



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2025/0369/BE (Belgium)

Draft decree from the Flemish government on appropriate attention by providers of a user interface

Date received : 10/07/2025

End of Standstill : 13/10/2025

Message

Message 001

Communication from the Commission - TRIS/(2025) 1829

Directive (EU) 2015/1535

Notification: 2025/0369/BE

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéset - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20251829.EN

1. MSG 001 IND 2025 0369 BE EN 10-07-2025 BE NOTIF

2. Belgium

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4. 2025/0369/BE - SERV30 - Media

5. Draft decree from the Flemish government on appropriate attention by providers of a user interface



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6. This draft decision concerns the regulation on appropriate attention to broadcasting programmes of general interest. It includes the further elaboration of the principles contained in a draft decree on the same subject.

7.

8. This preliminary draft decree further develops and implements the new rules on devoting appropriate attention to broadcasting programmes of general interest contained in the preliminary draft decree amending the decree of 27 March 2009 on radio broadcasting and television with regard to appropriate attention.

The decision starts with a number of definitions in Article 2, the most important of which pertain to the landing page, i.e. the screen that the user sees when turning on the terminal device.

Article 3 prescribes the manner in which providers of user interfaces must devote appropriate attention to television broadcasting programmes. This article shows the stratification of the rules on proper coverage of television broadcasting programmes:

- Television broadcasting programmes from public broadcasting companies and television broadcasting programmes with particular impact receive the highest degree of appropriate attention.
- Television broadcasting programmes from regional television broadcasters and the television broadcasting programme from non-linear television services referred to in Article 184/0 of the Media Decree must receive appropriate attention on a slightly lower level.
- Television broadcasting programmes from private television broadcasters that do not fall under the previous categories and which have been notified pursuant to Article 161 or Article 175 of the Media Decree require the lowest amount of appropriate attention.
- Service distributors also receive a certain degree of appropriate attention for their applications
- Programmes that are part of the television broadcasting programmes of general interest available in the applications must also receive appropriate attention.

Article 4 shows the stratification of the rules on appropriate coverage of radio broadcasting programmes:

- The highest degree of appropriate attention should be ensured for the application of a grouping of radio broadcasters comprising at least the public broadcaster and national radio broadcasters.
- The radio broadcasting programmes from the public broadcaster and national radio broadcasters receive appropriate attention at a slightly lower level.
- The radio broadcasting programmes from network radio broadcasters and local radio broadcasters receive the lowest amount of appropriate attention.

Providers of user interfaces must always act in a non-discriminatory manner when implementing their due diligence obligations pursuant to Articles 3 and 4 of the decree.

Finally, Article 4 states that providers of user interfaces providing access to radio broadcasting programmes through car radio receivers as referred to in Article 209/1(2) of the Media Decree must ensure that those radio broadcasting programmes are immediately accessible and easy to find.

Broadcasting organisations and service distributors personally decide, pursuant to Article 5, whether they wish to be present on a user interface with their applications. Providers of that user interface cannot require them to do so.

In Article 6, the decision defines the procedure for the qualification of television broadcasting programmes as television broadcasting programmes with particular impact by the Flemish Media Regulator.

Finally, Article 7 of the decision lays down the date of entry into force of the decree, amending the decree of 27 March 2009 on radio broadcasting and television as regards appropriate attention and of this draft decree which is based on it.



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9. Flemish broadcasting organisations form the backbone of our Flemish identity. The stories they tell (from entertainment to fiction and from animation to non-fiction) contribute to community building. They do this by providing Flemish media users with access to broad, local, high-quality and original media programmes. They also help inform citizens by offering news and current affairs. Informed citizens are essential for the proper functioning of democracy. Against this background, a policy decision has always been made in the past to safeguard and encourage high-quality productions and guarantee a strong Flemish audiovisual sector from a cultural, democratic and social point of view.

However, it is not sufficient for local productions and news to be financed, produced and made available. If these local productions and news coverage are not visible and findable for media users, these programmes will no longer be viewed or listened to. As a result, broadcasting organisations can no longer fulfil their important role, with all potential consequences for society. In addition to the important social role of broadcasters that is then at risk of being lost, the lack of visibility and findability also has an important economic impact on broadcasters. Limited findability and visibility reduces reach, which in turn leads to less advertising revenue.

Media user access to content, both auditory and audiovisual, has changed considerably in recent years. This change is due to the shift towards more non-linear consumption of content and the emergence of new gatekeepers. Influential online platforms such as search engines and providers of user interfaces of mobile devices, smart TVs and smart speakers are increasingly acting as a conduit between media content providers and the public.

These new gatekeepers do not (always) have editorial responsibility, but may have a decisive influence on the content and information to which the media user has access by determining which content is the fastest or most visible and findable. Decisions about what will appear, for example, on the landing page of a smart TV or in the recommendations are determined by algorithms and editorial choices, but also by commercial considerations and agreements. Due to their greater financial strength, international streaming providers or providers of video-sharing platform services can more easily and on a much larger scale conclude commercial agreements with providers of user interfaces at the expense of local Flemish players with fewer resources and therefore fewer negotiation possibilities.

The above makes clear that the control of what media users see and hear shifts from the local broadcasting organisations to new gatekeepers. The risk is that, in particular, apps and content from international players or apps and content that are commercially viable or in respect of which these gatekeepers have entered into commercial agreements will be more visible and findable, with the local offer increasingly having to discontinue.

In order to examine how appropriate attention, visibility and findability for audiovisual and auditory media services of general interest in Flanders can be ensured, the Department of Culture, Youth and Media commissioned a study by imec-SMIT, Vrije Universiteit Brussel. This study was an important source of inspiration for a new regulatory framework on appropriate attention that has been detailed in a preliminary draft decree and decision by the Flemish government.

10. Numbers or titles of the basic texts:

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No



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SPS aspects: No

European Commission

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