

## 2025 Belgian County Visit Questions

### Questions for the Ministries

#### Pillar I – Justice System

1. Could you elaborate on the new Government’s plans and state of play as regards the transfer of management powers from the executive branch to the judiciary?

The new Government has committed to continue the discussions on the autonomy of the judiciary with the explicit aim to create more efficient working conditions and to improve the services provided to the citizens. The transfer of powers will include both budgetary powers and powers related to the management of personnel. Additionally, the Government aims to establish a “joint bureau” and a “joint personnel and organisation support service” to facilitate this transfer. Prior to this transfer of authority, consideration will be given to how the framework for the allocation of legal personnel and magistrates can be improved.

2. Could you elaborate on the new Government’s plans concerning integrity checks, disciplinary and evaluation measures for judges and how European standards regarding judicial independence and autonomy of prosecutors will be taken into account in those plans?

According to the new Government, the increase in autonomy of the judiciary cannot be established without a reform of the evaluation and disciplinary system. To this end, both the internal and external control over the functioning of the judiciary will be strengthened, in close partnership with the High Council of Justice. This will in no way affect the sovereign ability of judges to handle court cases. The disciplinary system, the evaluation system and the related sanctions will be reviewed by the incoming Government. Moreover, in consultation with the High Council of Justice, the criteria on which an evaluation is based will be adjusted. In the view of the Government, these evaluation criteria should be linked to the objective of efficient and careful handling of court cases. The way in which the new Government’s objectives are to be implemented in compliance with European recommendations must be analysed. The Guidelines on the evaluation of the quality of work of judges, adopted by the European Commission for the Efficiency of Justice (CEPEJ) in December 2024, could serve as a valuable source of inspiration. The proposals cited in the previous written contributions should be examined to determine how they can be modified to achieve these objectives.

3. In its 2024 Rule of Law Report, the Commission recommended Belgium to ‘Continue efforts to address the structural resource deficiencies in the justice system, taking into account European standards on resources for the justice system’<sup>1</sup>. Considering your written input, could you elaborate on measures that have been taken since July 2024 to increase the human and financial resources available to the justice system, notably:

- a. The origin of the resources (including EU funding)

- b. How they will be allocated and whether budget increases will be tied to certain efficiency conditions and/or the prioritisation of certain categories of cases?
- c. Which additional human resources will be created (notably in terms of public prosecutors and court staff) and by when are the individuals concerned expected to be operational?
- d. Whether the resources will focus on specific areas?

a and b : Following the elections in June 2024, and pending the formation of a new coalition, the resigning government was limited to conducting day-to-day business. No additional budgetary resources could therefore be provided in this period.

C and d : In the period between 1/10/2020 and 1/12/2024, the number of magistrates is 121 units (= +5%). The number of clerks and secretaries increased by 211 units, and the number of staff by 638 units. The division of the units between the jurisdictions is carried out by the College of Courts and Tribunals and the College of the Public Prosecution Service respectively. The new magistrates, clerks, secretaries and staff shall be appointed or recruited in a jurisdiction. The deployment is a concrete matter, department or range of tasks done by the respective corps superiors.

4. In its 2024 Rule of Law Report, the Commission recommended Belgium to ‘Strengthen efforts to improve the efficiency of justice, particularly to reduce the length of proceedings based on comprehensive statistical data<sup>2</sup>. Considering your written input, could you elaborate on measures that have been taken since July 2024 to ensure the collection of comprehensive statistical data? (*in writing*)

Between 2019 and 2021, the College of Courts and Tribunals issued guidance to the Governing Committees of the Courts and Tribunals, for all instances, outlining the rules of accounts (how statistics are calculated) as well as the related registration rules (how they must be recorded in the IT application in order for cases to be accounted correctly). The rules of account are drawn up in consultation with experts representing the courts concerned to ensure a uniform national account. These guidelines must be followed by the relevant jurisdictions.

Since then, the statistical team of the College of Courts and Tribunals has been working on the development of the durations of the different types of cases for all entities at Headquarters. Between 2022 and 2023, a substantial project to clean up pending cases ("stock") was carried out in consultation with the entities. A rectification of the encoding of thousands of cases has been carried out in the business applications.

In the first half of 2024, the College of Courts and Tribunals was therefore able to publish the durations on its website for all the instances for which it is competent (except for the youth courts and the courts for the enforcement of sentences; a new application is being developed for both applications which should (among other things) allow for better statistics. At the beginning of 2025, the College of Courts and Tribunals also published the durations of criminal cases dealt with in the courts of appeal.

It is not currently possible to identify the requested statistics. Indeed, claims for compensation for exceeding the reasonable time limit during criminal (or civil) proceedings are currently not

registered under a specific code but under the more general nature code "quasi-delictual liability (Articles 1382 to 1386 of the Judicial Code)". The data that can be communicated therefore remain fairly general.

In the coming years, it is planned to modernize all the business applications currently used within Headquarters via the "JustCase" project, subsidized by the European Commission. It would therefore be possible to think about inserting specific codes in this new version of the application.

As a reminder, in its Memorandum to the new Federal Government published in May 2024, the College of Courts and Tribunals reiterated the fact that its support service was working on the mapping of the length of proceedings for different types of cases in all jurisdictions and that at local level, jurisdictions were working to reduce long processing times and the resulting backlog. This work is currently being continued through close collaboration between the judicial bodies and the members of the support service.

In 2024, the College also initiated a process to improve data quality by setting up a team of "data quality controllers" who support the courts and tribunals in ensuring correct and uniform encoding in the business applications used within their entity. The aim of this is to ensure that good practice is maintained over time and to obtain reliable and comparable activity statistics between the courts of the same judicial entity. This work is also ongoing.

