

30 JUNE 2006. – Decree by the Government of Flanders concerning the procedure for the "Flemish Media Regulator "

CHAPTER I. - General provisions.

Article 1. Pursuant to this Decree, the following definitions apply:

1° Media Decree: Decrees concerning radio broadcasting and television, coordinated on 4 March 2005;

2° person : natural or legal person, according to the case;

3° Regulator : Flemish Media Regulator.

Art. 2. The Regulator takes all the necessary steps to deal with complaints and requests with the required speed and efficiency.

Art. 3. Complaints and requests concerning accreditations or authorisations for broadcasting are addressed to the Flemish Media Regulator by registered letter or by e-mail or any other telecommunication system resulting in a written document reaching the addressee and featuring an electronic signature that meets the requirements in article 1322 of the Civil Code.

The first paragraph is also applicable to any other requests and notifications to the Regulator.

In the case of a registered letter, the postmark is regarded as being valid as the application date.

In the case of a request made by e-mail or any other telecommunication system, the dispatch date is regarded as valid as the application date. The date is referred to in the acknowledgement of receipt.

Art. 4. § 1. Decisions by the Regulator that may give rise to an action for annulment presented to the Council of State are notified to the interested parties by registered letter with acknowledgement of receipt.

Documents originating with the Regulator, whose notification incurs a time limit, are notified to the interested parties by registered letter.

§ 2. In order to calculate the time limits referred to in § 1, paragraph 2, the interested party is deemed to have received the decision the day following the one the Regulator deposits the letter at the Post Office. Should the final day of this period fall on a Saturday, a Sunday, a statutory public holiday or a day when the postal services are closed, the time limit is extended until the next working day.

§ 3. Complaints and requests about accreditations or authorisations for broadcasts are addressed to the Flemish Media Regulator by registered letter or by e-mail or any other telecommunication system resulting in a written document reaching the addressee and featuring an electronic signature that meets the requirements in article 1322 of the Civil Code.

Art. 5. The date of the postmark has evidential value for the date the registered letters are dispatched by the Regulator.

Art. 6. Letters originating with the Regulator are sent to the address the interested party specifies as residence, or, in the case of a legal person, or as headquarters. Even if the address is changed without this being notified to the Regulator, the item is deemed to be valid.

Art. 7. When an interested party is invited to be heard, the invitation is sent at least eight days before the date of the hearing.

Art. 8. Complaints made to the Regulator should feature an inventory of the documents presented as documentary evidence, as referred to, as well as a copy of the documents available.

Art. 9. Activity and financial reports for the previous calendar year, as referred to in articles 38, 66, 73, 12°, 82, 86, 93, 126, § 1, 4°, and 135, first paragraph, 4° of the Media Decree, are provided to the Regulator.

Art. 10. Apart from the period referred to in article 12, 1°, the time limits referred to herein are suspended from 16 July to 31 August and from 25 December to 2 January.

Art. 11. Decisions by the general chamber and the chamber for impartiality and protection of minors are made public.

The chambers arrange for the disclosure of their decisions and decide on the way they are disclosed.

CHAPTER II. - Review procedures in the wake of complaints, automatic reviews and reviews at the request of the Government of Flanders.

Section I. - Common provisions.

Art. 12. In order to be admissible, a complaint lodged with the Regulator has to meet the following conditions:

1° be lodged no later than the fifteenth day after the event giving rise to the complaint.

2° refer to the name, status and address of the complainant;

3° specify the relevance of lodging the complaint, unless it is a complaint involving provisions relating to advertising, teleshopping, sponsoring and messages of general interest.

4° specify the purpose of the complaint, setting out the grounds and referring to the person being complained about. If the complaint applies to a radio or television programme, the programme giving rise to the protest has to be specified, with the date and time of the programme.

5° be signed by the complainant. Should the complaint originate with a legal person, it shall be signed by person entitled by law or the articles of association to represent the said legal person.

Complaints that clearly do not meet these conditions may be immediately declared inadmissible pursuant to a written and reasoned decision by the president of the relevant chamber.

Art. 13. Unless the complaint is clearly inadmissible, in which case the president of the relevant chamber may take an immediate decision, pursuant to article 12, last paragraph, a procedure in which both parties are heard is initiated and a copy of the complaint and the related documents referring to the grounds for the procedure, is sent to the person giving rise to the complaint. The accused party has fifteen days in which to forward the latter's comments in writing to the Regulator.

The accused party also has fifteen days within which to forward a copy of the programme, if this is requested.

A copy of the response is sent to the accused party. The parties may be convened to be heard by the chamber. Should one of the parties so request, the Regulator is required to hear the parties.

