

ANNUAL REPORT



Broadcasting Authority Malta

2006

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The Hon. Dr Lawrence Gonzi LL.D., M.P.
Prime Minister
Auberge De Castille
Valletta

30th March 2007

Honourable Prime Minister,

In accordance with sub-article (1) of article 30 of the Broadcasting Act, Chapter 350 of the Laws of Malta, we have pleasure in forwarding the Broadcasting Authority's Annual Report for 2006.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Scicluna'.

Joseph Scicluna B.A.
Chairman

A handwritten signature in blue ink, appearing to read 'Dr Kevin Aquilina'.

Dr Kevin Aquilina
Chief Executive

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1. MESSAGE FROM THE CHAIRMAN

In my introductory message to the 2005 Annual Report of the Authority, which I had written only some time after assuming my responsibilities in this organisation in January 2006, I had, *inter alia*, listed a number of performance indicators which the Authority intended to pursue in the course of 2006. As the contents of this detailed report prepared by the Chief Executive of the Authority clearly show, these performance targets have been largely achieved.

During the year under review, the Authority issued a number of comprehensive consultation documents in relation to broadcasting issues or developments that had to be addressed with some urgency and, following the conclusion of the relative consultation processes, the required regulatory provisions are now either already in place or in the final stages of preparation.



**Chairman
Joseph Scicluna B.A.**



**The Chairman, Mr Joseph Scicluna
and the Chief Executive, Dr Kevin Aquilina
at the launch of the consultative document
on News and Current Affairs
23rd October 2006**

The first of these consultation documents, launched in mid-October, in effect proposed a new framework for the regulation of terrestrial digital audio broadcasting (T-DAB), following an earlier amendment to the Broadcasting Act in terms of which the Broadcasting Authority has been entrusted with the licensing of programme content on digital radio services. The overall response to this consultation process, mainly from potential providers of such services, was significant and several relevant issues were raised. The overriding concern, however, was that, in a situation where the actual take-up of the new technology was uncertain because the local

radio consumer has a long tradition of loyalty to analogue radio and will be expected to purchase a new receiver to listen to T-DAB stations, the licensing and monitoring fees then being proposed by the Authority were likely to discourage potential operators from investing in this technology.

The Authority, in fact, conscious of its responsibility to promote new broadcasting technology and fully aware of the advantages of digital audio broadcasting, is now considering the possibility of generally reducing the application and monitoring fees previously proposed, of establishing even more reduced fees for locally originating specialised digital radio services



and of introducing a moratorium of two years, with effect from the grant of a broadcasting licence, on the payment of monitoring fees. The relative legal notice, which would establish this new regulatory framework, is in the final stages of preparation.



***Launch of the Consulative Document on
News and Current Affairs,
23rd October 2006***

In its second consultation document, also published in October, the Authority proposed to convert a substantial part of a set of guidelines on the production of news bulletins and current affairs programmes, which had been issued in 2004 for the purpose of self-regulation, into a set of mandatory requirements in terms of article 20(3) of the Broadcasting Act, this in view of the fact that the Authority was not satisfied that the overall level of adherence to these guidelines was satisfactory. The proposed mandatory regime would enable the Authority to impose administrative sanctions, including the relative penalties, on offending broadcasting stations in terms of article 41 of the Broadcasting Act.

While the publication of this document did elicit a healthy public discussion on the issue, the level of formal response to this consultation was generally disappointing. In any case, these requirements were approved by the Authority and communicated to the broadcasting stations in December and are therefore now in force. These requirements mainly deal with issues of an ethical nature (e.g. rights of respect and privacy, use of hidden microphones and cameras, respect for children's rights, editing of interviews, recorded telephone interviews) although it has to be pointed out that legal provisions on impartiality and due accuracy in news bulletins and current affairs programmes already exist in virtue of the provisions of article 119 of the Constitution of Malta and of Article 13 of the Broadcasting Act. Over the past months, the Authority has, on various occasions, already sanctioned a number of stations in relation to breaches of these provisions and will continue to do so, where deemed necessary, in future.

The Authority launched its third major consultation process during November with a consultation document which proposed a review of the existing legal provisions on the transmission of major events and of the ancillary list of major events. The intense public debate which had arisen earlier on in the year when it was announced that the local cable network operator had acquired the exclusive transmission rights for the final competition of the 2006 FIFA World Cup and following which the actual obligations of this primary broadcaster in relation to these legal provisions became the subject of a major controversy, highlighted the

need for more clarity and for certain revisions both in the relative legal notice (Legal Notice 158/2000) as well as in the ancillary list of major events.

Following the consultation process and in the light of the submissions that were made during this process, the Authority issued a revised list of major events in January 2007 (Government Notice No. 86 of 2007). In drawing up this revised list, the Authority had to seek a balance between the legitimate interests of viewers and the realities of the current local broadcasting scenario, where the free-to-air broadcasting stations are either not in a position or are reluctant to acquire transmission rights in respect of listed major events, especially sporting events, and where therefore on several occasions the only opportunity for viewers to follow such events is when transmission rights are acquired by either of the two local network operators.

The Authority is now also in the process of finalising amendments to the above-mentioned Legal Notice itself. These amendments, *inter alia*, will define when, for the purpose of the regulations, a free television station is considered to reach a substantial proportion of the public as well as the factors that need to be taken into consideration in determining what constitutes “a reasonable market rate” to be paid by a secondary broadcaster to a primary broadcaster for the transmission of a major event. It will also establish and regulate the right of a secondary broadcaster to short news reporting on an event when the rights for the transmission of the event have been acquired by a primary broadcaster.

The initiatives undertaken by the Authority during 2006 were not limited to those indicated in the preceding paragraphs and a number of other initiatives, either in response to emerging developments or in line with the Authority’s performance plan, were taken in hand. Most of these were carried out in pursuit of one of the principal objectives of the Authority, which is the promotion of socially responsible broadcasting content. These other initiatives included the following:

- an amendment to existing guidelines on the participation of vulnerable persons in media programmes. As a result, such programmes, including repeats, dealing with the subject of adoption can now only be aired after the established watershed of 9.00p.m. The guidelines had already prohibited the broadcasting of programmes aimed at establishing the identity of the natural parents of children, including adopted ones
- directives to broadcasting services which are intended to regulate gambling advertising and methods of gambling advertising. These directives were brought into effect on 1st February 2007 and are intended to ensure that gambling



advertising in the local broadcasting media is socially responsible, especially with regard to the protection of minors and other vulnerable persons

- directives on tattoo advertising in the local broadcasting media, which, *inter alia*, establish a watershed (9.00p.m.) before which such advertising cannot be aired and which set conditions for such advertising in line with the Control of Tattooing Act
- the preparation of draft Requirements as to Standards and Practice on the Promotion of Racial Equality in the local broadcasting media. This document has now been published for the purpose of consultation

Of course, the promotion of socially responsible broadcasting content is not the exclusive responsibility of the Broadcasting Authority and those responsible for the management of broadcasting stations have an equal, if not greater, responsibility to ensure that commercial considerations do not prevail over their more important social obligations.

A few concluding words about the financial resources available to the Authority. As the Financial Statements attached as Appendix IX to this Annual Report show, the main source of income for the Authority is the annual government contribution of Lm260,000, which represents around 67% of its total income. This contribution has now been frozen for three years and moreover involves a marginal reduction over the preceding three years. Conscious of Government's national fiscal objectives, the Authority has been making every effort to contain its operating expenditure and, as the financial statements show, adopts a very prudent approach to financial management. For two successive years now the Authority has achieved a modest surplus in its income and expenditure account and has accumulated a cash reserve, parts of which will probably soon have to be applied to major engineering works on the Gharghur Transmitting Tower. The Authority, in fact, has not received any specific capital expenditure allocation since 1997.