In addition to the desire to obtain a more effective 'statistics' tool enabling it to monitor processing times for each stage of the procedure, the College has recommended amending the Judicial Code in certain respects (in civil cases) so that the judge has greater influence over the preparation of a case and the length of submissions. The obligation to respond to all the parties' arguments should be replaced by the possibility of a positive statement of motivations. The length of proceedings depends in part on the judicial services, but are also dependent on other judicial actors (lawyers, experts, etc.).

The mobilisation of human resources and their optimisation in the processing of cases is also a key issue to be considered to eliminate the backlogs.

5. In December 2024 the Belgian Court of Audit released a negative opinion on the digitalisation transformation of the justice system. It wrote: 'Because of the lacking mastery of many basic administrative functions (HR, budget, procurement, etc.) in the Federal Public Department for Justice, it is impossible to sustainably transform the justice system by integrating new technologies to support its business processes'<sup>3</sup>. What is the Government's response to this the opinion of the Court of Audit?

As part of its performance audit, the Court of Audit examined whether public funds have been well used, in accordance with the principles of sound management and the criteria of economy, effectiveness and efficiency. The administration already sent an initial action plan to the Court of Audit on 2 September in response to its recommendations in its draft audit report. Many actions have already been initiated or finalized.

The FPS Justice is investing considerably in improving its organizational mastery. The recommendations of the Court of Audit have been taken into account. Here are some important initiatives:

- o In 2024, a financial and IT governance model was approved. It was detailed in a policy note entitled “Proposition pour une gouvernance informatique finale pour le SPF Justice : principes de base et processus” (Proposal for a final IT governance for the FPS Justice: basic principles and processes). (see Appendix 1).
- o Closer involvement of the Direction Committee of the FPS Justice.

New internal rules have been approved for the Direction Committee (ComDir) of the FPS Justice to assure a closer follow-up of all internal initiatives within the organization. They also define the outlines of the relationship between the political authorities and the Administration. Decisions with a financial impact must be approved by the ComDir and the CoGeCom, on which the Judicial Order is represented.

- o Multiple IT-managements (DTO, CBF, DG ICT) have been reduced to one command unit under the complete management of the administration.
- o Extra fraud management measures have been introduced.
- o Under the supervision of the Direction Committee of the FPS Justice, an overall improvement process for the organization's mastery system, which complies with globally recognized standards and practices, has been launched.

#### Pillar II – Anti-Corruption Framework

6. Could you outline the impact of the new government agreement on the prevention of and fight against corruption? What do you see as important measures?
  - o In particular, we note a new financial prosecution service would be set up, also responsible for corruption cases. At this point, would you have more information on its modalities?

As far as the fight against financial crime is concerned, the government agreement also refers to the establishment of a multidisciplinary tax and financial investigation service, under the joint authority of the Minister of Finance and the Minister of Justice. In the context of organized crime, this service focuses on detecting, analyzing and paralyzing criminal circuits and money flows that undermine our economy and society. This service will be given the necessary powers to this end and will work closely with the Drugs Commissioner, the Financial Intelligence Processing Unit, the Federal Police and in particular the financial crime departments, the Public Prosecution Service, the social inspection services and the financial institutions.

In addition, the "follow-the-money" approach (or follow-the-value as stated in the government agreement) is adhered: "The service pays special attention to the recovery of criminal assets ('follow the value') of criminal organizations, also abroad. Criminal money flows must be effectively disrupted by continuing to hit criminal organizations where it hurts them the most: in their wallets. We prevent criminal money from being laundered. We do this from the start of the criminal investigation so that criminals cannot make themselves insolvent in the course of the investigation.

7. What is the state of play of the lobbying legislation? While draft legislation was put forward under the previous Government, it is not clear to us what the plans are of the new Government/Parliament and what the status of this legislation is. Could you clarify?

The new federal government is currently studying the draft law and draft royal decree of the previous government, which were sent for advice to the Council of State and the Data Protection Authority (both opinions were transferred to the government in the meantime) ; the new federal government is currently analysing these documents and is planning to present its own course of action, in due course.

8. Concerning the link between corruption, organised crime and drugs criminality, we note the enhanced role for the Drugs Commissioner. Can you confirm if the work of the drugs commissioner also include link to the prevention of / fight against corruption? If so, could you provide concrete examples of how this aspect is taken into account?

The role of the Drugs Commissioner has been strengthened in the sense that she takes on a central role in the fight against drug-related crime, the associated organised crime and the money laundering industry.

Although prevention of corruption is an important issue it's in a sense not the duty of the Drugs Commissioner to take this on board.

9. What are the Government/Ministries views concerning the situation at the CDBC/OCRC? We note the reports on alleged political interference but also an ongoing investigation as to the head of the office. What are the guarantee a well-functioning anti-corruption investigative body that can operate independently without political interference? Does the CDBC/OCRC fulfil its function adequately in your view?

Question cannot be answered by the Federal Police. The Federal Police cannot command on an ongoing investigation. The anti-corruption unit is part of the Federal Police – General Directorate of the Judicial Police – Direction DJSOC (Serious and Organised Crime). As a police service, it is supervised, in accordance with the legislative framework, by a Federal Magistrate, who is part of the Federal Prosecutor's Office, and it works under the authority and guidance of either a magistrate of the Public Prosecution Service (criminal investigation) or an investigating judge (judicial criminal investigation). In this sense, the separation of powers is enshrined in law and independence is guaranteed. The tasks of the anti-corruption unit are provided for in col 2/2002 and 11/2015, the key words being “specialisation, organised character and supra local and international character and expertise”. The structure to fulfil these tasks was validated in the Internal Regulations (Royal Decree of 27 October 2015). The planned staff formation has been fully filled as of today, allowing it to fully carry out its legally assigned tasks.

10. Are there any plans for further reforms of the system of declaration of assets and mandates? A number of GRECO recommendations (such as recommendation iv concerning the transparency of the asset declaration system of the GRECO 4th round evaluation) appear to remain unimplemented, as declarations remain only accessible in the context of criminal investigations.

