

**ANNUAL**  
**REPORT**  
**&**  
**ACCOUNTS**  
**1989**



**BROADCASTING AUTHORITY**  
**MALTA**

**Annual Report  
and Accounts  
1989**

**BROADCASTING  
AUTHORITY  
MALTA**



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**Annual Report  
and Accounts  
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**Broadcasting Authority  
Malta**





*The Broadcasting Authority in session. The members (left to right) are: Dr. Austin Sammut, Mr. Joseph Sammut, Mr. Henry Zammit Cordina (Secretary to the Authority), Mr. Laurence Mizzi (Chairman), Mr. Antoine Ellul (Chief Executive), Prof. Kenneth Wain and Mr. Joseph J. Camilleri.*

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# Broadcasting Authority

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National Road, Blata l-Bajda, Malta  
Telephone: 221281 - 223289

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Our Ref. 7/62/3

Your Ref.

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17 July, 1990

H.E. Dr. V. Iabone, M.D., D.O. (Oxon),  
D.O.M.S. (Lond.), D.M.J., F.R.C.S. (Edin.),  
President of the Republic of Malta,  
The Palace,  
Valletta.

Dear Mr President,

In accordance with Section 13(4) and (5) of  
Chapter 165 of the Laws of Malta, we have  
pleasure in enclosing the Broadcasting  
Authority's Annual Report and Accounts for the  
financial year ended 31st December 1989.

Yours sincerely,

  
Laurence Mizzi  
Chairman

  
A.J. Ellul  
Chief Executive



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# Introductory

1989 was an eventful year. It was also in some ways a year of contrasts. Apart from marking the end of a decade, 1989 saw the end of a chapter in Malta's colourful broadcasting history and, also during the year, there were clear indications of a rapidly changing broadcasting scene brought about by the effects of new technology.

## *Contrasts*

The contrast was provided by two broadcasting systems - one was on the way out and the other was in the process of being introduced in Malta. Cable Radio, which had been operating in Malta for 53 years, broadcast its last programme before closing down on 31st January 1989. During the same month the government issued a public call for proposals to develop a Cable Television Service for the Maltese Islands.

Cable Radio had served Malta well during its long period of association with Maltese listeners. The service had been set up in November 1935 by a British Company then known as Broadcast Relay Service (Malta) Limited. The Company later changed its name to Rediffusion (Malta) Limited and this wired sound service remained known by all Maltese simply as Rediffusion. This Company's history in Malta and the service it provided during and after the Second World War and in more recent years up to 1975 is not only the story of Maltese broadcasting as it unfolded during those difficult years, it is also, to some extent, linked with the story of the social evolution of the Maltese nation. At its peak, the cable radio service provided the great majority of local households with their only regular source of entertainment, information and education available at the time.

The Cable Television Service proposed by Government would have a capacity of at least 35 channels. These would include all local licensed television services, foreign terrestrial broadcasting stations and a number of satellite television broadcasting stations which are capable of local reception. The Broadcasting Authority has been earmarked for particular responsibility in this sector as it is Government's intention to entrust the Authority with a Community Television Channel which will carry programming by interested and responsible groups who might wish to take part in community programming on a voluntary basis.

Cable Television is all about widening the viewers' choice of programmes. It should be innovative, experimental and sensitive to local feeling. It should not be run on traditional public service broadcasting lines providing

the balanced fare which was expected of its counterpart on sound. The approach in this new area of broadcasting needs to be different to encourage the initiative and diversity desirable in a cable system. A certain degree of regulation is essential since standards will not be established and maintained of their own accord, particularly given the understandable wish to see an early return on the considerable investment that will be needed. General guidelines will provide the controlling organisation with the opportunity to respond flexibly as cable television develops in ways which are impossible to predict at this stage.

The Authority was involved in the initial stage of the cable television operation through the appointment of its Chief Executive as Coordinator on the panel set up by Government to examine the programming aspects of proposals submitted by prospective cable television operators.

### *The Summit*

The year under review closed with a major news event which generated world-wide interest and strained local resources to the limit. The news coverage given to the Summit meeting in Malta between President Bush and President Gorbachev demonstrated the awareness of Xandir Malta's News Division of the need for speed in bringing events to public knowledge. Radio and television news and current affairs combined to provide extended news bulletins and extra programmes over that hectic and climatically stormy weekend during the first week in December 1989.

The world's Press - over 2,000 newsmen - descended upon Malta before and during the Summit bringing with them the latest and most sophisticated communications equipment. Huge satellite dishes mushroomed in several strategically located areas through which crews of many nationalities beamed their reports and visual material live to the respective receiving country. Maltese audiences could choose either to remain loyal to the local station or watch Summit events on Italian terrestrial broadcasting services or on America's CNN satellite delivered news channel which, at the time, had set up a base in Malta.

Although no audience statistics are available for that period, it could be safely assumed that Malta Television's efforts did not go unnoticed. On its part, the Authority commended Xandir Malta and its staff for the competent coverage provided on this momentous occasion.

### *Impartiality*

Towards the end of the year, the Authority once again found itself the centre of attention after a chain of events set in progress by the Prime Minister accepting a challenge to a television debate proposed by the

General Secretary of the General Workers' Union. The Prime Minister requested the Authority and Xandir Malta to make the necessary arrangements for a live broadcast.

The Authority considered the request and rejected it on two main counts. As the proposed debate was to be held on a highly controversial matter, the Authority maintained that the legal obligations of 'due impartiality' were binding and had to be observed particularly in view of the fact that other sectors of the community were involved in the matter and had the right to express an opinion. Apart from this main argument, the Authority observed that access to airtime could not be obtained simply by the issue and acceptance of public challenges to debates. It was also pointed out that had the proposal been accepted by the Authority, a dangerous precedent would have been created with wide ranging implications.

The notion of due impartiality is not just a shield behind which the broadcaster shelters but a pass-key to open up public affairs. Broadcasters should not allow only one view to monopolise their services. They will not fulfil their responsibilities either if this view is countered by one opposite view only. Their duty is to let the public hear the widest possible range of views and opinions to be expressed on an issue. This particular case involved industrial action ordered by the General Workers' Union against private industry on a matter which revolved around a wage increase proposed by Government. It was therefore very valid for the Federation of Industries to claim that it had a definite stake in the issue and its opinions should also be put before the public. The Authority considered that apart from the aspects of the case it had a legal obligation to ensure that controversial subjects are treated with due impartiality.

## ***Balance***

Two series of activities leading to events which occurred during the course of the year gave rise to problems in reporting. These were the Government celebrations organised in connection with the 25th Anniversary of Malta's Independence and the activities held by the Malta Labour Party to commemorate Freedom Day - *Jum il-Helsien*. Both days were included in a list of five which Parliament had earlier declared as National Days.

The elaborate festivities leading to Independence Day were fully reflected in the Station's general programming as well as in the news and current affairs output. On the other hand the broadcasting media's contribution to the celebrations marking the 10th Anniversary of *Jum il-Helsien* was mainly limited to news reports. In Malta's highly charged political environment, this situation was seized upon and roundly condemned by the Labour Party as evidence of Xandir Malta's pro-government bias.





# Profile of the Year

Broadcasting plays a prominent role in the lives of most people. In Malta nearly all the population can receive television and radio services and these media are a major source of news, information and entertainment. To meet the challenge which this situation presents and to regulate these vital means of social communication, Malta's Constitution provides for the existence of the Broadcasting Authority as a regulatory body.

## *The Broadcasting Authority*

Sections 118 and 119 of the Constitution deal with the appointment and functions of the Broadcasting Authority. These are reproduced as Appendix I to this Report.

The Authority was reconstituted on the 22nd July 1989 and at the end of the period under review its composition was as follows:-

Mr. Laurence Mizzi, S.Th.Dip. - *Chairman*  
Mr. Joseph J. Camilleri, B.A., M.A., A.I.E. (Lond.)  
Dr. Austin Sammut, B.A. (Hons.) LL.D  
Mr. Joseph Sammut  
Prof. Kenneth Wain, B.A. (Hons.) (Lond.), M.A., Dip.Ed. (Lond.),  
Ph.D. (Lond.)

Mr. Laurence Mizzi, a journalist and former member of the Authority, School Broadcasting Organiser, teacher and civil servant has been connected with broadcasting for over 40 years. Overseas trained in broadcasting techniques, he has been associated with radio and television as a writer, producer and programme presenter.

Mr. Mizzi has replaced Dr. Joseph Micallef Stafrace, LL.D. who relinquished the Chairmanship of the Authority on the expiry of his term of office. Both Mr. Mizzi and Dr. Micallef Stafrace had been originally appointed on the Authority in 1986 during the former Labour Administration and were subsequently confirmed in office during the present Nationalist Administration. Mr. Mizzi's place as member of the Board was taken by Dr. Austin Sammut who is a practising lawyer and journalist. In welcoming Dr. Sammut the Authority also wishes to place on record its appreciation of the unique style of direction and buoyant optimism displayed by Dr. Micallef Stafrace during the difficulties of the Authority's early days when it was again reconstituted in July 1986.

During the year it was publicly stressed by the Authority that its Chairman and members felt that despite any arrangements which might have led to their selection, they were appointed in their personal capacity and not as representatives of any group or party. They regard themselves as guardians of broadcasting in the public interest and this despite any political sympathies which they might have as private individuals.

During 1989, the Authority held 50 formal sessions and a number of other meetings with officials of constituted bodies including the Nationalist Party, the Malta Labour Party, *Alternattiva Demokratika*, the Consumers' Association, representatives of the Press, the Youth Environmental Movement and Xandir Malta.

### ***Staff***

During the year under review the Authority had a staff of 13 in all. This number included a Programme Editor II who had been recruited through a competitive public examination and who was the only successful candidate. The distribution of staff was as follows:-

Managerial	1
Administrative	2
Programme Monitoring	3
Programme Production	1
Clerical and Secretarial	3
Others	3
	—
	13
	—

Four members of the staff are seconded Civil Servants.

### ***The Authority's Finances***

The Authority is a public statutory body set up in terms of the provisions of the Constitution and Chapter 165 of the Laws of Malta. Its object is to provide and regulate broadcasting services which may be established in Malta. In order to fulfil this object, the Authority is supposed to receive regulated income through wireless licence fees. Instead it receives an annual grant from Government.

The Authority's total income in 1989 amounted to Lm73,384 and expenditure incurred during the year stood at Lm73,938, leaving a deficit of Lm554.

Taken on a percentage basis, the Authority's allocation from wireless licence fees for 1989 works out at 4.4%. This is practically half of what it received in 1980. The position is more graphically shown in the following table:

*Proportion of Revenue from Wireless Licence Fees*

Year	Govt. Revenue from Licence Fees	MBA Allocation	%
	Lm	Lm	
1980	462,188	38,000	8.22
1981	511,197	58,000	11.35
1982	575,659	56,000	9.73
1983	700,635	50,400	7.19
1984	859,054	50,000	5.82
1985	843,296	12,500	1.48
1986	1,013,233	50,000	4.94
1987	1,060,924	80,000	7.54
1988	1,256,613	70,000	5.53
1989	1,640,000 (Est.)	72,000	4.39 (Est.)

The Authority has financed its day-to-day operations and its modest capital investment completely out of the income it has received. Instead of being a drain on the Exchequer broadcasting has generated millions of *liri* to Government in the form of Customs and Excise Duty on television and radio sets.

The Authority's accumulated shortfall on programme expenditure has reached the figure of Lm322,245. This represents the amount which should have been applied over the years to special programming in terms of the contract with Telemalta Corporation. This was not done due to insufficiency of funds.

The Auditor's Report and Financial Statements are included in the Appendices Section.

### ***Monitoring the News***

It would be a remarkable year that did not bring difficulties in the news sector of broadcasting and, in this respect, 1989 was not remarkable.

The Authority has a special responsibility for broadcast news. In terms of Section 7 (2) of the Broadcasting Ordinance, 1961 it has a duty to satisfy

itself that, so far as possible, "any news given in the programmes (in whatever form) is presented with due accuracy and impartiality". Moreover, the Authority is obliged by law to ensure that news coverage of events of political interest is "factual and objective".

According to the latest available statistical data (vide Appendices Section), the amount of time devoted to news on television during the year under review was just over 10.5% of the total airtime on TVM. On radio, news and news magazines occupied 18.05% of airtime on Radio Malta I and 8.43% on Radio Malta II.

It is estimated \* that the main news bulletin at 8.00 p.m. on television has the highest audience rating of any programme but audience figures fall off sharply for other news outlets on both radio and television.

There is no doubt that much public attention is focused on the 8.00 p.m. news bulletin on television and because of this politics and politicians tend to dominate the scene. How far this influences the people in their political attitudes can only be a matter for conjecture. It has been suggested that broadcasting tends to reinforce political attitudes in a country like Malta where people hold strong political views and have deep-seated commitments from which they cannot easily be dislodged. On the other hand there might be evidence that a proportion of the younger electorate are less politically committed and they are more readily influenced by the handling of issues of the day rather than by long term party allegiances. Studies on this matter conclude that television could, quite unintentionally, help political parties to win votes.

Whatever the outcome, the Authority was concerned at the extent of political or quasi-political domination in local news. Regular news analysis are compiled by the Authority as part of its monitoring function. The results of a typical exercise are shown in Tables 1 to 4, attached to the News Statistics drawn up for the period October - December 1989 which are reproduced in Appendix III of this Report (p. 35). These show that nearly 62% of all local news items included during the last three months of 1989 were based on some activity or statement held or issued by Government, the political parties or the trade unions.

This situation was further aggravated by frequently unimaginative scriptwriting and uncoordinated filming. The fleeting nature of broadcasting means that information tends to be impressionistic and unless news is clearly conveyed it loses much of its scope. Although progress has been achieved by Xandir Malta's News Division, the Authority remained very concerned at the lack of proper journalistic standards used, at times, in the

\* Xandir Malta audience survey carried out in 1988.

selection, preparation and presentation of the news. The vital importance of news value and its proper application by Xandir Malta journalists was repeatedly stressed whenever the occasion arose. New, important and relevant information presented in an interesting manner are the main ingredients sadly lacking in most of Xandir Malta's news output.

On the other hand, one should not ignore the unsatisfactory conditions under which Xandir Malta's newsmen work, including insufficient and antiquated equipment at their disposal and external pressures.

During this year the Authority felt the need to spell out to its Programme Contractor its policy on news. This document was in the form of a letter sent to the Head of Xandir Malta and made the following five main points:

1. The Authority issues, from time to time, general policy guidelines but delegates the day-to-day running of the news to its Contractor whose employees should have the necessary integrity, experience and professional competence.
2. The Authority does not normally substitute its own judgement for that exercised by the Station's News Division.
3. It is expected that Xandir Malta will abide by its legal and contractual obligations and the Authority will only intervene and issue directives should it become necessary for it to do so.
4. The Authority lays great stress on the fundamental importance of news value and on the proper observance of this criterion within a framework set by fairness and impartiality.
5. If progress is to be achieved in the news sector, the following additional requirements have to be applied:
  - a) more frequent use of the interview method instead of the tedious summarising of press releases to convey information;
  - b) resort to investigative reporting whereby information reaches the public on the station's initiative;
  - c) the inclusion of more human interest stories.

The full text of the letter in the original Maltese version is reproduced in Appendix IV (p. 37).

### ***Dealing with Complaints***

The Broadcasting Authority is mainly a regulatory body which is charged with the Constitutional function of maintaining impartiality in matters of

controversy and with the fair apportionment of time between persons belonging to different political parties. Its programme production activity is restricted to specific sectors and limited in extent.

