=loi)

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	<p>of [provincial, communal and district] councils and for the direct election of social assistance councils.</p> <p>Decree of 1 April 2004<sup>4</sup> relating to the control of electoral expenses incurred for the elections of the Walloon Regional Council, as well as to the control of communications from the President of the Walloon Regional Council and members of the Walloon Government</p> <p>Rules of procedure<sup>5</sup> of the Commission for the control of electoral expenses and communications of 18 July 2012</p> <p>Decree of 7 May 2004<sup>6</sup> regulating the control of electoral expenses and the origin of funds committed for the election of the Flemish Parliament</p> <p>Electoral Code of 18 April 1894<sup>7</sup></p> <p>Regulations adopted by the Audiovisual Council (CSA)<sup>8</sup></p>	<p>represented in the Parliament and to ensure open accounting of political parties.</p> <p>It also regulates the paid political advertising in the pre/election period.</p> <p>There is no specific legislative framework when it comes to online political advertising.</p> <p>The Regulations which are adopted by the media regulating bodies are fine-tuning the legislation and providing a code of conduct for media editors.</p>

<sup>4</sup> <http://www.ejustice.just.fgov.be/eli/decret/2004/04/01/2004027017/justel>

<sup>5</sup> [http://www.ejustice.just.fgov.be/cgi\\_loi/loi\\_a1.pl?sql=\(text%20contains%20\(%27%27\)\)&language=fr&rech=1&tri=dd%20AS%20RANK&value=&table\\_name=loi&F=&cn=2012071804&caller=image\\_a1&fromtab=loi&la=F](http://www.ejustice.just.fgov.be/cgi_loi/loi_a1.pl?sql=(text%20contains%20(%27%27))&language=fr&rech=1&tri=dd%20AS%20RANK&value=&table_name=loi&F=&cn=2012071804&caller=image_a1&fromtab=loi&la=F)

<sup>6</sup> [https://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=fr&la=F&cn=2004050738&table\\_name=loi](https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2004050738&table_name=loi)

<sup>7</sup> [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=fr&la=F&cn=1894041230&table\\_name=loi](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1894041230&table_name=loi)

<sup>8</sup> [https://www.csa.be/wp-content/uploads/documents-csa/31janvier2018\\_Arrete\\_CAV\\_reglementelections\\_2.pdf](https://www.csa.be/wp-content/uploads/documents-csa/31janvier2018_Arrete_CAV_reglementelections_2.pdf)

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
Legal and/or statutory <b>definition</b> of the notion of “ <b>political advertising</b> ” and “ <b>online political advertising</b> ” (if applicable)	Art. 2 of the Law of 4 July 1989  Art. 4 of the Law of 4 July 1989	<i>Does your national legislation or regulations define political advertising?</i>  The Law of 4 July 1989 uses the term ‘electoral propaganda by political parties’ in Art. 2. Art. 4 provides for the definition of electoral propaganda expenses as being all expenses and all financial commitments relating to verbal, written, audio and visual messages, intended to favourably influence the result of a political party and its candidates and issued within four months preceding the elections. <i>Does your national legislation or regulations define <b>online</b> political advertising?</i>  There is no specific definition of online political advertising.
If not applicable, provide <b>other definitions/terms used in the legislation close to the notion of “political advertising”</b>		<i><u>Examples: “partisan advertising”, “campaign advertising”, “elections advertising and issues based advertising” etc.</u></i> <i>Please, specify whether the available definitions apply towards specific actors/persons. (e.g. political parties/candidates, media, civil society, online intermediaries or other service providers etc.).</i>  See above.
<b>Evaluation of the current legislative framework and draft legislations on political advertising and/or online political advertising</b>		<i><u>Has an evaluation of the rules and practices in place for political advertising and/or online political advertising already been carried out and if so, what are the results?</u></i>  When it comes to medias, the Superior Audiovisual Council (CSA), the Vlaamse Regulator voor de Media (Flemish Media Regulator) and the Medienrat der Deutschsprachigen Gemeinschaft (German community regulator) regularly submit their assessments of the conduct of the campaign for the elections.

