

Luxembourg, 07 April 2024

The undersigned Claudine Bohnenberger, certified translator with the Court of Justice in Luxembourg by ministerial decree of 18 December, 1991 in application of the Law of 7 July, 1971 hereby certifies that the translation of the document regarding Autorité luxembourgeoise indépendante de l'audiovisuel corresponds in content and in form to the version submitted for the translation.

In case of litigation the original version is binding.

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Rules of procedure of the Autorité luxembourgeoise indépendante de l'audiovisuel (Luxembourg Independent Authority for Audiovisual Media)



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Having regard to article 35*bis*, point A, paragraph 1, subparagraph 1, sub 4), of the amended law of 27 July 1991 on electronic media ;

Having regard to article 35*bis*, point B, paragraph 2, subparagraph 5, of the amended law of 27 July 1991 on electronic media ;

Having regard to the proposal of the director of the Autorité luxembourgeoise indépendante de l'audiovisuel (ALIA) ;

The ALIA Board of directors approves the following rules of procedure :

Preamble

The Autorité luxembourgeoise indépendante de l'audiovisuel (hereinafter the "Authority") is the public institution in charge of supervising audio-visual and radio media services. It exercises its functions within the framework defined by the amended law of July 27, 1991 on electronic media and with respect for freedom of expression. Following the amendments made in February 2021 to the law on electronic media, ALIA has been given jurisdiction to supervise the implementation of appropriate measures by video sharing platform providers to protect, among other things, minors from programmes that may harm their physical, mental or moral development. It has no vocation to intervene in the choices of the programmes operated by the audio-visual or radio media service providers that it supervises.

The Authority also exercises its functions within the framework defined by the amended law of April 20, 2009 on the access to public film performances, which aims to give viewers, and in particular the parents of minor children, the necessary information to allow them to make an informed and responsible choice on films. The Authority has no vocation to intervene in the choices of films projected by the organizers of public film performances.

Furthermore, the Authority exercises its functions within the framework defined by the law of December 14, 2015 on political opinion polls, the purpose of which is to regulate the publication, dissemination and comments on any opinion poll directly or indirectly relating to a referendum, a popular consultation or communal, legislative or European elections.

Finally, the Authority exercises its functions within the framework defined by the law of May 16, 2023 transposing Directive (EU) 2019/1937 of the European Parliament and of the Council of

October 23, 2019 on the protection of persons who report violations of Union law (hereinafter the "law on the protection of whistleblowers"), the main objective of which is to guarantee effective protection to whistleblowers through clearly defined rights and obligations.

The Board of directors of the Authority and the Director promote continuous dialogue with providers of audio-visual or radio media services, providers of video sharing platforms and organizers of film performances in the performance of their respective obligations.

Article 1 - Purpose and definitions

These Rules of procedure determines :

- The functioning of the public institution and the administration of the Authority.
- The procedure for handling complaints lodged with the Authority concerning a programme element broadcast by an audio-visual or radio media service, as well as the procedure to be followed when acting on its own initiative.
- The procedure for handling complaints lodged with the Authority concerning a failure by a provider of a video sharing platform to comply with its obligation to take the measures provided for by the amended law of July 27, 1991 on electronic media, as well as the procedure to be followed in the event the Authority is acting on its own initiative.
- The procedure to be applied in case of referral to the Authority concerning a public cinematographic representation, as well as the procedure to be followed in case the Authority is acting on its own initiative.
- The procedure for submitting political opinion polls and handling complaints lodged with the Authority concerning political opinion polls as well as the procedure to be followed when acting on its own initiative.
- The procedure for processing reports submitted by whistleblowers to the Authority.
- The Authority's financial regulations (attached in a confidential annex).

In the following provisions, the Authority's Board of directors is designated by the term "Board", the Chairman of the Authority's Board by the term "Chairman", the members of the Authority's Board, including the Chairman, by the term "Member", the director of the Authority by the term "Director", the deputy director of the Authority by the term "Deputy director", the secretary of the Authority's Board of directors by the term "Secretary", the Consultative Assembly by the term "Assembly", the provider of an audio-visual or radio media service by the term "Provider" , the

provider of a video sharing platform by the term "Provider of a VSP/ VSP Provider", the organizer of a public film performance by the term "Organizer" and the amended law of July 27, 1991 on electronic media by the term "Law".