Over the years, this watchdog function has contributed towards the Authority's image of a broadcasting complaints commission. In fact for most of the year under review, the Authority's formal sessions were mainly taken up with complaints about matters connected with the news bulletins.

The majority of complaints are made to the Authority in writing and the procedure for examining and adjudicating upon them is necessarily time consuming. In view of the nature of the issues involved, complaints are forwarded to Xandir Malta for comments. This evidence along with the original complaint is then evaluated by the Authority. Recordings of the news item or programme concerned are also taken into account along with Press coverage if this happens to be relevant in the process of adjudication.

During the period under review, the Authority dealt with 169 complaints. Of these, 132 were received from the political parties with the majority of them coming from the Malta Labour Party. Another 21 complaints of unjust or unfair treatment were submitted by the trade unions whilst 16 other complaints were lodged by various constituted bodies including the Employers' Association, environmental groups, youth and student movements, the Notarial College and individuals.

Of all the complaints decided upon by the Authority, 23 were upheld. An additional 17 complaints were found to be partly justified whilst another 2 required no definite action except noting. The overwhelming majority of complaints - 127 of them - were found to be unjustified and were rejected.

The Authority carries out this quasi-judicial function with the scrupulousness it requires and does not flinch from ordering on-air corrections if it deems such action to be warranted. Other measures, mainly in the form of warning or reprimand letters to Xandir Malta, are taken according to the circumstances applicable to the case. On the other hand, a number of complaints often turn out on examination to be frivolous with the complainant either basing his complaint on wrong information or on an outright misconception.

Towards the end of the year, the Authority was in the process of drawing up plans to introduce changes in order to enable it to cope satisfactorily with the volume of complaints and to carry out its other functions of supervising and setting programme standards.

Some complaints resulted in legal proceedings. A detailed account of these complaints is given in another section of this Report under the heading *Legal Affairs* (p. 23).

## ***Party Political Broadcasts***

The Broadcasting Authority's policy with regard to party political broadcasting is based on the fact that for the proper functioning of representative and democratic government, it is essential that the public should be fully informed of the various issues before the nation.

In order to contribute towards this objective, the Authority made available to the political parties represented in Parliament 750 minutes of airtime allocated in proportion to their parliamentary strength. The scheme based on this allocation of time had already been announced before developments within the Labour Party Parliamentary Group resulted in its decrease by one member and in the subsequent formation of a new political movement known as *Alternattiva Demokratika*. This movement, with Dr. Wenzu Mintoff as its parliamentary representative, later claimed and was granted proportional airtime in 1990.

Another development which took place during 1989 concerned the basis for the allocation of time to political parties. On the insistence of the *Partit Demokratiku* (PDM), the Authority asked its legal advisers to review the Authority's consistent practice of recognising only those parties with parliamentary representation for the purpose of airtime allocation under the Scheme. At the end of the year, this exercise was still under way.

Meanwhile, the Authority's Scheme of party political broadcasts consisted of 16 programmes spread over the period October 1989 to May 1990. This year's arrangements, apart from being affected by the World Cup Football matches in June 1990, included innovations. Both the Nationalist and Labour parties were offered airtime to be utilised in connection with their Annual General Conference. These two programmes will be transmitted on television within a period of ten days after this important event in the parties' political calendar.

The Scheme continued to include debates, press conferences and programmes which are entirely produced by the parties themselves. Press Conferences resorted to the former practice of having only one politician answering questions from a mixed panel of journalists drawn from the daily and weekly Press. The interview programme "*Wicc' Imb' Wicc'*" was discontinued.

All these arrangements were introduced after exhaustive discussion with the political parties and the Press. Unfortunately it was not possible to register unanimous agreement and in putting the scheme into operation, the Authority tried to adopt measures which took into account most of the feasible proposals which had been made.



The contents of party political broadcasts are the full responsibility of the party concerned. They are subject only to the rules and regulations issued by the Broadcasting Authority and to the law of the land.

A copy of the procedure governing this series of party political broadcasts is included in Appendix V (p. 39).

### ***Ministerial Broadcasts***

Ministerial statements on various subjects continued to be broadcast and during the year there were nine transmissions of this nature, details of which appear below:

<i>Date</i>	<i>Minister</i>	<i>Subject</i>	<i>Duration</i>
<b>1989</b>			
1. July 12	Deputy Prime Minister	175th Police Anniversary	15'04"
2. July 20	Parliamentary Secretary for Housing	Housing Schemes	12'23"
3. Sept. 4	Parliamentary Secretary for Industry	Protection of local industry	14'16"
4. Sept. 29	Parliamentary Secretary for Tourism	World Tourism Day	12'28"
5. Oct. 2	Parliamentary Secretaries for Health and Housing	World Habitat Day	25'29"
6. Oct. 5	Minister of Education	School Transport	9'39"
7. Oct. 18	Minister of Social Policy	Amnesty to National Insurance evaders	28'55"
<b>1990</b>			
8. March 21	Minister of Social Policy	National Insurance Act (Enforcement)	25'50"
9. March 30	Minister of Social Policy	National Insurance Act (Benefits)	34'00"

Ministerial broadcasts are utilised as the need arises and on the initiative of Ministers or Parliamentary Secretaries and not at the request of the

Authority or its programme contractors. The total time allocated for Ministerial broadcasts during a period of 12 months is 240 minutes. The time utilised for this purpose from April 1989 to March 1990 was 178 minutes.\* There were no requests for the right of reply.

### ***Anniversary Messages***

Another category of broadcasts has, over the years, assumed a regular character. This refers to the commemoration of certain internationally recognised dates on which a message is given to increase public awareness of and to stimulate discussion on a particular topic of international significance. Messages broadcast on such occasions are normally delivered by Ministers – although there is no necessity for some of these topics to be dealt with in this manner – and are of short duration.

The following *Anniversary Messages* were delivered during the year under review:

<i>Date</i>	<i>Subject</i>	<i>Speaker</i>	<i>Duration</i>
<b>1989</b>			
1. March 8	Women's Day	Prime Minister	9'
2. April 7	World Health Day	Minister of Social Policy	13'
3. May 5	Europe Day	Prime Minister	7'
4. May 16	World Telecommunications Day	Parliamentary Secretary for Posts and Telecommunications	9'
5. May 31	World Anti-Smoking Day	Minister of Social Policy	10'
6. June 5	World Environment Day	Minister of Education	4'
7. June 26	World Anti-Drugs Day	Minister of Social Policy	13'
8. Sept. 22	World Maritime Day	Parliamentary Secretary for Offshore Activities and Maritime Affairs	5'
9. Oct. 16	World Food Day	Minister for Productive Development	5'
10. Oct. 25	European Heritage Day	Minister of Education	5'
11. Nov. 10	World Children's Day	Minister of Education	5'

\* This 12-month period is in accordance with established practice.

The Malta Labour Party objected to the message delivered on the occasion of World Telecommunications Day claiming that this broadcast was merely explanatory of Government policy and activity in local telecommunications and that therefore it should be considered as a Ministerial broadcast with the time taken to be deleted from the Government's airtime allocation. In rejecting this contention, the Authority ruled that the nature of the occasion permitted this type of broadcast which was similar to others transmitted in past years. However, the Authority subsequently decided to keep the whole matter of anniversary broadcasts under review.

### ***Broadcasting from Parliament***

Broadcasts from Parliament during the course of 1989 included some transmissions which were carried direct on television and radio. These consisted of the swearing in of the new President of Malta, Dr. V. Tabone, who assumed the Office of President of the Republic on April 4; the address given by Madame Lalumiere, the Secretary General of the Council of Europe, to members of the House of Representatives on October 31; and the speeches given by the Prime Minister and by the Leader of the Opposition in connection with the Budget for 1990. The Budget debates in their entirety were also broadcast but in deferred form.

Perhaps it is unfortunate that the Budget debates take place during the period of ten days immediately before Christmas. If the timing were different, their transmission during the early part of the evening might not provoke annual complaints. As things happened, the period from 13th December to 22nd December, every evening from 4.55 p.m. to 7.55 p.m. was taken up with these debates. The Authority was fully consulted by the Speaker of the House of Representatives about these arrangements and it showed its concern in no uncertain terms basing its contentions on three main factors, i.e. Malta's one television channel position; the time of the year (just before Christmas); and the transmission time selected for these debates which practically allows no children's and family programmes to be broadcast during this period. However, it was not found possible to revise the arrangements made by the House.

The Authority has commissioned an Audience Survey which amongst other things will test public opinion on this issue. The survey is to be held in February 1990.

As long as there is no possibility of alternative local television viewing, the Authority will continue to advise against the method of parliamentary debate transmission adopted in 1989. This year the Authority initiated discussions with Mr. Speaker to agree on a method of reporting Budget parliamentary debates which would primarily take into account the interests

of the viewing public at large. One of the options is for broadcasters to be supplied with recordings of Parliamentary proceedings from which they could draw their programmes, using this judgement in accordance with the editorial obligations already placed on them.

Reports from Parliament continued throughout the year, normally three times per week, whenever Parliament was sitting. There were some occasions when members from both sides of the House requested and, after consideration, were given additional coverage to clarify points made during previous broadcast reports.

## ***Legal Affairs***

It was an active year for the Authority's Legal Adviser, Professor J.A. Micallef, LL.D., who was regularly called upon to advise the Authority on potential legal problems or to draft pleadings or defend the Authority in Court when proceedings were actually instituted against the Authority.

The Authority was involved in legal protests and Court Cases instituted by the Malta Labour Party or individual members of that Party and by officials from the organisation known as "*Is-Samaritani*". The latter had requested the Court to declare that the organisation was a philanthropic one (and not a political one) and that the Authority had failed in its duty in not ordering Xandir Malta to broadcast their activities. The Authority had pleaded that the choice of programmes was at Xandir Malta's discretion. The Authority's actions in this field were limited to giving or withholding approval for such programmes. The case is still being heard.

Legal proceedings were commenced by Dr. J. Brincat, LL.D., the Deputy Leader (Parliamentary Affairs) of the Malta Labour Party, against the Authority and Xandir Malta requesting the rectification of what was claimed as an imbalance in the news. Xandir Malta had given detailed news coverage to a speech by the Minister of Justice in which he had referred to the Courts. Dr. Brincat claimed that the Station had only broadcast snippets of his counter speech and had omitted any reference to it in their main news bulletin on television. The Authority considered the case and in reply stated that news content depended on news value since the question of balance was not applicable in news broadcasts. However, the Authority was also of the opinion that Dr. Brincat's remarks about the Courts were of news value and should have been included in the relevant news item. The case was settled out of Court after the Station carried the necessary adjustment in a subsequent news broadcast.

In another case which involved the Malta Labour Party, the Authority had been requested to grant the Party the right of reply to a news statement made by Mr. J. Attard Kingswell, the Prime Minister's Adviser on Shipyards.

The Authority after taking legal advice rejected the Labour Party's request to reply but offered participation in a debate on the Drydocks which had been the subject of Mr. Attard Kingswell's news interview. The Authority also contended that the 'offending' remarks were made in a generic way and could not be construed as references to the Malta Labour Party. The Party did not accept this explanation and issued a legal protest which was replied to by the Authority. Meanwhile the documentary programme about the Drydocks was broadcast as planned without the Labour Party's participation.

A major Court Case involved an interview programme in which the Parliamentary Secretary responsible for industry was questioned about his White Paper on protective measures for local industry and on the introduction of import levies. The first programme was followed by a discussion programme. The question and answer session involved, besides the Parliamentary Secretary, representatives of industry, commerce, the retailers and traders and one of the trade unions. The discussion programme which followed featured representatives of the two main political parties, another trade union and the consumers. The Labour Party took court action claiming that the programmes were in contravention of the law and requested the Court to order remedial measures. The Authority which had not been cited requested to be allowed to join the other parties in the suit. This point was conceded by the Court but the other merits of the case are still *sub judice*.

There were other formal legal protests during the year on questions relating to news content. In each case, the Authority's Legal Adviser took appropriate action to reject the claims levelled against the Authority. No further action, legal or otherwise, was taken by the originating party.

## ***International Regulation***

Two European broadcasting developments will in future have an effect on Maltese broadcasting. These are the European Convention on Transfrontier Television which was adopted by the Committee of Ministers of the Council of Europe on 15 March 1989 and the "Television Without Frontiers" Directive adopted by the Council of the European Communities. The text of both documents is included in Appendices VI & VII (pp. 47-80).

When through Cable Television, Satellite television becomes more of a reality in Malta it might be necessary to invoke the provisions of either of these instruments. According to expert opinion within the European Broadcasting Union the two instruments are on the whole very similar. Certain articles, i.e. proportion of European programmes, duration of advertising and interruption of programmes by advertising are identical and pursue similar aims.

So far 14 States have signed the Council of Europe Convention which will take effect three months after ratification by seven States - probably during 1992. Malta has already initiated the procedure to sign the Convention.

### ***International Relations***

Television in Europe is undergoing profound transformation since its establishment some 35 years ago. These changes in the European television landscape of which Malta inevitably forms part prompted the setting up of the European Television and Film Forum. The Broadcasting Authority was invited through its Chief Executive to form part of the Forum for a three-year period. The main function of this body is to promote harmonious development of high quality television and, amongst other things, it acts as an independent consultative organisation capable of expressing informed views on policy and regulatory matters in the broadcasting media.

The Forum held its first meeting in Luxembourg which was attended by the Authority's Chief Executive. The highly interesting and rewarding experience included discussions on such subjects as: A coherent audiovisual policy for Europe; Programme scheduling in a competitive situation; News Value in the 90's and How will the viewer benefit? The meeting was attended by European broadcasting experts and by professionals from other media organisations.

Attendance at the Forum was followed by a brief visit to a Cable Television Operation in Croydon near London where contacts were established in this field which, although new, is soon expected to engage local attention.

Another overseas visit during which members of the Authority gained useful experience took place in Limassol, Cyprus, which was the venue for the 40th Ordinary Session of the General Assembly of the European Broadcasting Union.

The Chairman and Chief Executive of the Authority were among 130 delegates from 36 countries who discussed European regulation of broadcasting and other matters of interest and concern to Malta.

The Authority besides being a member of the Union is also a full member of the Commonwealth Broadcasting Association and of the European Institute for the Media which is based in Manchester. The activities of the Institute include research and development projects in the fields of radio, television and the print media; the maintenance of a documentation centre and the publication of reports and information material.



*Presentation Ceremony in connection with the  
Commonwealth Song Competition*

### ***Commonwealth Song Competition***

Malta's participation in the first edition of the Commonwealth Song Competition was another facet of the Authority's activities which involved international relations. The Competition was promoted by The Commonwealth Foundation and was administered by the Commonwealth Broadcasting Association of which the Authority is a member.

The competition was due to operate at three levels. The first level consisted of national competitions run with the support and backing of national broadcasting stations. The two best songs which emerged from this level qualified for regional judging which was followed by final judging at the third international level.

Malta participated with two song entries entitled:

"A House with Many Rooms" by Ray Agius and Alfred Sant; and  
"Let's put the Wheel in Motion" by Godwin Sant

The selection was made by an independent panel from a total of eight entries. The local stage of the competition was conducted from tape recordings and with the cooperation of UKAM, the Union of Composers and Authors.

