[LU] New Policy Paper on Reform of Electronic Media Act

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The Government of the Grand-Duchy of Luxembourg has published a policy paper outlining its intentions for the upcoming reform of the 1991 Electronic Media Act. The paper, Orientations pour une nouvelle législation sur la radio et la television, published on 14 March 2002, is the Executive's contribution to a parliamentary debate on the topic that is currently scheduled for June 2002. Since the drafting of new legislation will only commence after the parliamentary hearing, any reform is unlikely to be enacted before 2003 (the current Parliament ends its term in office in June 2004).

The paper announces the government's intention to simplify and clarify the legislation and to streamline administrative processes.

In the government's view, technological progressnamely the development of digital broadcasting - would make it possible to abandon the current restrictive legislation requiring television and radio stations to apply for a broadcasting licence. Restrictions on the use of frequencies would be maintained only where they are necessary because of technological bottlenecks (the paper mentions analogue radio and television and obligations on cable networks to carry certain broadcasts).

Future legislation could also draw a clearer distinction between technical rules and their supervision and rules concerning the content of the broadcast. The former would fall within the framework of telecommunications legislation, whereas problems concerning content would mostly be dealt with under the same legislation that applies to the printed press, with only a small number of specific provisions for broadcasters in the form of public service duties.

An important section of the policy paper sets out the government's proposals for a new regulatory framework that would involve the creation a new Independent Regulatory Authority, which would be in charge both of the authorisation process and its supervision, including the power to impose sanctions. Under the government's plans, the powers of this body would be vested in a directorate of three permanently appointed members, whose work would be overseen by a supervisory council.

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Orientations pour une nouvelle législation sur la radio et la télévision, 14 mars 2002, adopté par le Conseil de gouvernement le 1er mars 2002

Policy Paper on Reform of Electronic Media Act, 14 March 2002, adopted by the Council of Government on 1 March 2002

Résumé de la réunion du Conseil de gouvernement du 1er mars 2002

Summary of the Council of Government Meeting of 1 March 2002

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