# [LU] ALIA imposes a warning on RTL to report accurately and truthfully

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In a decision dated 12 January 2017, the Independent Audiovisual Authority of Luxembourg (Autorité Luxembourgeoise Indépendante de l'Audiovisuel, ALIA) found that CLT-Ufa had violated its obligations regarding the impartiality, objectivity and accuracy of reporting in relation to its programme RTL Télé Lëtzebuerg. Due to the small size of the Luxembourg audiovisual market, there is no genuine public service broadcaster; however, CLT-Ufa has been put in charge of certain public service missions laid down in a licensing agreement and in the accompanying book of obligations (cahier de charges) concluded with the Luxembourg government. It is thus incumbent on CLT-Ufa to provide programmes in the Luxembourgish language on its channel RTL Télé Lëtzebuerg.

One sequence of the programme entitled "Den Nol op de Kapp" ("Hitting the nail on the head"), broadcast on 3 October 2016, received public attention, including substantial press coverage. It featured an interview with Mr Erico Lunghi, the Director of the Musée d'art moderne (Museum of Modern Art), which had been cut to dramatise the interview and portray Mr Lunghi in a bad light. In essence, the interview gave the impression that Mr Lunghi had threatened the journalist, and he was actually disciplined for his behaviour by the government minister in charge of this matter; he eventually resigned. ALIA, acting in accordance with Article 35sexies (3), investigated the case upon its own motion and examined whether the broadcaster had violated the Law on Electronic Media, the obligations ensuing from its book of obligations, or any internal codes of conduct. Representatives of the broadcaster were invited to several hearings.

The question of whether internal procedures regarding the independence of journalists and the editorial independence of programme producers had been sufficient was put forward by ALIA's director who manages the authority's investigations pursuant to Article 35bis(B)(2)(2), but was not pursued further.

The focus of the decision was the use of the "jump cuts" technique, a technique whereby sound and images are separated in order to attribute a different sound to the images. During the hearings, CLT-Ufa did not deny that it had modified the material, but considered that the modifications had not changed the meaning of the interview. ALIA, on the other hand, underscored that a particular responsibility is incumbent on CLT-Ufa as it is a dominant player in the Luxembourgish market

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for both radio and audiovisual media services acting under specific obligations. As such, the broadcaster was expected to supply programmes of a particular quality and integrity in which viewers could trust.

When comparing the programme broadcast with the entirety of the material recorded, ALIA found that the reportage eliminated a sequence of about 30 seconds from the interview, thus stringing together two sentences that Mr Lunghi had originally said apart from each other. The viewer was thus confronted with an affirmative statement with a tenor that was much stronger than in reality.

ALIA's decision outlines the exact course of the conversation and is also based on a comparison of the originally recorded material ("rushes") and the extracts that were subsequently broadcast. This comparative video is available on ALIA's website. As a result of the manipulation of the sound and the images, an appearance was created that distorted what had actually happened, reinforcing the perception of Mr Lunghi's behaviour as negative.

ALIA thus sanctioned the non-compliance with several provisions of CLT-Ufa's book of obligations regarding the impartiality, accuracy and objectivity of information, and consequently imposed a warning.

***Décision DEC005/2017-A007/2016 du 12 janvier 2017 du Conseil d'administration de l'Autorité luxembourgeoise indépendante de l'audiovisuel concernant une plainte à l'encontre du service RTL Télé Lëtzebuerg.***

http://alia.lu/_dbfiles/lacentrale_files/600/607/D005-2017A007-2016-RTL-TlDen-Nol-op-den-KappECsite.pdf

*Decision of 12 January 2017 of the Board of Directors of the Independent Audiovisual Authority of Luxembourg concerning a complaint directed at the service RTL Télé Lëtzebuerg*

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