The Authority's efforts in this area of broadcasting were amply rewarded when on 13 December 1989 the Authority received the following telex message from the Commonwealth Foundation:

"To: The Chairman  
Malta Broadcasting Authority

Congratulations. Malta has won the Regional prize in the Commonwealth Song Competition. "A House with Many Rooms" sung by Manolito Galea and Olivia Camilleri was placed first for the European Region. Details of the results are being airmailed to you.

Faletau  
Commonwealth Foundation".

Malta had competed in the European Region which consisted of Britain, Canada, Cyprus, Gibraltar and Malta. Both Maltese song entries qualified in the regional phase of the contest and were placed in first and second position. The finals were won by a song from Zimbabwe.

The full results of the competition are shown separately in Appendix VIII (p. 81).

## ***Advertising***

The programmes broadcast by Xandir Malta may include advertising either at the beginning or at the end of a programme or in natural breaks within a programme. Advertising is regulated both by the terms of the Broadcasting Ordinance and by rules made by the Authority and which have been in force since 1962. These include regulatory provisions about such matters as false or misleading advertisements, advertising in children's programmes and other related matters. These "Principles to be followed in the broadcast of Advertisements on Sound and Television" are reproduced in Appendix IX (p. 83).

During the course of the year, the Authority was called upon to decide about the acceptability of certain advertisements. The main problem arose in connection with advertising which might be construed as serving the interests of political parties and as such these advertisements would run counter to the provision of Section 7 (2) (g) of the Ordinance. The advertisements involved were asked for by a section of the Press. The Authority, after considering the matter and on legal advice, decided that there would be no objection to the advertising of newspapers provided that such adverts did not intrinsically serve the political interests of a party.

The matter was being studied further in the light of modern overseas legislation.





# **APPENDICES**



## **Constitutional Provisions Relating to Broadcasting**

118. (1) There shall be a Broadcasting Authority for Malta which will consist of a chairman and such number of other members not being less than four as may be prescribed by any law for the time being in force in Malta.

(2) The members of the Broadcasting Authority shall be appointed by the President, acting in accordance with the advice of the Prime Minister given after he has consulted the Leader of the Opposition.

(3) A person shall not be qualified to hold office as a member of the Broadcasting Authority if he is a Minister, a Parliamentary Secretary, a member of, or candidate for election to, the House of Representatives, a member of a local government authority or if he is a public officer.

(4) A member of the Broadcasting Authority shall not, within a period of three years commencing with the day on which he last held office or acted as a member, be eligible for appointment to or to act in any public office.

(5) Subject to the provisions of this section, the office of a member of the Broadcasting Authority shall become vacant -

(a) at the expiration of five years from the date of his appointment or at such earlier time as may be specified in the instrument by which he was appointed; or

(b) if any circumstances arise that, if he were not a member of the Authority, would cause him to be disqualified for appointment as such.

(6) A member of the Broadcasting Authority may be removed from office by the President, acting in accordance with the advice of the Prime Minister, but he may be removed only for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(7) If the office of a member of the Broadcasting Authority is vacant or if a member is for any reason unable to perform the functions of his office, the President, acting in accordance with the advice of the Prime Minister, given after he has consulted the Leader of the Opposition, may appoint a

person who is qualified to be appointed to be a temporary member of the Authority; and any person so appointed shall, subject to the provision of subsections (5) and (6) of this section, cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(8) In the exercise of its functions under section 119(1) of this Constitution the Broadcasting Authority shall not be subject to the direction or control of any other person or authority.

119. (1) It shall be the function of the Broadcasting Authority to ensure that, so far as possible, in such sound and television broadcasting services as may be provided in Malta, due impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policy and that broadcasting facilities and time are fairly apportioned between persons belonging to different political parties.

(2) The function of the Broadcasting Authority referred to in subsection (1) of this section shall be without prejudice to such other functions and duties as may be conferred upon by any law for the time being in force in Malta.

## Radio and Television Programme Statistics

*Table 1. – Breakdown of Radio Malta I*

<i>Programmes</i>	<i>Average Weekly Hours</i>	<i>%</i>
News and News Magazines	23.97	18.05
Talks and Discussions	16.20	12.20
Ministerial Broadcasts	0.03	0.02
Religion	6.00	4.52
Adult Education	3.93	2.96
Children's Programmes:		
Informative/Entertainment	1.67	1.26
Plays, Serials and		
Maltese Readings	7.88	5.93
Variety Programmes	0.97	0.73
Sport	3.83	2.89
Music: Serious	5.32	4.01
Light/Popular	53.29	40.13
Women's Programmes	3.71	2.79
Political Broadcasts	0.35	0.26
Quizzes/Panel Games	1.12	0.84
Others	4.53	3.41
	132.80	100.00

*Table 2. – Breakdown of Radio Malta II*

<i>Programmes</i>	<i>Average Weekly Hours</i>	<i>%</i>
News and News Magazines	11.19	8.43
Talks and Discussions	6.07	4.57
Religion	1.67	1.26
Adult Education	1.26	0.95
Plays and Serials	3.35	2.52

Sport	3.11	2.34
Music: Serious	10.34	7.78
Light/Popular	91.84	69.17
Variety	0.58	0.43
Quizzes/Panel Games	1.84	1.38
Others	1.53	1.15
	<hr/> 132.78	<hr/> 100.00

*Table 3. – Breakdown of Television Programmes*

<i>Programmes</i>	<i>Average Weekly Hours</i>	<i>%</i>
News and News Magazines/ Magazine Programmes	5.82	10.50
Talks and Discussions	0.76	1.37
Documentaries	6.63	11.96
Feature Films	4.71	8.49
Schools	1.20	2.16
Adult Education	1.40	2.52
Children's Programmes:		
Informative/Entertainment	5.65	10.19
Serials: Classic/Adventure	7.14	12.88
Family Comedy	2.59	4.67
Teleplays – Entertainment	0.89	1.61
Religion	1.58	2.85
Variety Shows	2.76	4.98
Serious Music & Ballet	0.42	0.76
Sport	5.31	9.58
Ministerial Broadcasts & Right of Reply	0.05	0.09
Parliamentary Reports	0.89	1.61
Parliamentary Debates	0.64	1.15
Arts and Literature	0.70	1.26
Advertising, Sports/Magazines	1.93	3.48
Folk Music	1.39	2.51
Political Broadcasts	0.29	0.52
Miscellaneous	2.70	4.87
	<hr/> 55.45	<hr/> 100.00

# News Statistics

## *Comparative Analysis for the period October - December 1989*

News reports on television are analysed regularly as part of the Broadcasting Authority's monitoring function. The process of news analysis is mainly related to the 8.00 p.m. news bulletin of TVM and is intended to focus attention of specific aspects of news reporting and to determine whether normal journalistic standards are observed on the broadcasting media.

This exercise is concerned with the news coverage given regularly in three major areas of local news content. These are: Official Government Activities; party political news and views; trade union information and activity. The following four tables are meant to show the cumulative effect of news coverage in all three sectors on the average news bulletin (Table 1). Each sector is analysed separately in the other three tables (Tables: 2,3 and 4). Comparative figures for 1988 are shown in brackets.

**Table 1**

Month	Government Activities	Party Political			Unions		Total	Daily Average
		NP	MLP	Other	CMTU	GWU		
October	108 (133)	14 (39)	39 (32)	13 (1)	17 (10)	28 (24)	219 (239)	7.1
November	104 (102)	32 (45)	44 (30)	10 (8)	13 (7)	19 (24)	222 (216)	7.4
December	90 (114)	33 (28)	42 (38)	5 (3)	17 (11)	39 (25)	226 (219)	7.3
	<u>302 (349)</u>	<u>79 (112)</u>	<u>125 (100)</u>	<u>28 (12)</u>	<u>47 (28)</u>	<u>86 (73)</u>	<u>667 (674)</u>	<u>7.3</u>

**Table 2 – Ministerial Activities**

Month	News Items		Ministerial Activities	% of	
	Local	Foreign		Total	Local
October	360	207	108 (133)	19.0	30.0
November	360	176	104 (102)	19.4	28.9
December	357	165	90 (114)	17.0	25.0
	<u>1077</u>	<u>548</u>	<u>302 (349)</u>	18.6	28.0



**Table 3 – Party Political Activities**

<i>Month</i>	<i>News Items</i>		<i>Party Political</i>			<i>% of</i>	
	<i>Local</i>	<i>Foreign</i>	<i>NP</i>	<i>MLP</i>	<i>Others</i>	<i>Total</i>	<i>Local</i>
October	360	207	14(39)	39(32)	13(1)	11.6	18.3
November	360	176	32(45)	44(30)	10(8)	16.0	23.9
December	357	165	33(28)	42(38)	5(3)	15.3	22.4
	<hr/> 1077	<hr/> 548	<hr/> 79(112)	<hr/> 125(100)	<hr/> 28(12)	14.3	21.5
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>		

**Table 4 – Trade Union Activities**

<i>Month</i>	<i>News Items</i>		<i>Unions</i>		<i>% of</i>	
	<i>Local</i>	<i>Foreign</i>	<i>CMTU</i>	<i>GWU</i>	<i>Total</i>	<i>Local</i>
October	360	207	17 (10)	28 (24)	7.9	12.5
November	360	176	13 (7)	19 (24)	6.0	8.9
December	357	165	17 (11)	39 (25)	10.7	15.7
	<hr/> 1077	<hr/> 548	<hr/> 47 (28)	<hr/> 86 (73)	8.2	12.3
	<hr/>	<hr/>	<hr/>	<hr/>		

19 ta' Mejju, 1989

Is-Sur Manni Spiteri  
Kap ta' Xandir Malta  
Gwardamangia.

## **L-Ahbarijiet**

Nirreferi għall-laqgħa li saret fil-25 ta' April bejn l-Awtorità u Xandir Malta meta ġew ippreżentati u kienu diskussi l-proposti ta' Xandir Malta dwar aspetti li jirrigwardaw l-ahbarijiet.

F'laqgħat ohra, l-Awtorità kompliet tikkunsidra l-kwistjoni kollha dwar l-ahbarijiet u r-reazzjoni ta' l-Awtorità hija kif imfisser hawn taht:-

1. L-Awtorità, apparti l-policy ġenerali, qatt ma dahlet u anqas hu mistenni minnha li normalment tidhol fil-kwistjoni dwar liema sura għandhom jiehdu l-bullettini ta' l-ahbarijiet u dettalji fir-rigward.
2. Għal dan hi qabbdet lill-kuntrattur tagħha.
3. Din hi haġa li għandha fl-ewwel lok tithalla f'idejn l-inizjattiva, il-hila professjonali u l-integrità ġurnalistika ta' l-Istazzjon. L-Awtorità anqas għandha semplicement tissostitwixxi l-ġuddizzji tagħha għal dawk ta' l-Istazzjon.
4. Hu mistenni mill-Istazzjon li f'dan kollu jiġu osservati il-Kostituzzjoni u l-liġijiet l-oħra tal-pajjiż u l-obbligi kuntrattwali li jirregolaw r-relazzjonijiet bejn l-Awtorità u l-kuntrattur tagħha. L-Awtorità tintervjeni u tagħmel sugġerimenti, tagħti direttivi u jekk hemm bżonn ordnijiet, jekk tara li l-Istazzjon ma jkunx qed jimxi kif imfisser. L-Awtorità tagħxi mhux esklussivament wara li jiġru affarijiet li ma jkunux joġġbuha. Fejn prevedibbli u jekk meħtieġ, anki tagħxi minn qabel - jew biex isiru xi affarijiet ukoll biex ma jibqgħux isiru jew jiġu modifikati, oħrajn.
5. L-Awtorità ttenni għal elf darba li l-kriterju bażiku tal-bullettini ta' l-ahbarijiet hu n-"news value" fuq sfond ta' "fairness" u imparzjalità.
6. L-Awtorità tapprova dak kollu li hu konformi ma' dan u tiddizapprova u tesigi li jinqata' barra dak li hu inkonsistenti ma' dan.

7. L-Awtorità, biex ikun hemm titjib sostanzjali, trid tara:

- (a) l-użu dejjem akbar tal-mezz ta' l-intervista biex jitwassal tagħrif flok is-suntegġjar tedjanti ta' l-istqarrija;
- (b) rappurtar investigattiv fejn informazzjoni titwassal lill-pubbliku bl-inizjattiva ta' l-Istazzjon;
- (c) stejjer li għandhom interess uman.

8. Riferibbilment għad-direttiva ta' l-Awtorità datata 18 ta' Settembru 1987 dwar it-tul massimu li għandu jiehu rapport ta' attività politika, fid-dawl ta' l-esperjenza, l-Awtorità waqt li tinsisti li għandhom jiġu rappurtati punti ta' news value biss, fir-rigward tal-vizwal li l-Istazzjon għandu jara l-okkażjoni x'vizwal tiflah - kollox a bażi ta' "news worthiness", imparzjalità u "fairness".

9. Il-prinċipju ta' valur ta' aħbar huwa l-qofol tal-bullettin ta' l-aħbarijiet **kollu kemm hu**.

L-Awtorità lesta li terġa' tiltaqa' miegħek jekk inti thoss li d-dikjarazzjoni ta' 'policy' kif tidher hawn fuq tehtieg xi kjarifikazzjoni jew elaborazzjoni.

**A.J. Ellul**

*Chief Executive*

## **Procedure Governing Party Political Broadcasts**

### **1. GENERAL**

- 1.1 This scheme of Party Political Broadcasts consists of Press Conferences, Debates, Party Productions and programmes connected with the parties' Annual General Council/Conference.
- 1.2 All programmes included in this scheme are transmitted under the auspices of the Broadcasting Authority.
- 1.3 No Party Political Broadcast is held on a declared public holiday. Should a broadcast happen to fall on such a day, that broadcast is postponed to another day in the following week. (vide also para 5.5)
- 1.4 This scheme covers the period October 1989 to May 1990 provided that any programmes connected with the parties' Annual General Council/Conference which might occur outside this period are also to be considered as part of the scheme. This rule is without prejudice to the provisions of para 1.12 of this scheme.
- 1.5 Political Broadcasts will be held as shown in the attached calendar.
- 1.6 If a broadcast is not used by a party on its scheduled transmission date, that broadcast will be forfeited and an appropriate announcement made.
- 1.7 Political Party representatives, and all those taking part in this series, must abide by the provisions of the Law, any rules issued by the Authority from time to time and any order or directive given by the presiding Chairman. The Authority's decision on any points which may arise in connection with these broadcasts will be final.
- 1.8 Neither the Broadcasting Authority nor its Contractor, the TeleMalta Corporation (Xandir Malta Division), will accept any responsibility for any interference with or breakdown of the television or radio services and cannot bind themselves to repeat any broadcasts that suffer as a result of such interference or breakdown.
- 1.9 The Authority reserves the right to suspend indefinitely, or for such time as it will consider necessary, any person from participating in

any of the programmes in this scheme in the event that such person shall have, in the Authority's view, committed a serious breach of the rules, particularly rule 1.7

- 1.10 Unless otherwise indicated programmes in this series will be broadcast on Radio Malta 1 and on Television.
- 1.11 Provided adequate notice is given, the Authority will issue a press hand-out and advance publicity on the broadcasting media will also be arranged.
- 1.12 This series of Party Political Broadcasts will automatically come to an end on the date Parliament is dissolved.
- 1.13 In selecting a subject, parties should be guided by the need to inform and educate public opinion on specific matters. Slogans will not be accepted and the choice of titles must be consistent with the spirit of this rule.
- 1.14 In all programmes under this scheme, where the Authority requires advance information about speakers and the choice of subject, the following arrangements will apply: The Party whose turn it is to choose the subject and speaker/s will supply the required information in writing to the Authority by not later than noon on Monday preceding the day of broadcast. Failure to comply with this rule will disrupt arrangements and may entail the forfeiture of the broadcast in which case an appropriate announcement will be made. The Authority will inform the other Party in writing about the subject and speaker/s selected not later than the following day (office hours).
- 1.15 The programmes in this series are transmitted from Xandir Malta Studios after pre-recording which takes place in the presence of the Authority's Legal Adviser. Participants are to be at the Studios not later than half an hour before recording time. Unless otherwise directed by the Authority, recording will take place at 10.00 a.m. sharp on the day of broadcast. Only the participants and the Party Broadcasting Officer or his representative may attend the checking of the play-back. A programme will be re-recorded only if the Authority so decides.
- 1.16 Political Parties participating in the scheme may request a tape recording of any political programme under the scheme after the programme has been broadcast. In such cases, the tape is to be provided by the requesting party. A period of seven days from the date of the broadcast is allowed for such requests.