Chapter I: General rules

Article 2 - Management of the public institution and its administration

The Director performs all acts of administrative management and executes the decisions of the Board. To this end, the Board entrusts him with the authority, within the limits and in accordance with the procedures it determines, to sign letters, reports, mission orders, purchase orders, orders, transfers and other payment orders, etc. relating to the management of the Authority within the framework of the guidelines drawn up by the Board.

In the event the Chairman acknowledges that the Director is prevented from performing his duties, all routine management acts are carried out by the Deputy director in accordance with article 7 point 1 of the amended law of April 16, 1979 on the general status of state officials.

The public institution's accounting is carried out either by an official of the Authority or subcontracted to an external service provider.

The reception of letters, parcels, etc. can be ensured by any official of the public institution.

Article 3 - Delegation of administrative and financial signature by the Director

The Director may delegate signature power to one or more administrative agents to perform all or part of his tasks. The details of each delegation of signature are determined in a separate document.

Article 4 - Conflicts of interest

Any member of the Board with an interest in a file submitted to the Board for decision informs the Board and does not take part in the deliberations.

The Director does not handle cases in which he could have a conflict of interest. In such a case, he informs the Chairman and appoints one of the agents of the Authority to conduct the investigation



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of the file. This agent will be the Board's interlocutor for this file. This agent may not be the Secretary of the Board or be exposed to a potential conflict of interest.

In the event of uncertainty as to the existence and/or the incidence of a conflict of interest, the Board deliberates on this matter in the presence of the person or persons concerned.

Chapter II: Rules relating to investigation procedures: audio-visual or radio media services

Article 5 - Scope

The Authority's competence extends to all breaches of the provisions referred to in article 35^{sexies} of the Law, of a provision of one of the grand-ducal regulations adopted in execution of the Law as well as of the licenses/permissions and requirements specifications that are attached to them. This applies more in particular to breaches of the rules relating to :

- a. the prohibition of any incitement to violence or hatred aimed at a group of people or a member of a group based in particular on race, gender, opinion, religion or nationality ;
- b. respect for human dignity ;
- c. protection of minors ;
- d. the content (prohibition of clandestine commercial communications, subliminal techniques and any discrimination, protection of human dignity, health, safety and the environment), the form (advertising, sponsorship, product placement, teleshopping) and the cumulative duration of commercial communications.

Article 6 - Filing a complaint

Any interested party may file a complaint with the Authority about a programme element broadcast by a Provider.

The complaint must be submitted in writing.

The complaint can be submitted by any means of communication, in particular by :

- a. the complaint form on the website www.alia.lu ;
- b. a letter to the postal address of the Authority's headquarters¹ ;

¹ The headquarters of the Authority are currently located at 18, rue Erasme; L-1468 Luxembourg.

- c. an e-mail to the e-mail address plaintes@alia.etat.lu ;

The complaint and the attached documents relating to the alleged facts must be written in French, German, Luxembourgish or English.

The complaint must at least contain the following elements:

- a. complete information about the identity of the complainant. It must contain in particular the complainant's first and last name or corporate name and address or registered office ;
- b. information to identify the Provider and the service ;
- c. information making it possible to identify the targeted programme element (programme, date, time, description of the content) and
- d. at least a summary statement of the criticisms made.

The complaint must refer to facts dating back no more than a year.

Each complaint is registered by the Authority and an acknowledgement of receipt is sent to the complainant.

The filing and handling of complaints is free of charge for the complainant.

Article 7 - Admissibility of the complaint and competence of the Authority

Any complaint is submitted to the Board, which decides on its admissibility, including the competence of the Authority to rule on this complaint. In order to have all the elements to decide on the admissibility of the complaint, the Secretary asks the Provider to send the Authority a sound or audio-visual recording of the programme element. The Secretary shall undertake best efforts to collect the information that, if necessary, is missing before the file is put on the agenda of the Board.

The Board declares a complaint inadmissible :

- if it finds that the conditions of form and time-limit referred to in article 6, paragraphs 2 to 6 of these Rules of procedure are not complied with ;
- if it finds that the complaint is manifestly ill-founded or abusive or that the facts it is relating to, even if established, constitute clearly only a minor violation of the relevant rules ;
- if it finds that the Authority does not have jurisdiction over the Provider or the programme element ;

- if he finds that the grievances formulated do not fall within its field of competence.

If the Board declares the complaint inadmissible, it sends its decision to the complainant (as far as possible) and to the Provider.

If the Board declares the complaint admissible, it sends the file to the Director for further investigation.