Discussions are going on for the moment. Parliament repeated its commitment to work towards more comprehensive rules on declarations of parliamentarians' assets.

11. Is any further follow-up planned as regards political party financing? We note that at the end of the previous legislature a major reform was prepared which in the end was not adopted. Will this work be taken up again?

The Federal Coalition Agreement states that the party endowments will be frozen (i.e. the party endowments will not be indexed) throughout the full legislature of the federal government (i.e. 2025-2029). At the moment, there are no other policy/legislative initiatives foreseen in this regard.

12. A number of audits and interventions of stakeholders indicate that awareness of potential conflicts of interest at local level remains low, leading to an increased and high risk of corruption. Is the government aware of this risk, and do they have plans to address this? [We note plans recently announced at the level of the Flemish government to address CoI concerns]

The law on municipal administrative enforcement, the establishment of a municipal integrity investigation and the establishment of an Integrity Assessment Directorate for Public Administrations aims to provide local governments with a specific legal basis to take measures aimed at combating undermining crime. Among other things, the law provides for the possibility for local authorities to conduct a thoroughly driven integrity investigation into the establishment or operation of publicly accessible establishments in the context of well-defined economic sectors and activities and, based on the result of that investigation, to refuse, suspend or suspend the establishment or operation licence or to close the establishment.

The Vlaams Agentschap Binnenlands Bestuur would like to focus on strengthening the deontological committees of the local authorities in order to guarantee integrity and deontology at the local level.

Ik denk dat een basis van antwoord zeker ook is dat we ons als Vlaamse Overheid wel degelijk bewust zijn van dit risico, gezien de audits waarvan sprake ook deels door de Vlaamse Overheid in gang werden gezet.

### Pillar III – Media Pluralism and Media Freedom

13. Since July last year, what have been the most significant developments regarding media freedom and pluralism? Have there been any notable challenges or improvements in regulatory frameworks, editorial independence, or market dynamics?

FLANDERS:

In the previous policy year, a number of important steps were taken to adapt the regulatory framework for media to economic, social and regulatory realities.

1. An important instrument for ensuring media freedom and pluralism is the Media Freedom Act, which has direct effect, meaning that the text will in principle be directly applicable in the legal orders of the Member States without the need for implementing legislation. Nevertheless, we are working on a decree to transpose EMFA, in which we take the necessary additional measures for the applicability of EMFA, including with regard to the creation of a database on media ownership, the supervision by the Flemish Media Regulator, the participation of the Flemish Regulator in the European Board for Media Services, and a number of additional tasks for this regulator (e.g. confirming – at the request of a VLOP – declarations made by media service providers under Article 18, or verifying whether devices or user interfaces have a functionality that allows users to change the configuration at any time as required by Article 20). This draft decree will be submitted to the Flemish Government for the first time in the short term.
  
2. By decree of 9 February 2024, a more future-oriented approach for regional television broadcasters was developed. The public mission of the regional media with focus on regional news and current affairs cannot be overestimated. Thanks to their regional involvement and great journalistic relevance, they contribute to a diverse and pluralistic media landscape. It is therefore important that the regional media can rely on an independent editorial team with a strong regional feeling. As with other media outlets, however, there is also a need for a digital strategy for regional television so that target groups that are mainly digitally active can also be reached in the future. In addition, regional television broadcasters can strengthen their financial situation by focusing more on efficient operations.  
 Therefore, the above-mentioned Decree inserts 2 new additional recognition conditions for regional television broadcasters:
  - (a) regional television broadcasters shall pursue a cross-media strategy, respond to differentiated media use and make use of digital opportunities;
  - (b) regional television broadcasters shall organise their operation and activities in accordance with the following principles:
    - 1) pursue healthy and efficient financial policies;
    - 2) organize their governing bodies in a proper manner.
  
3. On January 26, 2024, a decree was finalized to bring the media decree into line with the DSA. By virtue of its constitutional competence for the substantive and technical aspects of audiovisual and auditory media services, the Flemish Community (like the other communities) is competent for the regulation and supervision of intermediary services within the meaning of the DSA, consisting of making audiovisual or auditory information available to the general public.  
 Given the direct effect of the DSA, it requires active regulatory action by the Member States only in a limited number of areas, especially in the field of sanctions and enforcement. In the above-mentioned decree, the Flemish Media Regulator (VRM) is

designated as one of the competent authorities within the meaning of Article 49 of the DSA that is responsible for the application and implementation of this regulation. The VRM is therefore the competent authority to supervise compliance with the DSA concerning the intermediary services for broadcasting activities that fall within the competence of the Flemish Community. In addition, this decree also provides for the sanctions that apply to violations of the DSA.

The designation of the digital services coordinator as well as his tasks, his functioning and the cooperation with the competent authorities are regulated in a cooperation agreement of 3 May 2024 between the Federal State, the Flemish Community, the French Community and the German-speaking Community. The Flemish Community agreed to this cooperation agreement by decree of 17 May 2024. The cooperation agreement was published in the Belgian Official Gazette on 30 December 2024.

Besides the adjustment of the regulatory framework, the new government also decided to give 20 million euros extra funds to the public broadcaster VRT, including for the fight against disinformation. With the extra resources, VRT will make additional investments in the fight against disinformation and reinforce its fact-checking mission. Investments will go towards image verification, online research and data journalism. VRT will channel these investments towards offerings for the media user on all platforms, radio, television and online media (app, website, social media).