## *SPECIFIC ARRANGEMENTS*

### **2. PRESS CONFERENCES - 'L-ISTAMPA TISTAQSI'**

- 2.1 This section of the scheme consists of four programmes - two of 60 minutes and two of 70 minutes each. One programme from each category is allocated to the Nationalist Party and to the Malta Labour Party.
- 2.2 Press Conferences are meant to be informative discussions in which a party representative answers questions put to him in the general public interest by the Press.
- 2.3 Questions should be brief and relevant and journalists will be allowed supplementary and counter questions. The party spokesman should also be brief and to the point.
- 2.4 The presiding Chairman nominated by the Broadcasting Authority has been delegated full discretionary powers to regulate the programme fairly and firmly.
- 2.5 After the Chairman's introductory remarks, the party spokesman will make a short statement after which the Chairman will invite questions.
- 2.6 The spokesman for the party concerned has the option to make a concluding statement.
- 2.7 The following time schedule will regulate programmes in this section:

	<i>60 minutes</i>	<i>70 minutes</i>
Chairman's Introduction	1 min.	1 min.
Party spokesman's opening statement	3 mins.	3 mins.
Question Time	52 mins.	62 mins.
Party spokesman's summing up	3 mins.	3 mins.
Chairman's closing	1 min.	1 min.

(Vide Appendix B, p. 45, for detailed breakdown of Question Time).

- 2.8 Press representation will be regulated in accordance with the arrangements shown in Appendix C (p. 45).

2.9 The Authority reserves the right to review Press representation from time to time.

2.10 The order in which journalists will participate will be determined by ballot.

### 3. DEBATES

3.1 The present series of Debates is made up of six programmes of 60 minutes, each with four participants.

3.2 The party which selects the subject will open and wind up the debate.

3.3 All Debates in this series will be under the charge of a Chairman nominated by the Authority.

3.4 The Chairman should ensure that clarity prevails at all times and that an equal opportunity is presented to both sides. The Chairman retains full discretionary powers to act as necessary to ensure that the interests of viewers and listeners are safeguarded.

3.5 Debates will be conducted on the following lines:

<i>1st round:</i>	Chairman's Introduction	1 min.
	First Speaker (Party A)	8 mins.
	Second Speaker (Party B)	7 mins.
	Third Speaker (Party A)	7 mins.
	Fourth Speaker (Party B)	7 mins.

<i>2nd round:</i>	First Speaker (Party A)	7 mins.
	Second Speaker (Party B)	7 mins.
	Third Speaker (Party B)	7 mins.
	Fourth Speaker (Party A)	8 mins.
	Chairman's closing	1 min.

3.6 All those taking part in Debates must strictly follow the Chairman's instructions whose decision in the proper conduct of the debate will be final.

### 4. PARTY PRODUCTIONS

4.1 The programme in this section may, at the parties' discretion, vary from the straight talk to an elaborate television production.

4.2 Party productions in this scheme consist of two programmes of 20 minutes each allocated to the Nationalist Party and two programmes of 15 minutes each allocated to the Malta Labour Party.

- 4.3 The Authority must be informed at least a week before the programme is due to be transmitted about the nature of the broadcast, i.e. whether it is a straight talk, an interview, a debate or a production on tape or film.
- 4.4 The Authority and Xandir Malta will render no assistance in filming, in taking of stills, in putting graphic material together or in any other way. The production must be of entirely Maltese origin and all programme material must comply with the Station's technical requirements and be provided by the parties themselves. Such material shall be submitted to the Authority for vetting at least 24 hours before a programme is due for recording in the normal manner.
- 4.5 Programmes in this category will be broadcast on television only. A bottom-frame caption indicating the nature of the programme will be shown three times during transmission.

## 5. ANNUAL GENERAL PARTY CONFERENCES

- 5.1 This section consists of two programmes of 30 minutes each to be produced, one by each party, in close proximity to their annual general council/conference.
- 5.2 Each programme will be connected with and descriptive of this annual party activity and will be produced entirely on a "sights and sounds" basis taking place within the environs of the respective conference location.
- 5.3 Programmes will be broadcast within 10 days of delivery of the closing speech by the respective party leader at the annual general council/conference.
- 5.4 Adequate notice (not less than 3 working days) is to be given to the Authority concerning the day on which programmes in this category are to be broadcast.
- 5.5 A VHS cassette copy is to be delivered to the Authority for legal vetting at least 48 hours before the programme is due for recording. In this case recording will take place at 10.00 a.m. either on the day of broadcast or on the last working day preceding the day of broadcast if this falls on a Saturday, Sunday or Public Holiday.
- 5.6 Every effort will be made to slot these programmes in accordance with the parties' wishes. However, should scheduling problems arise, the final decision will be taken by the Authority after consultation with Xandir Malta and the party concerned.



Appendix A

**Calendar of Party Political Broadcasts  
October 1989 to May 1990**

<i>No.</i>	<i>Date</i>			<i>Programme</i>	<i>Party</i>
1	1989	October	20	<i>L-Istampa Tistaqsi</i>	Nationalist Party
2		October	27	<i>L-Istampa Tistaqsi</i>	Malta Labour Party
3		November	10	Debate	Nationalist Party
4		November	17	Debate	Malta Labour Party
5	1990	January	12	Party Production	Nationalist Party
6		January	19	Party Production	Malta Labour Party
7		February	2	Debate	Malta Labour Party
8		February	9	Debate	Nationalist Party
9		February	23	<i>L-Istampa Tistaqsi</i>	Malta Labour Party
10		March	2	<i>L-Istampa Tistaqsi</i>	Nationalist Party
11		March	16	Debate	Malta Labour Party
12		March	23	Debate	Nationalist Party
12A		April	27	Party Production	<i>Alternattiva Demokratika</i>
13		May	4	Party Production	Malta Labour Party
14		May	11	Party Production	Nationalist Party

- Note:*
- (i) *Programmes connected with the parties' annual general councils/conferences are not included in this schedule.*
  - (ii) *Programmes are transmitted on Fridays at 9.15 p.m.*

## *Appendix B*

### **Press Conferences - Breakdown of Question Time**

#### *A. 60-minute programmes*

There will be three rounds of questioning as follows:

1st round: 1 minute for question and 4 minutes for reply

2nd round: 1 minute for question and 4 minutes for reply

3rd round: 30 seconds for question and 2½ minutes for reply

#### *B. 70-minute programmes*

There will be two rounds during which 1 minute will be allowed for questioning and 5 minutes for reply for each round.

## *Appendix C*

### **Press Representation for Press Conferences**

1. *60-minute programme due on 20th October 1989*  
(subject chosen by the Nationalist Party)

1. *Il-Helsien*
2. *L-Orizzont*
3. *In-Nazzjon Taghna*
4. The Times

2. *60-minute programme due on 27th October 1989*  
(subject chosen by the Malta Labour Party)

1. The Democrat
2. *Il-Mument*
3. *Il-Helsien*
4. The Times

3. *70-minute programme due on 23rd February 1990*  
(subject chosen by the Malta Labour Party)

1. *In-Nazzjon Taghna*
2. *Il-Mument*
3. *It-Torċa*
4. Sunday Times
5. *Il-Ġens*

4. *70-minute programme due on 2nd March 1990*  
(subject chosen by the Nationalist Party)

1. *L-Orizzont*
2. *It-Torċa*
3. The Democrat
4. *Il-Gens*
5. Sunday Times

15.3.1989

COUNCIL  
OF EUROPE



CONSEIL  
DE L'EUROPE

EUROPEAN CONVENTION  
ON TRANSFRONTIER TELEVISION

CONVENTION EUROPÉENNE  
SUR LA TÉLÉVISION TRANSFRONTIÈRE

STRASBOURG  
Provisional edition  
Edition provisoire

## PREAMBLE

The member States of the Council of Europe and the other States party to the European Cultural Convention, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members, for the purpose of safeguarding and releasing the ideals and principles which are their common heritage;

Considering that the dignity and equal worth of every human being constitute fundamental elements of those principles;

Considering that the freedom of expression and information, as embodied in Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms, constitutes one of the essential principles of a democratic society and one of the basic conditions for its progress and for the development of every human being;

Reaffirming their commitment to the principles of the free flow of information and ideas and the independence of broadcasters, which constitute an indispensable basis for their broadcasting policy;

Affirming the importance of broadcasting for the development of culture and the free formation of opinions in conditions safeguarding pluralism and equality of opportunity among all democratic groups and political parties;

Convinced that the continued development of information and communication technology should serve to further the right, regardless of frontiers, to express, to seek, to receive and to impart information and ideas whatever their source;

Being desirous to present an increasing range of choice of programme services for the public, thereby enhancing Europe's heritage and developing its audiovisual creation, and being determined to achieve this cultural objective through efforts to increase the production and circulation of high-quality programmes, thereby responding to the public's expectations in the political, educational and cultural fields;

Recognising the need to consolidate the common broad framework of regulation;

Bearing in mind Resolution No. 2 and the Declaration of the 1st European Ministerial Conference on Mass Media Policy;

Being desirous to develop the principles embodied in the existing Council

of Europe Recommendations on principles on television advertising, in equality between women and men in the media, on the use of satellite capacity for television and sound radio, and on the promotion of audiovisual production in Europe;

Have agreed as follows:

## CHAPTER I - GENERAL PROVISIONS

### Article 1 - Object and purpose

This Convention is concerned with programme services embodied in transmissions. The purpose is to facilitate, among the Parties, the transfrontier transmission and the retransmission of television programme services.

### Article 2 - Terms employed

For the purposes of this Convention:

*a.* "Transmission" means the initial emission by terrestrial transmitter by cable, or by satellite of whatever nature, in encoded or unencoded form, of television programme services for reception by the general public. It does not include communication services operating on individual demand;

*b.* "Retransmission" signifies the fact of receiving and simultaneously transmitting, irrespective of the technical means employed, complete and unchanged television programme services, or important parts of such services, transmitted by broadcasters for reception by the general public;

*c.* "Broadcaster" means the natural or legal person who composes television programme services for reception by the general public and transmits them or has them transmitted, complete and unchanged, by a third party;

*d.* "Programme service" means all the items within a single service provided by a given broadcaster within the meaning of the preceding paragraph;

*e.* "European audiovisual works" means creative works, the production or co-production of which is controlled by European natural or legal persons;

*f.* "Advertisement" means any public announcement intended to promote the sale, purchase or rental of a product or service, to advance a cause or idea or to bring about some other effect desired by the advertiser, for which transmission time has been given to the advertiser for remuneration or similar consideration;

g. "Sponsorship" means the participation of a natural or legal person, who is not engaged in broadcasting activities or in the production of audiovisual works, in the direct or indirect financing of a programme with a view to promoting the name, trademark or image of that person.

### Article 3 - Field of application

This Convention shall apply to any programme service transmitted or retransmitted by entities or by technical means within the jurisdiction of a Party, whether by cable, terrestrial transmitter or satellite, and which can be received, directly or indirectly, in one or more other Parties.

### Article 4 - Freedom of reception and retransmission

The Parties shall ensure freedom of expression and information in accordance with Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms and they shall guarantee freedom of reception and shall not restrict the retransmission on their territories of programme services which comply with the terms of this Convention.

### Article 5 - Duties of the transmitting Parties

1. Each transmitting Party shall ensure, by appropriate means and through its competent organs, that all programme services transmitted by entities or by technical means within its jurisdiction, within the meaning of Article 3, comply with the terms of this Convention.
2. For the purposes of this Convention, the transmitting Party shall be:
  - a. in the case of terrestrial transmissions, the Party in which the initial emission is effected;
  - b. in the case of satellite transmissions:
    - i. the Party in which the satellite up-link is situated;
    - ii. the Party which grants the use of the frequency or a satellite capacity when the up-link is situated in a State which is not a Party to this Convention;
    - iii. the Party in which the broadcaster has its seat when responsibility under sub-paragraphs i and ii is not established.
3. When programme services transmitted from States which are not Parties to this Convention are retransmitted by entities or by technical means within the jurisdiction of a Party, within the meaning of Article 3, that Party, acting as transmitting Party, shall ensure, by appropriate means and through its competent organs, compliance with the terms of this Convention.

### Article 6 - Provision of information

1. The responsibilities of the broadcaster shall be clearly and adequately

specified in the authorisation issued by, or contract concluded with, the competent authority of each Party, or by any other legal measure.

2. Information about the broadcaster shall be made available, upon request, by the competent authority of the transmitting Party. Such information shall include, as a minimum, the name or denomination, seat and status of the broadcaster, the name of the legal representative, the composition of the capital, the nature, purpose and mode of financing of the programme service the broadcaster is providing or intends providing.

## CHAPTER II - PROGRAMMING MATTERS

### Article 7 - Responsibilities of the broadcaster

1. All items of programme services, as concerns their presentation and content, shall respect the dignity of the human being and the fundamental rights of others.

In particular, they shall not:

- a. be indecent and in particular contain pornography;
- b. give undue prominence to violence or be likely to incite racial hatred.

2. All items of programme services which are likely to impair the physical, mental or moral development of children and adolescents shall not be scheduled when, because of the time of transmission and reception, they are likely to watch them.

3. The broadcaster shall ensure that news fairly present facts and events and encourage the free formation of opinions.

### Article 8 - Right of Reply

1. Each transmitting Party shall ensure that every natural or legal person, regardless of nationality or place of residence, shall have the opportunity to exercise a right of reply or to seek other comparable legal or administrative remedies relating to programmes transmitted or retransmitted by entities or by technical means within its jurisdiction, within the meaning of Article 3. In particular, it shall ensure that timing and other arrangements for the exercise of the right of reply are such that this right can be effectively exercised. The effective exercise of this right or other comparable legal or administrative remedies shall be ensured both as regards the timing and the modalities.

2. For this purpose, the name of the broadcaster responsible for the programme service shall be identified therein at regular intervals by appropriate means.



## Article 9 - Access of the public to major events

Each Party shall examine the legal measures to avoid the right of the public to information being undermined due to the exercise by a broadcaster of exclusive rights for the transmission or retransmission, within the meaning of Article 3, an event of high public interest and which has the effect of depriving a large part of the public in one or more other Parties of the opportunity to follow that event on television.

## Article 10 - Cultural objectives

1. Each transmitting Party shall ensure, where practicable and by appropriate means, that broadcasters reserve for European works a majority proportion of their transmission time, excluding the time appointed to news, sports, events, games, advertising and teletext services. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria.

