



Autorité
luxembourgeoise
indépendante de
l'audiovisuel

Regulatory Authority for Electronic
Media
Ms Olivera Zekić
President of the Council
Trg Nikole Pašića 5
RS- 11103 Beograd
Republika Srbija

Luxembourg, 22 March 2022

Registered letter

Subject: Decision concerning the service SportKlub 1

Dear Ms Zekić,

Please find attached the decision taken by ALIA's Board on 14th of March 2022 pertaining to your complaint regarding the commercial communication for the online sports betting provider *BetOle* which aired on the service *SportKlub 1* on 16th January 2021 at around 21:53.

As all our official documents are in French, I will hereafter summarise the Board's main findings for your convenience. Please note that only the signed decision in French has legal value.

In its decision, the Board first states that since the complaint is directed towards the *SportKlub 1* television service, which is subject to a concession granted by the Government of Luxembourg to United Media s.à r.l. and therefore falls within the jurisdiction of Luxembourg, the Authority is competent to deal with the complaint. It follows that the applicable legislation is that of the Grand-Duchy of Luxembourg as well as other relevant national and international normative texts, although the specific historical and social context of the Republic of Serbia are duly taken into account.

Having heard the instructing agent, the opinion of the Assembly, the service provider and having analysed the entirety of the commercial communication, the Board recalls the preeminent importance of the freedom of expression for the functioning of democratic societies and highlights



its particular importance in humoristic contexts. However, the Board finds that the freedom of expression may be more closely framed in commercial contexts.

The Board concludes that the commercial communication for *BetOle* contains elements that infringe upon *SportKlub 1*'s obligation to conform itself to the "common decency" obligation as laid out in the service's book of obligations. The Board notes that the Luxembourgish penal code prohibits the wearing in public of "signs and symbols that could instigate rebellion or harm public peace" (article 274-1). The Board emphasises ALIA's concern about the public display of any such symbols and more particularly their use for commercial objectives.

In light of the above, the Board estimates that the commercial communication under investigation deeply hurts the sensibilities of people that either directly or indirectly hold a vivid memory of the horrors of the Second World War and may potentially harm public peace. The Board deems that a de-demonisation of Nazi ideology through the staging of "pleasant-ries" for commercial gains betray an apparent lack of sensitivity by the creator. The Board further holds that such a depiction is offensive towards Germany and the German people and fails to "observe the intellectual and moral sensitivities of the public." The Board concludes that the usage of Nazi and military symbols from the Second World War is inadmissible in commercial communications.

Based on these concerns, the Board decides to pronounce a penalty of 1.500,- euros against the service provider.

Should you have any queries concerning this matter, do not hesitate to contact us.

Best regards,

A handwritten signature in blue ink, consisting of several vertical strokes and a large, sweeping loop that extends to the right.

Carole Kickert
Secretary to the Board