#### FRENCH-SPEAKING COMMUNITY:

Concerning regulatory frameworks, we can mention four elements:

- We're preparing the implementation of EMFA with the new government.
- The French-speaking Community has adopted last year a new legislation to support non-commercial periodical print media. The objective of the regulation aims at ensuring pluralism of non-commercial periodical print media and at supporting quality journalism. This legislation has been notified to the Commission on 29 August 2023. This regime was deemed to be in line with the internal market.
- The Government of French-speaking Community has also revised the decree of 4 February 2021 ([SMA Decree](#)) to implement the DSA.
- The CSA has published its evaluation on pluralism in the French-speaking market for the year 2023. The evaluation is globally positive, even if two topics present a medium risk (cfr. [Infra](#)).

Regarding editorial independence and market dynamics, there are no notable changes since last year.

14. What is the new Government's media strategy, and what are its key priorities for the media sector? How does this strategy address issues such as press freedom, media independence, digital transformation, and support for public and private media outlets?

#### FLANDERS

The media policy priorities for the next 5 years are laid down in the "Media Policy Paper 2024-2029". This text was submitted to the Flemish Parliament on 15 November

2024 and can be consulted here (in dutch): <https://publicaties.vlaanderen.be/view-file/70851>.

An important priority for the Flemish Government in 2025 is the transposition of the European- Media Freedom Act. A decree is currently being prepared in function of this. In this way, we contribute to media pluralism and the independence of media services.

In addition, the Flemish coalition agreement provides extra resources for the public broadcaster VRT. The VRT will use these funds for investments in the fight against disinformation, investments in local offerings for children and young people and for investments in digitisation and innovation, among other things.

The Flemish Minister of Media wants a future-proof Flemish media landscape that is resilient to the influence of international tech giants. In order to guarantee the viability of the sector, she focuses on local talent, cooperation and combating disinformation.

- 1. Creativity and local talent are without a doubt the engine of the Flemish media. Our local productions are internationally applauded for their top quality. Creating a level playing field is therefore crucial to allow our Flemish media landscape to flourish further and to give local talent a fair chance.
- 2. As a small region, Flanders can only win by working together. By enabling all players in the market to join forces, we are building a solid and resilient media ecosystem that claims its place, here and in the world. For example, the Flemish Government wants to focus on stimulating cooperation on media innovation, and stimulating gaming.
- 3. Fighting disinformation is a top priority. The National Crisis Center has indicated that disinformation is one of the biggest security risks for our country. That is precisely why we as a society must arm ourselves against the risks of the internet. The Flemish Knowledge Centre for Digital and Media Literacy is our partner in this. But the VRT also plays a key role as a reliable source of impartial information”.

#### FRENCH-SPEAKING COMMUNITY:

The new Government has adopted a general policy statement. Concerning media policy, there are two main priorities:

- Strengthening structural pluralism within the French-speaking media landscape.
- Promoting media literacy to fight against the spread of fake news, as well as messages of hatred, racism, anti-Semitism or terrorism.

These priorities have two objectives: to enable the secure development of new media (social networks, for example) and to strengthen journalistic independence in a pluralistic environment.

15. Considering the recommendation of the 2022, 2023 and 2024 Rule of Law Report to “Further continue efforts to strengthen the framework for access to official documents, in particular by improving request and appeal processes, taking into account European standards on access to official documents”, could you please provide an update on this topic?

The law amending the law of 11 April 1994 on the publicity of the administration and repealing the law of 12 November 1997 on the publicity of the administration in the provinces and municipalities, was adopted in plenary session on 2 May 2024, and promulgated on 12 May 2024.

It was published in the *Moniteur belge* on 6 June 2024 and came into force on 15 July 2024, with the exception of one of its provisions, the entry into force of which will be determined by Royal Decree.

The administrative bodies affected by the amendments have been informed of their new obligations.

16. In light of the positive progress marked by the adoption of the proposal ratifying the Tromsø Convention on Access to Official Documents by the federal Parliament and several regional parliaments in March 2024, could you provide an update on the current status of the federal law's publication process and the steps being taken to ensure the Walloon Region adopts the necessary legislation? (*in writing*)

*The bill assenting to the Council of Europe Convention on Access to Public Documents, done in Tromsø on 18 June 2009, was unanimously adopted on 14/03/2024 in plenary session of the Chamber and submitted for Royal Assent.*

<https://www.lachambre.be/kvvcr/showpage.cfm?section=/flwb&language=fr&cfm=/site/wwwcfm/flwb/flwbn.cfm?legislat=55&dossierID=3619>

However, the law has still not been published in the Belgian Official Gazette. The file will be handled by the new cabinet of the Minister of Security and the Interior.

The Walloon Region has duly noted the urgency of the adoption of the necessary legislation and therefore assigns an urgent status to this file. It will be discussed during the next meeting of the Mixed Treaties Working Group.

17. What measures are being taken to ensure the independence, adequate resources, and enforcement powers of media regulatory authorities such as the Medienrat, CSA, and VRM across all Belgian communities?

FLANDERS:

For your information, an English version of the Act of 27 March 2009 on Radio- and Television Broadcasting is available on the website of the Flemish Regulator for the Media:

<https://www.vlaamseregulatormedia.be/sites/default/files/Act%20on%20radio%20and%20television%20broadcasting%2001012025.pdf>.

In Flanders, the Act of 27 March 2009 on Radio- and Television Broadcasting ensures the independence and effectiveness of the Flemish Regulator for the Media. As an external independent agency with a legal personality under public law, the Flemish Regulator for the Media enforces the media regulations in the Flemish Community, settles disputes related to the media regulations and issues media recognition and

licenses in accordance with the regulations. The Act further details the guarantees and the specific tasks of the General Chamber and the Chamber for impartiality and the protection of minors of the Flemish Regulator for the Media (art. 215–235).

