# [LU] Act on the Creation of a New Media Authority

**IRIS 2013-10:1/32**

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On 27 August 2013 the *Loi du 27 août 2013 portant création de l'établissement public "Autorité luxembourgeoise indépendante de l'audiovisuel"* (Law of 27 August 2013 on the creation of the Independent Audiovisual Authority of Luxembourg, ALIA law) was formally adopted by the Grand-Duke of Luxembourg. The *Chambre des Députés* (parliamentary assembly) as well as the *Conseil d'Etat* (State Council) had both given their approval to the creation of the new authority in July 2013.

The ALIA Act, which was proposed in October 2012, (see IRIS 2013-1/28) was published on 9 September 2013 in the *Mémorial* (Luxembourg official journal) and will enter into force on 1 December 2013. Except for some structural changes to numbering and other minor modifications, the law corresponds to a large extent to the bill proposed by the Minister for Communication and Media. The ALIA Act establishes the Independent Audiovisual Authority of Luxembourg (ALIA) by amending three acts, most significantly, the Act of 27 July 1991 on Electronic Media (see IRIS 2011-2/31). It thereby effectuates a reform of the Luxembourg regulatory structures by replacing most of the current bodies with a single competent authority.

The new Chapter VII of the Act on Electronic Media - entitled "On supervision of the application of the law" - sets out the essential characteristics, institutional design and functions of ALIA (Articles 35-35sexies). The law establishes ALIA as an independent public body endowed with legal personality. It is financed by the state budget and composed of an Administration Council, an Advisory Assembly and chaired by a director. It is charged, inter alia, with the administration of the permits as well as the monitoring of compliance with the law and grand-ducal regulations by service providers. ALIA has the further task of ensuring access to audiovisual programmes for persons with a visual or hearing disability, encouraging service providers to promote and distribute European works and to develop codes of conduct regarding the presentation of inappropriate audiovisual commercial communication of unhealthy food and drinks accompanying or included in children's programmes. These tasks reflect some of the aims of the EU's Audiovisual Media Services Directive.

The new key Art. 35sexies of the Act on Electronic Media outlines the sanctioning powers of ALIA. Each natural or legal person may complain to ALIA and allege the

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failure to fulfill statutory obligations or the non-respect of rules contained in grand-ducal regulations or the book of obligations attached to the permits of providers. ALIA may also initiate proceedings itself. Most importantly, it introduces for the first time, in the Act on Electronic Media, a graduated sanctioning system and defines the sanctions that ALIA may impose on service providers pursuant to a differentiated system including warnings, fines (of EUR 250-25.000), suspensions of transmission and withdrawals of permits. The decisions of ALIA in future will be published in the Luxembourg official journal and may be challenged before the administrative courts of Luxembourg.

In addition, the ALIA Act amends the *Loi du 20 avril 2009 relative à l'accès aux représentations cinématographiques publiques* (Act on access to public cinematographic performances) transferring to ALIA the responsibility for supervision of the classification scheme for cinematographic films and authorizing ALIA to re-classify films where appropriate. Finally, the *Loi modifiée du 22 juin 1963 fixant le régime des traitements des fonctionnaires de l'Etat* (Act establishing the system of remuneration for civil servants) is altered to take into account the allowances and payment of the new personnel of ALIA.

***Loi du 27 août 2013 modifiant la loi modifiée du 27 juillet 1991 sur les médias électroniques en vue de la création de l'établissement public «Autorité luxembourgeoise indépendante de l?audiovisuel» et modifiant 1) la loi modifiée du 22 juin 1963 fixant le régime des traitements des fonctionnaires de l'Etat et 2) la loi du 20 avril 2009 relative à l?accès aux représentations cinématographiques publiques.***

http://chd.lu/wps/PA_RoleEtendu/FTSByteServingServletImpl/?path=/export/exped/sexpdata/Mag/150/288/124897.pdf

*Act of 27 August 2013 on the creation of the Independent Audiovisual Authority of Luxembourg, ALIA Act*

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