

2026 Rule of Law Report - targeted stakeholder consultation

We are giving our contribution as public authority or network of public authorities:

Medienrat of the German-speaking Community, approved by Medienrat of the German-speaking Community on 18th February 2026

Main areas of work: Media pluralism and Freedom

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Publication of your contribution and privacy settings: Public

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Member State/enlargement country covered in contribution: Belgium

Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding media pluralism and media freedom (if applicable):

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A. Media authorities and bodies

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies.

In the past year, there have been no further developments in the regulatory framework of the German-speaking Community (i.e. the Decree of 1 March 2021 of the German-speaking Community on media services and cinema screenings (Media Decree 2021)) to enhance the independence of the Medienrat, but in our understanding, there also was no need for further development. Since 2024, the Medienrat hires and manages his own personal and since March 2025, the office of the Medienrat is fully staffed.

In this context, the Media Decree 2021 was amended by the Programme decree I of February 2025 to introduce that the rules of procedure of the Medienrat define the organisation of the office. Indeed, the new rules of procedure that the Medienrat gives itself were approved on 13th January 2026. Moreover, the Programme decree I of February 2025 ensured that the Medienrat is the competent authority within the scope of the regulation (EU) 2024/1083 of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act - EMFA).

The process of the adoption of the amending decree is still ongoing and will be finalised in 2026. This amending decree takes account of the individual provisions of the EMFA as well as the designation of competent authorities and other individual provision of the regulation (EU) 2024/900 of 13 March 2024 on the transparency and targeting of political advertising (TTPA) and regulation (EU) 2024/1689 of 13 June 2024 laying down harmonised rules on artificial intelligence (AI Act).

Moreover, while the government grant to the Medienrat had already been increased for 2024 and for 2025, another continuous increase was granted for 2026, 2027 and 2028 to ensure the long-term planning of the Medienrat and its personnel.

Indeed, the staff enforcement with 3,15 FTE and the budget increase already ensured in 2025 that the Medienrat could build a strong fundament and launch new initiatives as the revision of the website, a new inventory of the media landscape or the establishment of new internal mechanisms to reach a professionalisation of its work as regulatory authority. This positive development will certainly further improve the work and effectiveness of the Medienrat. Pending on the additional duties the Medienrat may be tasked with in future, in particular due to EU legislation, budget may need to be reviewed accordingly.

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies.

The conditions and procedures have not changed in the previous year. It can be found in the Media Decree 2021, article 105-109:

"Article 105 - composition, oath: The mandates of the members of the Medienrat to be filled are published. The members of the Medienrat shall take the oath provided for by the Decree of 20 July 1831 on the oath taken upon the establishment of the representative constitutional monarchy before the minister responsible for the media.

Article 106 - term of office: The term of office of the members of the Medienrat is four years and begins with the oath taking of the member concerned. The member who replaces a member who has left before the end of his term of office completes the latter's term of office. After expiry of their term of office, the members of the Medienrat continue to carry out their duties until their successors have taken the oath of office. The mandate of the members and the president is renewable.

Article 107 - Personal requirements, incompatibilities: The members of the Medienrat must have merit, skills, knowledge and experience in the fields of media studies, media law, media economics or media technology, be experts in the field of electronic communications or hold or have held the office of a magistrate of the public prosecutor's office or a judge of a court of ordinary jurisdiction or of the Council of State. They must be of legal age and have full civil and political rights.

The following are not allowed to be members of the Medienrat:

1. members of the House of Representatives, the Senate, a regional or community parliament, the European Parliament, a provincial council, a municipal council, the federal government, a regional or community government, a provincial college, a municipal college or a ministerial cabinet;
2. a provincial governor, district commissioner or mayor;
3. members of the advisory board for media services of the German-speaking Community, except for the president;
4. staff members and members of the administrative board or management of the BRF, a media service provider or a company that provides electronic communications networks, devices or services;
5. persons who exercise functions in or hold shares in a company or other organisation which is active in the German-speaking area in the audio or audiovisual media sector in terms of content and/or technology or which provides electronic communications networks, equipment or services.

If a member has a conflict of interest regarding a matter to be decided by the Medienrat, the member concerned may not participate in the deliberation and decision-making within the Medienrat.

Article 108 - reasons for exclusion: A member shall resign from the Medienrat for the following reasons:

1. if they are absent without excuse from more than half of the meetings per year;
2. if they are dismissed by the government in accordance with Article 109 of the Media Decree.

If a member of the Medienrat resigns prematurely, a successor shall be appointed for the remainder of the term of office in accordance with the regulations applicable to the appointment.

Article 109 - Dismissal

If a member of the Medienrat no longer fulfils the conditions referred to in Article 107 or acts in contravention of Article 124 (Treatment of trade and business secrets), the Government shall dismiss that member.

The decision to dismiss members of the Medienrat is published in the *Moniteur Belge* at the time of dismissal. The persons dismissed receive sufficient reasons in advance and have the right to request the publication of these reasons if this publication would not have taken place anyway. In that case, the reasons are published."

Existence and functions of media councils or other self-regulatory bodies.

The *Medienrat der Deutschsprachigen Gemeinschaft* (Media Council of the German-speaking Community) is the independent regulatory authority for media services and the networks used for their transmission in the German-speaking community of Belgium. Its head office is in Eupen.

