



## 4.19. LU – Luxembourg<sup>113</sup>

### 4.19.1. Key findings

In Luxembourg, aside from the provisions encompassed in the AVMSD and implemented via the Law on Electronic Media of 27 July 1991, no additional regulations or protective measures exist. However, the national media regulatory authority, the Luxembourg Independent Audiovisual Authority (ALIA), is in the process of developing guidelines specifically designed for VSPs. These are expected to be finalised and implemented over the course of 2023.

Under the 1991 Law on Electronic Media, which has been amended several times (most recently in December 2022), VSP providers under the jurisdiction of Luxembourg are required to take appropriate measures to protect minors from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development.

### 4.19.2. National transposition of Article 28b (1) AVMSD

| Title and type of legislation   | Key excerpts of legal measures   | Link                        |
|---|--|-----------------------------|
| Law on Electronic Media of 27 July 1991 (Article 27 and Article 28)<br><br><i>(Loi du 27 juillet 1991 sur les médias électroniques)</i> | Article 27 ter 1) and 2)<br><br>(1) Programmes offered by audiovisual media service providers which may impair the physical, mental or moral development of minors shall only be made available to the public in such a way as to ensure that minors will not normally hear or see them.<br><br>(2) A Grand-Ducal regulation shall set out the measures to be taken by audiovisual media service providers such that minors will not normally hear or see such programmes. Those measures shall include selecting the time of broadcast, age verification tools or other technical measures. | <a href="#">Legislation</a> |

<sup>113</sup> The summary on Luxembourg incorporates feedback received from the Department of Media, Telecommunications and Digital Policy (Ministry of State) and the Luxembourg Independent Media Authority (ALIA) during the checking round with the national regulatory authorities.



| Title and type of legislation | Key excerpts of legal measures   | Link |
|-------------------------------|--|------|
|                               | <p>They shall be proportionate to the potential harm of the programme.</p> <p>The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures.</p> <p>Article 28 septies 1) point a)</p> <p>Without prejudice to Articles 60 to 63 of the amended E-Commerce Act of 14 August 2000, video-sharing platform providers under Luxembourg jurisdiction shall take appropriate measures to protect:</p> <p>a) minors from programmes, user-generated videos and audiovisual commercial communications which may impair their physical, mental or moral development in accordance with Article 27b (1) and (2)</p> <p>Article 28 septies 3) points a), d), e), f), g), h) and i):</p> <p>For the purposes of paragraphs 1 and 2 (i.e. the protection of minors and the general public), the appropriate measures shall be determined in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created or uploaded the content as well as the general public interest.</p> <p>...</p> <p>d) establishing and operating transparent and user-friendly mechanisms for users of a video-sharing platform to report or flag to the video-sharing platform provider concerned the content referred to in paragraph 1 provided on its platform;</p> <p>e) establishing and operating systems through which video-sharing platform providers explain to users of video-sharing platforms what effect has</p> |      |



| Title and type of legislation | Key excerpts of legal measures  | Link |
|-------------------------------|---|------|
|                               | <p>been given to the reporting and flagging referred to in point d;</p> <p>f) establishing and operating age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors;</p> <p>g) establishing and operating easy-to-use systems allowing users of video-sharing platforms to rate the content referred to in paragraph 1; ...</p> |      |

### 4.19.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, and this includes many which are not under the jurisdiction of Luxembourg but which can be accessed within the territory, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute(18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute and OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

### 4.19.4. VSPs under the jurisdiction of the national regulatory media authority

| Name of service  | Genre | Targeted countries <sup>114</sup> |
|------------------|-------|-----------------------------------|
| Cameraboys.com   | Adult | Pan-European                      |
| Joyourself.com   | Adult | Pan-European                      |
| Livejasmin       | Adult | Pan-European                      |
| liveprivates.com | Adult | Pan-European                      |

<sup>114</sup> Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory's MAVISE database, as accessed in December 2023.



| Name of service     | Genre | Targeted countries <sup>114</sup> |
|---------------------|-------|-----------------------------------|
| livesexasian.com    | Adult | Pan-European                      |
| lsawards.com        | Adult | Pan-European                      |
| maturescam.com      | Adult | Pan-European                      |
| mycams.com          | Adult | Pan-European                      |
| Mytrannycams.com    | Adult | Pan-European                      |
| Porndoelive.lsl.com | Adult | Pan-European                      |
| Pornhdlive.com      | Adult | Pan-European                      |

#### 4.19.5. Measures specific to adult VSPs in general

The most common age verification measure applied by adult VSPs accessible in the country is self-declaration of age.

At the time of the national expert's verification, the list of VSPs under the jurisdiction of ALIA consists solely of adult VSPs, all of which are owned by the same company. Although various types of parental control measures can be observed, the self-declaration systems were not considered adequate by ALIA, which began a dialogue with the VSP provider to enhance the effectiveness of their age verification systems.

#### 4.19.6. Additional rules referring especially to influencers

Influencers meeting the criteria of audiovisual media services can be designated by ALIA as OD AVMS<sup>115</sup> after an assessment made on a case-by-case basis.

<sup>115</sup> [https://alia.public.lu/wp-content/uploads/2023/07/20230706\\_Alia\\_RapportAnnuel\\_Contenu\\_EN\\_v06.pdf](https://alia.public.lu/wp-content/uploads/2023/07/20230706_Alia_RapportAnnuel_Contenu_EN_v06.pdf)