



European
Producers Club



Press Release
Brussels, 27 March 2026

Netflix / FWB Case: reaction from Pro Spere, SAA, UPFF+, European Producers Club, ARPI

The Constitutional Court has delivered a decision that is largely favorable to the contribution of streaming platforms and to cultural diversity in Belgium.

The associations *Les Professionnels de la production et de la création audiovisuelle* (Pro Spere ASBL), the *Union des producteur·ices francophones de films & séries* (UPFF+), the *Société des Auteurs Audiovisuels* (SAA AISBL), the *Association des producteurs indépendants* (ARPI), and the *European Producers Club* (EPC), which represent the interests of film professionals, authors, performers, musicians, independent producers and actors, take note of the judgment delivered on 26 March 2026 by the Constitutional Court. This decision constitutes an important and largely positive step for the future of audiovisual creation in French-speaking Belgium: the Court has rejected most of the criticisms raised by Netflix against the system of mandatory contributions to audiovisual production.

The Court upholds essential elements of the contested framework. It accepts the logic of progressive contribution rates, which it considers reasonably justified in light of the different operators' ability to contribute. It also finds that the maximum rate applicable to the most powerful market players is not disproportionate. In doing so, it confirms that it is legitimate to require major international platforms, whose role is central in providing public access to works, to contribute fairly to the financing of the creation from which they themselves derive considerable profits.

The decision is also significant from a cultural standpoint. The Court recognizes the legitimacy of the legislator's objective, namely the promotion of cultural and linguistic diversity. It also validates the principle that a significant share of investments must benefit French-speaking Belgian audiovisual works. This point is fundamental: it acknowledges that cultural diversity cannot be preserved without concrete instruments, structured financing, and effective support for works, talents, and creative sectors rooted in Belgium.

For the organisations we represent, this ruling underscores an obvious fact: there can be no strong, independent and diverse creation without resources that match the transformations of the market. The development of streaming has profoundly changed the circulation of works and the creation of value in the audiovisual sector.

The referral of certain questions to the Court of Justice of the European Union must be interpreted carefully and without exaggeration. It does not call into question the principle of platform contributions, nor the overall validity of the objective pursued. It concerns specific

aspects of the scheme, including certain eligible forms of investment, the consideration of possible contributions paid in other Member States, and certain technical aspects of implementation.

Moreover, this case goes beyond the framework of a purely Belgian dispute. It raises a central question for the future of the European cultural model: can global platforms develop in national markets without contributing in a fair and proportionate way to the creative ecosystems that make these markets attractive? European law, on the contrary, recognizes the legitimacy of mechanisms designed to promote European works, and the European Commission recalls that the Audiovisual Media Services Directive provides for obligations regarding the promotion and distribution of European works for on-demand services.

In Belgium, this issue is even more sensitive due to our cultural and linguistic diversity. Defending platform contributions is not about protecting a sectoral privilege. It is about safeguarding the public's ability to access diverse, ambitious Belgian and European works that reflect its realities. It is also about defending the capacity of our authors to write, our producers to develop projects, our performers to bring our stories to life, and, more broadly, the ability of an entire ecosystem to continue creating. In the digital environment, UNESCO emphasizes the importance of enabling artists and cultural professionals to create, produce, disseminate and sustain a wide diversity of cultural expressions.

At a time when strengthening our European cultural sovereignty and industries vis-à-vis the United States is becoming a strategic priority, supported by major political parties both in government and opposition in the Fédération Wallonie-Bruxelles, support for the European audiovisual sector through financial contribution mechanisms, particularly by non-European platforms, must be a priority for all Member States. The funding mechanism established by the Fédération Wallonie-Bruxelles fully meets this objective.

Contacts :

Pro Spere: presidence.prospere@gmail.com

UPFF+: delphine@upff.be

SAA: c.despringre@saa-authors.eu

European Producers Club: juliejeanne@europeanproducersclub.org