



Luxembourg, le 11 mars 2022

Rule of Law Report 2022
Follow-up on the country visit to Luxembourg (28 February 2022)
Additional information

I. On Media pluralism

Could you provide clarifications on the financing law for RTL that is yet to be signed.

A Convention, signed between the Government, CLT-UFA and RTL Group, defines the public service mission about the production of a TV programme ("RTL Tele Lëtzebuerg"), a radio programme and related digital activities. Starting in 2021, the Government provides for a guarantee to cover parts of the costs related to the production of these programmes, based on a defined set of criteria and an annual maximum amount that can't be exceeded. The payment is made ex-post on the basis of an audit of the accounts and after validation by a dedicated Commission established by the Convention (with a representative of the Luxembourg Parliament). The current Convention, signed in 2017, provides for the payment for the years 2021, 2022 and 2023.

In 2021, the Government decided to sign a renewed Convention covering a longer period (2024-30). That's why a financing law needs to be voted to guarantee financing for these years. The draft law was approved by the Council of ministers and sent to Parliament on 23 November 2021. We are currently waiting for the Council of State's opinion.

Link to the Parliament's website : [Chambre des Députés du Grand-Duché de Luxembourg \(chd.lu\)](https://chd.lu)

Could you send us the current regulation on the public service radio (law + règlement Grand Ducal)

Both documents are attached to this email.

Could you outline the main differences between the current regulation and the draft law 7749?

The draft law establishes a solid legal framework for the public service broadcaster Radio 100,7. The law enshrines the principle of editorial independence and strengthens its governance by clearly listing powers, duties and functions assigned to the board and general management. The draft law explicitly expands the public service missions of the Radio by including digital activities and safeguards its long-term financing. A series of checks and balances reinforces the editorial independence of the Radio.

Could you explain in writing how members of the public service media board are elected now and how it is envisaged to change under the draft law 7749?

According to the current decree (*règlement grand-ducal*), members of the board are appointed by decision of the Government upon a proposal by the Minister of Media. The current decree gives four out of nine board seats to civil society members; four board seats are reserved to Government representatives. Once enacted, the new law will change this ratio: there will be only three Government representatives and six civil society members. The board members will select the latter six members.

II. On Anti-corruption

Any statistics on corruption & corruption-related offences (fraud, bribery, etc.) for the year of 2021

Please find below the figures for 2019 to 2021, compiling the offence of corruption (attempted and completed) as reported by the Grand-Ducal police officers and contained in our police databases.

<i>corruption</i>	<i>accomplis</i>	<i>tentatives</i>	<i>Total</i>
2019	1	0	1
2020	3	2	5
2021	2	2	4

If they have a link to the National Risk Assessment for 2020 (and any subsequent assessments) and the CSSF circular 20/740 that would be much appreciated

Both documents are attached to this email.

III. On issues related to checks and balances

It was mentioned during the meeting that there are new financing options for NGOs, could you elaborate in writing on this?

Nonprofit organisations (Asbl) and foundations accredited as non-governmental organisations by the Ministry of European and Foreign Affairs (MoFA) can apply for public subsidies to finance development projects in the Global South or education for sustainable development projects in Luxembourg. The accreditation is granted by the MoFA, based on a request from the organisation justifying its technical and financial capacities, skills and experience in the field of development cooperation and more particularly in the implementation of programs and projects for the benefit of the populations of developing countries according to article 7 of the 1996 modified Development Cooperation Law.

A working group is organised on a bi-monthly basis between the umbrella organisation of Luxembourg NGOs and the department of development cooperation to discuss current topics and to allow for dialogue between authorities and civil society. Other working groups discussing policy coherence for development and humanitarian issues are also organised with relevant NGOs and the department of development cooperation.

During the pandemic, the MoFA didn't introduce a new funding option for COVID related activities however NGOs were and are allowed to reallocate funds of existing activities to counter the effects of the pandemic. In some cases, the MoFA also approved additional funding to NGOs implementing COVID-19 activities.

On the revisions of the Constitution, could you send us in writing the exact dates that you shared with us during the meeting?

The constitutional revisions will be adopted separately.

The 1st of the four constitutional revisions (7575) was adopted in a first constitutional vote on October 20, 2021. The second constitutional vote must take place after an interval of at least three months. It is set for spring 2022.

The 2nd constitutional revision (7700) was adopted by a first constitutional vote dated January 25, 2022. An initiative committee introduced on February 2, 2022 a request for the organization of a referendum supposed to replace the second constitutional vote. A collection of signatures for the organization of a referendum takes place from March 2 to 25, 2022:

- If the number of 25,000 valid signatures is reached, the request will be successful and a referendum must be organized within 6 months (after the determination of the result which will take place in April). Organization of the referendum would be in October 2022.
- In case of failure of the request, the second constitutional vote will probably take place in spring 2022 (after the determination of the results in April).

The 3rd constitutional revision will be put to a first constitutional vote on 9 March 2022. The second vote may take place after an interval of at least three months, that is to say in June/July 2022. In case of a request for the organization of a referendum:

There is no timetable yet for the 4th constitutional revision. The first constitutional vote will probably take place before the 2022 summer holidays.