

**DECISION OF THE DEPARTMENT FOR COMBATING INFRINGEMENTS OF COPYRIGHT
AND RELATED RIGHTS COMMITTED ONLINE AND THE ILLEGAL EXPLOITATION OF
ONLINE GAMES OF CHANCE****OF 12 FEBRUARY 2026 CONCERNING ORDER RR/26/0003**

Having regard to the Act of 15 June 1935 on the use of languages in judicial matters;

Having regard to the Act of 18 July 1966 on the use of languages in administrative matters;

Having regard to the protection of copyright, related rights and database rights provided for in Book XI of the Code of Economic Law, in particular Articles XI.164 et seq. of the Code of Economic Law (hereinafter “CEL”);

Having regard to the summary proceedings brought on the basis of articles XVII.34/1 et seq. of the Code of Economic Law (hereinafter “CEL”);

Having regard to the Royal Decree of 18 April 2024 on the creation of the Department for Combating Infringements of Copyright and Related Rights Committed Online and the Illegal Exploitation of Online Games of Chance (hereinafter “the Department”);

Having regard to the order of the President of the French-speaking Business Court of Brussels of 30 January 2026, bearing reference number RR/26/0003, received by the Department on 30 January 2026;

Having regard to the observations or written remarks of the Applicants, Cloudflare and Google, received respectively on the 5th of February and 9th of February 2026,

The Department has given an independent and impartial opinion on the implementation of the interim measures contained in the above-mentioned order.

Table of contents

I.	Interim measures contained in the order	3
II.	Scope of the Department's mandate.....	4
III.	Decision of the Department on the implementing provisions of the interim measures.....	5
A.	Implementing provisions applicable to all intermediaries.....	5
1.	Format and channel for notifications	5
2.	Implementation period	6
3.	Monitoring by the Department of the implementation	6
4.	Blocking updates	6
5.	Unblocking updates	7
6.	Execution of updates by the intermediaries.....	7
B.	Implementing provisions applicable to Internet Service Providers	7
C.	Implementing provisions applicable to Cloudflare	8
D.	Implementing provisions applicable to Google.....	9
1.	Concerning the Google "Search" service	9
2.	Concerning the Google "Ads" service	9
3.	Concerning the Google "Sites" and "Cloud" services	9
IV.	Follow-up by the Department on the implementing provisions.....	9
V.	Informing users of intermediary services.....	10
VI.	Respect for fundamental rights and freedoms.....	10
VII.	Publication of the Department's decision.....	15
VIII.	Publication of the blacklist (Article XVII.34/3, §6 of the Code of Economic Law)	15
IX.	Penalties	16
X.	Recourse.....	16
A.	Challenging the decision before the Department.....	16
B.	Challenging the decision before the President of the Business Court.....	16

I. Interim measures contained in the order

By order of 30 January 2026, the President of the French-speaking Business Court of Brussels declared the applications admissible and well-founded and consequently:

- found that the identified domain names (...) provide access to websites/Internet offers through which the broadcasting rights (Article XI.215, § 1, Code of Economic Law) belonging to the applicants are infringed;
- found that the Intermediaries' services are used or liable to be used by the operators of the Target Sites to infringe related rights belonging to the applicants; and consequently:
- ordered to:
 - ORANGE BELGIUM, PROXIMUS, TELENET, DIGI COMMUNICATIONS BELGIUM and MOBILE VIKINGS in their capacity as ISPs and therefore providers of domain name resolution services to implement, at their own expense, measures to prevent access from Belgian territory to the:
 - CLOUDFLARE in its capacity as content delivery network (CDN) service provider and/or host to implement, at its own expense, measures to prevent access from Belgian territory to the:
 - GOOGLE in its capacity as host (Google Sites and/or Google Cloud Platform), to implement, at its own expense, measures to prevent access to the:
 - GOOGLE in its capacity as search engine (Google Search/Ads), to implement, at its own expense, de-indexing measures and deactivation of advertisements associated with the:
 - Target Sites;
 - but also redirection sites, mirror sites, gateway domain names or, in accordance with the conditions laid down (...), copycat sites,
 - which shall be notified to them subsequently by the Department, within the framework of regular updates of blocking measures,
 - and for which the applicants undertake to request the blocking only of websites that meet the following cumulative criteria:
 - v. they are, like the Target Sites, structurally dedicated to the mass infringement of audiovisual content;
 - vi. they offer, in particular, content over which the Applicants hold exclusive rights;
 - vii. they are accessible in Belgium;
 - viii. no operating licence has been granted to the operators of these sites by the Applicants.