Art. 14. Apart from the case referred to in article 15, the relevant chamber is required to hand down a ruling within forty five days.

This period starts as soon as the Regulator receives the admissible complaint. In the event of investigations opened automatically or at the request of the Government of Flanders, the period starts on the date when the interested party is notified of the decision to open a procedure in which both parties are heard.

Section II. - Specific provisions concerning the procedure before the general chamber.

Art. 15. Should the general chamber consider that a prior investigation should be undertaken by another authority before the complaint can be dealt with, the complainant is informed thereof.

In this case, the procedure in which both parties are heard is initiated as soon as the other authority forwards the investigation report to the general chamber.

Art. 16. § 1. When the general chamber decides to initiate a procedure in which both parties are heard, automatically or subsequent to an investigation undertaken at the request of the Government of Flanders, this decision, along with the related documents and information about the grounds for the procedure, is forwarded to the interested party.

§ 2. The accused party has fifteen days in which to forward the latter's comments in writing to the Regulator, in writing, by e-mail or any other telecommunications system resulting in a written document reaching the addressee and featuring an electronic signature that meets the requirements in article 1322 of the Civil Code.

The interested party may be convened to be heard by the chamber. When the interested party so requests, the chamber is required to hear the party.

Art. 17. After noting the broadcasts are inconsistent with the authorisation for the broadcast, the general chamber may decide, pending the decision on the substance of the case, and after hearing the interested party, to suspend the authorisation for the broadcast, for a provisional period.

In this case, the time limits referred to in 7, 13 and 16 are not applicable.

Section III. - Specific provisions concerning the procedure before the chamber for impartiality and protection of minors.

Art. 18. § 1. When the chamber for impartiality and protection of minors decides, at the request of the Government of Flanders, to initiate a procedure in which both parties are heard, this is sent to the interested party, along with the related documents and information about the grounds for the procedure.

§ 2. Within fifteen days of receiving the decision, the interested party may forward the latter's comments to the Regulator, in writing, by e-mail or any other telecommunications system resulting in a written document reaching the addressee and featuring an electronic signature that meets the requirements in article 1322 of the Civil Code.

The interested party may be convened to be heard by the chamber. When the interested party so requests, the chamber is required to hear the party.

CHAPTER III. - Accreditation, authorisation and notification procedure.

Section I. - General provisions.

Art. 19. Requests for accreditations or authorisations and notifications must be presented in Dutch and signed by the applicant. In the case of a legal person, it should be signed by a person entitled by law or articles of association to represent the said legal person.

Art. 20. § 1. Requests or notifications that do not meet the admissibility conditions are declared inadmissible by the general chamber within forty five days of them being received by the Regulator. As soon as the decision has been notified, the applicant or notifying party has fifteen days to supplement the request.

§ 2. When a request is consistent with the admissibility conditions, the general chamber is required to take a decision within sixty days after receiving the request, unless the chamber believes a prior investigation, undertaken by another authority is needed. In this case, the sixty days starts on the day when the other authority provides the investigation report to the Regulator. The applicant is informed thereof immediately.

In the case of accreditation procedures that have to be submitted prior to a specific date, the sixty days time limit starts, by way of derogation from the first paragraph, on the final date for submitting the request.

The applicant may be invited to be heard by the general chamber. When the interested party so requests, the general chamber is required to hear the interested party.

§ 3. § 2 is not applicable to accreditation requests from Community, regional and local radio broadcasters.

Section II. – Accreditation procedure.

Art. 21. § 1. In order to be admissible, the request the Community radio broadcaster makes to the entire Flemish Community for accreditation shall comprise:

1° the articles of association of the legal person as published in the Moniteur belge (Belgian Official Gazette) or, in the case of foreign legal persons, published in a comparable official medium, as well as a copy of the instrument of incorporation, accompanied by a translation in Dutch, where appropriate;

2° a copy of the list of directors and their role in the legal person, as published in the annexes to the Moniteur belge (Belgian Official Gazette) or, in the case of foreign legal persons, in a comparable medium, accompanied by a translation in Dutch, where appropriate;

3° a description of the location of the place of business, the production and broadcasting facilities;

4° a detailed report where the applicant outlines the broadcasting schedule and the programming, while specifying where and how the applicants plans to offer a variety of programmes, more specifically in terms of information and entertainment;

5° a report specifying the process for compliance with the requirement to provide information and the requirement to guarantee a range of Dutch-language musical items in the programming, in accordance with the provisions in articles 36 and 41, § 1, 3° and 4° of the Media Decree;

6° a declaration certifying that the Community radio broadcaster is the property of and is managed by the legal person and the legal person operates only one single Community radio, and certifying that there are no direct or indirect ties between the legal persons operating a Community radio broadcaster;