This financial restraint, however, comes at a price. For example, the Authority cannot, although the public expects it to do so, take more concrete steps to improve the quality of local broadcasting through the provision of training opportunities and technical assistance, which would complement the services already being provided by the private sector. Moreover, in the coming years its ability to effectively monitor local broadcasting could increasingly be jeopardised, especially with the probable increase of locally originating broadcasting channels on the digital and cable networks and the adoption of the proposed European Union 'Audiovisual Media Services Directive' which will extend certain provisions of the current 'Television Without Frontiers Directive' to non-linear audiovisual services and which will probably place significant additional demands on the monitoring capabilities of the Authority.



Finally, I would like to take this opportunity to thank all the other members of the Authority for their commitment and co-operation over the past year and the Chief Executive and all the staff of the Authority for their continuing dedication and effort.

Joseph Scicluna B.A.

30th March 2007

**CHAIRMAN AND MEMBERS
OF THE BROADCASTING AUTHORITY DURING 2006**



**Chairman,
Mr. Joseph Scicluna
B.A.**



**Member
Mrs. Rose Sciberras
B.A (Hons.), L.P.**



**Member
Prof Joseph Pace
Asciak B.A. (Hons),
D.Litt. (Firenze)**



**Member
Mr Alfred Mallia
Milanes**



**Member
Dr. Reno Borg
B.A. (Hons.), M.A., LL.D.**



**Chief Executive
Dr. Kevin Aquilina
Dip. Phil., B.A., B.A.
(Hons.), M.A., LL.M.,
LL.D., Ph.D. (Lond)
(L.S.E.)**



**Secretary
Edgar P. Cassar**





2. REVIEW OF THE YEAR

by the Chief Executive

2.1 The Broadcasting Authority

During the year 2006, the Authority was composed as follows:

- Chairman: Mr Joseph Scicluna B.A
- Members: Dr Reno Borg B.A. (Hons.), M.A., LL.D.
Mr Alfred Mallia Milanes
Prof Joseph Pace Axiak B.A. (Hons), D.Litt.
(Firenze)
Mrs Rose Sciberras B.A. (Hons), L.P.



**Chief Executive
Dr. Kevin Aquilina**

A total of 40 meetings of the Authority were held during the year under review.

2.2 Broadcasting Authority Committees

2.2.1 Equality Committee

An Equality Committee within the Broadcasting Authority continued to function to ensure that the communication between the Broadcasting Authority and the National Commission for the Promotion of Equality between Men and Women is rendered easier and to co-ordinate better on subjects of mutual interest to both organisations.

The Broadcasting Authority's Equality Committee was constituted as follows:

- Chairperson: Mrs Joanna Spiteri, Supervisor
- Members: Dr Kevin Aquilina, Chief Executive
Mr Mario Axiak, Head Research & Communications
Ms Natalie Debono, Programme Monitor.

2.2.2 Quality Children's Programmes Committee

A joint committee was established in 2005 by the Broadcasting Authority and the Commissioner for Children in order to make proposals for the drafting of guidelines on quality children's programmes, the updating and revision of the Broadcasting Code for the Protection of Minors and to prepare a strategy aimed at ameliorating children's programming. The joint committee continued to function in 2006 and is composed of Mrs Marian Muscat Azzopardi, Member, Children's Council; Ms Daniela Debono, Research, Development and International Relations Officer at the Office of the Commissioner for Children; Dr Kevin Aquilina, Broadcasting Authority Chief Executive; and Mr Mario Axiak, Broadcasting Authority Head Research and Communications.



2.2.3 Broadcasting Authority / Malta Communication Authority Task Force on Community Radio Stations

A Task Force was established by the Broadcasting Authority and the Malta Communications Authority to report on community radio stations with the following membership:

Dr Kevin Aquilina, Chief Executive, Broadcasting Authority

Mr Adrian Galea, Manager, Spectrum Management, Malta Communications Authority

Mr Brian Sghendo, Technical Specialist, Malta Communications Authority

Dr Paul Micallef Grimaud, Senior Legal Advisor, Malta Communications Authority.

The Terms of Reference of this Task Force comprised the following:

- the drafting of a definition clearly depicting what constitutes a community and a locality so as to provide clarity as to the boundaries that such radio stations should occupy
- the development of a policy for the assignment of spectrum and coverage areas
- the formalisation of a process for the notification of new radio frequency assignments (for the use of community radio stations) with the ITU and, where necessary, the carrying out of frequency coordination with neighbouring countries
- an analysis of the technical conditions relating to the establishment and operation of a VHF-FM station in the community sound broadcasting service in the frequency band 87.5 to 108.0MHz
- an analysis of the current licence, licence guidelines and application Form
- the development of a communications plan in order to appropriately inform existing and prospective operators on changes to the licensing regime and any migration requirements to new terms and conditions
- the development of a Memorandum of Understanding (MoU) that outlines the relationship between the two authorities with respect to creating a one-stop-shop-process for the award of community radio licences
- the identification of the necessary amendments to the Broadcasting Act (Cap. 350) and the Electronic Communications (Regulation) Act (Cap. 399) and Electronic Communications Networks and Services Regulation (LN412 of 2004).

In December 2006 the Broadcasting Authority approved the “Report of the Task Force Set Up to Review the Licensing Process of Community Radio Stations”. It is envisaged that during 2007 this Report is approved by the competent Ministries and a public consultation procedure is launched.

In the meantime, the Broadcasting Authority, following consultation with the Malta Communications Authority, adopted a moratorium on the issue of new community radio licences until a new community radio regime is in place.



2.2.4 Broadcasting Authority Advisory Committee on Medicinal Products and Medicinal Treatment Advertising

The Broadcasting Authority set up an advisory committee on medicinal products and medicinal treatment advertising with the aim of drawing up guidelines to assist radio and television broadcasters in grasping better the obtaining legal provisions regulating this sector as well as to develop a code of ethics as to what should be considered acceptable ethical behaviour on this Committee's subject. This Committee consists of a representative of:

- the Broadcasting Authority
- Director General (Health)
- Medical Council
- Pharmacy Council
- Council for the Professions Complementary to Medicine
- the Medicines Authority
- the Consumer Affairs Council.

Mr Edgar Cassar, Director Administration at the Broadcasting Authority, is the Secretary to the Advisory Committee.

2.3 The Authority's Staff

During the year under examination, no vacant posts were filled. However, this notwithstanding, there were two vacant posts of Monitoring Officers in the Monitoring Department whilst one further post of Programme Monitor will become vacant in late 2007. Thus the Authority approved the initiation of the relative procedure for the filling of three posts of Monitoring Officers.

2.4 Business Plan 2007 – 2009

During 2006, the Broadcasting Authority compiled its first Business Plan to cover the period 2007 – 2009. It also approved a Vision Statement and a Mission Statement which are reproduced hereunder:

2.4.1 Broadcasting Authority Vision Statement

This statement captures the description of the desired organisation of the future. It describes the long term goals of the organisation asserting what the entity can be at its best. It is a clear and inspiring statement that stakeholders can picture in their minds.

The vision of the Broadcasting Authority is to continue to evolve as an effective regulatory body in relation to locally originating broadcasting content and in the light of the new technological developments in the sector that are anticipated in the coming years.