- ordered to ORANGE BELGIUM, PROXIMUS, TELENET, DIGI COMMUNICATIONS BELGIUM, MOBILE VIKINGS, GOOGLE and CLOUDFLARE to implement, at their own expense, within the framework of their respective services, measures to unblock access or to de-index again, from Belgian territory, any domain name that has already been notified to the Intermediaries pursuant to this order, but whose sole or predominant purpose is no longer to provide access to a Target Site or to replicate it, which shall be notified to them subsequently by the Department;
- ordered to ORANGE BELGIUM, PROXIMUS, TELENET, DIGI COMMUNICATIONS BELGIUM, MOBILE VIKINGS, GOOGLE and CLOUDFLARE to implement the aforementioned blocking and unblocking measures according to the terms, frequency and time limit determined by the Department, it being understood that the applicant or, where appropriate, the Department if it dispenses the applicant from doing so, shall carry out annually, using the same methodology as that applied to request the blocking of the sites referred to in the application, a screening of all blocked sites and shall provide the Department within one month of such screening with all its research and shall keep these at the disposal of any party to the proceedings. In this context, the applicant shall communicate to the Department the relevant elements demonstrating that one or more of the disputed sites covered by the measures have lost their unlawful character. Where appropriate, the Department shall send to the addressees of the measures the notification that the disputed site or sites must be unblocked;
- ORANGE BELGIUM, PROXIMUS, TELENET, DIGI COMMUNICATIONS BELGIUM and MOBILE VIKINGS to implement redirection measures, so that their customers who have attempted to access a blocked domain name are redirected to a web page whose content shall be determined by the Department in collaboration with the applicants;
- ORANGE BELGIUM, PROXIMUS, TELENET, DIGI COMMUNICATIONS BELGIUM and MOBILE VIKINGS, in their capacity as intermediary within the meaning of Article XVII.34 of the Code of Economic Law, to apply these technical blocking and redirection measures to all their customers who have subscribed to an Internet access service, regardless of the type of subscription concerned (private, professional, mobile or fixed).

II. Scope of the Department's mandate

The Department may not extend, limit or modify the scope of the order (Article XVII.34/1, §9, subparagraph 1 of the CEL).

Concerning the scope of the Department's mandate, the President of the Business Court of Brussels has instructed the Department to:

- determine the implementing provisions for the measures ordered, in consultation with the Applicants and the Intermediaries, in particular:
 - o the exact timetable for implementation by the Intermediaries of the measures ordered,
 - o the format of notifications in the context of Updates;
 - o the content of the web page that users will see in place of the pirate site to which they have attempted to gain access

- implement and coordinate the Update of the measures ordered and in particular:
 - o identify, with the assistance of the Applicants insofar as this is necessary, circumvention domain names (redirections, mirror sites, copycats) as well as gateway domain names/URLs;
 - o identify which of the Target Sites (including redirections, mirror sites and copycats) use Cloudflare's hosting and/or CDN services;
 - o identify which of the Target Sites (including redirections, mirror sites and copycats) use Google's hosting services (Google Sites or Google Cloud Platform)
 - o position itself as intermediary between the Applicants and the Intermediaries, in particular by notifying the Target Sites as well as the Updates to the intermediaries. When the Department notifies the Updates to the Intermediaries, its notification is also sent to the Applicants;
- ensure the effective implementation of the measures ordered by the Intermediaries (including each Update), on the one hand through confirmations obtained from the Intermediaries and, on the other hand, through practical verifications carried out by the Department itself;
- monitor the impact of the actions implemented, in particular:
 - o by collecting statistics on visits to the web page that users will see in place of the pirate site to which they have attempted to gain access, as well as changes thereto;
 - o by consulting with the Intermediaries concerned on the most effective way to assess, in collaboration, the impact of the measures.