7° a declaration personally signed by each director or manager to certify the person does not hold any political office nor an appointment as director or manager of the Flemish Community's public broadcasting body or another legal person owning, managing or operating a Community radio broadcaster;

8° a declaration confirming that the Community radio broadcaster is independent of any political party;

9° a declaration from the legal person to certify that the latter is responsible for managing and operating the Community radio broadcaster and showing that the programmes are produced under the responsibility of the Community radio broadcaster, in accordance with article 34, § 2 of the Media Decree;

10° the editorial status, details about the editor in chief, the contingent of professional journalists, the trainee professional journalists and other editorial staff due to be appointed;

11° the contingent of cultural, administrative and technical staff available to the Community radio broadcaster;

12° a declaration by the legal person undertaking to use technical equipment in keeping with the legal and supervisory provisions and to comply with the provisions governing the broadcasting authorisation;

13° a declaration where the Community radio broadcaster undertakes to refrain from broadcasting programmes detrimental to public order, morality, State security or likely to represent an affront to the convictions of others or a foreign State;

14° a detailed report spelling out the infrastructure available to the applicant;

15° a declaration by the legal person to show acceptance of the fact that officers appointed for this purpose should undertake onsite investigations of the operations;

16° in the event that the Community radio broadcaster wants to broadcast in a language other than Dutch, a detailed report outlining the project and specifying the number and duration of the broadcasts in a foreign language;

17° the presentation of a business plan;

18° the presentation of a detailed financial plan;

19° information about the financial structure, and, providing it is a company, the structure of the shareholder base;

20° evidence that the provisions in article 22 have been observed.

§ 2. Any subsequent change to this information has to be notified to the Regulator without delay.

§ 3. The general chamber may insist that a standard form be used for the request for accreditation or an authorisation.

Art. 22. Before making an application to the Regulator, each applicant for accreditation must, as a Community radio broadcaster, pay the sum of 25,000 euros to cover the costs involved in the analyses of the frequencies and administrative measures.

On pain of inadmissibility, the application package has to be accompanied by a receipt of payment. The Flemish Community or the Regulator may not be required to compensate for any costs directly or indirectly incurred during the procedure by the applicant for accreditation as a Community radio broadcaster. The sum may be recovered only when the general chamber notes that the admissibility conditions are not met.

Art. 23. § 1. In the event of the Government of Flanders' release of several frequency packages for which a request for accreditation as a Community radio broadcaster may be submitted, one applicant may submit a request for several frequency packages, specifying any preference.

§ 2. An applicant may submit no more than one application package for a given frequency package.

§ 3. On pain of admissibility, applications for accreditation have to be made to the Regulator within thirty days after the notice is published in the Moniteur belge (Belgian Official Gazette). This period may not be extended or shortened.

§ 4. The application package comprises an application form and the following documents: The request for accreditation and all the related documents have to be submitted in six copies. Application packages are submitted in Dutch. Application packages have to be deposited with acknowledgement of receipt at the Regulator's main registered office. The receipt specifies the date and time the package is deposited.

§ 5. The awarding procedure starts on the first working day following the end of the thirty-day period.

§ 6. On the first working day after the end of the thirty-day period referred to in §3, the general chamber draws up an official report featuring all the application packages submitted, ranked according to the date and time deposited. This official report is signed by the members of the general chamber. A copy of this official report is provided to all the applicants.

§ 7. The general chamber issues the Government of Flanders with an opinion about compliance and does so within fifteen days, starting from the date of the general chamber's official report, as referred to in § 6.

The general chamber's compliance review is confined to :

1° noting whether the application packages has been deposited on time;

2° deciding if the registration fee referred to in article 22 has been paid on time;

3° checking if the application package features all the information and annexes required pursuant to article 21, § 1.

Art. 24. [§ 1. The recognized national radio broadcasting company makes an annual payment for the use and for retaining the allocated frequency package.

The payment consists of the sum of two amounts which are established as indicated below:

1° A fixed sum of 150,000 euros for the tranche of gross income up to 7,500,000 euros;

2° 2% of the tranche of the gross income above 7.500.000 euros. For the application of this article, gross income is defined as any income related to radio advertising, including pure advertisements, sponsorship and advertisement exchange. This income is gross income, in other words, the income as indicated in the official annual account of

the company and certified by a company auditor. The certificate of the company auditor for the gross income is presented to the VRM together with the payment of the sum before 30 April of the year following the year to which the payment relates. Sponsorship and advertisement exchange, with or without a partial monetary charge is valued in the bookkeeping under turnover according to the normal market prices that apply and are therefore contained in the gross income as such.