Article 8 - Acting on own initiative

The Authority may act ex officio. To this end, the Board verifies :

- if the Provider and the programme element fall within the competence of the Authority ;
- if the complaints formulated or the facts established fall within the competence of the Authority ; and
- if the criticized programme element was not broadcast more than a year ago.

In the event of a decision to act on own initiative, it sends the file to the Director for investigation.

Article 9 - Investigation

The investigation is directed by the Director. The Director may delegate the investigation to an official of the Authority (both being designated hereinafter by the terms "investigating agent").

The investigating agent informs the Provider of the opening of the investigation.

The investigating agent gathers, in compliance with the principle of adversarial proceedings, all useful information that can be necessary to prepare the Board's decision. The investigating agent analyses whether or not it is necessary to retain the existence of an infringement of the provisions governing the service concerned and determines, if necessary, the exact nature.

In cases where consultation of the Assembly is required, the investigating agent seizes the Assembly for this purpose, determining the deadline and transmits the file to its Members.

The investigating agent may at any time request additional information and/or explanations useful for the investigation from the Provider.

If necessary, the investigating agent can call on external experts in compliance with the financial regulations of the Authority.



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At the end of the investigation, the investigating agent submits the file with his conclusions to the Board.

Article 10 - Decision of the Board

On the basis of the investigation file, the Board summons the Provider to hear his defence and/or invites the Provider to submit explanations in writing.

If the Board considers that it is not in a position to take a decision at this stage, it may request further investigation from the investigating agent.

At the end of the adversarial procedure, the Board decides either to close the file without further action or to find a violation of an applicable rule and to impose a sanction.²

If the Board considers it necessary or if it is required to do so by law, it forwards the file to other competent authorities.

The decision taken by the Board is communicated to the Provider by registered mail with acknowledgment of receipt.

The decision is published on the Authority's website in compliance with the rules relating to the protection of youth, the protection of personal data and the protection of sensitive economic data.

Chapter III: Rules relating to the investigating procedures: video sharing platforms

Article 11 - Scope

In accordance with article 35*sexies*, paragraph 3 of the Law, the Authority has jurisdiction to investigate breaches by a VSP Provider of the provisions of article 28*septies* which provides for the appropriate measures to be taken by this particular category of providers.

² Trib. adm. January 31, 2020, n °40827 of the court files

These include, in particular, the failures of VSP Providers to comply with their obligation to take appropriate measures to protect:

- a) minors from programmes, user-created videos and audio-visual commercial communications that may impair their physical, mental or moral development ;
- b) the general public from programmes, user-created videos and audio-visual commercial communications involving incitement to violence or hatred ;
- c) the general public from programmes, user-created videos and audio-visual commercial communications containing content the dissemination of which constitutes a criminal offense, namely public provocation to commit a terrorist act as set out in article 135-11, paragraphs 1 and 2, of the Penal code, offenses related to child pornography as set out in article 379, point 2 °, of the Penal code and offenses related to racism and xenophobia as set out in articles 457-1 and 457-3 of the Penal code.

Article 12 - Filing a complaint

Any interested party may file a complaint with the Authority concerning the failure by a VSP Provider to comply with its obligation to take the appropriate measures referred to in article 11.

The complaint must be submitted in writing.

The complaint can be submitted by any means of communication, in particular by :

- a) the complaint form on the website www.alia.lu ;
- b) a letter to the postal address of the Authority's headquarters³ ;
- c) an e-mail to the e-mail address plaintes@alia.etat.lu ;

The complaint and the attached documents relating to the alleged facts must be written in French, German, Luxembourgish or English.

The complaint must at least contain the following elements:

- a) complete information about the identity of the complainant. It must contain in particular the complainant's first and last name or corporate name and address or registered office ;

³ The headquarters of the Authority are currently located at 18, rue Erasme; L-1468 Luxembourg.

- b) information to identify the Provider of the VSP and the service ;
- c) at least a summary statement of the criticisms made.

The complaint must refer to facts dating back no more than a year.

Each complaint is registered by the Authority and an acknowledgement of receipt is sent to the complainant.

The filing and handling of complaints is free of charge for the complainant.

Article 13 - Admissibility of the complaint and competence of the Authority

Any complaint is submitted to the Board, which decides on its admissibility, including the competence of the Authority to rule on this complaint. The Secretary shall undertake best efforts to collect the information that, if necessary, is missing before the file is put on the agenda of the Board.