III. Decision of the Department on the implementing provisions of the interim measures

A. Implementing provisions applicable to all intermediaries

1. Format and channel for notifications

The Department provides an Excel document as well as a CSV document containing the Fully Qualified Domain Names (FQDNs) and the complete Uniform Resource Locators (URLs) of the illicit digital services to which access must be blocked.

By default, intermediaries will be notified by e-mail.

The Department will use the e-mail addresses previously communicated to the Department by the addressees of the measures.

In the absence of prior communication, the Department will use the electronic means of contact in its possession.

The addressees of the measures may provide the Department with another electronic communication channel preferred by these parties.

Notifications from the Department shall be deemed to have been received by the addressee three working days after they have been sent, unless there is proof to the contrary (Article 4, third paragraph 3 of the Royal Decree of 18 April 2024 on the establishment of the Department).

2. Implementation period

The intermediaries must implement these measures within a maximum period of five working days of receipt of the Department's decision by the intermediaries and of any subsequent update thereto.

3. Monitoring by the Department of the implementation

All intermediaries must inform the Department by e-mail of the action(s) they have taken to prevent access to the target sites from Belgium. All communication shall be conducted via the email address of the Department: : anti-piracy@economie.fgov.be.

The Department will also check that the addressees are implementing the measures.

Where applicable, the addressees of the measures shall provide the Department with the necessary facilities to enable the Department to carry out these checks.

4. Blocking updates

Subsequent to the present decision, the Service shall carry out, possibly in consultation with the applicants, assessments in which it identifies the digital services that fully or partially replicate the infringing digital services identified in the order, or any address providing direct access to them, or gateway domain names, as well as the digital services that are no longer infringing.

- Digital illicit services identified by the applicants

The applicants may provide the Department with the identification data of any website that wholly or partially replicates the infringing digital services identified in the decision, or any address that provides direct access to them, in accordance with the terms below.

The applicants shall communicate the identification data of the websites by email to the Department's dedicated address anti-piracy@economie.fgov.be and/or via a link for sharing the data provided by the Department.

The communication shall include the following elements:

- The identification details of the targeted digital services, including the FQDNs and URLs in the form of an Excel file and a CSV file;
- Screenshots and/or video recordings with a time stamp confirming the complete or partial similarity of this digital service with one of the infringing digital services referred to in the decision;
- Any other element that enables the Department's agents to establish the complete or partial similarity of the digital service with one of the digital services referred to in the decision.

The data will be sent:

- Via a sharing link communicated by the department
- in a parent folder containing the files listing each digital service concerned, as well as a folder for each digital service concerned containing the screenshots or time-stamped video captures and any other elements
- and by any other means agreed upon by the parties.

A notification is also sent to the Department by email to the dedicated address **anti-piracy@economie.fgov.be**, informing it of the aforementioned communication.

The rightholder is limited to a maximum of **one submission per week**, with the total number of new illicit digital services to be examined by the Service not exceeding **fifty (50) per week**.

If any of the digital services submitted to the Department does not meet the criteria laid down by law and/or in the order, the Department shall inform the rights holder that the service in question will not be included in the update of the next list, without prejudice to the rights holder's possibility of resubmitting a completed file for the same digital service at a later time.

- Digital illicit services identified by the Department

The Department can identify new mirror sites, redirects or copycats of the illicit digital services.

The Department will communicate the list of the illicit digital services it was able to identify in accordance with its mandate and will request the applicant to confirm by e-mail that it has exclusive rights to the content offered and that no licence has been granted to the operators of the targeted digital services concerned.

The Department will only include these targeted services in the updated list communicated to the addressees of the measures after such confirmation has been received.

5. Unblocking updates

Each year, a screening of the targeted digital services is carried out to ensure that the blocking continues to be justified. When the Department determines that the blocking is no longer justified, it informs the intermediaries that they must unblock the digital services.

The findings of the Department result from its own investigations or from notifications submitted by the applicants, the intermediaries concerned, or any interested party.

