

Luxembourg 01 April 2021

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 Grand Ducal Regulation of 8 January 2015 on the protection of minors in audio-visual media services/ Coordinated text of 14 June March 2017 corresponds in content and in form to the version submitted for the translation.

In case of litigation the original version is binding.

Claudine Bohnenberger
Certified translator

* **Protection of minors**

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

(Memorial A - 7 of 15 January 2015. p. 44; dir. 2010/13/UE)

Amended by:

Grand ducal regulation of 31 May 2017 (Memorial A - 565 of 14 June 2017).

Coordinated text of 14 June 2017

applicable as of 18 June 2017

Art. 1.

Luxembourg television programmes broadcast in the context of television services referred to in article 27ter of the amended law of 27 July 1991 on electronic media are classified as follows:

1. category I: all audiences
2. category II: not recommended for children under 10
3. category III: not recommended for children under 12
4. category IV: not recommended for children under 16
5. category V: not recommended for children under 18

Pictograms identifying the various categories are in the appendix of the present regulation.

Art. 2.

Programmes of category I are not subject to any identification.

Art. 3.

(1) Programmes of category II contain certain scenes likely to offend the sensibility of minors under the age of 10.

These programmes are identified with the indication «-10» in a white circle on black background and the wording «not recommended for children under 10 ».

(2) Programmes of category II must be identified by the pictogram of category II for 1 minute at the beginning of the programme.

The wording «not recommended for children under 10 » must appear during the airtime for at least one minute at the beginning of the programme or during the credits and for one minute after any interruption of the programme.

(3) The pictogram and the wording of category II must be visible during the entire time of the trailers.

Art. 4.

(1) Programmes of category III display systematic and repeated physical or psychological violence likely to offend the sensibility of minors under the age of 12.

These programmes are identified with the indication «-12» in a white circle on black background and the wording «not recommended for children under 12 ».

(1) Programmes of category III may not be aired uncoded between 6.00am and 8.00pm.

(2) Pictograms of category III must be visible during the entire programme.

The wording «not recommended for children under 12 » must appear for at least one minute at the beginning of the programme or during the credits and for one minute after any interruption of the programme.

(3) The pictogram and the wording of category III must be visible during the entire time of the trailers.

Art. 5.

(1) Programmes of category IV are of erotic type or display an important amount of violence and are likely to harm the physical, mental or moral development of children under 16.

These programmes are identified with the indication «-16 » in a white circle on black background and the wording «not recommended for children under 16 ».

(1) Programmes of category IV may not be aired uncoded between 6.00am and 10.00pm.

(2) If programmes are aired uncoded, the pictogram of category IV must be visible during the entire programme.

The wording «not recommended for children under 16 » of category IV must appear for at least one minute at the beginning of the programme or during the credits and for one minute after any interruption of the programme.

(3) The pictogram and the wording of category IV must be visible during the entire time of the trailers.

Art. 6.

(1) Programmes of category V are those that, without being illegal, must be strictly reserved to an adult audience due to their explicit sexual or highly violent type.

(2) These programmes, and their trailers, must be aired exclusively between midnight and 5.00am.

(3) Broadcasting of these programmes as well as their trailers is forbidden unless they are coded using one or more devices granting access to them only after entering a personal code. Without the introduction of this code, the device must ensure that the picture displayed is a full monochrome screen without sound.

Art. 7.

Luxembourg audio-visual media service providers must classify the Luxembourg television programmes broadcast in the context of the television services referred to in article 27ter of the amended law of 27 July 1991 on electronic media in accordance with the categories referred to in article 1.

Art. 8.

(1) The provider of which the linear audio-visual media services are mostly targeted at the public of another State, in which a system for the classification and protection (...) ¹ is applicable, may, as an alternative to the above-described system, choose to use the system applicable in such State.

(2) The provider intending to use this option, informs the Autorité luxembourgeoise indépendante de l'audiovisuel, hereinafter «the Authority» thereof, which will decide to accept this system or not.

Art. 9.

(1) Providers of an on-demand audio-visual media service must classify the audio-visual media services available on demand either in accordance with the categories referred to in article of the present regulation, or in accordance with the classification of the country of origin of the work, or if the on-demand audio-visual media service is mainly targeted at a public of another State, in which a system for the classification and protection (...) ¹ is applicable, they may, as an alternative to the above-described system, choose to use the system applicable in such State.

(2) The provider intending to use this option, informs the Autorité luxembourgeoise indépendante de l'audiovisuel, hereinafter «the Authority» thereof, which will decide to accept this system or not.

Art. 10.

The provider of an on-demand audio-visual media service will in any case implement a parental control system allowing the users to enter a specific code to access the audio-visual programmes in the catalogue. The provider must ensure that users are informed in an appropriate way of the existence of a parental control system.

Art. 11.

On demand audio-visual media services of category V must be presented in a separate area and must be distributed under a pay per view service, either by programme or as a subscription.

Art. 12.

The area for on-demand audio-visual media services of category V as well as their trailers will be subject to a permanent protection so as to be accessible only with a special access code. Also, the works in this area must be locked should there be an access attempt.

Art. 13.

Our Minister of Communications and Media is in charge of the implementation of the present regulation, which will be published in the Memorial (Official journal).

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