To the extent that the income from advertising or the rights arising from this are transferred to a third party by the recognised national radio broadcasting company, the gross income should be interpreted as the gross income which is obtained by that third party.

The recognised national radio broadcasting companies must inform the regulator of the data with regard to the gross income whenever the general chamber requests this.

The following income is not included in the gross income:

1° all the income from other commercial activities such as, for example, the sale of CDs, T-shirts, watches, the income from concerts or other events, the sale of entrance tickets, the sale of advertisements on a website;

2° all the income from management for third parties and the sale of software.]¹

§ 2. The fee is paid on 30 April in the year following the one to which the fee is related.

Any fee that is unpaid by the set deadline gives rise by rights and without any notice to interest at the statutory rate plus 2%. The interest is calculated in proportion to the number of calendar days during which the payment is late.

The accredited Community radio broadcaster is required to provide the Deposit and Consignment Office, in cash or public funds, with a deposit of 150,000 euros by way of a guarantee for the financial obligations imposed on Community radio broadcasters. The deposit has to be provided no later than the tenth day after the reception of the decision referred to in article 1, paragraph two of the Decree of 18 July 2003 establishing the procedure and the qualification criteria and additional conditions for being accredited as a Community, regional or local commercial radio broadcaster, failing which the accreditation is annulled.

Art. 25. § 1. In order to be admissible, a regional radio broadcaster's request for accreditation shall comprise :

1° the legal person's articles of association as published in the Moniteur belge (Belgian Official Gazette), as well as a copy of the instrument of incorporation;

2° a copy of the list of directors and their status in the legal person, as published in the annexes to the Moniteur belge (Belgian Official Gazette);

¹ Amended by the decree of the Flemish Government of 8 June 2007.

3° a description of the location of the place of business, production and broadcasting installations;

4° a detailed report where the applicant outlines the broadcasting schedule and the programming and specifies where and how the applicant plans to present a variety of programmes, more specifically in the case of regional information, cultural, sports and other events in the region and entertainment, with a view to promoting communication between the population in the area being served and making a contribution to the region's general cultural and social development;

5° a report specifying how the information requirement, referred to in articles 36 and 45, § 1, 3° of the Media Decree is met;

6° a declaration certifying that the regional radio broadcaster is the property of and managed by the legal person, and that the legal person operates only one regional radio, and certifying that there are no direct or indirect ties between the legal persons operating a regional radio broadcaster;

7° a declaration personally signed by each director or manager to certify that the individual does not hold any political office or an appointment as a director or manager of the Flemish Community public radio broadcasting body or another legal person owning, managing or operating a Community or regional radio broadcaster;

8° a declaration confirming the regional radio broadcaster is independent of any political party;

9° a declaration by the legal person to certify the latter is responsible for managing and operating the regional radio broadcaster and showing the programmes are produced under the responsibility of the regional radio broadcaster, in accordance with article 34, § 2 of the Media Decree;

10° where appropriate, a report or declaration dealing with the way the regional radio shall cooperate with one or more regional radio broadcasters in the regional radio's broadcasting area in terms of programme production, information gathering and the sale of advertising space;

11° the editorial status, details about the editor in chief and other editorial staff due to be appointed;

12° a declaration by the legal person undertaking to use technical equipment in keeping with the legal and supervisory provisions and to observe the broadcasting authorisation provisions;

13° a declaration where the regional radio broadcaster undertakes to refrain from broadcasting programmes detrimental to public order, morality, State security or likely to represent an affront to the convictions of others or a foreign State;

14° a detailed report spelling out the infrastructure available to the applicant;

15° a declaration by the legal person to show acceptance of the fact that officers appointed for this purpose should undertake onsite investigations of the operations;

16° in the event that the regional radio broadcaster wants to broadcast in a language other than Dutch, a detailed report outlining the project and specifying the number and duration of the broadcasts in a foreign language;

17° the presentation of a business plan;

18° the presentation of a detailed financial plan;

19° information about the financial structure, and, providing it is a company, the structure of the shareholder base;

20° evidence that the provisions in article 26 have been observed;

21° a reference to the frequency or frequencies for which the request is made.

§ 2. Any subsequent change to this information has to be notified to the Regulator without delay.

§ 3. The general chamber may insist that a standard form be used for the request for an accreditation or an authorisation.

Art. 26. Before making an application to the Regulator, each applicant for accreditation as a regional radio broadcaster pays the sum of 2,500 euros to cover the costs of analysing frequencies and administrative measures. The amount has to be paid for each request that is made.

On pain of inadmissibility, the application package has to be accompanied by a receipt of payment. The Flemish Community or the Regulator may not be required to compensate for any costs directly or indirectly incurred during the procedure by the applicant for accreditation as a regional radio broadcaster. The sum may be recovered only when the general chamber notes that the admissibility conditions are not met.