The communication shall include the following elements:

- The identification details of the websites, including the FQDNs and URLs in the form of an Excel file and a CSV file;
- screenshots or video recordings with a time stamp enabling the agents of the Department to ascertain that the digital service referred to in the order is no longer illegal or is no longer active one year after the blocking ordered by the President of the Brussels Enterprise Court.

6. Execution of updates by the intermediaries

The same measures and implementing modalities as those applicable to the sites referred to in the order shall apply to all digital services identified in these findings.

The Department shall communicate the updated list to the recipients of the measures in accordance with the same formalities as those specified above. In accordance with the order, when the Department notifies the intermediaries of the updates, its notification shall also be sent to the applicants.

B. Implementing provisions applicable to Internet Service Providers

These rules of application are imposed on the following companies:

- Telenet BV, registered in the Crossroads Bank for Enterprises under number 0473.416.418, with registered office at 2800 Mechelen, Liersesteenweg 4;
- The public limited company Proximus, registered in the Crossroads Bank for Enterprises under number 0202.239.951, with registered office at 1030 Schaarbeek, Koning Albert II-laan 27;

- Mobile Vikings NV, registered in the Crossroads Bank for Enterprises under number 0886.946.917, with registered office at 3500 Hasselt, Kennpische Steenweg 309/1;
- NV Orange Belgium, registered in the Crossroads Bank for Enterprises under number 0456.810.810, with registered office at 1130 Evere, Bourgetlaan 3; NV Voo, registered in the Crossroads Bank for Enterprises under number 0696.668.549, with registered office at 4430 Ans, Rue Jean Jaures 46;
- DIGI Communications Belgium NV, registered in the Crossroads Bank for Enterprises under number 0803.299.956, with registered office at 1000 Brussels, Gasthuisstraat 31;

In their capacity as intermediaries within the meaning of Article XVII.34/1 § 1 CEL, ISPs must apply redirection techniques to their DNS servers or an equivalent to block their users, exclusively from Belgian territory, from accessing the disputed illicit services referred to in Annex 1 to this decision.

ISPs must apply the measure to all their customers who have subscribed to an internet access service, regardless of the type of subscription concerned (private, professional, mobile, or fixed).

ISPs must redirect users attempting to access the illicit digital services to the Department's redirect page, which can be accessed via the URL <https://redirect.economie.fgov.be/bapo-blocked-content>.

This page displays the following message in one of the three national languages or in English, depending on the language of the browser:

"You are trying to access a digital service that provides access to content protected by copyright or related rights without the authorisation of the rights holder, or to an online gambling service that is being operated without a licence.

The president of the Brussels Commercial Court has blocked access to this illegal service. Services that infringe copyright or related rights have been added to a blacklist. This list and other information can be consulted on the website of the FPS Economy.

Anyone who maliciously or fraudulently infringes copyright and related rights risks a fine of between 500 and 100,000 euros or a prison sentence of between one and five years. Violations of the Gaming Act may also lead to criminal prosecution.

Are you looking for a legal alternative? Then visit the website of the FPS Economy and Agorateka."

C. Implementing provisions applicable to Cloudflare

The following modalities are imposed on the company Cloudflare Inc., registered under company number 3274841, whose registered office is located at 101 Townsend Street, 94107 San Francisco, United States.

The Department shall, on the basis of the technical means at its disposal, ascertain which digital services covered by the ruling are provided by Cloudflare in its capacity as hosting provider and/or Content Delivery Network (CDN) provider.

In the event that Cloudflare can be identified as acting in the capacity of a CDN provider, it shall, upon request of the Department, determine for which electronic services covered by the ruling Cloudflare acts as the hosting provider.

Once the use of one or both of Cloudflare's services has been established, Cloudflare shall take all appropriate measures to prevent access to the illegal websites listed in Annex 2, exclusively within Belgian territory, in its capacity as hosting provider and/or content delivery network provider.

D. Implementing provisions applicable to Google

The implementation rules are imposed on the following companies:

- The limited liability company under American law Google LLC, with company number 201727810678, whose registered office is located at 1600 Amphitheatre Parkway, Mountain View, 94043 California (United States),
- The limited liability company under Irish law Google Ireland, with company number 368047, whose registered office is located at Gordon House, Barrow Street, Dublin 4, Dublin, D04E5W5 (Ireland)

Both undertakings shall be referred to as “Google” in this decision.