2. In case of disagreement between a receiving Party and a transmitting Party on the application of the preceding paragraph, recourse may be had, at the request of one of the Parties, to the Standing Committee with a view to its formulating an advisory opinion on the subject. Such a disagreement shall not be submitted to the arbitration procedure provided for in Article 26.

3. The Parties undertake to look together for the most appropriate instruments and procedures to support, without discrimination between broadcasters, the activity and development of European production, particularly in countries with a low audiovisual production capacity or restricted language area.

4. The Parties, in the spirit of cooperation and mutual assistance which underlies this Convention, shall endeavour to avoid that programme services transmitted or retransmitted by entities or by technical means within their jurisdiction, within the meaning of Article 3, endanger the pluralism of the press and the development of the cinema industries. No cinematographic work shall accordingly be transmitted in such services, unless otherwise agreed between its rights holders and the broadcaster, until two years have elapsed since the work was first shown in cinemas; in the case of cinematographic works co-produced by the broadcaster, this period shall be one year.

## CHAPTER III - ADVERTISING

### Article 11 - General Standards

1. All advertisements shall be fair and honest.
2. Advertisements shall not be misleading and shall not prejudice the interests of consumers.
3. Advertisements to or using children shall avoid anything likely to harm their interests and shall have regard to their special susceptibilities.
4. The advertiser shall not exercise any editorial influence over the content of programmes.

### Article 12 - Duration

1. The amount of advertising shall not exceed 15% of the daily transmission time. However, this percentage may be increased to 20% to include forms of advertisements such as direct offers to the public for the sale, purchase or rental of products or for the provision of services, provided the amount of spot advertising does not exceed 15%.
2. The amount of spot advertising within a given one-hour period shall not exceed 20%.
3. Forms of advertisements such as direct offers to the public for the sale, purchase or rental of products or for the provision of services shall not exceed one hour per day.

### Article 13 - Form and presentation

1. Advertisements shall be clearly distinguishable as such and recognisable separate from the other items of the programme service by optical or acoustic means. In principle, they shall be transmitted in blocks.
2. Subliminal advertisements shall not be allowed.
3. Surreptitious advertisements shall not be allowed, in particular the presentation of products or services in programmes when it serves advertising purposes.
4. Advertisements shall not feature, visually or orally, persons regularly presenting news and current affairs programmes.

### Article 14 - Insertion of advertisements

1. Advertisements shall be inserted between programmes. Provided the

conditions contained in paragraphs 2 to 5 of this Article are fulfilled, advertisements may also be inserted during programmes in such a way that the integrity and value of the programme and the rights of the rights holders are not prejudiced.

2. In programmes consisting of autonomous parts, or in sports programmes and similarly structured events and performances comprising intervals, advertisements shall only be inserted between the parts or in the intervals.

3. The transmission of audiovisual works such as feature films and films made for television (excluding series, serials, light entertainment programmes and documentaries), provided their duration is more than forty-five minutes, may be interrupted once for each complete period of forty-five minutes. A further interruption is allowed if their duration is at least twenty minutes longer than two or more complete periods of forty-five minutes.

4. Where programmes, other than those covered by paragraph 2, are interrupted by advertisements, a period of at least twenty minutes should elapse between each successive advertising break within the programme.

5. Advertisements shall not be inserted in any broadcast of a religious service. News and current affairs programmes, documentaries, religious programmes, and children's programmes, when they are less than thirty minutes of duration, shall not be interrupted by advertisements. If they last for thirty minutes or longer, the provisions of the previous paragraph shall apply.

#### Article 15 - Advertising of particular products

1. Advertisements for tobacco products shall not be allowed.

2. Advertisements for alcoholic beverages of all varieties shall comply with the following rules:

*a.* they shall not be addressed particularly to minors and no one associated with the consumption of alcoholic beverages in advertisements should seem to be a minor;

*b.* they shall not link the consumption of alcohol to physical performance or driving;

*c.* they shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal problems;

*d.* they shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;

*e.* they shall not place undue emphasis on the alcoholic content of beverages.

3. Advertisements for medicines and medical treatment which are only

available on medical prescription in the transmitting Party shall not be allowed.

4. Advertisements for all other medicines and medical treatment shall be clearly distinguishable as such, honest, truthful and subject to verification and shall comply with the requirement of protection of the individual from harm.

#### Article 16 - Advertising directed specifically at a single Party

1. In order to avoid distortions in competition and endangering the television system of a Party, advertisements which are specifically and with some frequency directed to audiences in a single Party other than the transmitting Party shall not circumvent the television advertising rules in that particular Party.

2. The provisions of the preceding paragraph shall not apply where:

*a.* the rules concerned establish a discrimination between advertisements transmitted by entities or by technical means within the jurisdiction of that Party and advertisements transmitted by entities or by technical means within the jurisdiction of another Party, or

*b.* the Parties concerned have concluded bilateral or multilateral agreements in this area.

### CHAPTER IV - SPONSORSHIP

#### Article 17 - General Standards

1. When a programme or series or programmes is sponsored in whole or in part, it shall clearly be identified as such by appropriate credits at the beginning and/or end of the programme.

2. The content and scheduling of sponsored programmes may in no circumstances be influenced by the sponsor in such a way as to affect the responsibility and editorial independence of the broadcaster in respect of programmes.

3. Sponsored programmes shall not encourage the sale, purchase or rental of the products or services of the sponsor or a third party, in particular by making special promotional references to those products or services in such programmes.

#### Article 18 - Prohibited sponsorship

1. Programmes may not be sponsored by natural or legal persons whose

principal activity is the manufacture or sale of products, or the provision of services, the advertising of which is prohibited by virtue of Article 15.

2. Sponsorship of news and current affairs programmes shall not be allowed.

## CHAPTER V - MUTUAL ASSISTANCE

### Article 19 - Cooperation between the Parties

1. The Parties undertake to render each other mutual assistance in order to implement this Convention.

2. For that purpose:

*a.* each Contracting State shall designate one or more authorities, the name and address of each of which it shall communicate to the Secretary General of the Council of Europe at the time of deposit of its instrument of ratification, acceptance, approval or accession;

*b.* each Contracting State which has designated more than one authority shall specify in its communication under sub-paragraph *a* the competence of each authority.

3. An authority designated by a Party shall:

*a.* furnish the information foreseen under Article 6, paragraph 2, of this Convention;

*b.* furnish information at the request of an authority designated by another Party on the domestic law and practices in the fields covered by this Convention;

*c.* cooperate with the authorities designated by the other Parties whenever useful, and notably where this would enhance the effectiveness of measures taken in implementation of this Convention;

*d.* consider any difficulty arising from the application of this Convention which is brought to its attention by an authority designated by another Party.

## CHAPTER VI - STANDING COMMITTEE

### Article 20 - Standing Committee

1. For the purposes of this Convention, a Standing Committee shall be set up.

2. Each Party may be represented on the Standing Committee by one or more delegates. Each delegation shall have one vote. Within the areas of

its competence, the European Economic Community shall exercise its right to vote with a number of votes equal to the number of its member States which are Parties to this Convention; the European Economic Community shall not exercise its right to vote in cases where the member States concerned exercise theirs, and conversely.

3. Any State referred to in Article 29, paragraph 1, which is not a Party to this Convention may be represented on the Standing Committee by an observer.

4. The Standing Committee may seek the advice of experts in order to discharge its functions. It may, on its own initiative or at the request of the body concerned, invite any international or national, governmental or non-governmental body technically qualified in the fields covered by this Convention to be represented by an observer at one or part of one of its meetings. The decision to invite such experts or bodies shall be taken by a majority of three-quarters of the members of the Standing Committee.

5. The Standing Committee shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held within six months of the date of entry into force of the Convention. It shall subsequently meet whenever one-third of the Parties or the Committee of Ministers of the Council of Europe so requests, or on the initiative of the Secretary General of the Council of Europe in accordance with the provisions of Article 23, paragraph 2, or at the request of one or more Parties in accordance with the provisions of Articles 21, sub-paragraph c, and 25, paragraph 2.

6. A majority of the Parties shall constitute a quorum for holding a meeting of the Standing Committee.

7. Subject to the provisions of paragraph 4 and Article 23, paragraph 3, the decisions of the Standing Committee shall be taken by a majority of three-quarters of the members present.

8. Subject to the provisions of this Convention, the Standing Committee shall draw up its own Rules of Procedure.

#### Article 21 - Functions of the Standing Committee

The Standing Committee shall be responsible for following the application of this Convention. It may:

- a. make recommendations to the Parties concerning the application of the Convention;
- b. suggest any necessary modifications of the Convention and examine those proposed in accordance with the provisions of Article 23;

- c.* examine, at the request of one or more Parties, questions concerning the interpretation of the Convention;
- d.* use its best endeavours to secure a friendly settlement of any difficulty referred to it in accordance with the provisions of Article 25;
- e.* make recommendations to the Committee of Ministers concerning States other than those referred to in Article 29, paragraph 1, to be invited to accede to this Convention.

## Article 22 - Reports of the Standing Committee

After each meeting, the Standing Committee shall forward to the Parties and the Committee of Ministers of the Council of Europe a report on its discussions and any decisions taken.

## CHAPTER VII - AMENDMENTS

### Article 23 - Amendments

1. Any Party may propose amendments to this Convention.
2. Any proposal for amendment shall be notified to the Secretary General of the Council of Europe who shall communicate it to the member States of the Council of Europe, to the other States party to the European Cultural Convention, to the European Economic Community and to any non-member State which has acceded to, or has been invited to accede to this Convention in accordance with the provisions of Article 30. The Secretary General of the Council of Europe shall convene a meeting of the Standing Committee at the earliest two months following the communication of the proposal.
3. The Standing Committee shall examine any amendment proposed and shall submit the text adopted by a majority of three-quarters of the members of the Standing Committee to the Committee of Ministers for approval. After its approval, the text shall be forwarded to the Parties for acceptance.
4. Any amendment shall enter into force on the thirtieth day after all the Parties have informed the Secretary General of their acceptance thereof.

## CHAPTER VIII - ALLEGED VIOLATIONS OF THE CONVENTION

### Article 24 - Alleged Violations of this Convention

1. When a Party finds a violation of this Convention, it shall communicate to the transmitting Party the alleged violation and the two Parties shall endeavour to overcome the difficulty on the basis of the provisions of Articles 19, 25 and 26.

2. If the alleged violation is of a manifest, serious and grave nature which raises important public issues and concerns Articles 7, paragraphs 1 or 2, 12, 13, paragraph 1, first sentence, 14 or 15, paragraphs 1 or 3, and if it persists within two weeks following the communication, the receiving Party may suspend provisionally the retransmission of the incriminated programme service.

3. In all other cases of alleged violation, with the exception of those provided for in paragraph 4, the receiving Party may suspend provisionally the retransmission of the incriminated programme services eight months following the communication, if the alleged violation persists.

4. The provisional suspension of retransmission shall not be allowed in the case of alleged violations of Article 7, paragraph 3, 8, 9 or 10.

## CHAPTER IX - SETTLEMENT OF DISPUTES

### Article 25 - Conciliation

1. In case of difficulty arising from the application of this Convention, the Parties concerned shall endeavour to achieve a friendly settlement.

2. Unless one of the Parties concerned objects, the Standing Committee may examine the question, by placing itself at the disposal of the parties concerned in order to reach a satisfactory solution as rapidly as possible and, where appropriate, to formulate an advisory opinion on the subject.

3. Each party concerned undertakes to accord the Standing Committee without delay all information and facilities necessary for the discharge of its functions under the preceding paragraph.

### Article 26 - Arbitration

1. If the parties concerned cannot settle the dispute in accordance with the provisions of Article 25, they may, by common agreement, submit it to arbitration, the procedure of which is provided for in the appendix to this Convention. In the absence of such an agreement within six months following the first request to open the procedure of conciliation, the dispute may be submitted to arbitration at the request of one of the parties.

2. Any Party may, at any time, declare that it recognises as compulsory *ipso facto* and without special agreement in respect of any other Party accepting the same obligation the application of the arbitration procedure provided for in the appendix to this Convention.



## CHAPTER X - OTHER INTERNATIONAL AGREEMENTS AND THE INTERNAL LAW OF THE PARTIES

### Article 27 - Other international agreements or arrangements

1. In their mutual relations, Parties which are members of the European Economic Community shall apply Community rules and shall not therefore apply the rules arising from this Convention except in so far as there is no Community rule governing the particular subject concerned.
2. Nothing in this Convention shall prevent the Parties from concluding international agreements completing or developing its provisions or extending their field of application.
3. In the case of bilateral agreements, this Convention shall not alter the rights and obligations of Parties which arise from such agreements and which do not affect the enjoyment of other Parties of their rights or the performance of their obligations under this Convention.

### Article 28 - Relations between the Convention and the internal law of the Parties

Nothing in this Convention shall prevent the Parties from applying stricter or more detailed rules than those provided for in this Convention to programme services transmitted by entities or by technical means within their jurisdiction, within the meaning of Article 3.

## CHAPTER XI - FINAL PROVISIONS

### Article 29 - Signature and entry into force

1. This Convention shall be open for signature by the member States of the Council of Europe and the other States party to the European Cultural Convention, and by the European Economic Community. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
2. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which seven States, of which at least five member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of the preceding paragraph.
3. A State may, at the time of signature or at any later date prior to the entry into force of this Convention in respect of that State, declare that it shall apply the Convention provisionally.

4. In respect of any State referred to in paragraph 1, or the European Economic Community, which subsequently express their consent to be bound by it, this Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of ratification, acceptance or approval.

#### Article 30 - Accession by non-member States

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe, after consulting the Contracting States may invite any other State to accede to this Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee.

2. In respect of any acceding State, this Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

#### Article 31 - Territorial application

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2. Any State may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of such notification by the Secretary General.

#### Article 32 - Reservations

1. At the time of signature or when depositing its instrument of ratification, acceptance, approval or accession:

*a.* any State may declare that it reserves the right to restrict the retransmission

on its territory, solely to the extent that it does not comply with its domestic legislation of programme services containing advertisements for alcoholic beverages according to the rules provided for in Article 15, paragraph 2, of this Convention;

*b.* the United Kingdom may declare that it reserves the right not to fulfil the obligation, set out in Article 15, paragraph 1, to prohibit advertisements for tobacco products, in respect of advertisements for cigars and pipe tobacco broadcast by the Independent Broadcasting Authority by terrestrial means on its territory.

No other reservation may be made.

2. A reservation made in accordance with the preceding paragraph may not be the subject of an objection.

3. Any Contracting State which has made a reservation under paragraph 1 may wholly or partly withdraw it by means of a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall take effect on date of receipt of such notification by the Secretary General.

4. A Party which has made a reservation in respect of a provision of this Convention may not claim the application of that provision by any other Party; it may, however, if its reservation is partial or conditional, claim the application of that provision in so far as it has itself accepted it.

#### Article 33 - Denunciation

1. Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

#### Article 34 - Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council, the other States party to the European Cultural Convention, the European Economic Community and any State which has acceded to, or has been invited to accede to this Convention of:

*a.* any signature;

*b.* the deposit of any instrument of ratification, acceptance, approval or accession;

*c.* any date of entry into force of this Convention in accordance with the provisions of Articles 29, 30 and 31;

- d. any report established in accordance with the provisions of Article 22;
- e. any other act, declaration, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at ..... the ....., in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the other States party to the European Cultural Convention, to the European Economic Community and to any State invited to accede to this Convention.