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		<p>In addition, the latest ODIHR NEEDS Assessment Mission Report<sup>9</sup> in respect of the Federal Elections of 26 May 2019 was overall satisfied with the conditions and the legislative framework.</p> <p>However, some complaints have been raised regarding the allocation of public funds which is not always transparent according to the political parties. Also, some prior GRECO recommendations (in 2016<sup>10</sup> and 2019<sup>11</sup>) have not been addressed, such as the lack of independence of the campaign finance oversight body, appropriate accounting for small donations, disclosure of donors, as well as more proportionate and dissuasive sanctions.</p> <p><u>Further to that, is there any draft legislation currently discussed in your Member State relevant for political advertising and/or online political advertising? If so, please provide a brief overview.</u></p> <p>There is no draft law currently being discussed.</p>
<b>II. Political advertising rules during pre-election campaigns</b>		
Definitions of <b>pre-election campaigns in the Member State (if applicable)</b>	Art. 4 of the Law of 4 July 1989	<p><i>Are pre-election campaigns defined in your Member State? If so, how?</i></p> <p>The campaign period begins 4 months before the election day. It is also a period defining the beginning of the election expenses limitation period (Art. 4 of the Law of 4 July 1989). Indeed, the Law relating to the limitation and control of electoral expenses incurred for the election of the House of Representatives provides that all expenses and all financial commitments relating to verbal, written, audio and visual messages intended to favourably influence the results of a political party and its candidates are considered as electoral propaganda</p>

<sup>9</sup> <https://www.osce.org/files/f/documents/7/f/416432.pdf>

<sup>10</sup> <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c2561>

<sup>11</sup> <https://rm.coe.int/third-evaluation-round-second-addendum-to-the-second-compliance-report/1680908e79>

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		expenses for the application of this law and which, depending on the case, are issued within four months preceding the elections. Thus, it is implied that the pre-election period starts 4 months before the election day.
National rules on <b>paid political advertising</b> during pre-election campaigns	Art. 2 of the Law of 4 July 1989	<p><i>Is paid political advertising during pre-election campaigns prohibited or allowed in your Member State?</i></p> <p>It is allowed.</p> <p><i>If prohibited, what is the scope of the ban of paid political advertising?</i></p> <p><i>In the opposite case, to which extend is paid political advertising allowed? What are the limitations applicable?</i></p> <p>No party is allowed to spend more than EUR 1.000.000 for an election campaign (Art. 2 of the Law of 4 July 1989).</p> <p><i>Please, specify whether such rules during pre-election campaigns are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction.</i></p> <p>These rules are not specifically applicable/enforceable online.</p>
National rules on financing of political parties/candidates in relation to political adverts	<p>Art. 15 of the Law of 4 July 1989</p> <p>Art. 16 of the Law of 4 July 1989</p> <p>Art. 16bis of the Law of 4 July 1989</p>	<p><i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i></p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>The House of Representatives grants an endowment for each political party which is represented in the House of Representatives by at least one parliamentarian (Art. 15 of the Law of 4 July 1989).</p> <p>Only natural persons can make donations to political parties, lists, candidates and political representatives. Candidates and political representatives may receive donations from the political party or from the list on behalf of which they are candidates. Political parties can each receive annually, as donations from the same natural person, a sum not exceeding 500 EUR. The donor can devote each year a total amount not exceeding 2000 EUR. (Art. 16 of the Law of 4 July 1989).</p> <p>Each donation of 125 euros and more is transmitted electronically through a bank transfer, standing order or bank or credit card. (Art. 16 of the Law of 4 July 1989).</p> <p>Companies, associations in fact and legal entities can, by way of sponsorship, i.e. in exchange for publicity, make available funds to political parties provided that market prices are respected. The identity of companies which have sponsored 125 EUR or more is recorded each year. Political parties can each receive annually, as sponsorship a sum not exceeding 500 EUR. The sponsor may devote each year a total amount not exceeding 2,000 EUR to sponsorship political parties. (Art. 16bis of the Law of 4 July 1989).</p>
National rules on <b>free political advertising (or free airtime)</b> during pre-election campaigns	Art. 7 and 10 of the Regulations of the CSA 31 January 2018	<p><i>Are political parties in your Member State allocated free political advertising during pre-election campaigns? If so, on which media is free political advertising granted?</i></p> <p>As public paid political advertisement is prohibited during the campaign, public broadcasters are obliged to provide free airtime for contestants and, to organize numerous political debates in different formats<sup>12</sup>. The distribution of airtime is defined by the broadcasters based on the number of seats the parties hold at the Federal, Region</p>