1. Concerning the Google “Search” service

Google shall remove from the search results of the “Google Search” engine the domain names and URLs referred to in Annex 1 of the decision, in order to prevent access to these URLs exclusively within Belgian territory.

2. Concerning the Google “Ads” service

Google shall deactivate all Google Ads advertisements that facilitate access to the domain names and URLs referred to in the decision, in order to prevent access to those listed in Annex 1, exclusively within Belgian territory.

3. Concerning the Google “Sites” and “Cloud” services

The Department shall, on the basis of the technical means at its disposal, determine for which illicit digital service Google acts as a hosting provider.

Once the use of one of Google’s services (Google Sites/Google Cloud), or both, has been established, Google shall take all appropriate measures to prevent access to the illegal services (Annex 3), exclusively within Belgian territory.

IV. Follow-up by the Department on the implementing provisions

All intermediaries shall send the Department confirmation of implementation, by return email, to the Department’s email address: anti-piracy@economie.fgov.be.

The Department shall furthermore verify the implementation by the addressees of the measures.

The addressees of the measures shall provide the Department with the necessary facilities enabling the Department to carry out these verifications.

In order to consult with the Intermediaries concerned on the most effective way to assess the impact of the measures, the Department requests the intermediaries concerned to provide it with dates and contact persons with a view to organising a meeting during the month of March. This information must be sent to the Department no later than 27 February 2026 at the Department’s email address: anti-piracy@economie.fgov.be.

V. Informing users of intermediary services

In accordance with Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Regulation on digital services), the addressees of the measures must inform any natural or legal person using their intermediary service of this order and to the effect given to it, at the latest when effect is given to the order. The information communicated to the addressees will include a statement of the reasons and the possibilities for appeal.

VI. Respect for fundamental rights and freedoms

By order of 30 January 2026, the President of the French-speaking Business Court of Brussels stated that:

“Pursuant to Article XVII.34/1, § 6, subparagraph 1, of the CEL, the president grants the application if:

- 1) the intellectual property right whose protection is invoked is, to all appearances, valid;*
- 2) the alleged infringement appears manifest and considerable;*
- 3) after having balanced the interests, rights and freedoms at stake, including the general interest, the facts and, where appropriate, the documents on which the applicant relies, are such as to reasonably justify the provisional measures requested.*

This article further specifies that the president shall assess in particular the effect that the measures requested could have on public access to information or any other content not infringing the right invoked by the applicant. ”

The President then stated in the following terms why he considered that these conditions were met:

- ***“As regards the prima facie validity of the rights invoked by the applicants***

Article XI.215, § 2, CEL provides that anyone who appears as such on the performance, on a reproduction of the performance, or in connection with a communication to the public thereof, by virtue of the mention of their name or of an acronym enabling them to be identified, is presumed to be a broadcasting organisation, unless proved otherwise.

To that end, the applicants produce extracts and screenshots of several programmes broadcast on their television channels (the programme ‘Face au juge’ or ‘L’Amour est dans le pré’ on RTL TVI or the documentary ‘Merckx’ on the Auvio platform). These programmes enable them to be clearly identified, thanks in particular to the mention of their name and their logo.

It follows therefore from the arguments contained in the application, and is deduced from the documents filed, that the applicants are presumed to hold this status of broadcasting organisation within the meaning of Article XI.215, § 2, CEL.

As the applicants point out, pursuant to Article XI.215, § 1, of the CEL, broadcasting organisations alone have the right to authorise:

- *the simultaneous or deferred rebroadcasting of their broadcasts;*

- *the reproduction of their broadcasts by any means whatsoever;*
- *the communication of their broadcasts made in a place accessible to the public subject to payment of an entrance fee;*
- *the making available to the public of the recording of their broadcasts in such a way that anyone may have access thereto from a place and at a time individually chosen by them.*

Since the applicants are presumed to be broadcasting organisations of the content broadcast, they benefit from the exclusive rights relating thereto. They rightly state that their rights enable them to prohibit any unauthorised retransmission of their broadcasts, whether it be a simultaneous or deferred broadcast, a recording made available online or a communication to the public in an accessible place subject to payment.