Art. 27. § 1. When an applicant makes a request for accreditation as a regional radio broadcaster for several broadcasting areas, the applicant specifies the preferred broadcasting area.

§ 2. An applicant may submit no more than one application package for a given broadcasting area.

§ 3. On pain of inadmissibility, applications for accreditation have to be made to the Regulator within thirty days after the notice is published in the Moniteur belge (Belgian Official Gazette). This period may not be extended or shortened.

§ 4. The application packages comprise an application form and the following documents: The request for accreditation and all the related documents have to be submitted in six copies. Application packages are submitted in Dutch.

Application packages have to be deposited with acknowledgement of receipt at the Regulator's main registered office. The receipt specifies the date and time the package is deposited.

§ 5. The awarding procedure starts on the first working day following the end of the thirty-day period.

§ 6. On the first working day after the end of the thirty-day period referred to in § 3, the general chamber draws up an official report featuring all the application packages submitted, ranked according to the date and time deposited. This official report is signed by the members of the general chamber. A copy of this official report is provided to all the applicants. A copy of this official report for each broadcasting area is forwarded to all the applicants, in a registered letter.

§ 7. The general chamber issues the Government of Flanders with an opinion about compliance and does so within fifteen days, starting from the date of the general chamber's official report, as referred to in § 6.

The general chamber's compliance review is confined to :

1° noting whether the application packages have been deposited on time;

2° deciding if the registration fee referred to in article 26 has been paid on time;

3° checking if the application package features all the information and annexes required pursuant to article 25.

Art. 28. With a view to implementing and maintaining the assigned frequencies, the accredited regional radio pays an annual fee of 2,500 euros starting from the second full calendar year.

The fee is paid no later than 30 April in the year following the one to which the fee is related.

Any fee that is unpaid by the set deadline gives rise by rights and without any notice to interest at the statutory rate plus 2%. The interest is calculated in proportion to the number of calendar days during which the payment is late.

Any protest about the way the fee is calculated shall not suspend the requirement to pay the amount notified by the general chamber.

Art. 29. § 1. In order to be admissible, a local radio broadcaster's request for accreditation shall comprise :

1° the articles of association of the legal person as published in the Moniteur belge (Belgian Official Gazette), as well as a copy of the instrument of incorporation;

2° a copy of the list of directors and their role in the legal person, as published in the annexes in the Moniteur belge (Belgian Official Gazette);

3° a description of the location of the place of business, the production and broadcasting facilities;

4° a detailed report where the applicant outlines the broadcasting schedule and the programming and specifies where and how the applicant plans to present a variety of programmes, more specifically in the case of information from the broadcasting area and entertainment, with a view to promoting communication with the population or target group within the broadcasting area;

5° a report specifying how the information requirement, referred to in articles 36 and 49, 3° of the Media Decree is met;

6° a declaration certifying that the local radio is the property of and managed by the legal person and that the legal person operates only one commercial radio;

7° a declaration confirming that the local radio is independent of any political party;

8° a declaration by the legal person to certify the latter is responsible for managing and operating the local radio and showing the programmes are produced under the responsibility of the local radio broadcaster, in accordance with article 34, § 2 of the Media Decree;

9° the editorial status, details about the editor in chief and staff of the radio, including their radio experience;

10° a declaration by the legal person undertaking to use technical equipment in keeping with the legal and supervisory provisions and to observe the broadcasting authorisation provisions;

11° a declaration where the local radio broadcaster undertakes to refrain from broadcasting programmes detrimental to public order, morality, State security or likely to represent an affront to the convictions of others or a foreign State;

12° a detailed report spelling out the infrastructure available to the applicant;

13° a declaration by the legal person to show acceptance of the fact that officers appointed for this purpose should undertake onsite investigations of the operations;

14° should the local radio wish to produce broadcasts in a language other than Dutch, a detailed report specifying the project and the number and duration of the programmes in a foreign language;

15° information about the financial structure and financial plan and the structure of the shareholder base, where appropriate;

16° a reference to the locality or frequencies for which the request is made;

17° the call sign and theme tune;

18° a declaration to certify whether the local radio shall operate autonomously or form part of a partnership;

19° evidence that the provisions in article 30 have been observed, where appropriate;

§ 2. Any subsequent change to this information has to be notified to the Regulator without delay.

§ 3. Accreditation requests are made on a standard form that may be obtained from the Regulator, on request.

Art. 30. Before making an application to the Regulator, each applicant for accreditation as a local radio broadcaster pays the sum of 250 euros to cover the costs of analysing frequencies and administrative measures.