The Broadcasting Authority will also generally endeavour to improve the quality of local broadcasting content and take steps to stimulate the further growth of the local broadcasting industry, including the independent production houses and satellite transmission companies.

2.4.2 Broadcasting Authority Mission Statement

The mission statement defines the business the organisation is in today. It defines the core values, beliefs and principles that underpin the business activities. The current business of the Broadcasting Authority is defined by the Constitution of Malta and the Broadcasting Act (Cap. 350).

Article 119 (1) of the Constitution of Malta provides that:

“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.”

The Broadcasting Act in turn further defines the regulatory and licensing responsibilities of the Authority. In this respect, the Act, *inter alia*:

- establishes detailed arrangements for the issue of broadcasting licences by the Authority;
- defines the relationship between the Minister responsible for Communications and the Authority in relation to the assignment of broadcasting frequencies;
- provides for the establishment and, in fact, includes a Code for Advertisements, Teleshopping and Sponsorship in the Third Schedule thereof;
- provides for the making of other codes, requirements as to standards and practice and directives to broadcasting stations, including a Code on the rules to be observed in regard to the showing of violence, particularly when children and young persons may be expected to be watching or listening to the programmes, and a Code for teletext transmissions;
- establishes a special administrative procedure in terms of which the Authority is entitled to impose administrative sanctions in relation to broadcasters who breach the provisions of the Act.

2.4.3 Initiatives

The initiatives are the manner in which the strategies of the organisation are accomplished. These translate the strategy into pragmatic means, identifying how the strategy will be implemented in an operational manner. The list of Initiatives included in this Plan comprises the following:



- regulation of digital terrestrial television
- regulation of digital radio
- regulation of satellite broadcasting
- transposition and implementation of the amendments to the EU Television Without Frontiers Directive
- regulation of cable services
- updating/revision, consolidation and, where possible, deregulation of existing guidelines
- review of the list of major events
- revision of Community Radio Regulation
- installation of Car Lift at Broadcasting Authority offices
- purchase of Security Equipment at Gharghur
- purchase of DVD's, Equipment for TV recording purposes
- promotion of Training for Broadcasters through providing ongoing training in a structured form to broadcasters
- better regulation, that is, the elimination of bureaucracy and the provision of a service in an expeditious manner.

2.5 PANDEMIC FLU PREPAREDNESS

In April 2006 the Policy and Planning Department in the Office of the Prime Minister wrote to the Authority requesting answers to a Departmental Questionnaire about the compilation of an action plan that would ensure business continuity in case of a pandemic influenza outbreak.

On 8th June 2006, the Authority was represented through Mr Edgar Cassar, the Authority's Secretary, at a meeting convened to introduce the Pandemic Preparedness Committee to representatives of the public sector. This Committee chaired by Dr Godwin Grima, Principal Permanent Secretary and Secretary to the Cabinet, was entrusted by Government to draft the national strategy and action plan in response to an influenza pandemic outbreak.



Ms Roseanne Camilleri
Ministry of Health,
the Elderly and
Community Care

During this meeting the Authority was informed about the state of preparedness of the Committee and Ministry of Health plans to deal with such an emergency. Contingency plans were discussed and the Authority was requested to be guided by the Committee's recommendations.

Ms Roseanne Camilleri from the Ministry of Health, the Elderly and Community Care and a member of the Committee's Strategic Planning Team later contacted the Authority to discuss the subject further and it was agreed that she should address representatives of the broadcasting stations to give



details of such plans and the guidelines proposed.

This meeting was held on 31st August, 2006, at the Offices of the Authority. Representatives of the Broadcasting stations, the Authority's Departmental Heads and representatives of the Authority's Health and Safety Committee

were invited to a PowerPoint demonstration and presentation by Ms Camilleri entitled *Guidelines for Business Continuity in Preparedness for a Response during a Pandemic Influenza Outbreak*. A copy of this presentation was later circulated to all broadcasting stations.



***Pandemic Influenza Outbreak Seminar
held at the Broadcasting Authority
31st August 2006***

2.6 Euro Changeover Process



***Mr Gordon Vassallo,
Director of Finance,
Broadcasting Authority***

In November 2005, the Broadcasting Authority appointed Mr Gordon Vassallo, the Authority's Director of Finance, as Euro Project Manager responsible for the preparation and implementation of designated plans to ensure compliance by the Authority with the requirements arising from the implementation of the Euro.

Following the preparation of a 'euro assessment exercise' which was carried out to collect the necessary information of changeover planning, the Authority submitted the first version of the Euro Assessment Plan in February 2006. In the meantime, Mr Vassallo attended various meetings which were held between the Euro Project Managers and the Public Sector Sectoral Committee and various other meetings held at Office of the Prime Minister. During these meetings the latest developments and presentations relating to legal and regulatory changes, financial matters, IT and other operational matters were discussed and followed. Various guidelines issued by the National Euro Changeover Committee were also discussed on an internal level. This eventually led to the second updated version of the Euro Changeover Plan which was submitted in August 2006.

2.7 Digitisation of Broadcasting Authority Equipment

A call for expression of interest for capture and archiving digitisation equipment was issued and draft specifications for an eventual tender document were drawn up. At the moment the Authority is assessing the implications of its intended migration to the government portal prior to deciding the way forward.

2.8 Adoption of Internal Policies by the Authority

During 2006, the Broadcasting Authority approved three internal policies, two of which were addressed to its staff. These were:

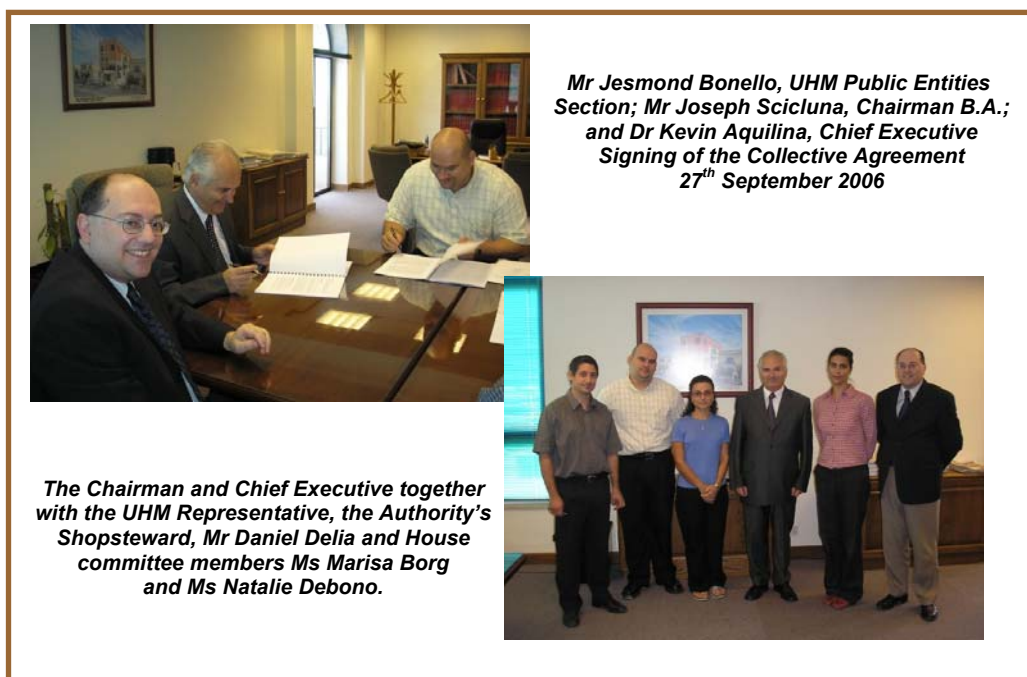
- a. the Broadcasting Authority Policy on Public Consultation;
- b. the Broadcasting Authority Recruitment Policy; and
- c. the Broadcasting Authority's Policy on Sexual Harassment.