The rights invoked by the applicants therefore appear prima facie to be sufficiently established.

- **As regards the manifest and considerable infringement of the rights invoked by the applicants**

Article XVII.34/1, § 6, CEL requires that it be demonstrated that the alleged infringement appears manifest and considerable.

In the present case, the applicants demonstrate sufficiently that the activities of the IPTV offers infringe their related rights in their capacity as broadcasting organisations. They rightly allege that the IPTV offers retransmit, reproduce and communicate to the public their own broadcasts, without having obtained any prior authorisation.

As a reminder, IPTV – Internet Protocol Television – refers to services and applications enabling television to be watched by means of internet technology. The broadcasting of content is carried out via the internet rather than by traditional transmission methods such as radio waves, satellite or cable. This technology has been adopted by television and digital players within a legal framework.

The applicants emphasise, however, that a growing number of services that claim to be IPTV are in reality pirate platforms, which illegally broadcast content over which they have no rights whatsoever. These illegal services offer end users access to a wide range of video content and television channels – including those of the applicants – in an almost unlimited manner and at attractive prices.

In their submissions, the applicants set out concretely the operation of IPTV services as follows:

- *Content capture: the content of broadcasts is captured from a broadcasting source;*
- *Encoding and compression: the stream is encoded in a digital format, which makes it possible to reduce the size of files whilst preserving quality and to ensure efficient passage of the file over bandwidth;*
- *Content storage: IPTV services offer content on demand so that the encoded video streams are stored on dedicated servers;*
- *Transmission via IP protocol: the IP protocol is a method used to send data over the internet. IPTV content is sent after having been divided into packets, which contain two pieces of information, namely the source IP address (address of the server sending the content) and the destination address;*

- *User access: users of illegal IPTV services access content via applications installed on multiple electronic media (smartphones, tablets, computers, televisions, etc.).*

These pirate platforms, using IPTV, operate without a licence or authorisation from the applicants.

In this case, the applicants are targeting five illegal IPTV offers, namely:

- 1. LEMEILLEURIPTV*
- 2. BESTIPTVABO*
- 3. ATLASPRO12*
- 4. OTT PREMUM*
- 5. MIJNIPTV*

Annex 1 to the application identifies the domain names currently referring to the home pages of the IPTV services targeted by the applicants. It also covers the gateway domain names (and associated URLs) used by these illegal services which will be subsequently identified by the Department and/or the applicants.

In this regard, the applicants file screenshots demonstrating access to content from television channels and films and series, on demand, in large quantities and at prices far lower than those of legal IPTV services. In support of their application, the applicants moreover explain that these pirate platforms authorise payment methods by cryptocurrency, which would be, according to them, an indicator of the illegality of the service. It also emerges from their submissions that the said platforms guide end users to circumvent any blocking measures.

The infringing nature of the IPTV services referred to above is, moreover, prima facie confirmed by exhibit C filed by the applicants, showing that the applicants' channels are included in the IPTV offers.

As regards the manifest nature of the infringement, the applicants rightly state that the IPTV platforms referred to above engage in unauthorised broadcasting of their broadcasts, by offering users unlawful access to retransmissions of their audiovisual content, whether live or deferred.

The manifest infringement of the applicants' related rights is prima facie sufficiently manifest.

- ***As regards the considerable nature of the infringements committed***

The applicants file documents attesting that they are so both at quantitative and qualitative level.

The infringements are quantitatively considerable since the IPTV services targeted are structurally infringing by providing access to a plethora (thousands) of broadcasts without authorisation. The infringement is moreover not strictly limited to one or other of their programmes, but to all their broadcasts.

They are also qualitatively considerable since the IPTV services enable access to protected content at critical moments, in particular at the time when this content is retransmitted live. These services moreover exploit the applicants' audiovisual content for the purposes of making profits. The economic value of the applicants'

rights is thereby compromised since the infringements have the effect of diverting their audiences towards illegal IPTV services.

The infringements of the rights invoked by the applicants are prima facie manifest and considerable.