<sup>12</sup> <https://www.osce.org/files/f/documents/7/f/416432.pdf>

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		and Community parliaments. The Regulations of the CSA (Art. 7) provide for a general obligation for each broadcaster, and before each elections, to adopt specific electoral provisions. As per Art. 10 broadcasters ensure objectivity, as well as the balance and representativeness of different ideological, philosophical and political trends in the news programs and electoral debates they broadcast. The public broadcasters (RTBF, VRT, BRF) have an obligation to publish their electoral arrangements. For example, for the RTBF this obligation stems from the management agreement with the Wallonia Region <sup>13</sup> (Art. 23). In their arrangements the public broadcasters have to include a section in which they carry out a quantitative assessment of the free airtime allocated to each party. <sup>14</sup>
National rules on political advertising on <b>broadcast media</b> during pre-election campaigns (incl. public service and private broadcasters)	Art. 5 of the Law of 4 July 1989  Regulations of the CSA 31 January 2018	<i>Please, provide a brief description of the national rules on political advertising on broadcast media during pre-election campaigns.</i>  Art. 5 of the Law of 4 July 1989 provides that during the 4 months preceding the date of the elections, the political parties and the candidates, as well as third parties wishing to make propaganda for political parties or candidates, may not to distribute commercial advertisements on radio, television and in cinema.  This is confirmed by the regulations adopted by the Audiovisual Council (CSA) which are addressed to all the publishers of audiovisual media services of Wallonia whether or not they devote programmes or parts of programmes to the elections. It applies during the three months preceding the date of the election. Furthermore, the rules prohibit broadcasting commercial advertising spots in favour of political parties and candidates, on radio and television, during the election period.

<sup>13</sup> [https://www.csa.be/wp-content/uploads/documents-csa/contrat\\_de\\_gestion\\_RTBF.pdf](https://www.csa.be/wp-content/uploads/documents-csa/contrat_de_gestion_RTBF.pdf)

<sup>14</sup> <https://ds1.static.rtbf.be/article/pdf/2019-04-29-dispositif-electoral-v2-du-26-1556547207.pdf>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>At the same time the Law of 4 July 1989 explicitly allows the broadcasting on radio or television of programmes containing opinions or comments, if these programmes are carried out in the same way and according to the same rules as outside election periods, without or payment, remuneration.</p> <p>It also allows the broadcasting on radio or television of an election programme or of a series of election programmes, provided that representatives of the political parties may take part in these programmes.</p> <p>Finally, it is permitted to have radio or television broadcasting of election programmes, provided that their number and duration are determined according to the number of representatives of political parties in legislative assemblies.</p>
National rules on political advertising in <b>print media</b> during pre-election campaigns	<p>Art. 4 of the Law of 4 July 1989</p> <p>Art. 5 of the Law of 4 July 1989</p>	<p><i>Please, provide a brief description of the national rules on political advertising in print media during pre-election campaigns.</i></p> <p>Art. 4 of the Law of 4 July 1989 allows publication in a daily or periodical of feature articles, provided that this publication is carried out in the same way and according to the same rules as outside the election period, without payment and remuneration, if it is not a daily or periodical created for the elections and that its distribution and frequency of publication are the same as outside the election period.</p> <p>However as per Art. 5 political parties and candidates as well as third parties who wish to make advertisement for political parties or candidates cannot use commercial advertising boards or posters in the 4 months period preceding the elections.</p>
National rules on political advertising on <b>online media</b>		<i>Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i>



Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
<b>applicable to political parties</b> , during pre-election campaigns		Political parties and elected officials (as well as election candidates) must comply with the GDPR when processing personal data for sending election propaganda. The authority in charge is the Data protection authority (Autorité de protection des données <sup>15</sup> ). In that sense, e.g. _voters lists may only be used for electoral purposes, the use of various databases is prohibited for election purposes, for sending electoral propaganda, sensitive data as per article 9 of the GDPR is applicable etc.
Particular rules <b>applicable to online platforms and intermediaries</b> , such as social media, for political advertising during pre-election campaigns		<i>Are there any particular rules to online platforms during pre-election campaigns in your Member State?</i>  There are no particular rules regarding online platforms (social media) for political advertising. In principle, political parties are free to use them for self-promotion.
Specific rules relating to <b>“false information”, fake news” or “disinformation campaigns”</b> during pre-election campaigns		<i>Are there specific provisions in your Member State about the dissemination of “untrue information”, “false information”, “fake news” or ‘disinformation campaigns’ during pre-election campaigns?</i>  There are no specific rules regarding ‘false information’ ‘fake news’ etc. In that sense the Vlaamse Regulator voor de Media <sup>16</sup> recommends imposing transparency obligations such as the Code of practice to tackle the spread of online disinformation and fake news.
<b>III. Political advertising rules during elections period</b>		
Definitions of <b>elections period in the Member State (if applicable)</b>		<i>How is the elections period defined in your Member State?</i>