The Board declares a complaint inadmissible :

- if it finds that the conditions of form and time-limit referred to in article 12, paragraphs 2 to 5 of these Rules of procedure are not complied with ;
- if it finds that the complaint is manifestly ill-founded or abusive or that the facts it is relating to, even if established, constitute clearly only a minor violation of the relevant rules ;
- if it finds that the Authority does not have jurisdiction over the Provider of the VSP ;
- if he finds that the grievances formulated do not fall within its field of competence.

If the Board declares the complaint inadmissible, it sends its decision to the complainant (as far as possible) and to the Provider of the VSP.

If the Board declares the complaint admissible, it sends the file to the Director for further investigation.

Article 14 - Acting on own initiative

The Authority may act ex officio. To this end, the Board verifies :

- if the relevant Provider falls within the competence of the Authority ;

- if the complaints formulated or the facts established fall within the competence of the Authority.

In the event of a decision to act on own initiative, it sends the file to the Director for investigation.

Article 15 - Investigation

The investigation is directed by the Director. The Director may delegate the investigation to an official of the Authority (both being designated hereinafter by the terms "investigating agent").

The investigating agent informs the Provider of the VSP of the opening of the investigation.

The investigating agent gathers, in compliance with the principle of adversarial proceedings, all the useful information that can be necessary to prepare the Board's decision. The investigating agent analyses whether or not it is necessary to retain the existence of an infringement of the provisions governing the service concerned and determines, if necessary, the exact nature.

In cases where consultation of the Assembly is required, the investigating agent seizes the Assembly for this purpose, determining the deadline and transmits the file to its Members.

The investigating agent may at any time request additional information and/or explanations useful for the investigation from the Provider of the VSP.

If necessary, the investigating agent can call on external experts in compliance with the financial regulations of the Authority.

At the end of the investigation, the investigating agent submits the file with his conclusions to the Board.

Article 16 - Decision of the Board

On the basis of the investigation file, the Board summons the Provider of the VSP to hear his defence and/or invites the Provider to provide explanations in writing.

If the Board considers that it is not in a position to take a decision at this stage, it may request further investigation from the investigating agent.

At the end of the adversarial procedure, the Board decides either to close the file without further action or to find a violation of an applicable rule and to impose a sanction.

If the Board considers it necessary or if it is required to do so by law, it forwards the file to other competent authorities.

The decision taken by the Board is communicated to the Provider of the VSP by registered mail with acknowledgment of receipt.

The decision is published on the Authority's website in compliance with the rules relating to the protection of youth, the protection of personal data and the protection of sensitive economic data.

Chapter IV: Rules relating to investigation procedures: public film performances

Article 17 - Informal procedure relating to the classifications of cinematographic representations

In the interest of rapid and effective protection of minors, the Director may, before any investigation or in parallel with it, enter into a direct dialogue by informal procedure with the Organizer(s) concerned in order to settle the dispute raised as to the classification of the film.

Article 18 - Scope

It appears from the combined reading of articles 2, paragraph 2, and 6 of the amended law of April 20, 2009 on the access to public film performances, that the Authority controls the classification in the appropriate age category of the films made by the Organizer(s) in relation to the impact of these works on the physical, mental or moral development of minors which may result, inter alia, from one of the following elements :

- a. incitement to hatred
- b. discrimination based on race, gender, opinion, religion or nationality ;
- c. scenes of violence, horror or sexuality ;
- d. drug abuse, including alcohol ;

- e. improper language ;
- f. sensitive topics such as suicide or family breakdown ;
- g. overall impact of the film or of certain images.

The Board controls, in the context of a complaint or if acting on own initiative, the classification as well as the compliance of this classification by the Organizer(s). This control does not include advertising messages shown during public sessions.

The Authority's competence also includes issues relating to the visible display of the classification of a film as regulated by article 3 of the amended law of April 20, 2009 on the access to public film performances. To this end, the Authority verifies whether the publication of the classification is appropriate and sufficient.

Article 19 - Referral to the Authority

The Authority may rule on referrals by the ministers in charge of Family, Justice, Culture and Education, respectively, as well as by the "Ombudsman fir Kanner a Jugendlecher".

Each referral is registered by the Authority and an acknowledgment of receipt is sent to the author of the complaint.

The filing and processing of referrals are free of charge for the applicant.

Article 20 - Admissibility of the referral and competence of the Authority

Any referral is submitted to the Board, which decides on its admissibility, including the competence of the Authority to rule on this referral.

