

[LU] Bill on the Creation of a New Media Authority

IRIS 2013-1:1/28

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On 15 October 2012, the Minister for Communication and Media of Luxembourg published a bill on the creation of the Independent Audiovisual Authority of Luxembourg and modifying several laws (Bill ALIA). The Bill ALIA is now in the legislative procedure at the Chambre des Députés (Luxembourg Parliament).

The reform of the Luxembourg media authorities has been debated for a few years and there had already been an earlier draft in 2008 that was retracted (Projet de loi N° 5959). Due to an increased workload stemming from the adaptation of the national legal framework to the EU Audiovisual Media Services Directive and in view of a simplification of the regulatory system the reform was seen as necessary. The Bill ALIA also purports to enhance the effectiveness and credibility of the bodies and institutions charged with the supervision of the audiovisual sector.

The Bill ALIA proposes to establish the “Autorité luxembourgeoise indépendante de l’audiovisuel” (Independent Audiovisual Authority of Luxembourg - ALIA), which would be a public body with legal personality exercising its functions in full independence. It would be financed by the state budget based on a request by the authority. Its bodies would be an Administration Council, headed by a director and a Consultative Assembly, the latter being composed of 25 representatives of society. ALIA would replace the three regulatory bodies currently involved in the monitoring of the electronic media. Thus, ALIA would be consulted by the Government before the granting of licenses and permissions to audio and audiovisual media services and would then be in charge of the supervision of the services including the rules concerning commercial communication and promotion of European works. In contrast with its predecessors, ALIA would have well-defined sanctioning powers in order to effectively exercise its functions. A graduated system of sanctions would be introduced encompassing mechanisms such as warnings, fines (of EUR 250-25.000), suspensions of transmission and withdrawals of licenses.

With regard to the legal framework, the Bill ALIA would amend further acts. Most importantly, the “Loi du 27 juillet 1991 sur les medias électroniques” (Electronic Media Law of 1991, Law of 1991) would be changed to establish the legal basis for the creation of ALIA. Apart from the modified references to ALIA as the competent regulatory authority throughout the text, a new Art. 35 would be introduced for this purpose. Art. 35 to Art. 35sexies Law of 1991 would set out the institutional

framework and organisational details of ALIA. In addition, the “Loi du 6 avril 2009 relative à l'accès aux représentations cinématographiques publiques” (Law on access to cinematographic works of 2009, Law of 2009) would be amended to allow ALIA to control the self-classification of films by cinemas and its implementation (new Art. 6 Law of 2009).

Projet de loi (N° 6487) portant création de l'établissement public Autorité luxembourgeoise indépendante de l'audiovisuel et modification de la loi modifiée du 27 juillet 1991 sur les médias électroniques, de la loi modifiée du 22 juin 1963 fixant le régime des traitements des fonctionnaires de l'Etat et de la loi du 6 avril 2009 relative à l'accès aux représentations cinématographiques publiques. Date de dépôt: 15 octobre 2012

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