On pain of inadmissibility, the application package has to be accompanied by a receipt of payment. The Flemish Community or the Regulator may not be required to compensate for any costs directly or indirectly incurred during the procedure by the applicant for accreditation as a local radio. The sum may be recovered only when the general chamber notes that the admissibility conditions are not met.

The first and second paragraphs do not apply to local radios that were accredited as local radios on 1 January 2002.

Art. 31. § 1. An applicant may submit no more than one application package for a locality. When several frequencies are available for a locality the applicant specifies the order of preference.

This period may not be extended or shortened.

§ 2. The general chamber issues the Government of Flanders with an opinion about compliance and does so within fifteen days, after the 30-day period referred to in § 1, paragraph 2.

The general chamber's compliance review is confined to:

1° noting whether the application packages have been deposited on time;

2° deciding if the registration fee referred to in article 30 has been paid on time;

3° checking if the application package features all the information and annexes required pursuant to article 29, § 1.

Art. 32. In order to be admissible, a request for accreditation for a cable radio broadcasting service focused on the entire Flemish Community shall comprise:

1° the articles of association of the legal person as published in the *Moniteur belge* (Belgian Official Gazette), or a copy of the instrument of incorporation;

2° a copy of the list of directors and their status in the legal person as published in the annexes to the *Moniteur belge* (Belgian Official Gazette);

3° a description of the location of the main registered office, the place of business and the production facilities;

4° a detailed report where the applicant outlines the broadcasting schedule and the programming, while specifying where and how the applicant plans to offer a variety of programmes;

5° a report specifying the process for compliance with the requirement to provide information, referred to in article 36 of the Media Decree;

6° a declaration signed by each director to confirm the individual does not hold any political office or appointment as director of another legal person managing a cable radio broadcasting service;

7° a declaration confirming that the cable radio broadcasting service is independent of any political party;

8° a declaration by the legal person certifying the latter is responsible for operating and managing the cable radio broadcasting service and showing that the programmes are produced under the responsibility of the cable radio broadcaster, in accordance with article 34, § 2 of the Media Decree;

9° the editorial status, details about the editor in chief and the staff of the radio due to be appointed, including their radio experience;

10° a declaration by the legal person undertaking to use technical equipment in keeping with the legal and supervisory provisions;

11° a declaration where the cable radio broadcaster undertakes to refrain from broadcasting programmes detrimental to public order, morality, State security or likely to represent an affront to the convictions of others or a foreign State;

12° a detailed report spelling out the infrastructure available to the applicant;

13° a declaration by the legal person to show acceptance of the fact that officers appointed for this purpose should undertake onsite investigations of the operations;

14° should the cable radio wish to produce programmes in a language other than Dutch, a detailed report outlining the project and specifying the number and duration of the broadcasts in a foreign language;

15° the financial structure and the financial plan.

Any change to this information has to be notified to the Regulator without delay.

Art. 33. § 1. In order to be admissible, a request for accreditation as a commercial television broadcaster other than a regional television broadcaster or a television service shall comprise :

1° the articles of association as published in the Moniteur belge (Belgian Official Gazette), as well as a copy of the instrument of incorporation;

2° a copy of the list of directors and their status in the company or association, as published in the annexes to the Moniteur belge (Belgian Official Gazette);

3° a description of the location of the main registered office, place of business and headquarters, as well as the location where programming decisions are taken and staff work;

4° a report where the applicant spells out the latter's aims and activities. In the case of a commercial television focused on the entire Flemish Community, the broadcasting schedule and the programming are accompanied by a report defining the variety of programmes;

5° a detailed broadcasting schedule and programming;

6° the logographic, the theme tune, captions, and any other distinguishing sign. The theme tune and captions are provided in two copies on a common audiovisual medium;

7° when the applicant broadcasts programmes via an electronic network, a declaration by one or more distributors willing to relay the applicant's programmes or evidence that the applicant has made a request for the programmes to be relayed, and this has been rejected or no answer has been forthcoming within a two-month period.

8° a description of the financial structure and the structure of the shareholder base, in the case of a company;

8° a detailed financial plan.

§ 2. Any subsequent change to the provisions is notified to the Regulator without delay.