<sup>15</sup> <https://www.autoriteprotectiondonnees.be/professionnel>

<sup>16</sup> <https://www.vlaamseregulatormedia.be/nl/over-vmr/rapporten/2020/rapport-mediaconcentratie/mediaconcentratie-in-vlaanderen-2020/4-8>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		There is no specific definition. The same rules as for the pre-election period apply in terms of political advertising (there is no silence period).
National rules on <b>paid political advertising</b> during elections period	Art. 2 of the Law of 4 July 1989	<p><i>Is paid political advertising during election period prohibited or allowed in your Member State?</i></p> <p>It is allowed.</p> <p><i>If prohibited, what is the scope of the ban of paid political advertising?</i></p> <p><i>In the opposite case, to which extend is paid political advertising allowed? What are the limitations applicable?</i></p> <p>No party is allowed to spend more than EUR 1.000.000 for an election campaign (Art. 2 of the Law of 4 July 1989).</p> <p><i>Please, specify whether such rules during pre-election campaigns are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction.</i></p> <p>These rules are not specifically applicable/enforceable online.</p>
National rules on <b>financing of political parties/candidates in relation to political adverts</b>	<p>Art. 15 of the Law of 4 July 1989</p> <p>Art. 16 of the Law of 4 July 1989</p> <p>Art. 16bis of the Law of 4 July 1989</p>	<p><i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i></p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>The House of Representatives grants an endowment for each political party which is represented in the House of Representatives by at least one parliamentarian (Art. 15 of the Law of 4 July 1989).</p> <p>Only natural persons can make donations to political parties, lists, candidates and political representatives. Candidates and political representatives may receive donations from the political party or from the list on behalf of which they are candidates. Political parties can each receive annually, as donations from the same natural person, a sum not exceeding 500 EUR. The donor can devote each year a total amount not exceeding 2000 EUR. (Art. 16 of the Law of 4 July 1989).</p> <p>Each donation of 125 euros and more is transmitted electronically through a bank transfer, standing order or bank or credit card. (Art. 16 of the Law of 4 July 1989).</p> <p>Companies, associations in fact and legal entities can, by way of sponsorship, i.e. in exchange for publicity, make available funds to political parties provided that market prices are respected. The identity of companies which have sponsored 125 EUR or more is recorded each year. Political parties can each receive annually, as sponsorship a sum not exceeding 500 EUR. The sponsor may devote each year a total amount not exceeding 2,000 EUR to sponsorship political parties. (Art. 16bis of the Law of 4 July 1989).</p>
National rules on <b>free political advertising (or free airtime)</b> during elections period		<p><i>Are political parties in your Member State allocated free political advertising during elections period?</i></p> <p>As public paid political advertisement is prohibited during the campaign, public broadcasters are obliged to provide free airtime for contestants and, to organize numerous political debates in different formats. The distribution of airtime is defined by the broadcasters based on the number of seats the parties hold at the Federal, Region and Community parliaments.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
National rules on political advertising on <b>broadcast media</b> during elections period (incl. public service and private broadcasters)	Art. 5 of the Law of 4 July 1989  Regulations of the CSA 31 January 2018	<p><i>Please, provide a brief description of the national rules on political advertising on broadcast media during pre-election campaigns.</i></p> <p>Art. 5 of the Law of 4 July 1989 provides that during the 4 months preceding the date of the elections, the political parties and the candidates, as well as third parties wishing to make propaganda for political parties or candidates, may not to distribute commercial advertisements on radio, television and in cinema.</p> <p>This is confirmed by the regulations adopted by the Audiovisual Council (CSA) which are addressed to all the publishers of audiovisual media services of Wallonia whether or not they devote programmes or parts of programmes to the elections. It applies during the three months preceding the date of the election. Furthermore, the rules prohibit broadcasting commercial advertising spots in favour of political parties and candidates, on radio and television, during the election period.</p> <p>At the same time, the Law of 4 July 1989 explicitly allows the broadcasting on radio or television of programmes containing opinions or comments, if these programmes are carried out in the same way and according to the same rules as outside election periods, without or payment, remuneration.</p> <p>It also allows the broadcasting on radio or television of an election programme or of a series of election programmes, provided that representatives of the political parties may take part in these programmes.</p> <p>Finally, it is permitted to have radio or television broadcasting of election programmes, provided that their number and duration are determined according to the number of representatives of political parties in legislative assemblies.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
National rules on political advertising in <b>print media</b> during elections period	Art. 4 of the Law of 4 July 1989  Art. 5 of the Law of 4 July 1989	<i>Please, provide a brief description of the national rules on political advertising in print media during pre-election campaigns.</i>  Art. 4 of the Law of 4 July 1989 allows publication in a daily or periodical of feature articles, provided that this publication is carried out in the same way and according to the same rules as outside the election period, without payment and remuneration, if it is not a daily or periodical created for the elections and that its distribution and frequency of publication are the same as outside the election period.  However as per Art. 5 political parties and candidates as well as third parties who wish to make advertisement for political parties or candidates cannot use commercial advertising boards or posters in the 4 months period preceding the elections.
