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## **Cooperation between regulatory authorities: a case study**

*ALIA has taken a decision regarding a television programme intended for the Serbian public that was republished by the Serbian regulator. In this context, the Authority feels obliged to publish a clarifying statement.*

Luxembourg has been and still is a host country for many media service providers whose programmes are intended for audiences in other EU Member States or third countries. Among the more than 400 services under Luxembourg jurisdiction, within the vast majority of which target a non-Luxembourg audience, some address a Serbian audience.

Since 2021, the Serbian regulatory authority (hereinafter the "REM") has regularly sent ALIA complaints questioning the content of various programme elements; it is then up to the Luxembourg regulator to analyse the complaints in accordance with Luxembourg law and its internal regulations. This procedure is governed by the principle of protecting the public from harmful and illegal audiovisual content, examining all the underlying elements and arguments and taking decisions in accordance with current Luxembourg law.

Some of the complaints sent to ALIA by the Serbian regulator concern attacks on the honour or dignity of Serbian political figures or hate speech against them by free Serbian media.

Given the seriousness of the allegations, which addresses the core issue of the principles of freedom of expression and freedom of the press, values which ALIA, as an independent and impartial body, is committed to protecting, the Authority is exercising the utmost caution in conducting investigation procedures relating to these cases.

ALIA is also regularly confronted with requests from Serbian journalists<sup>1</sup> and with grievances submitted by Serbian media under Luxembourg jurisdiction pursuing, according to their own statements, an editorial line independent of any external interference regarding attacks they claim to

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<sup>1</sup> By way of example, a recent request received by ALIA from a Serbian journalist concerned the number of cases transmitted by the REM to ALIA over the last six years. According to the journalist, during a public debate in the Serbian parliament, a representative of the political party in power in Serbia put forward the figure of 20. However, this figure does not correspond to the number of cases actually received and processed by ALIA. The Authority would like to clarify that each case (currently 5) transmitted by REM was followed by a decision published on the ALIA website.



be suffering in Serbia. In view of these observations, the Authority cannot ignore the political dimension inherent in these cases.

A recent decision by the ALIA Council (DEC003/2023-P002/2022; <https://www.alia.lu/fr/espace-juridique/decisions>), reprimanding the content of the programme "Ficus for the Boss", broadcast on the N1 television service, calls for a more elaborate position on the way in which the Serbian media regulatory authority decided to communicate ALIA's decision and make it accessible to the Serbian public via its website.

For instance, the English transmission accompanying ALIA's decision (in French) to REM was altered when it was published in such a way that ALIA's logo, the header, the footer and part of the signature of the author of the letter were not only added by REM to a Serbian translation of the said communication that it had commissioned, but also in such a way that the elements in question were reproduced incorrectly. The same applies to the reproduction of ALIA's decision in Cyrillic, where the signature of the Authority's Chairman was copied (also without requesting authorisation) from the document produced by the Serbian regulator.

ALIA believes that the selective use of these elements, without its explicit consent, without any indication of a change to the original document or that it is a translation, lends false credibility to the documents produced by REM. While ALIA expressly welcomes Rem's efforts to make available ALIA's documents in Serbian language in order to facilitate access to information for the target audience of the programme in question, it insists at the same time on the correct transmission and reproduction of its communications, in order to preserve the integrity of official documents, particularly when they are not published in their entirety or if they have been modified. Following the publication of the items described above, the Authority was informed that the Serbian regulator issued a supplementary statement,<sup>2</sup> the conclusion of which is that REM hopes that ALIA's decision will lead the service provider to refrain in future from discrediting a person's political activities by broadcasting reports such as the one that was the subject of the decision.

This conclusion leads the Authority in turn to strongly condemn any attempt by the Serbian regulator to use ALIA's decisions to discredit Serbian media outlets and put them in difficulty in the exercise of their mission, namely the provision of impartial and balanced information in the exercise of freedom of expression and journalism.

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<sup>2</sup> <http://www.rem.rs/sr/arhiva/vesti/2023/06/nezavisni-organ-iz-luksemburga-kaznio-televiziju-n1-zbog-emisije-junaci-doba-zlog-o-ani-brnabic#gsc.tab=0>



Following the example of other past experiences, this incident leads ALIA to remind the Serbian regulator once again of its duty of impartiality, as well as its duty of transparency, completeness and sincerity in the processing and sharing of information received from ALIA in order to guarantee effective and respectful cooperation between regulators.

ALIA statement dated 12 June 2023