Art. 34. § 1. In order to be admissible, a request for accreditation from a regional television broadcaster shall comprise :

1° the articles of association as published in the Moniteur belge (Belgian Official Gazette), as well as a copy of the instrument of incorporation;

2° a copy of the list of directors and their status within the legal person, as published in the annexes to the Moniteur belge (Belgian Official Gazette);

3° the description of the location of the main registered office and place of business;

4° a report where the applicant spells out the applicant's aims and activities;

5° a detailed broadcasting schedule and programming;

6° the logographic, the theme tune, the captions, and any other distinguishing sign. The theme tune and captions are provided in two copies on a common audiovisual medium;

7° a declaration personally signed by each director, to certify the individual does not hold any appointment as the director of another association owning or managing a regional television;

8° a report specifying how the provisions in article 77 of the Media Decree are met, and a declaration personally signed by each director referring to the recorded domicile or residence, the political mandates, the supervisory activities and managerial activities, as referred to in article 77 of the Media Decree;

9° the composition of the association's general assembly plus a report specifying how the provisions in article 76, § 1 of the Media Decree are met;

10° the composition of the regional commercial television's advisory council, as well as a report specifying how the provisions in article 79, § 1 of the Media Decree are met;

11° a declaration confirming that the association operates only one regional television;

12° a declaration confirming that the regional television is independent of any political party, professional federation or commercial organisation;

13° a report specifying how the association shall produce the news bulletins and meet the provisions in article 73, 9° of the Media Decree, including the editorial status;

14° a report specifying how the provisions in articles 71 and 73, 7°, 8°, 11° and 14° of the Media Decree are met;

15° should the regional television wish to produce programmes in a language other than Dutch, a report explaining this project and specifying the number and duration of the programmes made in a foreign language;

16° a map (minimum scale 1/25.000) of the planned broadcasting area, specifying the main stations of the cable networks along which the broadcasting programmes shall be distributed;

17° an association policy report on the management, funding, in particular the advertising and sponsoring, operation and possible cooperation with a Community broadcaster;

18° a detailed finance plan.

§ 2. Requests for accreditation may apply only to non-assigned broadcasting areas and may be submitted only in the wake of a call published in the *Moniteur belge* (Belgian Official Gazette). This call features the accreditation application procedures.

§ 3. Any change to this information is notified to the Regulator without delay.

Section III. – Authorisation procedures.

Art. 35. In order to be admissible, a request for authorisation for a Community, regional or local radio broadcaster or a change thereto shall comprise, per frequency:

1° a copy of the geographical map (minimum scale 1/25,000) specifying the planned location for the broadcasting installation, as well as the geographical coordinates (length and width in degrees, minutes and seconds);

2° the brand and type of notified broadcasting equipment;

3° the brand , type and characteristics of the aerial, the manufacturer's full technical specifications, the radiation pattern of the aerial, the height of the centre of the useful radiation elements of the aerial above floor level and the value per 10° in the case of directional aerials;

4° the type of and length of the cable linking the broadcasting equipment to the aerial, with the manufacturer's full technical specifications.

Any change to this information is notified to the Regulator without delay.

Art. 36. In order to be admissible, the request for a broadcasting authorisation or a change hereto for a terrestrial television broadcasting body shall comprise, by frequency:

1° a sufficiently accurate copy of the geographical map showing the planned location of the aerial installation as well as its geographical coordinates (length and width in degrees, minutes and seconds);

2° a full declaration about the broadcasting equipment, in particular the brand, type, and characteristics of the aerial and cables so as to decide all the characteristics of the broadcasting equipment, as well as a report drawn up in accordance with the rules laid down by the relevant federal authorities.

Any change to this information is notified to the Regulator without delay.

Art. 37. In order to be admissible, a request for a transport authorisation or a change hereto shall comprise, by frequency:

1° a sufficiently accurate copy of the geographical map showing the planned location of the aerial installation as well as its geographical coordinates (length and width in degrees, minutes and seconds);

2° a full declaration about the broadcasting equipment, in particular the characteristics of the aerial and cables, so as to decide all the characteristics of the broadcasting equipment;

3° a copy of the contract signed with the satellite operator due to re-send the broadcasting signals.

Any change to this information is notified to the Regulator without delay.

Section IV. - Common accreditation and authorisation provisions.

Art. 38. Notwithstanding the provisions in this chapter, a request for the extension of an accreditation available for a radio broadcaster or a television or an authorisation available for a radio or television network has to be accompanied by the activity and financial report for the previous year, supplemented by the documents featuring a change in relation to these reports not yet notified to the Regulator.

Art. 39. The general chamber is entitled at any time to suspend or withdraw accreditation for a commercial radio broadcaster or an authorisation for the accredited radio broadcaster and a radio or television broadcasting network, should the interested party fail to comply with the provisions in the Media Decree, in this decree, the accreditation conditions, and, in the case of the Community, regional and local broadcasters, if the interested party fails to comply with the conditions governing information programmes, articles of association or the structure of the shareholder base for which the Government of Flanders has not signalled its agreement, specified in the proposal submitted by the accredited radio broadcaster, on the basis of which the Government of Flanders has issued the accreditation. Any suspension or withdrawal is invariably preceded by the general chamber giving formal notice, so the radio broadcaster or radio or television network has an opportunity to comply with all the provisions. The radio broadcaster or radio or television network has at least one month to remedy the situation. This period may be extended by the general chamber on the basis of the infringement noted.