National rules on political advertising on <b>online media applicable to political parties</b> , during elections period		<i>Examples: Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i>  Political parties and elected officials (as well as election candidates) must comply with the GDPR when processing personal data for sending election propaganda. The authority in charge is the Data protection authority (Autorité de protection des données ). In that sense, e.g. voters lists may only be used for electoral purposes, the use of various databases is prohibited for election purposes, for sending electoral propaganda, sensitive data as per article 9 of the GDPR is applicable etc.
Particular rules <b>applicable to online platforms and intermediaries</b> , such as social media, for political advertising during elections period		<i>Are there any particular rules to online platforms during elections period in your Member State?</i>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		There are no particular rules regarding online platforms (social media) for political advertising. In principle, political parties are free to use them for self-promotion.
Specific rules relating to “false information”, “fake news” or “disinformation campaigns” during elections period		<p><i>Are there specific provisions in your Member State about the dissemination of “untrue information”, “false information”, “fake news” or ‘disinformation campaigns’ during elections period?</i></p> <p>There are no specific rule regarding ‘false information’ ‘fake news’ etc. In that sense the Vlaamse Regulator voor de Media recommends imposing transparency obligations such as the Code of practice to tackle the spread of online disinformation and fake news.</p>
<b>IV. Political advertising rules outside of elections period</b>		
National rules on <b>paid political advertising</b> outside of elections period	Art. 2 and 4 of the Law of 4 July 1989	<p><i>Is paid political advertising during elections period prohibited or allowed in your Member State?</i></p> <p>Prohibited</p> <p><i>If prohibited, what is the scope of the ban of paid political advertising?</i> The campaign period begins 4 months before the election day as per Art. 4 of the Law of 4 July 1989 and the ceiling for campaign expenses for a political party is set at EUR 1 million, thus it should be understood that political advertising is only allowed within the 4-month period preceding the elections.</p> <p><i>If allowed, are there restrictions on paid political advertising?</i></p> <p><i>Please, specify whether such rules outside of elections period are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction.</i></p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		These rules are not specifically applicable/enforceable online.
<b>National rules on financing of political parties in relation to political adverts</b>		<p><i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i></p> <p>As mentioned above political advertising is allowed only within the 4-month period preceding the elections.</p>
National rules on <b>free political advertising (or free airtime)</b> outside of elections period		<p><i>Are political parties in your Member State allocated free political advertising outside of elections campaigns?</i></p> <p>There are no specific rules in this respect.</p>
National rules on political advertising on <b>broadcast media</b> outside of elections period (incl. public service and private broadcasters)	Art. 16 of the Regulations of the CSA 31 January 2018	<p><i>Please, provide a brief description of the national rules on political advertising on broadcast media outside of elections period</i></p> <p>There are no specific rules. It is only recommended, outside election periods that service editors ensure that the intervention of candidates is limited to the sole need for information.</p>
National rules on political advertising in <b>print media</b> outside of elections period		<p><i>Please, provide a brief description of the national rules on political advertising in print media outside of elections period.</i></p> <p>There are no specific rules in this respect.</p>
National rules on political advertising on online media		<i>Examples: Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
<b>applicable to political parties</b> , outside of elections period		Political parties and elected officials (as well as election candidates) must comply with the GDPR when processing personal data for sending election propaganda. The authority in charge is the Data protection authority (Autorité de protection des données). In that sense, e.g. voters lists may only be used for electoral purposes, the use of various databases is prohibited for election purposes, for sending electoral propaganda, sensitive data as per article 9 of the GDPR is applicable etc.
<b>V. Rules and obligations applicable to online platform operators and intermediaries of political advertising</b>		
Particular rules <b>applicable to online platforms and intermediaries</b> such as social media for political advertising		<p><i>Are there any particular rules applicable to online platforms in your Member State (e.g. disclosure requirements to users, record-keeping requirements, reporting requirements)?</i></p> <p>There are no particular rules.</p> <p><i>If so, which are the online platforms operators and other intermediaries concerned by the legislation/guidelines/self-regulatory code?</i></p> <p><i>Are there any particular rules applicable to online platforms to set up means to fight disinformation?</i></p>
<b>VI. Transparency rules for political parties/candidates funding</b>		
Rules on <b>direct public funding</b> <sup>17</sup> to political parties and/or candidates	Art. 16 of the Law of 4 July 1989	<i>Are there provisions for direct public funding to political parties in your Member State? Please give a brief description.</i>