— ***As regards the balance of interests at stake***

The third condition of Article XVII.34/1, § 6, of the CEL requires a balancing of interests, rights and freedoms, including the general interest. It is incumbent upon the President to assess the potential impact of the measures requested on public access to information or to any other content which would not infringe the rights invoked.

The balancing of interests at stake weighs in favour of the applicants. The facts of the case and the documents filed are indeed such as to reasonably justify the measures requested.

The applicants put forward the following justifications, which We adopt as Our own:

- *the demonstration of the serious infringement of their exclusive rights is sufficiently established;*
- *the general interest argues in favour of granting the measures;*
- *internet users' right to freedom of information remains intact since the measures requested relate exclusively to unlawful IPTV services, whose internet links have been precisely designated by the applicants, and whose content is structurally infringing;*
- *the measures requested are not unlimited in time since they are subject to an unblocking mechanism in the event that the domain name targeted no longer refers to structurally infringing content;*
- *the measures requested do not affect internet users' right to privacy since they do not involve the collection of data about them;*
- *the measures requested do not prima facie affect the essence of the freedom of enterprise of the intermediaries targeted since:*
 - *procedural safeguards are made available to them, via the Department, under whose aegis discussions will take place to ensure the implementation of the measures;*
 - *no penalty payment is, to date, ordered, so that they do not risk suffering any financial loss;*
 - *according to the applicants, the ISPs, Google and Cloudflare already implement blocking measures at CDN and/or hosting level, as well as de-indexing measures.*

[...]

- *The blocking measures are effective and limit their impact to the objective pursued, so that the response is proportionate to the violations established.*

The proportionality criterion is therefore met in the present case. ”

Considering that this decision implements the order of 30 JANUARY 2026 without introducing any additional limitation, this decision adopts as its own the reasoning of the aforementioned order.

The Department has applied, in order to determine the implementing provisions for the measures contained in the order, the proportionality test which is broken down into three stages:

- a test of "suitability" (is the measure appropriate in relation to its objective?);
- a test of "necessity" (is the measure necessary?); and
- a test of "proportionality stricto sensu" (does the measure respect the fair balance to be found between the conflicting rights; it implies a balancing of the interests at stake; does there exist a reasonable balance between, on the one hand, the protection of fundamental freedoms and rights and, on the other hand, the societal interest which is served by the limitation?).

In order to take these elements into account:

- the Department transmitted to the intermediaries, on 4 February 2026, a draft of the implementing provisions to enable them to submit observations and to take them into account in the decision in order to avoid provisions which would be inadequate, unnecessary or which would impose a disproportionate burden in relation to the objective pursued;
- the Department has verified, in consultation with the applicants and the intermediaries, that it could ascertain that the digital services targeted by the order met the criteria of the decision;
- the Department regularly updates the list of digital services to be blocked and unblocked to ensure that the blocking continues over time to concern only those digital services which correspond to the criteria laid down by the order;
- the Department carries out an annual screening of all the digital services to ensure that they continue to meet the criteria laid down by the order;
- the Department verifies the correct implementation of the measures;
- the redirection to the Department's redirection page plays an important educational role in raising user awareness on the theme of the protection of copyright and related rights, and receiving information on legal offers; but this redirection is only requested from intermediaries of which the Department has knowledge that they are technically capable of implementing it;
- the implementing provisions laid down by this decision concern, like the measures laid down by the order, exclusively disputed sites on which structurally infringing content has been ascertained, and access to these sites in Belgian territory;
- both as regards sites and other digital services, the implementing provisions target only Belgian territory;
- the sites, as well as the date for which implementation is requested, are specified at least 5 working days in advance by the Department, which enables the intermediaries in this case to plan for implementation, by choosing the most effective means. The format and communication channel have been agreed between the Department and the ISPs in advance;
- if new elements should justify it, the applicant, an intermediary or any interested party may request from the Department a modification of the implementing provisions;
- any interested party may communicate to the Department any relevant element in its possession, in particular the fact that a disputed site targeted by the measures has lost its unlawful character;

- in order to assess the effectiveness of the measures, the Department, where appropriate with the assistance of the rights holder and/or the addressees of the measures, will regularly monitor visits to the domain names and/or URLs on the blacklist;
- blocking access to these digital services presents an interest for consumer protection, who are often exposed to fraudulent practices such as phishing;
- when the Department considers the implementation measures taken by the addressees of an order to be insufficient, excessive or obsolete, it refers the matter to the president of the business court, in accordance with Article XVII.34/1 of the CEL, with a view to having the order or the implementation measures thereof withdrawn or modified (Article XVII.34/3, § 5 of the CEL).