The Medienrat was established in 2000 and is currently governed by the Decree of 1 March 2021 of the German-speaking Community on media services and cinema screenings (Media Decree 2021). It consists of a decision-making chamber (the Medienrat) with up to four nominated members (currently, four members are serving) and an office composed of four experts who assist in preparing the council's decisions (article 101 §2 of the Media Decree 2021).

To its tasks count the regulation of media services such as audiovisual and auditory media services and video sharing platform services whose providers are based in the German-speaking community of Belgium. Furthermore, the Medienrat applies the provisions of the Media Decree 2021 and ensures that they are complied with. In particular, it receives reports from providers of commercial media services, allocates radio frequencies and monitors the protection of minors, compliance with the rules on the diversity of opinion and on advertising (article 112 of the Media Decree). The Medienrat is entitled to impose administrative sanctions in the event of non-compliance with decree (article 138 & 139 of the Media Decree). In addition, analyses the markets for the transmission of media services and imposes the corresponding obligations on companies with significant market power (article 73 of the Media Decree).

Moreover, the Medienrat is available to the Ministry of the German-speaking Community to provide independent expertise in legal and technical matters. On the Belgian level, the Medienrat collaborates with other media regulators, including the

Conseil Supérieur de l'Audiovisuel (CSA), the Vlaamse Regulator voor de Media (VRM), and the Belgian Institute for Postal Services and Telecommunications (BIPT).

Together with these regulators the Medienrat forms the Conference of Regulators for Electronic Communications Networks, which develops legislation related to electronic communications networks, exchanges information, and exercises powers concerning electronic communications networks through the regulatory authorities responsible for telecommunications or radio and television broadcasting.

The four Belgian media regulatory authorities also collaborate in the frame of the application of the regulation (EU) 2022/2065 of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act – DSA) and according to the cooperation agreement of 3rd May 2024 between the Federal State, the Flemish Community, the French Community and the German-speaking Community on the coordinated partial implementation of the DSA. This is why the Medienrat participates on the activities of the European Board for Digital Services (EBDS).

Moreover, the Medienrat is member of the European Board for Media Services (EBMS) established by the European Media Freedom Act (EMFA), of the European Platform of Regulatory Authorities (EPRA) and of the European Audiovisual Observatory (EAO). Thus, the Medienrat works closely with its European colleagues to provide its expertise and assistance in cross-border matters.

The Medienrat is the competent authority regarding the implementation of the AVMS-Directive, the DSA and the EMFA. The Medienrat will likely be the competent authority according to Art. 22 (3) and (4) TTPA and an authority protecting fundamental rights according to Art. 77 AI Act (designation process still ongoing).

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising.

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Safeguards against state / political interference, in particular:

- **safeguards to ensure editorial independence of media (private and public)**
- **specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational**

independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions

- **information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licences, company operation, capital entry requirements, concentration, and corporate governance**

The Media Decree 2021 includes several provisions to ensure the independence of media and to avoid political interference. Article 11 of the Media Decree ensures pluralism in audiovisual media services. The Medienrat can lead a process of conciliation if pluralism is found to be compromised. The independence of any political party or association is the principle for offering an audiovisual non-linear media service (article 29), regulated by the Medienrat, and for receiving a radio frequency (article 54), allocated by the Medienrat.

The Medienrat assigns radio frequencies based on several criteria indicated in the Media Decree (article 51) for a limited period of 15 years. After this, a new allocation with subject to approval is needed. In the context of market analysis, the Council can identify companies with significant market power and can impose specific obligations (article 73).

The composition of the board of administration of the public broadcaster of the German-speaking Community is based on the system of proportional representation in the Parliament of the German-speaking Community of Belgium, according to article 8 of the Decree on the Belgian radio and television centre of the German-speaking Community of 27 June 1986. Moreover, the current amending decree foresees the possibility for the Medienrat to evaluate the management contract between government and public broadcaster before approval by the Parliament.

In view of the amendment decree to ensure to implement provisions of EMFA, the Medienrat provided to the competent Minister for Media an in-depth analysis of the implementation of EMFA, in particular its article 22. The planned amendment decree also includes the designation of the Medienrat as competent authority for Article 22 (3) and (4) TTPA and Article 77 AI Act. While the approval process is still ongoing and planned to be finalised in 2026, the Medienrat is already preparing itself for the additional tasks by establishing new internal instruments and procedures.

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners.

Indeed, article 9 of the Media Decree 2021 foresees that all private providers of Media services must include in the yearly activity report balance sheets and financial information (if this is foreseen by the Belgian Code of Companies and

Associations). Also, the providers of media services are in principle registered in the Crossroads Bank for Enterprises. This database provides (links to) legal (including legal status), economic and financial information on the registered providers.

As the Medienrat is analyzing the media landscape of the German-speaking Community since summer 2025 and is still gathering information, the process is planned to be finalised in spring 2026. The result will be a new updated list of audiovisual and sound media services providers and video-sharing-platforms. The list considers ownership information as stated in Art. 6 EMFA and will be published on the website of the Medienrat.

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists.

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Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists.

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Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information).

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Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits.

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Any other developments related to media pluralism and freedom – please specify

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