<sup>17</sup> Public funding refers to funds or resources provided by the State/Government to political parties and/or candidates. Depending on the form in which public resources are made available, public funding is divided into direct public funding or indirect public funding. Direct public funding corresponds to the allocation of direct public funds to political parties and/or candidates in the form of money, usually as bank transfers but at times in cash or cheque. See more information at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/default>



Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>The law of July 4, 1989, in its article 16, establishes a federal endowment in favour of political parties, chargeable to the budgets of the House of Representatives and the Senate. This allocation is broken down into a double funding mechanism:</p> <p>a lump sum of 125,000 euros; a variable amount of 2,5 euros per valid vote</p>
Rules on indirect public funding <sup>18</sup> to political parties and/or candidates		<p><i>Are there provisions for indirect public funding for electoral campaigns in your Member State? Please give a brief description and specify transparency provisions.</i></p> <p>Tax exemption for posters and ad space, preferential tariffs for election mail, free electoral register are considered as indirect public funding in Belgium. In addition, public broadcasters are obliged to provide free airtime for contestants and organize political debates in different formats.</p>
Rules on free or subsidised access to media for political parties and/or candidates		<p><i>Are there provisions for free or subsidized access to media for political parties in your Member State? Please give a brief description and specify transparency provisions.</i></p> <p>As mentioned above, tax exemption for posters and ad space, preferential tariffs for election mail, free electoral register can be mentioned.</p>

<sup>18</sup> Indirect public funding is when resources with a monetary value are provided by the Government to political parties and/or candidates. Such resources may be, for instance, granting of media access (free advertising slots in publicly owned media), interest-free loans for paying registration fees or mounting a basic election campaign, free printing and distribution of ballot papers, use of Government buildings for meetings and rallies, tax-free donations etc. . See the list of indirect public funding of parties and candidates at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/pca02a4>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
Rules on <b>foreign contributions to political parties and political campaigns</b>		<p><i>Is there a ban on contributions from foreign interests (i.e. foreign countries and governments, foreign companies, foreign organisations, foreign private persons) to political parties and/or to candidates during political campaigns in your Member State?</i></p> <p>There is no ban on contributions from foreign interests.</p>
<b>VII. Monitoring and enforcement of national rules on political advertising by national authorities</b>		
National (or regional/local if applicable) <b>authority or body responsible</b> for monitoring national rules on political advertising	Art. 1 of the Law of 4 July 1989	<p><i>Who is responsible for monitoring national rules on political advertising, (e.g. political communications and advertisement messages, the balanced presence and equity of all political candidates)?</i></p> <p>Commission des Dépenses Electorales (Control Commission) as per Art. 1 of the Law of 4 July 1989.</p>
Particular measures for <b>supervising online political advertising</b> within and outside elections periods		<p><i>How are national rules on political advertising, including online, ensured in your Member State, if these exist? What are the enforcement powers of the relevant authority/body, as well as procedural safeguards?</i></p> <p>When it comes to online political advertising there is no specific legal framework. However the media regulators such as the CSA<sup>19</sup> or the Vlaamse Regulator voor de Media supervise generally the content published online and in the sense urge for the adoption of a proper regulatory framework.</p>
<b>Sanctions, penalties and remedy measures</b> applicable in violation of the law	Art. 13 of the Law of 4 July 1989	<i>How are national rules on political advertising enforced in your Member State and what sanctions and remedy measures are applicable?</i>

<sup>19</sup> <https://www.csa.be/regulation-des-reseaux-sociaux/>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
	Art. 181 of the Electoral Code	<p>As per Art. 13 of the Law of 4 July 1989 if a political party fails to file a declaration or belatedly files a declaration of election expenses and the origin of the funds allocated, the Control Commission shall impose an administrative fine of 1,000 euros per day of delay, with a maximum of 30,000 euros, or if the declaration has not been received within thirty days, the seizure of the allocation until receipt of the funds. If the declaration is incomplete, the Commission will issue a warning.</p> <p>If the limit for the expenses relating to the electoral advertising has not been respected the Control Commission can issue a warning or will impose an administrative fine.</p> <p>Furthermore, whoever does not comply with the provisions of article 5 (ban of paid political advertising in the pre-election/election period) will be punished by imprisonment or a fine (Art. 181 of the Electoral Code).</p>