May 1989

## APPENDIX

### Arbitration

1. A request for arbitration shall be notified to the Secretary General of the Council of Europe. It shall include the name of the other party to the dispute and the subject matter of the dispute. The Secretary General shall communicate the information so received to all the Parties to this Convention.

2. In the event of a dispute between two Parties one of which is a member State of the European Economic Community, the latter itself being a Party, the request for arbitration shall be addressed both to the member State and to the Community, which jointly shall notify the Secretary General, within one month of receipt of the request, whether the member State or the Community, or the member State and the Community jointly, shall be party to the dispute. In the absence of such notification within the said time-limit, the member State and the Community shall be considered as being one and the same party to the dispute for the purposes of the application of the provisions governing the constitution and procedure of the arbitration tribunal. The same shall apply when the member State and the Community jointly present themselves as party to the dispute. In cases envisaged by this paragraph, the time-limit of one month foreseen in the first sentence of paragraph 4 hereafter shall be extended to two months.

3. The arbitration tribunal shall consist of three members: each of the parties to the dispute shall appoint one arbitrator; the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chairman of the tribunal. The latter shall not be a national of either of the parties to the dispute, nor have his usual place of residence in the

territory of either of those parties, nor be employed by either of them, nor have dealt with the case in another capacity.

4. If one of the parties has not appointed an arbitrator within one month following the communication of the request by the Secretary General of the Council of Europe, he shall be appointed at the request of the other party by the President of the European Court of Human Rights within a further one-month period. If the President of the Court is unable to act or is a national of one of the parties to the dispute, the appointment shall be made by the Vice-President of the Court or by the most senior judge to the Court who is available and is not a national of one of the parties to the dispute. The same procedure shall be observed if, within a period of one month following the appointment of the second arbitrator, the Chairman of the arbitration is not designated.

5. The provisions of paragraphs 3 and 4 shall apply, as the case may be, in order to fill any vacancy.

6. Two or more parties which determine by agreement that they are in the same interest shall appoint an arbitrator jointly.

7. The parties to the dispute and the Standing Committee shall provide the arbitration tribunal with all facilities necessary for the effective conduct of the proceedings.

8. The arbitration tribunal shall draw up its own Rules of Procedure. Its decisions shall be taken by majority vote of its members. Its award shall be final and binding.

9. The award of the arbitration tribunal shall be notified to the Secretary General of the Council of Europe who shall communicate it to all the Parties to this Convention.

10. Each party to the dispute shall bear the expenses of the arbitrator appointed by it; these parties shall share equally the expenses of the other arbitrator, as well as other costs entailed by the arbitration.

II

*(Acts whose publication is not obligatory)*

## COUNCIL

### COUNCIL DIRECTIVE of 3 October 1989

on the coordination of certain provisions laid down by law, regulation  
or administrative action in Member States concerning the pursuit of  
television broadcasting activities

(89/552/EEC)

#### THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic  
Community, and in particular Articles 57 (2) and 66 thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

In cooperation with the European Parliament<sup>2</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>3</sup>,

Whereas the objectives of the Community as laid down in the Treaty  
include establishing an even closer union among the peoples of Europe,  
fostering closer relations between the States belonging to the Community,  
ensuring the economic and social progress of its countries by common  
action to eliminate the barriers which divide Europe, encouraging the  
constant improvement of the living conditions of its people as well as  
ensuring the preservation and strengthening of peace and liberty;

Whereas the Treaty provides for the establishment of a common market,  
including the abolition, as between Member States, of obstacles to freedom  
of movement for services and the institution of a system ensuring that  
competition in the common market is not distorted;

1. OJ No C 179, 17.7. 1986, p.4.

2. OJ No C 49, 22.2. 1988, p.53 and OJ No C 158, 26.6 1989.

3. OJ No C 232, 3.8. 1987, p.29.

Whereas broadcasts transmitted across frontiers by means of various technologies are one of the ways of pursuing the objectives of the Community; whereas measures should be adopted to permit and ensure the transition from national markets to a common programme production and distribution market and to establish conditions of fair competition without prejudice to the public interest role to be discharged by the television broadcasting services;

Whereas the Council of Europe has adopted the European Convention on Transfrontier Television;

Whereas the Treaty provides for the issuing of directives for the coordination of provisions to facilitate the taking up of activities as self-employed persons;

Whereas television broadcasting constitutes, in normal circumstances, a service within the meaning of the Treaty;

Whereas the Treaty provides for free movement of all services normally provided against payment, without exclusion on grounds of their cultural or other content and without restriction of nationals of Member States established in a Community country other than that of the person for whom the services are intended;

Whereas this right as applied to the broadcasting and distribution of television services is also a specific manifestation in Community law of a more general principle, namely the freedom of expression as enshrined in Article 10(1) of the Convention for the Protection of Human Rights and Fundamental Freedoms ratified by all Member States; whereas for this reason the issuing of directives on the broadcasting and distribution of television programmes must ensure their free movement in the light of the said Article and subject only to the limits set by paragraph 2 of that Article and by Article 56(1) of the Treaty;

Whereas the laws, regulations and administrative measures in Member States concerning the pursuit of activities as television broadcasters and cable operators contain disparities, some of which may impede the free movement of broadcasts within the Community and may distort competition within the common market;

Whereas all such restrictions on freedom to provide broadcasting services within the Community must be abolished under the Treaty;

Whereas such abolition must go hand in hand with coordination of the applicable laws; whereas this coordination must be aimed at facilitating the pursuit of the professional activities concerned and, more generally, the free movement of information and ideas within the Community;

Whereas it is consequently necessary and sufficient that all broadcasts comply with the law of Member State from which they emanate;

Whereas this Directive lays down the minimum rules needed to guarantee freedom of transmission in broadcasting; whereas, therefore, it does not affect the responsibility of the Member States and their authorities with regard to the organisation - including the systems of licensing, administrative, authorisation or taxation - financing and the content of programmes; whereas the independence of cultural developments in the Member States and the preservation of cultural diversity in the Community therefore remain unaffected;

Whereas it is necessary, in the common market, that all broadcasts emanating from and intended for reception within the Community and in particular those intended for reception in another Member State, should respect the law of the originating Member State applicable to broadcasts intended for reception by the public in that Member State and the provisions of this Directive;

Whereas the requirement that the originating Member State should verify that broadcasts comply with national law as coordinated by this Directive is sufficient under Community law to ensure free movement of broadcasts without secondary control on the same grounds in the receiving Member States; whereas, however, the receiving Member State may, exceptionally and under specific conditions provisionally suspend the retransmission of televised broadcasts;

Whereas it is essential for the Member States to ensure the prevention of any acts which may prove detrimental to freedom of movement and trade in television programmes or which may promote the creation of dominant positions which would lead to restrictions on pluralism and freedom of televised information and of the information sector as a whole;

Whereas this Directive, being confined specifically to television broadcasting rules, is without prejudice to existing or future Community acts of harmonisation, in particular to satisfy mandatory requirements concerning the protection of consumers and the fairness of commercial transactions and competition;

Whereas coordination is nevertheless needed to make it easier for persons and industries producing programmes having a cultural objective to take up and pursue their activities;

Whereas minimum requirements in respect of all public or private Community television programmes for European audio-visual productions have been a means of promoting production, independent production and



distribution in the abovementioned industries and are complementary to other instruments which are already or will be proposed to favour the same objective;

Whereas it is therefore necessary to promote markets of sufficient size for television productions in the Member States to recover necessary investments not only by establishing common rules opening up national markets but also by envisaging for European productions where practicable and by appropriate means a majority proportion in television programmes of all Member States; whereas, in order to allow the monitoring of the application of these rules and the pursuit of the objectives, Member States will provide the Commission with a report on the application of the proportions reserved for European works and independent productions in this Directive; whereas for the calculation of such proportions account should be taken of the specific situation of the Hellenic Republic and the Portuguese Republic; whereas the Commission must inform the other Member States of these reports accompanied, where appropriate, by an opinion taking account of, in particular, progress achieved in relation to previous years, the share of first broadcasts in the programming, the particular circumstances of new television broadcasters and the specific situation of countries with a low audio-visual production capacity or restricted language area;

Whereas for these purposes 'European works' should be defined without prejudice to the possibility of Member States laying down a more detailed definition as regards television broadcasters under their jurisdiction in accordance with Article 3 (1) in compliance with Community law and account being taken of the objectives of this Directive;

Whereas it is important to seek appropriate instruments and procedures in accordance with Community law in order to promote the implementation of these objectives with a view to adopting suitable measures to encourage the activity and development of European audio-visual production and distribution, particularly in countries with a low production capacity or restricted language area;

Whereas national support schemes for the development of European production may be applied in so far as they comply with Community law;

Whereas a commitment, where practicable, to a certain proportion of broadcasts for independent productions, created by producers who are independent of broadcasters, will stimulate new sources of television production, especially the creation of small and medium-sized enterprises; whereas it will offer new opportunities and outlets to the marketing of creative talents of employment of cultural professions and employees in the cultural field; whereas the definition of the concept of independent

producer by the Member States should take account of that objective by giving due consideration to small and medium-sized producers and making it possible to authorise financial participation by the co-production subsidiaries of television organisations;

Whereas measures are necessary for Member States to ensure that a certain period elapses between the first cinema showing of a work and the first television showing;

Whereas in order to allow for an active policy in favour of a specific language, Member States remain free to lay down more detailed or stricter rules in particular on the basis of language criteria, as long as these rules are in conformity with Community law, and in particular are not applicable to the retransmission of broadcasts originating in other Member States;

Whereas in order to ensure that the interests of consumers as television viewers are fully and properly protected, it is essential for television advertising to be subject to a certain number of minimum rules and standards and that the Member States must maintain the right to set more detailed or stricter rules and in certain circumstances to lay down different conditions for television broadcasters under their jurisdiction;

Whereas Member States, with due regard to Community law and in relation to broadcasts intended solely for the national territory which may not be received, directly or indirectly, in one or more Member States, must be able to lay down different conditions for the insertion of advertising and different limits for the volume of advertising in order to facilitate these particular broadcasts;

Whereas it is necessary to prohibit all television advertising promoting cigarettes and other tobacco products including indirect forms of advertising which, whilst not directly mentioning the tobacco product, seek to circumvent the ban on advertising by using brand names, symbols or other distinctive feature of tobacco products or of undertakings whose known or main activities include the production or sale of such products;

Whereas it is equally necessary to prohibit all television advertising for medicinal products and medical treatment available only on prescription in the Member State within whose jurisdiction the broadcaster falls and to introduce strict criteria relating to the television advertising of alcoholic products;

Whereas in view of the growing importance of sponsorship in the financing of programme, appropriate rules should be laid down;

Whereas it is, furthermore, necessary to introduce rules to protect the

physical, mental and moral development of minors in programmes and in television advertising;

Whereas although television broadcasters are normally bound to ensure that programmes present facts and events fairly, it is nevertheless important that they should be subject to specific obligations with respect to the right of reply or equivalent remedies so that any person whose legitimate interests have been damaged by an assertion made in the course of a broadcast television programmes may effectively exercise such right or remedy.

HAS ADOPTED THIS DIRECTIVE:

## CHAPTER I

### **Definitions**

#### *Article 1*

For the purpose of this Directive:

- (a) 'television broadcasting' means the initial transmission by wire or over the air, including that by satellite, in unencoded or encoded form, of television programmes intended for reception by the public. It includes the communication of programmes between undertakings with a view to their being relayed to the public. It does not include communication services providing items of information or other messages on individual demand such as telecopying, electronic data banks and other similar services;
- (b) 'television advertising' means any form of announcement broadcast in return for payment or for similar consideration by a public or private undertaking in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, or rights and obligations, in return for payment.

Except for the purposes of Article 18, this does not include direct offers to the public for the sale, purchase or rental of products or for the provision of services in return for payment;

- (c) 'surreptitious advertising' means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the broadcaster to serve advertising and might mislead the public as to its nature. Such representation is considered to be intentional in particular if it is done in return for payment or for similar consideration;

- (d) 'sponsorship' means any contribution made by a public or private undertaking not engaged in television broadcasting activities or in the production of audio-visual works, to the financing of television programmes with a view to promoting its name, its trade mark, its image, its activities or its products.

## CHAPTER II

### General Provisions

#### *Article 2*

1. Each Member State shall ensure that all television broadcasts transmitted
  - by broadcasters under its jurisdiction, or
  - by broadcasters who, while not being under the jurisdiction of any Member State, make use of a frequency or a satellite capacity granted by, or a satellite up-link situated in, that Member State, comply with the law applicable to broadcasts intended for the public in that Member State.
2. Member States shall ensure freedom of reception and shall not restrict retransmission on their territory of television broadcasts from other Member States for reasons which fall within the fields coordinated by this Directive. Member States may provisionally suspend retransmissions of television broadcasts if the following conditions are fulfilled:
  - (a) a television broadcast coming from another Member State manifestly, seriously and gravely infringes Article 22;
  - (b) during the previous 12 months, the broadcaster has infringed the same provision on at least two prior occasions;
  - (c) the Member State concerned has notified the broadcaster and the Commission in writing of the alleged infringement and of its intention to restrict retransmission should any such infringement occur again;
  - (d) consultations with the transmitting State and the Commission have not produced an amicable settlement within 15 days of the notification provided for in point (c), and the alleged infringement persists.

The Commission shall ensure that the suspension is compatible with Community law. It may ask the Member State concerned to put an end to a suspension which is contrary to Community law, as a matter of urgency. This provision is without prejudice to the application of any procedure, remedy or sanction to the infringements in question in the Member State which has jurisdiction over the broadcaster concerned.

3. This Directive shall not apply to broadcasts intended exclusively for reception in States other than Member States, and which are not received directly or indirectly in one or more Member States.

### Article 3

1. Member States shall remain free to require television broadcasters under their jurisdiction to lay down more detailed or stricter rules in the areas covered by this Directive.

2. Member States shall, by appropriate means, ensure, within the framework of their legislation, that television broadcasters under their jurisdiction comply with the provisions of this Directive.

## CHAPTER III

### **Promotion of distribution and production of television programmes**

#### *Article 4*

1. Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve for European works, within the meaning of Article 6, a majority proportion of their transmission time, excluding the time appointed to news, sports events, games, advertising and teletext services. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria.

2. Where the proportion laid down in paragraph 1 cannot be attained, it must not be lower than the average for 1988 in the Member State concerned.

However, in respect of the Hellenic Republic and the Portuguese Republic, the year 1988 shall be replaced by the year 1990.

3. From 3 October 1991, the Member States shall provide the Commission every two years with a report on the application of this Article and Article 5.

That report shall in particular include a statistical statement on the achievement of the proportion referred to in this Article and Article 5 for each of the television programmes falling within the jurisdiction of the Member State concerned, the reasons, in each case, for the failure to attain that proportion and the measures adopted or envisaged in order to achieve it.

The Commission shall inform the other Member States and the European Parliament of the reports, which shall be accompanied, where appropriate, by an opinion. The Commission shall ensure the application of this Article and Article 5 in accordance with the provisions of the Treaty. The Commission may take account in its opinion, in particular, of progress achieved in relation to previous years, the share of first broadcast works in the programming, the particular circumstances of new television broadcasters and the specific situation of countries with a low audiovisual production capacity or restricted language area.

4. The Council shall review the implementation of this Article on the basis of a report from the Commission accompanied by any proposals for revision that it may deem appropriate no later than the end of the fifth year from the adoption of the Directive.

