

## The EU Audiovisual Media Services Directive and its transposition into national law – a comparative study of the 27 Member States

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### Member State: Luxembourg

#### Regulation on European Works

#### Important Notice

This text is an unofficial translation conducted at the University of Luxembourg in the framework of a research project on the transposition of the “**Audiovisual Media Services Directive**” in the Member States of the European Union.

The original legal acts which Member States notified to the European Commission as national execution measures were retrieved from official national databases. In order to focus on the core of the research project, several national legal acts have been shortened to include only those provisions of relevance for the study. Subsequently, the modified acts were translated by a translation agency external to the university.

The translations only serve the purpose of being an information source; there is no guarantee whatsoever that the translations correctly correspond to the original versions of the laws. Therefore, evidently, the texts have no legal value. The original, as well as the translated version of the legal acts, are available at: [www.medialaw.lu](http://www.medialaw.lu), where additional information on the comparative study may be found.

## Member State: Luxembourg

### **Grand ducal regulation of 17 December 2010 amending the grand dual regulation of 5 April 2001 setting the rules on content in European works and in the works of independent producers of television programmes deemed to fall within Luxembourgish jurisdiction under the European Television without Frontiers Directive**

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We order:

**Article 1.** In the heading of the grand ducal regulation of 5 April 2001 setting the rules on content in European works and in the works of independent producers of television programmes deemed to fall within Luxembourgish jurisdiction under the European Television without Frontiers Directive, "content in" is replaced by "promotion of", while "and in the works of independent producers of television programmes deemed to fall within Luxembourgish jurisdiction under the European Television without Frontiers Directive" is replaced by "in audiovisual media services".

**Article 2.** Article 1 of the above grand ducal regulation of 5 April 2001 is replaced as follows:

" Article 1. Scope

The present grand ducal regulation does not apply to local television services that do not form part of a national network, or to exclusively teleshopping or self-promotion television services."

**Article 3.** 1 - In paragraph (1) of article 2 of the grand ducal regulation of 5 April 2001, c) is replaced as follows:

"c) works co-produced under audiovisual sector agreements between the European Community and third countries and that meet the terms and conditions set out in each such agreement."

2 - Paragraphs (3) and (5) of article 2 of the above grand ducal regulation of 5 April 2001 are repealed.

3 - In paragraph (6) of the same article, "television broadcasting" and "television broadcaster" are in each case replaced by "television service provider".

**Article 4.** 1 - "in the television services" is added to the heading of article 3 of the grand ducal regulation of 5 April 2001.

2 - In the first sentence of the first paragraph of the same article, "programme" is replaced by "service", while in the second sentence of the same paragraph, "of the television broadcaster" is replaced by "of the television service provider".

3 - In the second paragraph of the same article, "programme" is replaced by "service".

**Article 5.** 1 - "in the television services" is added to the heading of article 4 of the grand ducal regulation of 5 April 2001.

2 - In the enacting provision of the same article, "programme" is replaced by "service" and "of the television broadcaster" is in each case replaced by "of the television service provider".

**Article 6.** 1 - "concerning the television services" is added to the heading of article 5 of the grand ducal regulation of 5 April 2001.

2 - In the enacting provision of the same article, "television broadcaster" is replaced by "television service provider", while "Media and audiovisual service" is replaced by "Media and communication service".

**Article 7.** A new article 5bis is added after article 5 of the grand ducal regulation of 5 April 2001 as follows:

“Art. 5bis. Promotion of European works in audiovisual media services

(1) On-demand audiovisual media service providers shall promote, where practicable and by appropriate means, the production of European works as well as access to said works.

(2) On-demand audiovisual media service providers shall submit a report to the Media and Communications Service, not later than the 30 September 2011, and every four years thereafter, on the implementation of paragraph (1).”