The independence of the Flemish Regulator for the Media is first of all ensured by it being an external independent agency with a legal personality under public law as referred to in Article III.7 of the Administrative Act (French version available here: [https://www.ejustice.just.fgov.be/cgi\\_wet/article.pl?language=fr&dt=DECREET+VL+AAMSE+RAAD&nl=n&text1=bestuursdecreet&choix1=en&trier=afkondiging&lg\\_t xt=f&type=&sort=&numac\\_search=2018032457&cn\\_search=&caller=list&&view\\_n umac=2018032457n](https://www.ejustice.just.fgov.be/cgi_wet/article.pl?language=fr&dt=DECREET+VL+AAMSE+RAAD&nl=n&text1=bestuursdecreet&choix1=en&trier=afkondiging&lg_t xt=f&type=&sort=&numac_search=2018032457&cn_search=&caller=list&&view_n umac=2018032457n)). Article III.13 of the Administrative Act is not applicable to the General Chamber and the Chamber for impartiality and protection of minors of the VRM. This means that the Flemish Government does not supervise the functioning of these chambers.

Subsequently, the Media Decree states in Article 218 that the General Chamber acts completely autonomously in the exercise of its competences mentioned in paragraph 2, and that the Chamber for Impartiality and Protection of Minors pronounces completely autonomously in the exercise of its powers.

According to article 231 of the Media Decree, a business plan is concluded between the Flemish Government and the Flemish Regulator for the Media. The business plan regulates the cooperation with other entities in the Flemish administration and with other governments. The business plan includes a statement of income and expenditures at the time of budget preparation.

The Board of Directors of the VRM concludes the business plan with the competent Minister and establishes a yearly budget (art. 226 Media Decree) The Board does not have any competence with regard to the decisions which are taken concerning the execution of Article 218, § 2 and § 3 (tasks of the General Chamber and of the Chamber overseeing impartiality and the protection of minors )

VRM's resources are listed in Article 232 of the Media Decree. In terms of staff, the Flemish Media Regulator has been strengthened in recent years by the recruitment of 3 additional FTEs. This increased his staff to 21 staff members.

The enforcement powers of the chambers of the VRM are listed in article 218 of the Media Decree. Paragraph 2 of article 218 lists the competences of the General Chamber, paragraph 3 lists the competences of the Chamber overseeing impartiality and the protection of minors. The sanctions that VRM can impose are listed in Articles 228-230 of the Media Decree.

#### FRENCH-SPEAKING COMMUNITY:

The independence of the CSA is guaranteed in our legislation (SMA Decree). It's a public, independent authority. The CSA has adequate resources to fulfil its legal missions. They have all the enforcement powers to fulfil their legal duties. Also, with the entry into force of the DSA, the CSA benefits of the powers granted by the DSA.

To quote some figures, the financial resource of the CSA is about 3,7 million euros for 2024. Their budget has increased by more than 30% in 5 years. The staff consists of approximately 30 full-time equivalents (population: 4.300.000). This is similar, in proportion of the population, to ARCOM in France.

#### GERMAN-SPEAKING COMMUNITY/

As part of the 2025 budget planning, the Medienrat, the regulatory authority of the German-speaking Community, has been further strengthened.

Since 2024, the Medienrat's office staff has been directly financed by the Medienrat itself, ensuring greater autonomy for the regulatory authority. This change was accompanied by a significant budget increase to support its operations.

The staffing plan for the Medienrat now includes 3.5 full-time equivalents, representing a 250% increase compared to 2023. This expansion was essential to address the growing workload arising from the implementation of various European legal frameworks.

Additionally, the Medienrat's overall allocation was increased by 20% compared to the previous year, specifically to cover the higher personnel costs associated with this expansion.

18. How does the government plan to safeguard media independence and prevent political interference, particularly in light of the upcoming amendments to the Media Decree in the German-speaking Community?

The amendments to the Media Decree aim to implement the provisions of Regulation (EU) 2024/1083 (European Media Freedom Act) and Regulation (EU) 2024/900 (Transparency and Targeting of Political Advertising). No further initiatives are planned beyond this.

19. What steps are being implemented to enhance transparency in media ownership and address risks related to market pluralism and social inclusion, as identified in the CSA's 2023 evaluation of media pluralism in the French-speaking Community?

#### FLANDERS:

In the Flemish Community, pursuant to Article 218, §2, 8° of the Media Decree, the Flemish Media Regulator has the task of drawing up an annual media concentration report. The new media concentration report of the Flemish Media Regulator was published on 29 November 2024 ([https://www.vlaamseregulatormedia.be/sites/default/files/Mediaconcentratierapport%](https://www.vlaamseregulatormedia.be/sites/default/files/Mediaconcentratierapport%202024.pdf)

202024.pdf). An English guide to this report can be consulted here: [https://www.vlaamseregulatormedia.be/sites/default/files/English%20guide%20to%20the%202024%20version%20of%20the%20report\\_0.pdf](https://www.vlaamseregulatormedia.be/sites/default/files/English%20guide%20to%20the%202024%20version%20of%20the%20report_0.pdf).

As part of the transposition of Article 22 of the European Media Freedom Act, a regime for the assessment of media concentrations in the context of pluralism and editorial independence is being prepared. The Flemish Regulator for the Media will play an important role in this. This draft decree will be submitted to the Flemish Government for the first time in the short term.

With regard to social inclusion, it is important to point out that the analysis of the CSA is limited to the French Community. The conclusions of the CSA are therefore not necessarily applicable in Flanders. With regard to social inclusion, the Flemish Community refers in the first place to the management agreement with the public broadcaster VRT (<https://www.vrt.be/nl/over-ons/onze-opdracht/beheersovereenkomst>). It includes a number of provisions and targets on inclusiveness and accessibility, both in terms of its users and its workforce.