Any referral must at least :

- a. be submitted by one of the organizations listed in article 6 of the amended law of April 20, 2009 on the access to public film performances ;
- b. include information identifying the Organizer(s) and the representation ;
- c. include information that makes it possible to identify the film ;
- d. include at least a summary of the criticisms issued.

The Council declares a referral inadmissible :

- if it finds that one of the conditions referred to in paragraph 2 of this article is not fulfilled ;

- if it finds that the referral is manifestly ill-founded or abusive or that the facts it is relating to, even if established, constitute clearly only a minor violation of the relevant rules ;
- if it finds that the Authority does not have jurisdiction over the Organizer(s) and/or the film;
- that the grievances formulated do not fall within its field of competence.

If the Board declares the referral inadmissible, it sends its decision to the author of the referral or to the applicant and the Organizer.

If the Board declares the referral admissible, it sends the file to the Director for investigation.

Article 21 - Acting on own initiative

The Authority may act ex officio. To this end, the Board verifies :

- if the Organizer(s) and the cinematographic work fall within the competence of the Authority ;
- if the complaints formulated or the facts established fall within the competence of the Authority.

When two or more Organizers operate divergent classifications of the same cinematographic work, the Authority is automatically seized. If necessary, it will act on own initiative.

In the event of a decision to act on own initiative, the Board sends the file to the Director for investigation.

Article 22 - Investigation

The investigation is directed by the Director. The Director may delegate the investigation to an official of the Authority (both being designated hereinafter by the terms "investigating agent").

The investigating agent informs the Organizer(s) of the opening of the investigation.

The investigating agent gathers, in compliance with the principle of adversarial proceedings, all the useful information that can be necessary to prepare the Board's decision. The agent requests the position of the Organizer(s). The agent analyses whether or not it is necessary to retain the existence of an infringement of the legal provisions in force and determines, if necessary, the exact nature thereof with regard in particular to the criteria set out in article 18 of these Rules of procedure or to any other legal provision that may apply.

The investigating agent refers the matter to the Assembly, determining the deadline to ensure a reasoned opinion within a short time and transmits the file to its Members.

The Authority shall take the necessary measures to provide interested members of the Assembly with free access to a screening of the cinematographic work.

The investigating agent may at any time request additional information and/or explanations useful for the investigation from the Organizer(s).

If necessary, the investigating agent can call on external experts in compliance with the financial regulations of the Authority.

At the end of the investigation, the investigating agent submits the file with his conclusions to the Board.

Article 23 - Decision of the Board

On the basis of the investigation file, the Board summons the Organizer(s) to submit their defence and/or invites them to provide their explanations in writing.

If the Board considers that it is not in a position to take a decision at this stage, it may request further investigation from the investigating agent.

At the end of the adversarial procedure, the Board decides either to close the file without further action or to reclassify the film.

If the Board considers it necessary or if it is required to do so by law, it forwards the file to other competent authorities.

The decision taken by the Board is communicated to the author of the referral or to the applicant and to the Organizer(s) by registered mail with acknowledgment of receipt.

The decision is published on the Authority's website in compliance with the rules relating to the protection of youth, the protection of personal data and the protection of sensitive economic data.

If the Board finds a breach of articles 2 to 5 of the amended law of April 20, 2009 on the access to public film performances, it transmits the file to the Public Prosecutor's Office for the purposes referred to in article 7 of this law.

Chapter V: Rules relating to filing and investigation procedures: political opinion polls

Article 24 - Scope

The Authority's competence extends to all breaches of obligations relating to the publication, dissemination and comment on any opinion poll directly or indirectly relating to a referendum, a popular consultation or communal, legislative or European elections, as defined by articles 2 and 3 of the law of December 14, 2015 on political opinion polls.

Article 25 - Filing obligation

Before the publication, dissemination and comment on any political opinion poll, the organization that performs it out must, in accordance with article 2, paragraph 2 of the law of December 14, 2015 on political opinion polls, file with the Authority a notice including the following indications :

- a. the name of the organization that carried out the survey ;
- b. the name and quality of the buyer of the survey ;
- c. the number of people interviewed and the composition of the sample ;
- d. the date(s) on which the data was collected ;
- e. the full text of the questions asked, including the possible answers that appear in the questionnaire or that were communicated to the interviewees ;
- f. the indication if the raw data have been corrected and according to which criteria ;

and specifying :

1. the purpose of the survey ;
2. the method used for data collection ;
3. the sampling method, namely the method by which the respondents were chosen ;
4. the statistical reliability of the published results.