To that end, the Commission report shall, on the basis of the information provided by Member States under paragraph 3, take account in particular of developments in the Community market and of the international context.

#### *Article 5*

Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10% of their transmission time, excluding the time appointed to news, sports events, games, advertising and teletext services, or alternately, at the discretion of the Member State, at least 10% of their programming budget, for European works created by producers who are independent of broadcasters. This proportion, having regard to broadcasters' informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria; it must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within five years of their production.

#### *Article 6*

1. Within the meaning of this chapter, 'European works' means the following:

- (a) works originating from Member States of the Community and, as regards television broadcasters falling within the jurisdiction of the Federal Republic of Germany, works from German territories where the Basis Law does not apply and fulfilling the conditions of paragraph 2;
- (b) works originating from European third States party to the European Convention on Transfrontier Television of the Council of Europe and fulfilling the conditions of paragraph 2;

(c) works originating from other European third countries and fulfilling the conditions of paragraph 3.

2. The works referred to in paragraph 1(a) and (b) are works mainly made with authors and workers residing in one or more States referred to in paragraph 1(a) and (b) provided that they comply with one of the following three conditions:

- (a) they are made by one or more producers established in one or more of those States; or
- (b) production of the works is supervised and actually controlled by one or more producers established in one or more of those States; or
- (c) the contribution of co-producers of those States to the total co-production costs is preponderant and the co-production is not controlled by one or more producers established outside those States.

3. The works referred to in paragraph 1(c) are works made exclusively or in co-production with producers established in one or more Member State by producers established in one or more European third countries with which the Community will conclude agreements in accordance with the procedures of the Treaty, if those works are mainly made with authors and workers residing in one or more European States.

4. Works which are not European works within the meaning of paragraph 1, but made mainly with authors and workers residing in one or more Member States, shall be considered to be European works to an extent corresponding to the proportion of the contribution of Community co-producers to the total production costs.

#### *Article 7*

Member States shall ensure that the television broadcasters under their jurisdiction do not broadcast any cinematographic work, unless otherwise agreed between its rights holders and the broadcaster, until two years have elapsed since the work was first shown in cinemas in one of the Member States of the Community; in the case of cinematographic works co-produced by the broadcaster, this period shall be one year.

#### *Article 8*

Where they consider it necessary for purposes of language policy, the Member States, whilst observing Community law, may as regards some or all programmes of television broadcasters under their jurisdiction, lay down more detailed or stricter rules in particular on the basis of language criteria.

## *Article 9*

This Chapter shall not apply to local television broadcasts not forming part of a national network.

## CHAPTER IV

### **Television advertising and sponsorship**

#### *Article 10*

1. Television advertising shall be readily recognisable as such and kept quite separate from other parts of the programme service by optical and/or acoustic means.
2. Isolated advertising spots shall remain the exception.
3. Advertising shall not use subliminal techniques.
4. Surreptitious advertising shall be prohibited.

#### *Article 11*

1. Advertisements shall be inserted between programmes. Provided the conditions contained in paragraphs 2 to 5 of this Article are fulfilled, advertisements may also be inserted during programmes in such a way that the integrity and value of the programme, taking into account natural breaks in and the duration and nature of the programme, and the rights of the rights holders are not prejudiced.
2. In programmes consisting of autonomous parts, or in sports programmes and similarly structured events and performances comprising intervals, advertisements shall only be inserted between the parts or in the intervals.
3. The transmission of audiovisual works such as feature films and films made for television (excluding series, serials, light entertainment programmes and documentaries), provided their programmed duration is more than 45 minutes, may be interrupted once for each complete period of 45 minutes. A further interruption is allowed if their programmed duration is at least 20 minutes longer than two or more complete periods of 45 minutes.
4. Where programmes, other than those covered by paragraph 2, are interrupted by advertisements, a period of at least 20 minutes should elapse between each successive advertising break within the programme.



5. Advertisements shall not be inserted in any broadcast or a religious service. News and current affairs programmes, documentaries, religious programmes, and children's programmes, when their programmed duration is less than 30 minutes shall not be interrupted by advertisements. If their programmed duration is of 30 minutes or longer, the provisions of the previous paragraphs shall apply.

#### *Article 12*

Television advertising shall not:

- (a) prejudice respect for human dignity;
- (b) include any discrimination on grounds of race, sex or nationality;
- (c) be offensive to religious or political beliefs;
- (d) encourage behaviour prejudicial to health or to safety;
- (e) encourage behaviour prejudicial to the protection of the environment.

#### *Article 13*

All forms of television advertising for cigarettes and other tobacco products shall be prohibited.

#### *Article 14*

Television advertising for medicinal products and medical treatment available only on prescription in the Member State within whose jurisdiction the broadcaster falls shall be prohibited.

#### *Article 15*

Television advertising for alcoholic beverages shall comply with the following criteria:

- (a) it may not be aimed specifically at minors or, in particular, depict minors consuming these beverages;
- (b) it shall not link the consumption of alcohol to enhanced physical performance or to driving;
- (c) it shall not create the impression that the consumption of alcohol contributes towards social or sexual success;
- (d) it shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;
- (e) it shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;
- (f) it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.

## *Article 16*

Television advertising shall not cause moral or physical detriment to minors, and shall therefore comply with the following criteria for their protection:

- (a) it shall not directly exhort minors to buy a product or a service by exploiting their inexperience or credulity;
- (b) it shall not directly encourage minors to persuade their parents or others to purchase the goods or services being advertised;
- (c) it shall not exploit the special trust minors place in parents, teachers or other persons;
- (d) it shall not unreasonably show minors in dangerous situations.

## *Article 17*

1. Sponsored television programmes shall meet the following requirements:

- (a) the content and scheduling of sponsored programmes may in no circumstances be influenced by the sponsor in such a way as to affect the responsibility and editorial independence of the broadcaster in respect of programmes;
- (b) they must be clearly identified as such by the name and/or logo of the sponsor at the beginning and/or the end of the programmes;
- (c) they must not encourage the purchase or rental of the products or services of the sponsor or a third party, in particular by making special promotional references to those products or services.

2. Television programmes may not be sponsored by natural or legal persons whose principal activity is the manufacture or sale of products, or the provision of services, the advertising of which is prohibited by Article 13 or 14.

3. News and current affairs programmes may not be sponsored.

## *Article 18*

1. The amount of advertising shall not exceed 15% of the daily transmission time. However, this percentage may be increased to 20% to include forms of advertisements such as direct offers to the public for the sale, purchase or rental of products or for the provision of services, provided the amount of spot advertising does not exceed 15%.

2. The amount of spot advertising within a given one-hour period shall not exceed 20%.

3. Without prejudice to the provisions of paragraph 1, forms of advertisements such as direct offers to the public for the sale, purchase or rental of products or for the provision of services shall not exceed one hour per day.

#### *Article 19*

Member States may lay down stricter rules than those in Article 18 for programming time and the procedures for television broadcasting for television broadcasters under their jurisdiction, so as to reconcile demand for televised advertising with the public interest, taking account in particular of:

- (a) the role of television in providing information, education, culture and entertainment;
- (b) the protection of pluralism of information and of the media.

#### *Article 20*

Without prejudice to Article 3, Member States may, with due regard for Community law, lay down conditions other than those laid down in Article 11 (2) to (5) and in Article 18 in respect of broadcasts intended solely for the national territory which may not be received, directly or indirectly, in one or more other Member States.

#### *Article 21*

Member States shall, within the framework of their laws, ensure that in the case of television broadcasts that do not comply with the provisions of this chapter, appropriate measures are applied to secure compliance with these provisions.

### **CHAPTER V**

#### **Protection of minors**

#### *Article 22*

Member States shall take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include programmes which might seriously impair the physical, mental or moral development of minors, in particular those that involve pornography or gratuitous violence. This provision shall extend to other programmes which are likely to impair the physical, mental or moral development of

minors, except where it is ensured, by selecting the time of the broadcast or by any technical measure, that minors in the area of transmission will not normally hear or see such broadcasts.

Member States shall also ensure that broadcasts do not contain any incitement to hatred on grounds of race, sex, religion or nationality.

## CHAPTER VI

### **Right of reply**

#### *Article 23*

1. Without prejudice to other provisions adopted by the Member States under civil, administrative or criminal law, any natural or legal person, regardless of nationality, whose legitimate interests, in particular reputation and good name, have been damaged by an assertion of incorrect facts in a television programme must have a right of reply or equivalent remedies.

2. A right of reply or equivalent remedies shall exist in relation to all broadcasters under the jurisdiction of a Member State.

3. Member States shall adopt the measures needed to establish the right of reply or the equivalent remedies and shall determine the procedure to be followed for the exercise thereof. In particular, they shall ensure that a sufficient time span is allowed and that the procedures are such that the right or equivalent remedies can be exercised appropriately by natural or legal persons resident or established in other Member States.

4. An application for exercise of the right of reply or the equivalent remedies may be rejected if such a reply is not justified according to the conditions laid down in paragraph 1, would involve a punishable act, would render the broadcaster liable to civil law proceedings or would transgress standards of public decency.

5. Provision shall be made for procedures whereby disputes as to the exercise of the right of reply or the equivalent remedies can be subject to judicial review.

## CHAPTER VII

### **Final provisions**

#### *Article 24*

In fields which this Directive does not coordinate, it shall not affect the rights and obligations of Member States resulting from existing conventions dealing with telecommunications or broadcasting.

#### *Article 25*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 3 October 1991. They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the fields governed by this Directive.

#### *Article 26*

Not later than the end of the fifth year after the date of adoption of this Directive and every two years thereafter, the Commission shall submit to the European Parliament, the Council, and the Economic and Social Committee a report on the application of this Directive and, if necessary, make further proposals to adapt it to developments in the field of television broadcasting.

#### *Article 27*

This Directive is addressed to the Member States.

Done at Luxembourg, 3 October 1989

*For the Council*

*The President*

R. DUMAS

## Commonwealth Song Competition - 1989

### RESULTS OF THE REGIONAL COMPETITION

#### Africa

First Position: Zimbabwe  
Title of Song: *"Our Rainbow"*  
Sung by: Christians Against Racial Discrimination (CARD)

Second Position: Sierra Leone  
Title of Song: *"The Commonwealth Generation"*  
Composed by: John Gbla (Jnr.)

Third Position: Uganda  
Title of Song: *"Commonwealth Brings Us Together"*  
Sung By: Nelson Bamweyana and his Youthful Bank

#### Asia

First Position: Malaysia  
Title of song: *"All the Dreams We Share"*  
Sung by: William Noel Clark

Second Position: India  
Title of song: *"Peace, Peace, Peace"*  
Composed by: Santosh Kumar

Third Position: Malaysia  
Title of song: *"Together"*  
Sung by: Isabella Solsiano and Tristano Soliano

#### Caribbean

First Position: Bahamas  
Title of song: *"Our Commonwealth"*  
Written by: Dawn Sands

Second Position: Bahamas  
Title of Song: *"Reaching Out"*  
Composed by: Hershell Small

### Europe

First Position: Malta  
Title of Song: *"A House with Many Rooms"*  
Sung by: Manolito Galea and Olivia Camilleri

Second Position: Malta  
Title of Song: *"Let's Put the Wheel in Motion"*  
Sung by: Vincent Buhagiar, Maria Lewis, Bridget Gauci and Stephanie Lewis

### South Pacific

First Position: Tonga  
Title of Song: *"Commonwealth"*  
Sung by: Friendly Islander Band

Second Position: Kiribati  
Title of Song: *"We are the Commonwealth"*  
Sung by: Maroti Rimon

Third Position: Kiribati  
Title of Song: *"Be Grateful to The Commonwealth"*  
Sung by: St Louis Students

### RESULTS OF THE PAN-COMMONWEALTH COMPETITION

First Position: Zimbabwe  
Title of Song: *"Our Rainbow"*  
Sung by: Christians Against Racial Discrimination (CARD)

Second Position: Bahamas  
Title of Song: *"Our Commonwealth"*  
Sung by: Dawn Sands

Third Position: Malaysia  
Title of Song: *"All the Dreams We Share"*  
Sung by: Noel Clark

## **Principles to be followed in Broadcasting Advertisements on Sound and Television**

### **PREAMBLE**

1. The general principle governing all advertising broadcast in Malta is that it should be legal, clean, honest and truthful.
2. The Broadcasting Authority and/or its contractors reserve the right to reject any material which does not confirm with the spirit of these principles, even though it may not offend any of the specific grounds set out hereunder.

### **DEFINITION**

3. The word "advertisement" implies any item of publicity inserted in the programmes broadcast in conformity with the Malta Broadcasting Ordinance, 1961, in consideration of payment to the Authority's contractors.

### **GENERAL**

4. Advertisements shall be subject to the provision of the Malta Broadcasting Ordinance (Ordinance No. XX of 1961).
5. All advertisements shall be clearly distinguishable as such and be separate from the rest of the programme.
6. Advertisements shall not be inserted otherwise than at the beginning and end of a programme or in natural breaks which occur in a programme.
7. No advertisements shall be included which contain any reference to industrial, political or religious controversy.
8. The Authority and/or its Contractors may reject any advertisement which it considers unsuitable for broadcasting.
9. No advertisements shall be included in or associated with programmes of a religious nature and there shall be an interval of at least two minutes



before and two minutes after such programmes during which no advertisements shall be carried.

10. Nothing shall be included in any programmes broadcast by the Authority and/or its Contractors, whether in an advertisement or otherwise, which states, suggests or implies, or could reasonably be taken to state, suggest or imply, that any part of any programme broadcast by the Authority and/or its Contractors, which is not an advertisement has been supplied or suggested by any advertiser. Provided that nothing in this subsection shall be construed as prohibiting the inclusion in the programme broadcast by the Authority and/or its Contractors, of programmes which have been accepted and approved by the Authority and with which an advertiser, in consideration of payment, may be allowed to associate himself without exercising control over the contents of such programmes, such association taking the form of announcements, immediately before the commencement or immediately after the end of any such programmes or in natural breaks therein, of the name or goods and services of the sponsor.

#### FALSE OR MISLEADING ADVERTISEMENTS

11. No advertisement, taken as a whole or in part, shall contain any spoken or visual presentation of the product or, service advertised, or statement of its price, which directly or by implication misleads. In particular

- (a) *Special claims* - No advertisement shall contain any reference which is likely to lead the public to assume that the product advertised, or an ingredient, has some special quality or property which is in fact unknown, unrecognised or incapable of being established.
- (b) *Scientific and Technical Terms* - Statistics, scientific terms, quotations from technical literature and the like must be used with a proper sense of responsibility to the ordinary listener. The irrelevant use of data and jargon must never be resorted to in order to make claims appear more scientific than they really are. Statistics of limited validity should not be presented in such a way as to make it appear that they are universally true.
- (c) *Imitation* - Any imitation likely to mislead listeners or viewers even though it is not of such a kind as to give rise to a legal action for infringement of copyright or for "passing off" must be avoided.

#### DISPARAGING REFERENCES

12. No advertisement shall contain any statement intended to promote sales by unfair comparison with or reference to competitive products or services.

## TESTIMONIALS

13. Documentary evidence of testimonials may be required as a condition of the acceptance of advertisements. The irresponsible use of testimonials must be avoided.

## GUARANTEE

14. The word "guarantee" should be used with caution and sparingly and only in relation to some specific description or quality and the detailed terms of any such guarantee must be available for inspection. Where the guarantee is associated with an offer to return the purchase price, it must be made quite clear to what it applies and in what way it protects the purchaser.