As regards accessibility to television services for persons with disabilities, the Flemish Community refers to Article 151 of the Media Decree which contains a number of obligations for television broadcasters with regard to accessibility. Pursuant to Article 151, §5 of the Media Decree, the Flemish Government provides subsidies to television broadcasters to make television services accessible. This is further regulated in the Decision of the Flemish Government of 27 January 2023 (French version: [https://www.ejustice.just.fgov.be/cgi\\_wet/article.pl?language=fr&dt=BESLUIT+VLAAMSE+REGERING&ddd=2023-01-27&ddf=2023-01-27&nl=n&choix1=en&trier=afkondiging&lg\\_txt=f&type=&sort=&numac\\_search=2023040738&cn\\_search=&caller=list&&view\\_numac=2023040738nx2018032457nx2018032457f](https://www.ejustice.just.fgov.be/cgi_wet/article.pl?language=fr&dt=BESLUIT+VLAAMSE+REGERING&ddd=2023-01-27&ddf=2023-01-27&nl=n&choix1=en&trier=afkondiging&lg_txt=f&type=&sort=&numac_search=2023040738&cn_search=&caller=list&&view_numac=2023040738nx2018032457nx2018032457f)). In function of the digital transformation plan, support was also given to projects that focus on accessibility (e.g. live subtitling). The management agreements with the public broadcaster VRT and with the Vlaams Audiovisueel Fonds also pay attention to accessibility for people with disabilities.

The accessibility directive has been transposed by the Flemish Community with regard to audiovisual and auditory media services in Article 214/2 and Annexes N1, N2 and N3 of the Media Decree.

#### FRENCH-SPEAKING COMMUNITY:

The evaluation was globally positive. Nevertheless, the CSA has considered that market pluralism and social inclusion were at “medium risk”.

- On transparency in media ownership, there are already rules in our legislation that oblige media providers to communicate information about their ownership. These rules will be reinforced with the implementation of article 6 EMFA because the information asked will be more accurate and more extensive.

- Regarding market pluralism, as you already know, the high concentration of the media in the French-speaking Community is due to the small size of the market. In the future and with the implementation of the article 22 EMFA, CSA will be responsible for analysing market concentrations on the French-speaking media market and, if necessary, proposing remedies to mitigate those concentrations. The exact procedure is still under discussion at government level. It must be pointed out that CSA can already assess the pluralism on the market in function on criteria such as capital ownership and audience.
- Regarding social inclusion, the report has pointed out some medium risks, in particular women's access to the media and with their representation on screen and their hierarchical position in the media outlets.

First of all, the decree enshrines women's rights, equality and non-discrimination. Service providers may not publish any programme or broadcast any commercial communication that violates equality between men and women or promotes discrimination.

There is also a convention on diversity in the media sector between the Government and the professional journalist association. The objective of the convention is to promote diversity and equality. There is, for example, a database called Expertalia. This tool, developed by the *Association of Professional Journalists*, was created for dual use. It is intended for journalists, to provide them with an additional tool to facilitate the daily practice of their profession. And also, for experts, to give them visibility in the media landscape.

Also, public media services (RTBF and local televisions) are subject to some obligations ("best-effort" obligations), under their management contract concluded with the Government, to improve social inclusion and in particular the equality between men and women. For example, they must establish an action plan on equality and diversity.

Finally, regarding accessibility of the media for people with sensory disabilities, the French-speaking Community provides financial support to media outlets (private and public) in order to help them implement measures such as subtitling and audio description.

20. Considering the adoption of the EU directive on the protection of individuals participating in public debate against manifestly unfounded claims or abusive legal proceedings ('strategic lawsuits distorting the public debate') on April 11, 2024, how is the transposition process into Belgian law progressing? (in writing)

Belgium is actively working on the transposition of the Directive on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation'). The preliminary reflections on the best way to implement the directive into Belgian civil procedural law

have already begun. Belgium has also participated in the first transposition workshop that was organized by the European Commission, and will also attend the other 2 announced workshop meetings. The goal is to have a first full transposition draft by the month of May 2025 in order to be able to start the legislative process afterwards (political agreement, informal consultations, obligatory submission to the advisory bodies, introduction to parliament and vote). Belgium is still aiming for a full transposition within the deadline of 7 May 2026 as set in the Directive.

21. The European Federation of Journalists (EFJ) together with Belgium journalist associations have publicly denounced several recent legal decisions by Belgian courts which amount to preventive censorship, prohibited under the Belgian Constitution. Are there legislative or policy initiatives under consideration to reinforce press freedom and prevent abuses such as those experienced by media outlets like Le Soir and Sudmedia?

*The bill assenting to the Council of Europe Convention on Access to Public Documents, done in Tromsø on 18 June 2009, was unanimously adopted on 14/03/2024 in plenary session of the Chamber and submitted for Royal Assent.*

<https://www.lachambre.be/kvvcr/showpage.cfm?section=/flwb&language=fr&cfm=/site/wwwcfm/flwb/flwbn.cfm?legislat=55&dossierID=3619>

However, the law has not been published in the Belgian Official Gazette. The file must be dealt with by the new office of the Minister of Security and the Interior.

The Communities have no legislative or regulatory power over the jurisdiction of courts and tribunals and/or the proper application of constitutional rules.

22. In 2024, the Council of Europe's Platform to promote the protection of journalism and the safety of journalists recorded an alert regarding the raid on Kurdish-language media outlets in Belgium, which resulted in the seizure of journalists' equipment and extensive damage to the premises. Despite this alert being published in May 2024, there has been no official reaction from the Belgian Government. What are the reasons for not providing a response, and what measures are being implemented to prevent such incidents from undermining press freedom in the future? What safeguards are in place to ensure that journalists' equipment and data are protected from unwarranted seizures?

### **Concerning possible police action against journalists.**

Freedom of the press is guaranteed in Belgium (Article 25 of the Constitution), as is the right to peaceful assembly (Article 26 of the Constitution). The right to film police actions for journalistic purposes is also provided for by law. Appropriate guidelines are given to police officers (notably through training, notes and publications) to ensure that this right is respected.

Every police intervention is guided by :

**Firstly**, legal requirements concerning respect for rights and freedoms and the use of coercion and force. See the Police Functions Act (5/08/1992) ("LFP"), and the Law organizing an integrated police service (7/12/1998) ("LPI").