An agent of the Authority verifies whether all the indications listed in the first paragraph of this article are contained in the notice. If the agent finds that the notice is not complete, he informs the body that carried out the survey, specifying the information that is missing.

The Authority publishes the notices filed on its website, even if indications are missing. The notices are amended and/or supplemented as additional information is submitted.

Article 26 - Obligation to provide information

Any publication, dissemination or comment on a poll must be accompanied, in accordance with article 2, paragraph 1 of the law of December 14, 2015 on political opinion polls, by the following information :

- the name of the organization that carried out the survey ;
- the name and quality of the buyer of the survey ;
- the number of people interviewed and the composition of the sample ;
- the date(s) on which the data was collected ;
- the full text of the questions asked, including the possible answers that appear in the questionnaire or that were communicated to the interviewees ;
- the indication if the raw data have been corrected and according to which criteria.

Article 27 - Filing a complaint

Any person may file a written complaint with the Authority regarding a violation of articles 2 or 3 of the law of December 14, 2015 on political opinion polls.

The complaint can be submitted by any means of communication, in particular by :

- a. the complaint form on the website www.alia.lu ;
- b. a letter to the postal address of the Authority's headquarters⁴ ;
- c. an e-mail to the e-mail address plaintes@alia.etat.lu ;

The complaint and the attached documents relating to the alleged facts must be written in French, German, Luxembourgish or English.

The complaint must at least contain the following elements:

- a. complete information about the identity of the complainant. It must contain in particular the complainant's first and last name or corporate name and address or registered office ;
- b. information allowing to identify the person(s) concerned by the complaint ;
- c. information allowing to identify the opinion poll ;
- d. at least a summary statement of the criticisms made.

⁴ The headquarters of the Authority are currently located at 18, rue Erasme; L-1468 Luxembourg.

The complaint must refer to facts dating back no more than a year.

Each complaint is registered by the Authority and an acknowledgement of receipt is sent to the complainant.

The filing and handling of complaints is free of charge for the complainant.

Article 28 - Admissibility of the complaint and competence of the Authority

Any complaint is submitted to the Board, which decides on its admissibility, including the competence of the Authority to rule on this complaint. The Secretary shall undertake best efforts to collect the information that, if necessary, is missing before the file is put on the agenda of the Board.

The Board declares a complaint inadmissible :

- if it finds that the conditions of form and time-limit referred to in article 27, paragraphs 2 to 4 of these Rules of procedure are not complied with ;
- if it finds that the complaint is manifestly ill-founded or abusive or that the facts it is relating to, even if established, constitute clearly only a minor violation of the relevant rules ;
- if it finds that the Authority does not have jurisdiction over the organization or the person who carried out, disseminated, published or commented on the poll ;
- if it finds that the grievances formulated do not fall within its field of competence.

If the Board declares the complaint inadmissible, it sends its decision to the complainant (as far as possible) and to the organization or person who conducted, disseminated, published or commented on the poll.

If the Board declares the complaint admissible, it sends the file to the Director for further investigation.

Article 29 - Acting on own initiative

The Authority may act ex officio.

To this end, the Board verifies :

- if the organization or the person who carried out, disseminated, published or commented on the poll falls within the competence of the Authority ;

- if the complaints formulated or the facts established fall within the competence of the Authority ; and
- if the poll was not carried out, disseminated, published or commented on more than one year ago.

In the event of a decision to act on own initiative, it sends the file to the Director for investigation.

Article 30 - Investigation

The investigation is directed by the Director. The Director may delegate the investigation to an official of the Authority (both being designated hereinafter by the terms "investigating agent").

The investigating agent informs the person(s) concerned by the complaint or the investigation opened on the initiative of the Authority.

He asks the body that carried out the poll to send the Authority all the documents on the basis of which the poll was published, disseminated or commented on.

The investigating agent gathers, in compliance with the principle of adversarial proceedings, all the useful information that can be necessary to prepare the Board's decision. He analyses whether or not it is necessary to retain the existence of a breach of the legal provisions in force and determines, if necessary, the exact nature of it in relation to the criteria contained in articles 2 and 3 of the law of December 14, 2015 on political opinion polls or any other legal provision that may apply.

The investigating agent may at any time request additional information and/or explanations useful for the investigation from the person concerned.

If necessary, the investigating agent can call on external experts in compliance with the financial regulations of the Authority.

At the end of the investigation, the investigating agent submits the file with his conclusions to the Board.