## ADVERTISING IN CHILDREN'S PROGRAMMES

15. No product or service may be advertised and no method of advertising may be used, in association with a programme intended for children or which large numbers of children are likely to hear or see which might result in harm to them physically, mentally or morally, and no method of advertising may be employed which takes advantage of the natural credulity and sense of loyalty of children.

In particular

- (a) No advertisement which encourages children to enter strange places or to converse with strangers in an effort to collect coupons, wrappers, labels, etc. is allowed.
- (b) No advertisement for a commercial product or service is allowed if it contains an appeal to children which suggests in any way that unless the children themselves buy or encourage other people to buy the product or service they will be failing in some duty or lacking in loyalty towards some person or organisation whether that person or organisation is the one making the appeal or not.
- (c) No advertisement is allowed which leads children to believe that if they do not own the product advertised, they will be inferior in some way to other children or that they are liable to be held in contempt or ridicule for not owning it.
- (d) No advertisement for tobacco or alcoholic liquors may appear in the advertising intervals immediately before, during or immediately after programmes designed for children.

## **Rules about Specific Classes of Advertisements and Methods of Advertising**

### **1. UNACCEPTABLE PRODUCTS OR SERVICES**

Advertisements for products or services coming within the recognised character of, or specifically concerned with, the following, will not be accepted:

- (a) money-lenders,
- (b) fortune tellers and the like,
- (c) matrimonial agencies and correspondence clubs,
- (d) undertakers or others associated with death or burial,
- (e) organisations/companies/persons seeking to advertise for the purpose of giving betting tips,
- (f) employment services, registers or bureaux,
- (g) products or treatments for bust development or, except as permitted by the British Code of Standards, for slimming, weight reduction or limitation of figure control,
- (h) contraceptives,
- (i) smoking cures,
- (j) products for treatment of alcoholism,
- (k) contact or corneal lenses,
- (l) clinics for the treatment of the hair and scalp,
- (m) haemorrhoids,
- (n) products associated with intimate personal hygiene or medication,
- (o) cigarettes, cigars, pipe or cigarette tobacco, cigar or cigarette holders, or any other thing directly or indirectly connected with tobacco or tobacco smoking (applicable only for television),
- (p) baby foods.

### **2. ADVERTISING OF MEDICINES AND TREATMENTS**

(a) *The British Code of Standards* - The advertising of medicines and treatment may be accepted provided it complies with the basic standard of "The British Code of Standards in relation to the Advertising of Medicines and Treatments".

(b) In advertisements for medicines, treatments and products which are claimed to promote health or to be beneficial in illness, the following are not allowable:

- (i) presentations which give the impression of professional advice or recommendation, and
- (ii) statements giving the impression of professional advice or recommendation made by persons who appear in the advertisements

and who are presented either directly or by implication as being qualified to give such advice or recommendation.

### 3. FINANCIAL ADVERTISEMENTS

Advertising is limited to recognised Banks and Insurance Companies, Building Societies, Government Departments, and persons, bodies, companies and corporations carrying on a trade or an undertaking provided they have been granted a permit or licence when one is required by law.

### 4. GENERAL

The Advertisement referring to the holding of any assembly, meeting or activity whatsoever shall not be allowed if a permit or licence therefore is required according to law, unless the permit or licence has been granted prior to the broadcast of the advertisement.



**BROADCASTING AUTHORITY  
REPORT AND FINANCIAL  
STATEMENTS**

*For the year ended 31 December 1989*



**BROADCASTING AUTHORITY**  
**REPORT AND FINANCIAL STATEMENTS**  
***For the year ended 31 December 1989***

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**GAUCI, MICALLEF & Co.**

CERTIFIED PUBLIC ACCOUNTANTS AND AUDITORS  
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*AUDITORS' REPORT*

*TO THE MEMBERS OF THE BROADCASTING AUTHORITY*

We have audited the financial statements set out on pages 88 to 93 in accordance with Approved Auditing Standards. We have obtained all the information and explanations which to the best of our knowledge and belief were necessary for the purpose of our audit. Proper books of accounts have been kept and these are in agreement with the financial statements.

In our opinion, the financial statements give a true and fair view of the state of the Authority's affairs as at 31 December 1989 and of its surplus and source and application of funds for the year then ended, and comply with the Broadcasting Ordinance 1961.



GAUCI, MICALLEF & CO.

19. 07. 90



A correspondent of  
DFK International

Partners: J. Gauci, R. Micallef

**BROADCASTING AUTHORITY**  
**INCOME AND EXPENDITURE ACCOUNT**  
*For the year ended 31 December 1989*

	Notes	1989 Lm	1988 Lm
INCOME	(2)	73,384	69,614
EXPENDITURE		(73,938)	(68,817)
		<hr/>	<hr/>
(DEFICIT FROM)/SURPLUS OF INCOME OVER EXPENDITURE		(554)	797
PROGRAMMES SHORTFALL PROVISION	(4)	(15,409)	(16,437)
TRANSFER FROM/(TO) CAPITAL RESERVE	(5)	19,700	(1,211)
		<hr/>	<hr/>
SURPLUS/(DEFICIT) FOR THE YEAR		3,737	(16,851)
ACCUMULATED DEFICIT BROUGHT FORWARD		(342,602)	(325,751)
		<hr/>	<hr/>
ACCUMULATED DEFICIT CARRIED FORWARD		Lm(338,865)	Lm(342,602)
		<hr/>	<hr/>

**BROADCASTING AUTHORITY**  
**BALANCE SHEET**  
*As at 31 December 1989*

	Notes	1989 Lm	1988 Lm
<b>FIXED ASSETS</b>			
Tangible	(3)	6,760	7,600
<b>CURRENT ASSETS</b>			
Debtors and prepayments		591	1,807
Bank and cash in hand		2,347	2,538
		2,938	4,345
<b>CREDITORS: AMOUNTS FALLING DUE WITHIN ONE YEAR</b>			
Creditors and accruals		(2,898)	(4,591)
<b>NET CURRENT ASSETS/(LIABILITIES)</b>		40	(246)
<b>TOTAL ASSETS LESS CURRENT LIABILITIES</b>		6,800	7,354
<b>PROVISIONS FOR LIABILITIES AND CHARGES</b>	(4)	(322,245)	(306,836)
<b>NET LIABILITIES</b>		Lm(315,445)	Lm(299,482)
<b>CAPITAL AND DEFICIENCY</b>			
Capital fund		23,420	43,120
Accumulated deficit	(5)	(338,865)	(342,602)
		Lm(315,445)	Lm(299,482)

  
**CHAIRMAN**

  
**CHIEF EXECUTIVE**

**BROADCASTING AUTHORITY**  
**STATEMENT OF SOURCE AND**  
**APPLICATION OF FUNDS**  
*For the year ended 31 December 1989*

	1989 Lm	1988 Lm
<b>SOURCE OF FUNDS</b>		
Surplus/(deficit) for the year	3,737	(16,851)
Adjustment for items not involving the movement of funds:		
Depreciation	1,779	1,718
Transfer from/(to) capital reserve	(19,700)	1,211
Provision for shortfall in programmes	15,409	16,437
Profit on disposal of fixed assets	(93)	(114)
	<hr/>	<hr/>
<b>FUNDS GENERATED FROM OPERATIONS</b>	1,132	2,401
<b>FUNDS FROM OTHER SOURCES</b>		
Proceeds from disposal of fixed assets	268	280
	<hr/>	<hr/>
	1,400	2,681
<b>APPLICATION OF FUNDS</b>		
Purchase of tangible fixed assets	(1,115)	(1,923)
	<hr/>	<hr/>
<b>NET SOURCE OF FUNDS</b>	Lm 285	Lm 758
	<hr/>	<hr/>
<b>THE NET SOURCE OF FUNDS IS REPRESENTED BY THE FOLLOWING INCREASE IN WORKING CAPITAL</b>		
Debtors and prepayments	(1,216)	1,231
Creditors and accruals	1,692	(578)
	<hr/>	<hr/>
	476	653
<b>Movement in net liquid funds:</b>		
Bank and cash in hand	(191)	105
	<hr/>	<hr/>
	Lm 285	Lm 758
	<hr/>	<hr/>

**BROADCASTING AUTHORITY**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**For the year ended 31 December 1989**

**1. ACCOUNTING CONVENTION**

The financial statements are prepared under the historical cost convention.

**2. ACCOUNTING POLICIES**

**a) Tangible fixed assets**

Tangible fixed assets are stated at cost less accumulated depreciation. Depreciation is provided for on the straight line method at rates intended to write off the cost of fixed assets over their expected useful lives. The annual rates used, which are consistent with those applied in the previous year, are:

	%
Studio equipment	20
Technical equipment	25
Motor vehicles	20
Furniture, fittings and office equipment	10 - 20

**b) Programmes expenditure**

Twenty percent of general administrative expenses is apportioned to programme expenditure.

**c) Income**

Income is made up as follows:

	1989 Lm	1988 Lm
Government contributions	72,000	67,000
Licence fees	751	751
Ground rent	13	13
Bank interest receivable	258	273
Profit on disposal of fixed assets	93	114
Provision no longer required	-	1,463
Commonwealth Song Contest Grant	269	-
	<hr/>	<hr/>
	Lm73,384	Lm69,614
	<hr/>	<hr/>

**BROADCASTING AUTHORITY**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

3. TANGIBLE FIXED ASSETS

	Freehold Land Lm	Furniture Fittings & Office Equipment Lm	Technical Equipment Lm	Studio Equipment Lm	Motor Vehicle Lm	Total Lm
<i>Cost</i>						
As at 1 January 1989	655	17,994	11,687	8,837	3,947	43,120
Additions	-	752	363	-	-	1,115
Disposals	-	(3,032)	(9,664)	(8,119)	-	(20,815)
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
As at 31 December 1989	655	15,714	2,386	718	3,947	23,420
<i>Depreciation</i>						
As at 1 January 1989	-	11,793	11,229	8,551	3,947	35,520
Charge for the year	-	1,442	193	144	-	1,779
Released on disposal	-	(3,032)	(9,488)	(8,119)	-	(20,639)
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
As at 31st December 1989	-	10,203	1,934	576	3,947	16,660
<i>Net book value</i>						
As at 31 December 1989	Lm655	Lm5,511	Lm452	Lm142	Lm -	Lm6,760
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
As at 31 December 1988	Lm655	Lm6,201	Lm458	Lm286	Lm -	Lm7,600
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>

The cost of fully depreciated assets as at 31 December 1989 amounted to Lm10,978 on which depreciation otherwise chargeable would have amounted to Lm1,949. During the year, fully depreciated assets which originally cost Lm20,465 were struck off the books on account of obsolescence and deterioration.

**BROADCASTING AUTHORITY**  
**NOTES TO THE FINANCIAL STATEMENTS**  
*(continued)*

**4. PROVISION FOR LIABILITIES AND CHARGES**

The Authority is contractually obliged to spend Lm35,000 annually for the prescription and improvement of programmes on radio and television. The income of the Authority was not always sufficient to enable it to meet this commitment. Consequently, the Authority has accumulated the following shortfall:

	1989 Lm	1988 Lm
Balance as at 1 January	306,836	290,399
Shortfall for the year (page 101)	15,409	16,437
	<hr/>	<hr/>
Balance as at 31 December	Lm322,245	Lm306,836
	<hr/>	<hr/>

**5. CAPITAL FUND**

	1989 Lm	1988 Lm
Balance as at 1 January	43,120	41,909
Net (disposals of)/additions to fixed assets (19,700)		1,211
	<hr/>	<hr/>
Balance as at 31 December	Lm23,420	Lm43,120
	<hr/>	<hr/>

**BROADCASTING AUTHORITY**  
**INCOME AND EXPENDITURE ACCOUNT**  
*For the year ended 31 December 1989*

	Page	1989 Lm	1988 Lm
<b>INCOME</b>			
Government contributions		72,000	67,000
Licence fees		751	751
Ground rent		13	13
Bank interest		258	273
Profit on disposal of fixed assets		93	114
Provision no longer required		-	1,463
Commonwealth Song Contest Grant		269	-
		<hr/> 73,384	<hr/> 69,614
<b>EXPENDITURE</b>			
Administrative expenses	(100)	54,347	50,254
Programme expenditure	(101)	19,591	18,563
		<hr/> 73,938	<hr/> 68,817
(DEFICIT FROM)/SURPLUS OF INCOME OVER EXPENDITURE		(554)	797
PROGRAMMES SHORTFALL PROVISION	(15,409)		(16,437)
TRANSFER FROM/(TO) CAPITAL RESERVE		19,700	(1,211)
SURPLUS/(DEFICIT) FOR THE YEAR		<hr/> Lm3,737	<hr/> Lm(16,851)



**BROADCASTING AUTHORITY**  
**ADMINISTRATIVE EXPENSES**  
*For the year ended 31 December 1989*

	1989	1988
	Lm	Lm
Audit fee	200	200
Depreciation:		
- furniture and fittings	601	915
- office equipment	841	470
Commonwealth Song Contest expenses	340	-
Duty visits abroad	2,315	3,845
Public relations	1,348	1,151
Legal and professional fees	1,038	1,041
Repairs and maintenance	2,097	277
International organisations membership fees	2,857	2,274
Subscriptions and publications	549	403
Telecommunication expenses	1,996	1,646
Rent	1,550	1,550
Rentals of sound & TV sets	207	156
Stationery	1,200	1,293
Sundry expenses	431	713
Insurances	199	164
Transport	583	669
Wages and salaries	37,753	34,581
Staff gratuities	-	100
Members' honoraria	6,000	6,042
N.I. contributions	2,830	2,696
Water and electricity	650	789
M.B.A. Annual Reports 1972-1988	487	-
Staff recruitment and training	359	679
Visiting lecturers	-	714
Adaptation of office	202	450
Audience research study	1,300	-
	<hr/>	<hr/>
	67,933	62,818
Expenses apportioned to programmes:		
Sound Broadcasts - 5.7% - to page 101	(3,872)	(3,581)
T.V. Broadcasts - 14.3% - to page 101	(9,714)	(8,983)
	<hr/>	<hr/>
- to page 99	Lm54,347	Lm50,254
	<hr/>	<hr/>

**BROADCASTING AUTHORITY**  
**PROGRAMME EXPENDITURE**  
*For the year ended 31 December 1989*

	1989			1988
	Sound Lm	T.V. Lm	Total Lm	Total Lm
<b>AIRTIME &amp; STUDIO CHARGES</b>				
Broadcasts: Script/writers expenses	-	40	40	520
Documentaries	-	42	42	230
Political broadcasts	1,595	3,720	5,315	4,715
Other broadcasts	-	271	271	201
	<hr/>	<hr/>	<hr/>	<hr/>
	1,595	4,073	5,668	5,666
 <b>DEPRECIATION ON TECHNICAL AND STUDIO EQUIPMENT</b>	 101	 236	 337	 333
 <b>APPORTIONMENT OF ADMINISTRATIVE EXPENSES</b>				
- from page 100	3,872	9,714	13,586	12,564
	<hr/>	<hr/>	<hr/>	<hr/>
- to page 99	5,568	14,023	19,591	18,563
	<hr/>	<hr/>		
 <b>PROGRAMMES SHORTFALL PROVISION- to page 93</b>			15,409	16,437
			<hr/>	<hr/>
		Lm35,000	Lm35,000	Lm35,000
		<hr/>	<hr/>	<hr/>