Some guiding elements/principles:

Police services perform their duties under the authority and responsibility of the authorities designated for this purpose by or pursuant to law. In the performance of their policing duties, the police ensure respect for and contribute to the protection of individual rights and freedoms, as well as to the democratic development of society. In carrying out their duties, they use coercive measures only in accordance with the law.

Police officers contribute at all times to the protection of citizens and, when circumstances require, to the observance of the law and the maintenance of public order. They respect and strive to ensure respect for human rights and fundamental freedoms.

In carrying out their policing duties, the police may, taking into account the risks involved, use force to pursue a legitimate objective which cannot otherwise be achieved. **Any use of force must be reasonable and proportionate to the objective pursued.** Any use of force shall be preceded by a warning, unless this would render the use of force ineffective.

**Secondly**, the principles of the Code of Ethics, which includes a specific provision relating to the press (see Code of Ethics of the Police Services (Royal Decree of 10 May 2006)).

In the context of respect for the freedom of the press, members of the police do not prevent the presence of the press at the scene of police operations except in accordance with the instructions of their chief or to the extent necessary for the maintenance of public order, the safety of individuals, respect for professional secrecy or the protection of privacy. They must comply with the legal provisions and with the directives of the authorities regarding relations with the press (art. 64).

And **Thirdly**, the principles of Negotiated Management of Public Space: "Any abusive intervention is subject to analysis/investigation and possible sanction (criminal and/or disciplinary)".

The other elements of the question are mainly about protecting journalists' sources, and not about police violence. In Belgium, journalist's sources are protected by the law of 7 April 2005 on the protection of journalistic sources. According to the law, any detection or investigation measure to identify or intercept these sources is prohibited. Only in exceptional cases, determined by law, and subject to the authorisation of a judge, can journalists be forced to disclose their sources.

23. Another alert submitted to the Council of Europe's Platform in 2024 involved concerns over political intervention, specifically following public criticisms by the French-speaking Media Minister regarding a reportage by the public broadcast media RTBF. How does the Government address these concerns about political influence and pressure on public broadcasters? What steps are being taken to ensure media independence and prevent government officials from exerting undue influence over editorial content?

Belgium has officially responded to this alert on the Council of Europe's Platform on 20 December 2024. This letter reaffirms in particular that "The Government of the French Community refrains from any form of interference with or censorship of

journalists, whether they work for a private or public media organisation" and that "The Government of the French Community reaffirms its full confidence in the independent control and self-regulation bodies, the Conseil supérieur de l'audiovisuel (CSA) and the Conseil de déontologie journalistique (CDJ) respectively.

Also, the Government said that it maintains and will maintain its confidence in independent bodies such as the Conseil Supérieur de l'Audiovisuel and the Conseil de Déontologie Journaliste, whose role as regulator must continue to be able to be exercised without interventionism from the public authorities.

24. The new Belgian Criminal Code was adopted in February 2024 and will enter into force in April 2026. What are the key changes of the recent amendments, particularly concerning the abolition of imprisonment for defamation and slander against journalists under the 'Law of 18 January 2024'? What does the new provision 28 on state secrets entail, and how might it impact press freedom in Belgium? (in writing)

The new Belgian Penal Code, adopted in February 2024, is set to enter into force in April 2026. It is based on three guiding principles: simplicity, precision, and coherence. Regarding defamation and slander, the new code introduces several changes. Firstly, it eliminates the distinction between defamation and slander, which currently have different levels of proof, and consolidates them into a single offense (defamation) under Article 240 of the future Penal Code. The principle of counter-evidence is reformulated to be more precise and simpler compared to the current provisions. Finally, the future Penal Code abolishes the sentence of imprisonment for defamation. Defamation is now punishable by a level 1 penalty. For individuals, this corresponds to one of the following penalties:

- 1° a fine ranging from 200 euros to 20,000 euros;
- 2° a community service ranging from twenty to one hundred and twenty hours;
- 3° a probation ranging from six to twelve months;
- 4° a confiscation, including extended confiscation;
- 5° a pecuniary penalty based on the expected or obtained profit from the offense;
- 6° a conviction by declaration of guilt.

When the law provides for an accessory penalty for an offense punishable by a level 1 main penalty, the judge may, in the case of mitigating circumstances, impose this accessory penalty instead of the main penalty (see Article 36 of the future Penal Code).

The Law of 18 January 2024 aimed at making justice more humane, faster, and firmer III, which came into force on 5 February 2024, has introduced some provisions of the future Penal Code into the current Penal Code. This concerns offenses that impose more severe penalties for certain crimes, such as murder, assault and battery, torture, and inhumane treatment, when committed against individuals exercising a societal role, which includes journalists. The inclusion of journalists into this category is justified "due to the watchdog role that journalists play in a democratic society, where their mission may involve making data public or expressing opinions. As a result, journalists may be targeted by individuals who want to prevent this information from being

disclosed, making them particularly vulnerable to acts of violence. To help ensure that journalists are not discouraged from fulfilling their societal mission due to fear of such reprisals, they should be included in the list of individuals in societal roles" (see Parl. doc., 55-3518, Chamber, 2022-2023, p. 56, <https://www.lachambre.be/FLWB/PDF/55/3518/55K3518001.pdf>, unofficial translation).