Article 31 - Decision of the Board

On the basis of the investigation file, the Board summons the persons concerned to hear their defence and/or invites them to provide explanations in writing.

If the Board considers that it is not in a position to take a decision at this stage, it may request further investigation from the investigating agent.

At the end of the adversarial procedure, the Board decides either to close the file without further action or to find a violation of an applicable rule and to impose a sanction.

If the Board considers it necessary or if it is required to do so by law, it forwards the file to other competent authorities.

The decision taken by the Board is communicated to the persons concerned by registered mail with acknowledgment of receipt. A copy of the letter is sent to the complainant.

The decision is published on the Authority's website in compliance with the rules relating to the protection of youth, the protection of personal data and the protection of sensitive economic data.

The Authority may order its decision to be published in the media and in the forms it determines, at the expense of the person or persons sanctioned.

Chapter VI: Rules relating to the procedures for investigating reports made by whistleblowers

Article 32 - Scope

The Authority has competence to receive external reports within the meaning of article 18 of the law of May 16, 2023 on whistleblowers targeting illegal behaviour or behaviour that is contrary to the object or purpose of legal, regulatory or other provisions, referred to in articles 5, 11, 18 and 24 of these Rules of procedure.

The whistleblower may communicate any information, including reasonable suspicions, concerning :

- a. actual or potential violations ; and
- b. attempts to cover up these violations ;
- c. actual or potential violations that have occurred or are very likely to occur :
 - in the organization in which he works or has worked, or ;

- in another organization with which he is or has been in contact in the context of his work.

Article 33 - Filing a report

(1) An external report regarding the violation of a legal, regulatory or other provision, falling within the competence of the Authority (hereinafter a "report") can be filed by any person working either :

- a. with one of the audio-visual, radio or VSP media providers under the Authority's jurisdiction ;
- b. with an organizer of public film performances within the competence of the Authority ;
- c. with an organization or a person who has carried out, disseminated, published or commented on a political opinion poll within the meaning of the law of December 14, 2015 relating to political opinion polls.

Are included among the persons who have the right to file a report within the meaning of the above paragraph:

- persons having the status of worker, within the meaning of article 45(1) of the Treaty on the Functioning of the European Union, including civil servants ;
- persons with self-employed status, within the meaning of article 49 of the Treaty on the Functioning of the European Union ;
- shareholders and members of the administrative, management or supervisory body of a company, including non-executive members, as well as volunteers and paid or unpaid interns ;
- any person working under the supervision and direction of contractors, subcontractors and suppliers.

(2) The person who wishes to file a report (hereinafter the "whistleblower") can contact the Authority by filling out the form which is available on the reporting platform set up on the website www.alia.lu and which is directly accessible via the tab "Whistleblowing". The whistleblower can choose to remain anonymous. The reporting platform intended for the reception and processing of reports meets the criteria of an external reporting channel provided for in article 17 of the Law on the protection of whistleblowers and guarantees the completeness, integrity and confidentiality of the information transmitted to the Authority. Only authorized members of the Authority's staff have access to it. They are required to respect professional secrecy.

Next to the reporting via the reporting platform,

- reports can be filed in writing :

- by post to the following address :

Autorité luxembourgeoise indépendante de l'audiovisuel (ALIA)

Service « Signalements externes »

18, Rue Erasme L-1468 Luxembourg

- by e-mail to the address : whistleblower@alia.etat.lu :

- reports can be filed orally :

- by phone at the number: 247 -70177
- by leaving a message on the voicemail of the phone number: 247-70177 ;
- at the request of the whistleblower, in a face-to-face meeting without further delay.

The reports and the attached documents relating to the alleged facts must be written in French, German, Luxembourgish or English.

The Authority does not record reports submitted by phone, but it ensures, with the consent of the whistleblower, to draw up and keep accurate minutes of the main elements of the conversation, which the whistleblower can then verify, rectify and which he will be asked to sign for approval.

Likewise, the Authority ensures, with the consent of the whistleblower, to keep complete and accurate records of reports made in person in the form of recordings or minutes. The author of the report will have the opportunity to verify, rectify and approve the minutes of the meeting by affixing his signature.

The Authority also ensures that, when a report is received through channels other than the reporting platform set up by the Authority for this purpose, or by staff members other than those responsible for processing reports, the staff members who receive the report refrain from disclosing any information that would identify the author of the report or the person concerned and that they transmit the report promptly without modification to the staff members responsible for processing reports.