2.8.1 Policy on Public Consultation

As from time to time the Authority suggests changes to the Broadcasting Act, draws up new subsidiary legislation for the competent Minister's approval or approves requirements as to standards and practice, directives and guidelines, the Authority decided to rationalise its public consultation procedures through the adoption of an internal document which sets out its policy on public consultation. Such a policy was adopted on 26th September 2006 and is reproduced at Appendix I.

2.8.2 Recruitment Policy

Following the entry into force of the Broadcasting Authority's Collective Agreement for the years 2007-2010, the Authority approved the grades which require a degree or a diploma for appointment eligibility purposes. The three Monitoring officers appointed in early 2007 were the first employees of the Authority to comply with this policy. A copy of this policy is found at Appendix II.



2.8.3 Policy on Sexual Harassment

In April 2006 the Authority approved, following consultations with the *Union Haddiema Magħqudin*, a Policy on Sexual Harassment. This policy is essentially based on the National



Commission for the Promotion of Equality for Men and Women's *Sexual Harassment: A Code of Practice*, 2005.

The Authority's Code of Practice has also been adopted by the Broadcasting Authority's Collective Agreement 2007-2010 and thus forms part of the conditions of employment of all the Authority's staff. The text of this Code is found at Appendix III.

2.9 Broadcasting Authority's Website

During 2006 the Authority began a process to update its website which went on line in 1999. Since then the need has been felt to revamp the Authority's website to make it more user friendly and to provide therein more information on the workings of the Broadcasting Authority. It is envisaged that the new website will be operational in May 2007.

2.10 Migration of I.T. Services to the Government's I.T. Portal

During 2007 it is envisaged that the Authority's I.T. services will migrate to the Government's portal including the Broadcasting Authority's website, when completed, e-mail and internet facilities. During 2006 the relative discussions were taking place with MITTS Ltd. to effect such migration process.

2.11 Broadcasting Heritage

The Broadcasting Authority holds about 180 selected local documentary productions in its archives portraying local cultural practices, artists, folklore practices, and other programming which were saved in their original production format of 16mm film-strips. Beside these the archives also include other foreign productions which were purchased, as well as other local Beta Programmes that were produced and broadcast during the period that the Authority was running its own TV broadcasting station.

Although every effort has been made to preserve this cultural heritage, their availability to public viewing for research purposes is constrained by the lack of availability of viewing equipment which has, over time, been replaced by different technologies. The contents of the archive and their present condition urgently requires that they would be cleaned and transferred to different formats so that reviewing and copying can be easily made while retaining and preserving the original film format. During 2006 the Broadcasting Authority started reviewing the options available for the restoration of such broadcasting heritage which over time has been slowly degrading, including also the required investment for its upkeep.



3. BROADCASTING REGULATION

3.1 Approval of Broadcasting Licences

Once again, as in previous years, the Authority was very much involved in licensing the local broadcasting media, namely nationwide television free-to-air stations, nationwide radio services and community radio services, both permanent and for a short duration not exceeding one month of broadcasting.

The following broadcasting licences have been approved by the Authority in 2006:

3.1.1 Television Licences

A licence was issued to iTV Ltd. on 15th May 2006 to operate the cable television teleshopping service, iTV, and on 20th March 2006 media.link Communications Co. Ltd.'s terrestrial television licence to operate NET TV was renewed.

3.1.2 Radio Licences

Nationwide Station/s	Duration	Valid from	Freq (MHz)	Power Watts	Date of Issue
Capital Radio	8 years	6/5/06	88.7	N/A	9/5/06
Community	Duration	Valid from	Freq (MHz)	Power Watts	Date of Issue
Central FM	2 years	15/1/06	93.3	0.5	6/1/06
Radju Hompesch	2 years	20/3/06	90	0.5	21/2/06
Christian Light Radio	2 years	17/6/06	105.4	0.5	16/6/06
Lehen il-Belt Victoria	2 years	25/6/06	104	0.5	23/6/06
Radju Kottoner	2 years	29/7/06	98	0.5	12/7/06
Radio Sacro Cuor	2 years	15/11/06	105.2	0.5	14/11/06
Radju Luminaria	2 years	14/12/06	106.9	0.5	7/12/06
Eden FM Radio	2 years	17/11/06	107.6	0.5	15/11/06
Deejays Radio 956FM	2 years	23/11/06	95.6	0.5	20/11/06
Radju Katidral	2 years	1/12/06	90.9	0.5	29/11/06
Radio Bambina	2 years	13/12/06	98.3	0.5	11/12/06
2006 Circuit Assembly of Jehovah's Witnesses	2 days	21/1/06	108	0.25	6/1/06
Radju Banda San Filep	1 month	12/5/06	106.3	0.5	3/4/06
Radju Lehen il-Guzeppini	1 month	15/5/06	90.6	0.5	17/4/06
Radio 12 th May	29 days	14/5/06	96.5	1.0	27/4/06
Radju Pawlin	1 month	10/6/06	97.2	0.5	28/4/06
Lehen il-Karmelitani	38 days	16/6/06	101.4	1.0	22/5/06
Radju Vizitazzjoni	1 month	18/6/06	92.4	0.5	6/6/06
Radju Margerita	1 month	25/6/06	96.1	0.5	8/6/06
Radju Sacro Cuor Sliema	14 days	19/6/06	94	0.5	12/6/06
Radju Gilju Rebbieh	1 month	1/7/06	105.5	0.5	14/6/06
Radju Santa Venera	8 days	23/7/06	91.2	0.5	7/7/06
Radio Stella Maris	22 days	30/7/06	94.2	2.0	7/7/06
Radio 15 t'Awissu	24 days	23/7/06	98.3	0.5	7/7/06
2006 District Convention of Jehovah's Witnesses	3 days	8/9/06	108	0.25	14/8/06
Radju Santa Katarina	16 days	19/8/06	90.6	0.5	16/8/06
Radio Leonardo	8 days	10/9/06	105.2	0.5	5/9/06
Lehen il-Karmelitani	1 month	1/12/06	101.4	1.0	7/11/06
Radju Santa Katarina	7 days	19/11/06	90.6	0.5	16/11/06
Radio TZ	22 days	10/12/06	98.5	0.5	28/11/06



Community (cont.)	Duration	Valid from	Freq (MHz)	Power Watts	Date of Issue
2007 Circuit Assembly of Jehovah's Witnesses	2 days	6/1/07	108	0.25	4/12/06
Radju Vizitazzjoni	29 days	10/12/06	92.4	0.5	7/12/06
Radju Belt Rebbieha	12 days	21/12/06	97	0.5	20/12/06

3.2 Digital Terrestrial Television

The Broadcasting Authority and the Malta Communications Authority formulated their advice to the competent Minister on the evolution of digital terrestrial television, in particular, on the need to review the current provisions of the Broadcasting Act to bring them in line with the developments which have taken place in this field in so far as must carry and general interest objectives are concerned.

3.3 Satellite Broadcasting Licences

The Authority received two satellite broadcasting licence requests from the Ministry for Competitiveness and Communications requesting the Broadcasting Authority's advice on these applications as, in terms of article 16A (1)(b) of the Broadcasting Act, it is the Minister responsible for Wireless Telegraphy who is empowered to issue a satellite broadcasting licence. At the moment of writing none of these companies has filed its application with the Authority.