The new Penal Code defines the concept of a state secret. This concept is used in specific offenses related to state secret. The definition of a state secret as well as the related offences have been introduced into the current Penal Code by the Law of 28 March 2024 on digitalisation of justice and various provisions Ibis, which came into force on 8 April 2024. The new definition replaces and extends the formulation that was used in the Penal Code before the entry into force of the Law of 28 March 2024. In addition to a new definition, the explanatory memorandum provides several clarifications regarding the different terms used in the definition. Anyone can be concerned by the offences related to a state secret, including journalists, provided the conditions of the law are met. The Penal Code incriminates the reproduction, disclosure, transmission, or reception of a state secret only under certain circumstances, which are enumerated in the law. These circumstances notably relate to the recipient of the state secret. The law mentions the disclosure, reproduction, and transmission of a state secret to a foreign state or foreign armed group, the enemy, or an unauthorized person when done with the intent to harm the essential interests of Belgium or a state with which Belgium is bound by an international agreement for common defense.

#### Pillar IV – Other Institutional Issues related to Checks and Balances

25. In its 2024 Rule of Law Report, the Commission recommended Belgium to ‘Take measures to ensure compliance by public authorities with final rulings of national courts and the European Court of Human Rights<sup>4</sup>. This mainly concerns the reception of asylum seekers, as well as prison overcrowding, prolonged psychiatric detention, extradition to third states and weapons exports<sup>5</sup>. Since the publication of the Report, in September 2024, the Committee of Ministers of the Council of Europe found that the Belgian Government had taken insufficient action to address the systematic problems identified in the *Camara v Belgium* judgment<sup>6</sup>. In this regard, could you elaborate on how the Government plans to ensure compliance with the relevant judgments and orders imposing penalty payments?

First of all, we would like to reiterate that a State is required to execute all enforceable judgments. Therefore, with regard to the execution of judgments of the European Court of Human Rights, the Belgian state is committed to making maximum efforts to find the necessary tools to remedy without delay the violation found both at the individual and general level in order to avoid similar violations.

This question highlights a number of matters that require ongoing systemic improvements to achieve full compliance. However, it does not mean Belgium does not comply with the related decisions. For example, regarding prison overcrowding, numerous concrete national decisions have been rendered for which individual

measures have been executed and, more broadly, significant efforts are taken to implement the decisions. Moreover, a more humane detention policy has been presented in March 2025 as one of the three priorities by the Minister of Justice in the Chamber for the upcoming legislature. The Minister of Justice recognised that the overcrowding in Belgian prisons puts a heavy strain on the legal system and, by extension, on society. To address this issue, the Minister of Justice has announced to take concrete actions, such as optimizing detention capacity, investing in alternative penalties, implementing targeted approaches for specific groups such as internees and detainees without residence rights, and strictly monitoring high-risk detainees. The Minister is also focusing on evidence-based measures to reduce recidivism.

In each of these matters, intensive continuous work is carried out through measures and reforms and through consultation and raising awareness of the actors concerned. For the more specific measures, we would like to refer to the action plans in the cases of *Vasilescu, L.B. and Camara*. These action plans are periodically updated and sent to the Committee of Ministers of the Council of Europe to illustrate the various actions and developments in the implementation of the Court's judgments.

We would also like to highlight that the government has only been established recently, making it difficult to foresee at this stage which measures will be taken regarding these matters. More detailed plans and concrete solutions will emerge in the future when Ministers shape their policies and measures are implemented. These measures will be developed in the future action plans, which will be published on the hudoc executive website (<https://hudoc.exec.coe.int>).

Furthermore, we would like to reiterate that it is incorrect to claim that the Belgian Government is not, or has not been, in compliance with the *Camara* judgment of the ECtHR. The Court ruled that the violation of Article 6 was, in itself, a sufficient remedy. As a result, the Belgian Government was not required to take any additional measures concerning the complainant, and there has been no instance of noncompliance with the judgment. At the time of the ruling, the complainant was already receiving reception.

This being said, we would like to stress that Belgium has experienced a significant increase in asylum seekers over the past few years, including in 2024, despite an overall decline in numbers across the EU. 15.000 of them have already applied for international protection in another member state, or have even received such protection.

Nevertheless, the Belgian Government has been tirelessly working to ease the pressure on its reception system. Belgium still operates a huge reception network and the newly formed government continues to support various supportive initiatives, such as Info Points and Refugee Medical Points.

Moreover, the Belgian government plans to take crisis measures very soon, in order to reduce the influx and reduce pressure on the reception network. Finally, the recent coalition agreement aims to strengthen the asylum instances, which will further reduce pressure on the reception system.

Belgium hopes that the aforementioned measures will reduce pressure on the reception network so that obligations under the Reception Conditions Directive can be fully met.

As a technical note, Belgium reports that the outstanding penalty payments have decreased since the last update and now stand at EUR 10.2 million (as of 28/02/2025).

26. As reported in the 2024 Rule of Law Report ‘Stakeholders continue to raise concerns regarding administrative and judicial demonstration bans, contesting their legality, necessity and proportionality’. ‘Some concerns have also been raised regarding a new criminal offence of ‘malicious attack on government authority’ enacted on 29 February 2024 (article 247 new Criminal Code), given the perceived tensions with the freedom of expression and assembly.’<sup>7</sup> Could you elaborate on the new Governments plans and positions in these regards?

In order to satisfy the requirements of article 10 of the European convention on human rights pertaining to freedom of expression, this offence has been analysed in light of article 10 of the ECHR and its scope has been accordingly limited in the new Penal code. Firstly, the scope is restricted by the fact that a particular intention is now required, that is, the offence must be committed maliciously. The scope is also limited to the following acts: undermining the binding force of the law or rights, the authority of constitutional institutions and the direct provocation to disobey a law.

Finally, this offence must cause a serious and actual threat to national security, public health or morality, which corresponds to the grounds for limiting freedom of expression, as listed in Article 10, § 2, of the European Convention on Human Rights.

A provision concerning a new sanction, the ban on demonstration in certain circumstances was discussed by parliament. This provision was removed from the draft law and as such, it is not included in the current Penal code, nor is it in the new Penal code that will enter into force on 8 April 2026.

In addition, an action for annulment before the Constitutional Court against the provision on malicious attack on government authority (article 547, not 247) is currently pending.