## Annex – List of relevant legislation

- In this Annex, please list all the sources provided in the second column of the table

Name of the sources	Link to the sources	Sources translated into EN
4 JUILLET 1989. - Loi relative à la limitation et au contrôle des dépenses électorales [engagées [pour l'élection de la Chambre des représentants]], ainsi qu'au financement et à la comptabilité ouverte des partis politiques.	<a href="https://www.ejustice.just.fgov.be/cgi_loi/change_lg_2.pl?language=fr&amp;nm=1989000418&amp;la=F">https://www.ejustice.just.fgov.be/cgi_loi/change_lg_2.pl?language=fr&amp;nm=1989000418&amp;la=F</a>	Law of 4 July 1989 relating to the limitation and control of electoral expenses incurred for the election of the House of Representatives, as well as to the financing and open accounting of political parties.
19 MAI 1994. - LOI du 19 mai 1994 réglementant la campagne électorale, concernant la limitation et la déclaration des dépenses électorales engagées pour les élections du [Parlement wallon, du Parlement flamand, du Parlement de la Région de Bruxelles-Capitale et du Parlement] de la Communauté germanophone, et fixant le critère de contrôle des communications officielles des autorités publiques	<a href="https://www.ejustice.just.fgov.be/cgi_loi/change_lg_2.pl?language=fr&amp;nm=1994000287&amp;la=F">https://www.ejustice.just.fgov.be/cgi_loi/change_lg_2.pl?language=fr&amp;nm=1994000287&amp;la=F</a>	Law of 19 May 1994 regulating the electoral campaign, concerning the limitation and declaration of electoral expenses incurred for the elections of the Walloon Parliament, the Flemish Parliament, the Parliament of the Brussels-Capital Region and the Parliament of the German-speaking Community, and setting the criterion for controlling official communications from public authorities
7 JUILLET 1994. - Loi relative à la limitation et au contrôle des dépenses électorales engagées pour les élections des conseils	<a href="http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;cn=1994070734&amp;table_name=loi">http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;cn=1994070734&amp;table_name=loi</a>	Law of 7 July 1994 <sup>20</sup> on the limitation and control of electoral expenses incurred for the

<sup>20</sup> [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=fr&la=F&cn=1994070734&table\\_name=loi](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1994070734&table_name=loi)

Mapping of national legislation – Belgium

[provinciaux, communaux et de districts] et pour l'élection directe des conseils de l'aide sociale.		elections of [provincial, communal and district] councils and for the direct election of social assistance councils.
1er AVRIL 2004. - Décret relatif au contrôle des dépenses électorales engagées pour les élections du Conseil régional wallon, ainsi qu'au contrôle des communications du président du Conseil régional wallon et des membres du Gouvernement wallon.	<a href="http://www.ejustice.just.fgov.be/eli/decret/2004/04/01/2004027017/justel">http://www.ejustice.just.fgov.be/eli/decret/2004/04/01/2004027017/justel</a>	Decree of 1 April 2004 relating to the control of electoral expenses incurred for the elections of the Walloon Regional Council, as well as to the control of communications from the President of the Walloon Regional Council and members of the Walloon Government
7 MAI 2004. - [Décret portant réglementation du contrôle des dépenses électorales et de l'origine des fonds engagés pour l'élection du Parlement flamand.]	<a href="https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;cn=2004050738&amp;table_name=loi">https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;cn=2004050738&amp;table_name=loi</a>	Decree of 7 May 2004 regulating the control of electoral expenses and the origin of funds committed for the election of the Flemish Parliament
Règlement relatif aux programmes de radio et de télévision en période électorale	<a href="https://www.csa.be/wp-content/uploads/documents-csa/31janvier2018_Arrete_CAV_reglementelections_2.pdf">https://www.csa.be/wp-content/uploads/documents-csa/31janvier2018_Arrete_CAV_reglementelections_2.pdf</a>	Regulations adopted by the Audiovisual Council (CSA)