If the Authority receives a report that does not fall within its field of competence, it transmits it, confidentially and securely, to the competent authority without further delay.

(3) The report must at least include:

- a. sufficient elements to identify the entity targeted by the report ;
- b. sufficient evidence to establish that the whistleblower meets the criteria defined in paragraph 1 of this article, in order to be able to file a report ;
- c. at least a brief description of the suspicions, violations or information about the violations that the author wishes to report or, if applicable, attempts to conceal violations of which the author is aware.

(4) An acknowledgment of receipt shall be sent to the author of the report within seven days of the receipt of the report, unless the author of the report expressly requests otherwise or unless the Authority has reasonable grounds to believe that acknowledging receipt of the report would compromise the protection of the identity of the author of the report.

The report and the processing of the report are free of charge for the whistleblower.

Article 34 - Staff of the Authority responsible for processing reports

The Authority designates the members of the Authority's staff who have received specific training for the purpose of handling reports, aimed in particular at guaranteeing the confidentiality of the author of a report, who are in charge of processing reports. These staff members are in particular responsible for making information available to any interested person about the procedures for filing a report, the receipt and the follow-up of reports and for maintaining contact with the originator of the report to provide feedback and to request further information if necessary.

Article 35 - Admissibility of the report and competence of the Authority

The Director decides on the admissibility of the report, including the competence of the Authority to investigate. The members in charge of processing reports will use their best efforts to collect any missing information, if necessary, before the file is submitted to the Director.

The Director declares a report inadmissible :

- if he finds that the conditions of form and time-limit referred to in article 33, paragraphs 2 and 3 of these Rules of procedure are not complied with ;



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- if he finds that the elements listed in article 33(3) of these Rules of procedure are not met ;
- if he finds that the violation is manifestly minor and does not require any follow-up other than the closing of the procedure, without prejudice to other obligations or other applicable procedures, such as the complaints procedure, aimed at remedying the reported violation ;
- if the entity to which the report relates is an entity which is not covered by article 33, paragraph 1, subparagraph 1 ;
- if he finds that the grievances formulated do not fall within the Authority's field of competence.

If the Director declares the report inadmissible, he sends the reasoned decision to the whistleblower.

If the Director, after having ascertained that the Authority is competent to process the report, declares the report admissible, he transmits the file for investigation to the agents in charge of processing reports.

If the Director finds that the criteria provided for in article 33, paragraph 1, subparagraph 1 of these Rules of procedure are not met, but the criteria provided for in chapters II, III, IV or V are met, he may proceed to reclassify the report as a complaint or claim. In this case, with the agreement of the whistleblower, the file will be processed in accordance with the procedure provided for in the corresponding articles.

Article 36 - Investigation

The Director delegates the investigation to an official of the Authority responsible for the processing of reports.

The Director and, where appropriate, the designated agents may request in writing from the entity concerned by the report the communication of all information they deem necessary, in strict compliance with the confidentiality of the identity of the whistleblower.

The Director and the agents ensure in particular :

- to acknowledge receipt of the report within 7 days of receipt, except in the case :



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- of an express request to the contrary of the whistleblower; or
- reasonable grounds to believe that acknowledging receipt of the report would compromise the protection of the identity of the whistleblower ;
- to ensure a diligent follow-up ;
- and, in compliance with the legal obligation on professional secrecy, to provide the whistleblower with feedback within 3 months, or 6 months in duly justified cases.

If necessary, the Director and the designated agents can call on external experts, while respecting the confidentiality of the identity of the whistleblower and the Financial regulations of the Authority.

At the end of the investigation, the agents in charge transmit the file with his conclusions to the Director.

Article 37 - Decision

After examining the investigation file, the Director may decide to close the procedure :

- in the event of a manifestly minor violation without prejudice to other obligations or other applicable procedures aimed at remedying the reported violation ;
- in the case of repetitive reports that do not contain any significant new information compared to a previous report for which the procedure is closed.

If the Director does not decide to close the procedure, he communicates the investigation file to the Office in charge of processing reports on the basis of article 18, paragraph 4 of the Law on whistleblowers.

Article 38 - Entry into force.

These Rules of procedure shall enter into force on the day of its approval.

Ruled and decided at the meeting of the Authority of March 11, 2024 by :



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l'audiovisuel

Thierry Hoscheit
Chairman

Valérie Dupong
Member of the Board

Marc Glesener
Member of the Board

Luc Weitzel
Member of the Board

Claude Wolf
Member of the Board