On 9th February 2007, the Minister of Communications and Competitiveness issued the Satellite Television Broadcasting Licence (Empowerment) Order, 2007 now Subsidiary Legislation 350.13 of the Laws of Malta. According to this Order, the Broadcasting Authority is empowered to issue on behalf of Government a licence to the company 'Modern Investment Company Limited' (a company registered in Malta under company registration number C37805) to broadcast via satellite a television programme service consisting of remote gaming services.

3.4 Application by for a Nationwide Terrestrial Television Broadcasting Service: U TV

On 22nd February 2006 the Authority received an application by U Communications Ltd. for a licence for a nationwide television broadcasting service. This application was processed from four perspectives: the legal, financial, technical and the programming side. There was no need, however, to consider the frequency aspect as the station in question will not be a free-to-air station but will be transmitting on an existing broadcasting platform.

When licensed, it is envisaged that the station will broadcast from Monday to Sunday for 14 hours per day. It will be utilising 3 hours of teleshopping windows allowed by law throughout the whole week. Its programme schedule will contain magazine, religious, educational, information and other programmes intended to appeal to a wide variety of persons. Currently,



U Communications Limited is still in the process of concluding the relevant preparations before it starts transmission.

3.5 Teleshopping Channel: iTV

Following the amendments made to the Broadcasting Act in 2000, the Authority received two applications for a teleshopping channel to broadcast on Melita Cable plc. Out of these two applications, one of the companies, namely iTV Ltd., concluded both with the Authority and Melita Cable plc all the necessary requirements for the award of a broadcasting licence. On 15th May 2006, the Authority issued a broadcasting licence to iTV Ltd. so that it could operate a teleshopping channel on Melita's cable system to be known as iTV. iTV commenced broadcasting on Analogue Channel 32 and on Digital Channel 107 on 1st September 2006.

3.6 National Broadcasting Policy

The Authority, through its Chairman and Chief Executive, attended the 26th January 2006 public consultation meeting organised by the Ministry of Tourism and Culture in order to seek advice on the programme genres to be included in the PBS Ltd.'s Extended Public Service Obligations. The Authority also drew up written proposals which it submitted to the said Ministry on 18th January 2006. On 29th April 2006 a directive was issued by the said Ministry to PBS Ltd. and a number of suggestions made by the Authority were included in this directive.

3.7 Renewal of Long Term Community Radio Licences

The Authority gave specific instructions to long term community radio stations to attach with each renewal application form for a long term community radio station the following:

- a. at least three letters of renewed support from community organisations;
- b. the proposed programme schedule;
- c. the relative application and licence fees together with additional Malta Communications Authority fees, if any, which will be indicated at the renewal stage.

Thus the main changes were that letters of continuing community support have to be submitted with each renewal application and the licence fee has to be paid at the application stage and not when the licence is collected. Moreover, any fees charged by the Malta Communications Authority will also have to be paid on presentation of the application. In the eventuality that a licence is refused the Authority will reimburse the licence fee.

3.8 Community Advertising

The Authority received complaints to the effect that community radio stations were not abiding by their licence conditions of obtaining adverts only from firms which are located within the boundaries of their respective community.



In order to ensure that community radio stations are abiding by their licence conditions, the Authority began to request all community radio stations to submit together with their schedule of programmes a list of those firms and individuals who would have placed adverts with the community radio station in the preceding three months. The above information has to be submitted to the Authority on a quarterly basis.

4. CONSULTATION DOCUMENTS

The following documents were issued for public consultation by the Broadcasting Authority during the year under review:

- a. Audience Survey;
- b. Enforcement of the Broadcasting Authority Guidelines on News and Current Affairs Programmes;
- c. Transmission of Major Events and the List of Major Events;
- d. Terrestrial Digital Audio Broadcasting.

During 2006, the Authority was also working on requirements as to standard and practice to broadcasting stations on the promotion of racial equality and on guidelines on gender equality and gender portrayal in the media. As a matter of fact, the consultation process on the racial equality requirements was launched on 7th March, 2007 whilst the gender guidelines were still under discussion in early 2007.

4.1 Audience Survey

The Broadcasting Authority drew up a consultation document on audience surveys. A copy of this document is found at Appendix IV. Prior to commissioning the October 2006-September 2007 audience survey, the Authority asked for written feedback on the consultation document. In particular, the Authority was interested to learn what the expectations of broadcasting stations, independent production houses and advertisers were in the conduct of this survey and whether these were willing to join the Authority in the financing of this survey.

The Broadcasting Authority subsequently announced that it had decided to resume its surveys of local television and radio audiences and that, for this purpose, it had commissioned the National Statistics Office to conduct an ongoing survey amongst Maltese residents aged 12 years and over and residing in private households. The survey started on 1st October 2006 which is the effective commencement date of the local broadcasting season. The Broadcasting Act obliges the Authority to present to Parliament an annual report providing, apart from other information, data on radio and television audiences.



The indicated survey is based on data collected on a daily basis by means of telephone interviewing and, *inter alia*, addresses questions on the reception system mainly used to watch television, the television station mostly watched during the previous day, the time/s during which this station was watched, the radio station mostly listened to on the previous day and the time/times this station was listened to. While this information is mainly of a quantitative nature, the Broadcasting Authority is also considering conducting or commissioning selective qualitative research at different stages of the year. The Broadcasting Authority publishes reports on this ongoing audience survey on a quarterly basis, within thirty days of the end of each quarter. The first such report, for the period October–December 2006 was published on 31st January 2007.

The main purpose of this Broadcasting Authority survey is the objective assessment of local viewers' and radio listeners' choices and the general public is, therefore, urged to co-operate in the collection of the relative data. The ensuing results are of paramount importance not only to producers and broadcasting stations, but also to consumers and industry alike.

4.2 Enforcement of the Broadcasting Authority Guidelines on News Bulletins and Current Affairs Programmes

The Authority has been providing guidelines for broadcasters on the production of news bulletins and current affairs programmes for many years and the last set of guidelines on this subject was issued in May 2004 following an extensive consultation process. These guidelines had been based on proposals submitted to the Authority by an *ad hoc* Advisory Committee. The Authority had then already indicated that it would eventually consider whether the guidelines, either in whole or in part, should be made legally enforceable.

It has to be stated, however, that the publication of these guidelines in 2004 did not in any way prejudice the constitutional responsibility of the Broadcasting Authority to ensure that “*in so far as possible..... due impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policy*”; neither did it prejudice the right of the Authority to enforce the ancillary provisions listed in article 13(2) of the Broadcasting Act.

As the Authority was not overall satisfied with the level of adherence to the provisions of the existing guidelines, it proposed last year to make various provisions of these guidelines enforceable in terms of article 20(3) of the Broadcasting Act. This article enables the Authority “*in the discharge of its general responsibilities for programmes*” to “*impose requirements as to standards and practice for such programmes*”. Currently a standard penalty of Lm1,000 is applicable in relation to breaches of this article of the Broadcasting Act.

The Broadcasting Authority launched a process of consultation on this proposal so that the implications of such a measure could be more accurately assessed. A consultation document,



including a copy of a draft document entitled *Broadcasting Authority Guidance and Requirements on News and Current Affairs Programming*, were published. A copy of the consultation document is found at Appendix V.