Consequently, this decision takes into account the fundamental rights and freedoms of the persons concerned in accordance with Article XVII.34/3, §2, subparagraph 3 of the CEL and provides justification for this in accordance with Article 2, §4 of the Royal Decree of 18 April 2024 on the creation of the Department.

VII. Publication of the Department's decision

In accordance with Article XVII.34/3, §2, subparagraph 5, the Department will publish this decision on the website of the FPS Economy at the following address:

<https://economie.fgov.be/en/themes/intellectual-property/intellectual-property-rights/copyright-and-related-rights/sanctions-and-legal-actions/online-piracy>.

This publication will take place within 5 working days of the date of this Decision, i.e. by 19 February 2026 at the latest.

VIII. Publication of the blacklist (Article XVII.34/3, §6 of the Code of Economic Law)

The Department is responsible for maintaining and updating a list of websites and other digital content subject to interim measures based on an infringement of copyright, of a related right, or of a database producer's right committed online.

The Department shall publish the list of infringing digital services referred to in the order within 8 working days from the date on which the Department received the order, i.e., in this case, no later than 11 February 2026.

The Department shall progressively publish the updated list of digital services that replicate, in whole or in part, the infringing digital services identified in the order, or any address providing direct access to them, each time within 8 working days from the communication of the updated list to the addressees of the measures.

These publications can be found on the website of the FPS Economy, at the following address: <https://economie.fgov.be/en/themes/intellectual-property/intellectual-property-rights/copyright-and-related-rights/sanctions-and-legal-actions/online-piracy>.

When the interim measures come to an end, the Department shall remove the infringing digital services concerned from its blacklist.

IX. Penalties

Article XVII.34/1, §9, subparagraph 3 of the CEL states that:

The implementing provisions of the interim measures, as specified by the Department, adapted where necessary to ensure their effectiveness, form an integral part of these measures, and the violation of the implementing provisions, provided that the Department's decision has been served on its addressee(s), gives rise to the same sanctions as those for non-compliance with the provisional measures, in particular any penalty payments to which they are subject, and for which the President of the Business Court has set the time at which they are due, taking into account the implementing provisions to be specified by the Department.

X. Recourse

Title 1/1 of Book XVII of the CEL provides for several means of recourse against this decision:

A. Challenging the decision before the Department

Article XVII.34/3, §3 of the CEL states that:

Any interested party, any legal entity referred to in article 17, subparagraph 2, of the Judicial Code or any public institution pursuing the same ends as the legal entities referred to in article 17, subparagraph 2, of the Judicial Code, may request the Department to modify the implementation of the order containing the interim measures, in particular if it considers that these implementing provisions unjustifiably infringe fundamental rights and freedoms, or to adapt them in order to guarantee their effectiveness. The motivated request is sent to the Department by registered mail.

In the event of a request as referred to in subparagraph 1, the procedure referred to in paragraph 2, subparagraph 6, is suspended, provided that both procedures have the same object. The Department informs the clerk's office of the President of the Business Court by e-mail of the requests referred to in paragraph 1.

B. Challenging the decision before the President of the Business Court

Article XVII.34/3, §2, subparagraph 6 of the CEL states that:

Within thirty days of the publication referred to in subparagraph 5, any interested party, any legal entity referred to in article 17, subparagraph 2, of the Judicial Code, as well as any public institution pursuing the same ends as the legal entities referred to in article 17, subparagraph 2, of the Judicial Code, may challenge the Department's decision. The challenge is brought exclusively before the judge who gave the order containing the interim measures, the implementation of which has been specified or adapted by the Department, by summons to the legal entity to which the Department belongs and to the beneficiary who filed the original request.

Done on 12th of February 2026 at Brussels,