

**Comments from Belgium to the Comparative Study on filtering, blocking and take-down of
Internet content**
(12/04/2016)

While most practices regarding blocking, filtering and take down of illegal internet content have been incorporated in the Belgian part and do fall under the competence of the federal Belgian authorities, I would like to add one thought for observation regarding this study from a media perspective: next to the several sources and (federal) bases for blocking certain type of internet content mentioned in the Belgian part of the study, the Flemish media regulation also provides the possibility of blocking certain types of audiovisual content passing via internet. Please note that in Belgium the communities are solely competent for audiovisual media services.

The Flemish media legislation is laid down in the Flemish Media decree from March 27th, 2009. An English version of this text can be consulted via http://www.vlaamseregulatormedia.be/sites/default/files/act_on_radio_and_television_broadcasting.pdf Article 44 of that text allows the Flemish Media Regulator (the regulatory authority for media in Flanders) to force a service provider or network operator to temporarily suspend the transmission of linear television programs by a television broadcaster based on violations of art. 38 and 42 of the same decree, i.e. programs which are forbidden by reason of incitation to hatred and protection of minors against content that is detrimental to their physical, mental or moral development. Hence, if such linear television programs were to be transmitted by internet, the Regulator could force the network operator or service provider to block the transmission.

This regulation is based on article 3 of the Flemish Audiovisual Media Services Directive 2010/13 from March 10th 2010.

For the French Community of Belgium, the relevant articles are n°s 9 and 159 of the decree on audiovisual media services of 26 March 2009.

Due to the fact that this type of blocking of internet content thus is based on the European directive, one would assume that such form of blocking would and could also occur in other member states of the European Union who have transposed the directive in a similar way and therefor also is mentioned in other country reports.