The following are some examples of the provisions that were being proposed to become enforceable:

- **Reconstruction Material**

This would require a broadcaster, when showing footage which is either not fresh or original (e.g. simulation) to inform the audience accordingly by the use of an appropriate sub-title. It would also prohibit a focus on unsavoury human practices/habits.

- **Rights of Respect and Privacy**

This would generally bind broadcasters to respect the private and family life of individuals, even those holding a public office, except in those cases where the individual's private life may have an effect on his/her public life. Specific obligations would include, for example, the obligation not to reveal the location of a person's home or family unless strictly relevant to the behaviour under investigation, the need to obtain a subject's permission when using material from CCTV and the need to avoid unfair treatment to the person being portrayed as a result of the re-use of news material in later and different programme contexts.

- **Hidden Microphones and Cameras**

The use of hidden microphones and cameras should only be considered when it is necessary for the credibility and authenticity of the story and, when recording does take place secretly, the words or images recorded should serve an overriding public interest. Moreover, when broadcasting material is obtained secretly, whether on public or private property, the broadcaster cannot infringe the privacy of bystanders who may be caught inadvertently in the recording.

- **Interviews and Editing of Interviews**

Broadcasters would be expected to make persons being interviewed on matters related to political or industrial controversy or current public policy adequately aware of the format, subject matter and purpose of the programme to which they have been invited to contribute and the way in which their contribution is likely to be used. Interviewees should also be informed of the identity and intended role of other proposed participants in the programme. Moreover, the need for impartiality and fairness in news and current affairs programming should also apply to the editing of interviews. Therefore, the editing of recorded interviews should not



distort the views expressed in the interview or create misrepresentation of the known opinion of the interviewee.

- **The Proposed Arrangements**

The Authority did not feel that it was necessary or advisable to review in any significant manner the contents of these guidelines at that particular stage, that is only after a period of around two years since their adoption.

The closing date for responses was set at 1st December 2006. Very few responses were however received. After due consideration the Requirements as to Standards and Practice on News Bulletin and Current Affairs Programmes were approved by the Authority and entered into force on 12th February, 2007. A copy of these requirements is available at Appendix VI.

4.3 Review of Existing Legal Provisions on the Transmission of Major Events and of the List of Major Events

The Broadcasting Authority reviewed the existing legal provisions on the transmission of major events as well as the ancillary list of major events, namely:

- the Broadcasting (Jurisdiction and European Co-operation) Regulations, 2000; and
- Government Notice 900 of 2001 on the Transmission of Major Events.

These legal provisions had transposed the contents of article 3c of the European Union Television Without Frontiers Directive which are, *inter alia*, intended to ensure that broadcasters under a particular jurisdiction

“do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events via live coverage or deferred coverage on free television”.

The interpretation and application of these legal provisions by the Broadcasting Authority earlier on in 2006, following the announcement by the local cable network operator that it had acquired the exclusive rights to transmit all the games of the final competition of the FIFA World Cup 2006, had raised a major public debate in the local media. The Broadcasting Authority thus launched a process of consultation on the possible review of these legal provisions and a Consultation Document, providing the required background information as well as an outline of the proposals of the Authority, was published. A copy of the consultation document is found at Appendix VII.



Although the provisions of the above-mentioned Directive are currently in the process of being reviewed on the basis of a Commission proposal for a new *Audiovisual Media Services Directive*, there has been no suggestion that these particular article 3c provisions need be revised. It even has to be stated that provisions similar to the above also exist in the Council of Europe Convention on Transfrontier Television.

The above-mentioned provisions were transposed into Maltese legislation in the year 2000 with the adoption of the Broadcasting (Jurisdiction and European Co-operation) Regulations, 2000 (Legal Notice 158 of 2000). Moreover, a list of major events established in terms of these regulations was published under Government Notice 900 of 2001 on 30th October 2001. This list included the following events:

1. the Malta Song Festival;
2. the Malta Song for Europe Festival;
3. the Eurovision Song Festival;
4. the Malta Carnival;
5. the Authority's Programme Awards;
6. the New Year Concert from Vienna;
7. the Maltese national football team's home and away matches;
8. the final of the local FA trophy;
9. the final of any UEFA football club competition;
10. all the matches in the final stages of the European national football championship and the football World Cup;
11. the summer Olympic Games;
12. the Small Nations Games;
13. the March and September regattas;
14. the Middle Sea Race.

On the 11th March 2006, in anticipation of the transmission by the local cable network operator of the games of the final competition of the 2006 FIFA World Cup, the Broadcasting Authority had issued a public statement indicating that, in terms of the provisions of the relative Legal Notice, the Authority had determined that the obligation of the rights holder to make arrangements for the transmission of the final stages of this competition on free-to-air television referred to the quarter-finals, semi-finals, the game for third place and the final game of the competition.

It is also pertinent to point out that, in the context of the Directives that are issued by the Ministry for Tourism and Culture (responsible for broadcasting policy) to PBS Ltd. on the utilisation of the annual Government financial contribution to the public service broadcaster to enable the station to meet its 'extended public service obligations', the Ministry imposes an obligation on the station to broadcast a number of events.



Although this particular Ministry directive is not motivated by the provisions of the above-mentioned Legal Notice, it has to be recognised that the directive does have a bearing on the determination of the list of major events issued in terms of the Legal Notice.

Following publication of this consultation document, the Authority sought responses from the public up till 7th December, 2006. Four responses were received and after due consideration the Authority approved the following list of major events:

Cultural Events

1. the Malta Song for Europe: final and qualifying nights.
2. the Eurovision Song Festival: final night but qualifying event also included in case of Maltese participation.
3. the Malta Carnival: Saturday Carnival for Children, Carnival Sunday and Tuesday Floriana Carnival.

Sports Events

4. the Maltese national football team's competitive home matches.
5. the Maltese national football team's competitive away matches.
6. the final and semi-final games of the U.E.F.A. Cup and of the U.E.F.A. Champions League.
7. the opening ceremony, the opening game, the quarter-finals, the semi-finals, the game for third place and the final of the FIFA World Cup.
8. the opening ceremony, the opening game, the semi-finals and the final of the U.E.F.A. European Football Championship.
9. the opening ceremony and Maltese participation in the Summer Olympic games.
10. the opening ceremony and the finals taking place on the last day of the Games of the Small States of Europe.
11. the March and September regattas.

In the case of the events listed above, coverage has to be direct and in full except in the following cases:

- The Maltese national football team competitive home matches which could be aired on a deferred basis within 24 hours from the time that the match has ended.
- The Malta Carnival held on Saturday afternoon is to be broadcast on a deferred basis and in full on Carnival Sunday afternoon only if the actual Carnival Sunday event has been cancelled.

The semi-final of the U.E.F.A. Cup and of the U.E.F.A. Champions League shall be considered a major event with effect from the football season 2007-2008.



4.4 Terrestrial Digital Audio Broadcasting

By means of the Consumer Protection (Amendment) Act, 2006, Act No. XV of 2006, the Broadcasting Act was amended whereby a new provision was added to the said Act in terms of which the Broadcasting Authority was entrusted with licensing programme content on digital radio services.

Draft regulations for the Prime Minister's eventual approval to give better effect to the licensing and regulation of digital radio were drawn up by the Broadcasting Authority. However, before pursuing the matter further, the Authority decided to initiate a consultation process on these regulations to obtain feedback thereon. The consultation document is found at Appendix VIII. The proposed draft regulations will empower the Broadcasting Authority to license programming content on terrestrial digital audio broadcasting networks. It was proposed to have two types of programming content: locally originating and retransmitted programme content. In the case of the former, local programming can be of a generalist nature covering a variety of programme genres or of a specialist nature. Changes to the channel line-up would also have to be approved by the Broadcasting Authority.