The radio broadcaster or network are heard if they so request.

A suspension or withdrawal does not give rise to any compensation nor to the reimbursement of the fees paid in accordance with articles 22, 24, 26, 28 and 30.

Art. 40. The broadcaster or radio or television broadcasting network wishing to terminate its accreditation or authorisation needs to inform the Regulator thereof.

Section V. - Notification procedure.

Art. 41. In order to be admissible, a notification of a radio service delivery system comprises :

1° the articles of association as published in the *Moniteur belge* (Belgian Official Gazette), as well as a copy of the instrument of incorporation;

2° a copy of the list of directors and their status in the company or association, as published in the annexes to the *Moniteur belge* (Belgian Official Gazette);

3° a description of the location of the main registered office, the place of business and the headquarters, as well as the location where programming decisions are taken and the staff work;

4° a description of the broadcasting location and the way the programme signal is distributed;

5° a report where the notifying party specifies the latter's aims and activities;

6° a detailed broadcasting schedule and programming;

7° the logographic, the theme tune, the captions, and any other distinguishing sign.

The theme tune and captions are provided in two copies on a common audiovisual medium;

8° if the notifying party shall distribute the latter's services via a broadcasting network, a declaration by one or more distributors willing to relay the applicant's services or evidence that

the applicant has made a request for the services to be relayed, and this has been rejected or no answer has been forthcoming within a twomonth period.

9° a report specifying how the provisions in article 54, § 1, 2° and 3° of the Media Decree are met;

10° the editorial status and details about the radio broadcasting staff, including their experience and status;

11° a report showing the services are different from the usual programmes of the Flemish Community public radio broadcaster or another commercial radio broadcaster accredited by the Flemish Community;

12° in the event that the radio service seeks to produce programmes in a language other than Dutch, a report explaining the project and specifying the number and duration of the programmes in a foreign language;

13° a description of the financial structure and the structure of the shareholder base, in the case of a company;

14° a detailed financial plan.

Art. 42. In order to be admissible, the notification of the television service delivery system comprises:

1° the articles of association as published in the Moniteur belge (Belgian Official Gazette), as well as a copy of the instrument of incorporation;

2° a certified copy of the articles of association of the association, as published in the Moniteur belge (Belgian Official Gazette) and any changes thereto, as well as the composition of the managing bodies;

3° a description of the location of the main registered office, the place of business and the headquarters, as well as the location where programming decisions are taken and the staff work;

4° a report where the notifying party specifies the latter's aims and activities;

5° a detailed broadcasting schedule and programming;

6° the logographic, the theme tune, the captions, and any other distinguishing sign. The theme tune and captions are provided in two copies on a common audiovisual medium;

7° if the notifying party shall distribute the latter's services via a television network, a declaration by one or more distributors willing to relay the applicant's services or evidence that the applicant has made a request for the services to be relayed, and this has been rejected or no answer has been forthcoming within a two-month period.

8° a report specifying how the provisions in article 90, § 1, 3° of the Media Decree are met, and a declaration personally signed by each director specifying the political mandates, the supervisory activities and managerial activities, as referred to in article 90, § 1, 3° of the Media Decree;

9° a report showing the services are different from the usual programmes of the Flemish Community public television body or another commercial television accredited by the Flemish Community;

10° a declaration confirming that the cable television service is independent of any political party;

11° a report specifying how the provisions in article 90, § 1, 6° of the Media Decree are met;

12° in the event that the radio service seeks to produce programmes in a language other than Dutch, a report explaining the project and specifying the number and duration of the programmes in a foreign language;

13° a description of the financial structure and the structure of the shareholder base, in the case of a company;

14° a detailed financial plan.

CHAPTER IV. - Final provisions.

Art. 43. The Decree of Government of Flanders of 14 July 1998, establishing the procedure for the Flemish Media Authority and the additional qualification criteria for being accredited as a commercial radio broadcaster, amended by the Decrees of the Government of Flanders of 16 March 2001, 27 April 2001, 1 June 2001, 8 June 2001, 14 March 2003 and 18 July 2003, is repealed.

Art. 44. The Flemish Minister responsible for media policy is in charge of implementing this Decree.

Brussels, 30 June 2006.

The Minister-President of the Government of Flanders,

Y. LETERME

The Flemish Minister for Administrative Affairs, External Policy, the Media and Tourism,

G. BOURGEOIS.