

The Legislative Framework for the Media in Luxembourg

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Grand-ducal regulation on the protection of minors in audiovisual media services

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Grand-ducal regulation of 8 January 2015 on the protection of minors in audiovisual media services

Official Journal: Mémorial A, No. 7 of 15 January 2015, p. 44

Amended by:

Grand-ducal regulation of 31 May 2017 (Mém. A - 565 du 14 juin 2017).

We Henri, Grand Duke of Luxembourg and Duke of Nassau,
Having regard to the *loi modifiée du 27 juillet 1991 sur les médias électroniques* (amended law of 27 July 1991 on electronic media) and in particular to articles 27ter and 28quater therein;
And Directive 2010/13/EU of the European Parliament and the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services;
And the opinion of the Chamber of Commerce;
And the opinion of the Chamber of Trades; Our
Council of State having been consulted;
Following the report by our Minister of Communications and Media and after deliberation by the Government in Council;

Order:

Article 1. Luxembourg television programmes broadcast as part of the television services referred to in article 27ter of the *de la loi modifiée du 27 juillet 1991 sur les médias électroniques* shall be classified as follows:

- 1. category I: general audience
- 2. category II: not suitable for anyone under 10
- 3. category III: not suitable for anyone under 12
- 4. category IV: not suitable for anyone under 16
- 5. category V: not suitable for anyone under 18

Symbols for the different categories are shown in the annex to this Regulation.

Article 2. Category I programmes shall not be identified as such.

Article 3. (1) Category II programmes contain some scenes that might be upsetting to minors under 10 years of age.

These programmes shall be identified by a '-10' shown in a white circle against a black background and the words 'not suitable for anyone under 10'.

(2) Category II programmes shall be identified by the category II symbol for 1 minute at the start of the programme.

The words 'not suitable for anyone under 10' shall appear on the screen for at least one minute at the start of a programme or during the opening credits and for one minute after any breaks in the programme.

(3) The symbol and the category II notice shall remain on the screen throughout the broadcast of trailers.

Article 4. (1) Category III programmes show regular, repeated scenes of physical or psychological violence that might be upsetting to minors under 12 years of age.

These programmes shall be identified by a '-12' shown in a white circle against a black background and the words 'not suitable for anyone under 12'.

(2) Category III programmes may not be broadcast free to air between 06:00 and 20:00 hours.

(3) The category III symbol shall remain on the screen throughout all category III programmes. The words 'not suitable for anyone under 12' shall appear on the screen for at least one minute at the start of a programme or during the opening credits and for one minute after any breaks in the programme.

(4) The symbol and the category III notice shall remain on the screen throughout the broadcast of trailers.

Article 5. (1) Category IV programmes are erotic or very violent in nature and may damage the physical, mental or moral development of minors under 16 years of age.

These programmes shall be identified by a '-16' shown in a white circle against a black background and the words 'not suitable for anyone under 16'.

(2) Category IV programmes may not be broadcast free to view between 06:00 and 20:00 hours.

(3) When category IV programmes are broadcast free to view, the category IV symbol shall remain on the screen at all times.

The words 'not suitable for anyone under 16' shall appear on the screen for at least one minute at the start of a programme or during the opening credits and for one minute after any breaks in the programme.

(4) The symbol and the category IV notice shall remain on the screen throughout the broadcast of trailers.

Article 6. (1) Category V programmes are programmes that are not illegal but must nevertheless be restricted to an adult audience only because of their sexually explicit or extremely violent nature.

(2) Such programmes and their trailers may be broadcast only between midnight and 05:00 hours.

(3) Category V programmes and their trailers may be broadcast in encrypted format only, and may be accessed solely via one or more devices that require entry of a personal identification number (PIN). Without PIN entry, such devices shall broadcast only a monochrome full-screen image without sound.

Article 7. Suppliers of Luxembourg audiovisual media services shall classify Luxembourg television programmes broadcast as part of the television services referred to in the *loi modifiée du 27 juillet 1991 sur les médias électroniques* into the categories listed in article 1 above.

Article 8. (1) Suppliers of linear audiovisual media services that are primarily intended for audiences in another State where a (...) ¹ classification and protection system applies may, as an alternative to the above system, opt to use the system applying in that State.

(2) Suppliers wishing to take this option shall report the system they wish to apply to the *Autorité luxembourgeoise indépendante de l'audiovisuel* (hereafter "AIA"), which shall decide whether to approve or reject the system.

Article 9. (1) Suppliers of on-demand audiovisual media services shall classify on-demand audiovisual media services using: the categories listed in article 1 of this Regulation; the classification given in the country of origin of the work; or, if its on-demand audiovisual media services are primarily intended for audiences in another State where a (...) ² classification and protection system applies and as an alternative to the above system, the system applying in that State.

¹ Word deleted by the grand-ducal regulation of 31 May 2017.

² *Ibidem*.

(2) Suppliers wishing to take up any of these options shall inform AIA of the system they wish to use and AIA may decide whether to approve or reject the system.

Article 10. Suppliers of on-demand audiovisual media services shall in all cases set up parental controls to enable users to make access to the audiovisual programmes in its catalogue subject to PIN entry. It shall ensure users are properly informed of the existence of such parental controls.

Article 11. Category V on-demand audiovisual services shall be broadcast in their own space. They shall be marketed for access on pay channels on a pay-as-you-go or subscription basis.

Article 12. The space reserved for category V on-demand audiovisual services and their trailers shall be secured to ensure access by PIN only. Access to the space and to the works comprising the space shall be secure against attempted access.

Article 13. Our Minister of Communications and Media shall enforce the Regulation, which shall be published in the *Mémorial*.