Moreover, during the early months of 2007 the Authority was discussing proposed amendments to the Legal Notice in question both in so far as major events and short news reporting were concerned.

5. BROADCASTING LEGISLATION

5.1 Amendment to the Broadcasting Act

The Broadcasting Act has been amended by the Consumer Protection Laws (Amendment) Act, 2006, Act No. XV of 2006. This law was enacted on 8th August 2006 but has come into force with effect from 29th December 2005. Essentially two amendments have been made to the Broadcasting Act, one to empower the Prime Minister and the Broadcasting Authority to make regulations for the issue of digital radio licences by the Broadcasting Authority and another to enable the Prime Minister to make regulations to implement any European Community obligation in matters relating to broadcasting law.

5.2 Legal Notice to Give Effect to EU Regulation 2006/2004

The Authority proposed to the Prime Minister to make regulations in terms of article 37(3) of the Broadcasting Act. Such regulations are intended to empower the Authority to implement the provisions of Regulation (EC) No. 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws. Following a consultation process



these regulations were eventually approved by the Prime Minister as the Broadcasting Authority (Enforcement Powers) Regulations, Legal Notice 263 of 2006, now subsidiary legislation 350.12 of the Laws of Malta.

5.3 Broadcasting Act (Amendment of Fifth Schedule) Regulations, 2007

The Broadcasting Authority proposed to the Prime Minister to update the Fifth Schedule to the Broadcasting Act which sets out the penalties to be inflicted upon broadcasting stations which contravene the provisions of the Broadcasting Act and any subsidiary legislation made thereunder. The proposal is divided in four parts.

It was being proposed to increase the maximum and minimum administrative penalties which the Broadcasting Authority can inflict upon a broadcasting station from the current maximum of Lm200 and the current minimum of Lm150 to the proposed maximum of Lm500 and the proposed minimum of Lm400. The Authority made this proposal because experience showed that the current penalties were excessively low when one considered that articles 13(2)(a) to 13(2)(f) attract such a minute penalty notwithstanding the seriousness of the administrative offences therein contemplated, namely:

- a. that nothing is included in the programmes which offends against religious sentiment, good taste or decency or is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling;
- b. that all news given in the programmes (in whatever form) is presented with due accuracy;
- c. that sufficient time is given to news and current affairs and that all news given in the programmes (in whatever form) is presented with due impartiality;
- d. that proper proportions of the recorded and other matter included in the programmes are in the Maltese language and reflect Maltese cultural identity;
- e. that the programmes broadcast contain a substantial proportion of matter closely designed to appeal to the interest, tastes and outlook of the general public; and
- f. that due impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policy.

The Authority further proposed to establish an administrative penalty for breach of regulations for digital radio. Article 16B was added to the Broadcasting Act in 2006 but no penalty was established at that time.

The same approach was taken in sub-articles 19(1) to 19(7) regulating advertisements which currently attract a very small penalty. It was proposed to increase these penalties to a more realistic level.



In its last proposal all the various standards and practices approved by the Authority in terms of articles 19 and 20 of the Broadcasting Act were listed separately so that it would be possible to establish a lower but more reasonable penalty than the maximum established in articles 19 and 20 aforesaid so that the new penalty would be more in line with the other provisions of the Broadcasting Act and of the subsidiary legislation made thereunder. In other words, all infringements concerning advertisements were to be established at the same rate of penalty for the infringement established by the Broadcasting Code for Advertisements, Teleshopping and Sponsorships. The same position was being proposed with regard to vulnerable persons and disabled persons who were being equated to children in terms of the Broadcasting Code for the Protection of Minors (L.N. 160 of 2000; SL 350.05) and to the Authority's Family Viewing and Listening Policy and the Requirements as to Standards and Practice on the Promotion of Racial Equality and these are usually combined with the bad taste and decency provisions which will attract the same maximum and minimum punishments as those for the said Family Policy and Promotion of Racial Equality Requirements.

The Prime Minister agreed to this proposal and Legal Notice 69 of 2007 was issued to amend the Fifth Schedule of the Broadcasting Act with effect from 1st March 2007.

5.4 Directive on Conduct of Competitions and the Award of Prizes

The Authority felt the need to draw the attention of all broadcasting stations to its directive issued concerning the conduct of competitions and the award of prizes on the broadcasting media. In terms of paragraph 7 of this Directive, it is stated as follows:

"Where the cost of the telephone call is higher than the normal published tariff, then any promotions for the competition however so carried or advertised shall state the cost of the call. If a proportion of the cost of the call is intended for any non-profit making cause, then that proportion must also be specified."

On 1st March 2006 all broadcasting stations were informed that the Broadcasting Authority Directive on the Conduct of Competitions and the Award of Prizes was amended. Its paragraph 7 was extended to oblige broadcasters to state the price of each sms. The revised paragraph now reads as follows:

"Where the cost of the telephone call or sms is higher than the normal published tariff, then any promotions for the competition however so carried or advertised shall state the cost of the call or sms, as the case may be. If a proportion of the cost of the call or sms, as the case may be, is intended for any non-profit making cause, then that proportion must also be specified."



The Authority approved an addition to the Directive on Conduct of Competitions and the Award of Prizes. The text of the said addition is as follows:

“Quizzes

13.1 When a quiz is held, broadcasters are to ensure that no question is asked with regard to a specific commercial product or service and that any question asked does not, either directly or indirectly, relate to a commercial product or service.

13.2 For the purposes of this paragraph a commercial product or service includes reference to a brand name or a company or a commercial enterprise which imports, sells, distributes or otherwise produces any product or service.”

5.5 Directive on Tattoo Advertising

The Authority received a request for information concerning tattoo advertising on radio and television, that is, whether such type of advertising was acceptable or not and if it was so permissible, to what extent. The Authority referred stations to the provisions of the Control of Tattooing Act, Chapter 270 of the Laws of Malta. In terms of article 5 (1) of this Act, it is a criminal offence for any person to request, allow, suffer or permit the tattooing of any part of his/her body except when the tattoo is performed by a person who is in possession of a valid licence from the Minister responsible for public health or any person authorised in his/her behalf.

The Authority directed all stations in terms of article 15 of the Broadcasting Act to air any such adverts or other form of programming including information slots concerning tattoos after 9.00p.m. and not later than 6.00a.m. in view of the fact that in terms of law tattoos are permitted only on adults. In fact, the provisions of article 3 of the Control of Tattooing Act are quite clear in prohibiting the tattooing of a minor, so much so that it is a criminal offence to tattoo any person who is under eighteen years of age.

If an advert for a tattooist or a programme referring to tattoo performance is made between 9.00p.m. and 6.00a.m., the station should ensure that the tattooist is licensed to practise as a tattooist. Broadcasters should furthermore inform viewers and listeners of the danger to health if a tattoo is carried out by an unlicensed tattooist and that a tattoo is of a permanent nature and can only be removed through surgical intervention. This is due to the fact that a tattoo requires the insertion into the skin of colouring material designed to leave a permanent mark. If such adverts or programming material are broadcast, stations should ensure that these are not in conflict with the bad taste and decency requirements of the Broadcasting Act.

Finally, stations were requested to ensure that the Department of Public Health is provided with a copy of the advertisement or other programming for legal vetting purposes prior to being aired.



5.6 Guidelines for Audio-Visual Programme Content Created for Children

Children today are exposed to a variety of media influences. A number of homes have televisions, radios, VCR's, DVD's, electronic games and a variety of other media. Families are also acquiring computers at a growing rate. Research leaves no doubt that children use these media and are entertained, informed and educated by them. In the lives of children, media matter.

Young children, especially those two through six years of age, represent a special audience with special needs. These children are in the critical early stages of forming attitudes, beliefs, and values along with corresponding behaviours. They are also creating images of themselves, others, and the world around them, and obtain much of their information from the multimedia world in which they are growing and developing.

Children's storytelling can be realistic or based on fantasy. Research shows that children can learn the same way from fantasy as they can from more realistic media representations. Although older children – those beyond the age of six – are better able to distinguish between fantasy and reality, all programmes need to be carefully analysed for their impact on the attitudes, beliefs, and behaviour of children.

Recognising the special needs of children and the role that media play in their lives, the Broadcasting Authority and the Commissioner for Children set up a joint working group to discuss the creation of standards and guidelines for diverse forms of children's media content. This working group consulted television stations, production companies, advertisers and the public. A round table conference was held in October 2005 to discuss these guidelines with experts in this area and a National Conference was convened in June 2006 which was open to all sectors of society.

These guidelines recognise the important link between the special responsibility of creative professionals and the role that parents, teachers and others must play in helping children to be wise consumers of media. It should also be noted that the guidelines are not intended to be a finished set of standards. They represent formative ideas that can be changed as new information is received and actual experiences with them are evaluated. Most of all, the guidelines should challenge each of us to find new and innovative ways to tell a story, capture an adventure, portray a character, and produce a programme, with an understanding of the impact programming has on young viewers.

These guidelines which are only intended as minimum standards apply to children and young persons who have not attained the age of eighteen as per Appendix IX.



5.7 Guidelines on Alcoholic Drink Advertising, Sponsorship and Teleshopping

The Authority amended its *Guidelines on Alcoholic Drink Advertising, Sponsorship and Teleshopping* by establishing the exact time during early morning when alcoholic drink advertising, sponsorship and teleshopping is not permissible.

This clarification is necessary due to the fact that paragraph 2 of the previous version of these guidelines simply stated that such adverts etc. could not be broadcast before 9.00p.m. without establishing the exact duration of the prohibition. The revised paragraph 2 of these guidelines now reads as follows:

- “2.1 Advertisements and teleshopping for alcoholic drinks shall not be broadcast between 6.00a.m. and 9.00p.m.
- 2.2 In sponsored programmes, it shall not be permitted to use the name of an alcoholic drink as the name of the sponsor between 6.00a.m. and 9.00p.m.
- 2.3 It shall not be permissible to use the brand name of an alcoholic drink for a sponsored activity between 6.00a.m. and 9.00p.m.”

5.8 Guidelines Regarding Participation in Media Programmes of Vulnerable Persons

The Broadcasting Authority approved an amendment to paragraph 4.1.6 of its Guidelines regarding Participation in Media Programmes of Vulnerable Persons. The revised version of this paragraph just approved by the Broadcasting Authority reads as follows:

“4.1.6 Programmes aimed at establishing the identity of the natural parents of children, including adopted ones, shall not be broadcast. Moreover, where programmes or parts thereof deal with the subject of adoption such programmes or parts thereof are to be aired after the watershed and no repeats of such programmes or parts thereof shall be broadcast prior to the watershed. The same applies to programme promotions of such programmes dealing with adoption. For the purpose of these Guidelines, the watershed means between 9.00p.m. and 6.00a.m.”

5.9 Teleshopping Windows

The Authority observed that during teleshopping windows the relevant rules regulating this type of programming were not being strictly adhered to. So in November 2006 it issued a circular to all broadcasters drawing their attention to the following deficiencies:

- a. Not always was reference being made to the cooling off period with regard to those products which required such treatment. The Authority therefore directed stations to comply with the Distance Selling Regulations, where applicable.



- b. Not all products or services can be the subject of a direct offer or can be linked to a direct response. The Authority clarified that during teleshopping window it is not the shop which is to be sold but its products. Hence whilst it is allowed to sell the various products of a particular shop, it was not permissible to use a teleshopping window to advertise a particular shop.
- c. The Authority also clarified that the price of a product or a service has to be a fixed one and that it was not allowed to give the viewer an approximate price (e.g. between Lm5 and Lm100) but the exact price of the product has to be stated.
- d. As to the address the Authority clarified that the address of a shop during a teleshopping window could not be stated; nor was it allowed to provide directions as to how one could reach that shop.

So that the viewer does not get confused, it is important that the words “Messagg Promozzjonali” be broadcast during an advert and that words “Telebejgh”, “Teleshop” or “Teleshopping” are broadcast during a teleshopping window.

In another circular to stations, reference was made to the provisions of paragraph 34 of the Third Schedule to the Broadcasting Act which reads as follows:

“34. The price of the product or service offered shall be provided during a teleshopping offer and the address from where business is conducted shall not be broadcast either orally or graphically. The station which broadcasts a teleshopping window shall keep a record of the identity and the address of the company or of the individual who sells a product or service during a teleshopping window should a viewer who has purchased a product or service request such information.”

From a monitoring exercise carried out by the Monitoring Department, it transpired that in teleshopping programmes:

- a. either the price of the product offered during a teleshopping window was not provided; and/or
- b. the address from where the business is conducted was broadcast either orally or graphically.

Station’s attention was drawn to the above to ensure that no such infringements continue.



5.10 Revision of the Family Viewing and Listening Policy

The Broadcasting Authority revised its *Family Viewing and Listening Policy* for television stations, including local channels provided by the cable operator.

In terms of this revision, the Authority directed television and radio stations to classify programmes using the same classification criteria adopted for cinema and stage. In so far as television programmes are concerned, television broadcasting stations have to adopt the following signage:



for universal programmes which are suitable for all.

The letter 'U' should be encircled in a green colour.



for programmes which require parental guidance.

The letters 'PG' should be encircled in a yellow colour.



suitable only for persons of twelve years and over.

The number '12' should be encircled in an orange colour.



Suitable only for persons of sixteen years and over.

The number '16' should be encircled in a brown colour.



for adults only programmes.

The letters 'AO' should be encircled in a red colour.

5.11 Classification of a Concert

The Authority had the opportunity to examine article 19(8) of the Broadcasting Act which reads as follows:

"Nothing in subarticle (6) shall be construed as prohibiting the inclusion of any of the following matters in any part of a programme broadcast by the Authority or by any person providing broadcasting services in Malta, which is not an advertisement, namely –

- a. items designed to give publicity to the needs or objects of any association or organisation conducted for charitable or benevolent purposes;
- b. reviews of literary, artistic or other publications or productions, including current entertainments;
- c. items consisting of factual portrayals of doings, happenings, places or things, being items which in the opinion of the Authority are proper for inclusion by reason of their intrinsic interest or instructiveness and do not constitute an undue element of advertisement;
- d. announcements of the place of any performance included in the programme, or of the name and description of the persons concerned as performers or



otherwise in any such performance, announcements of the number and description of any record so included, and acknowledgements of any permission granted in respect of any such performance, persons or record; and

- e. such other matters, if any, as may be prescribed by regulations made by the Authority in conjunction with the Minister.”

The Authority interpreted an information slot of a cultural nature concerning a concert as being an advertisement once such slot went as far as to advertise the sale of the concert’s tickets. Indeed emphasis was placed during this slot on the fact that not all the tickets had been sold out, the tickets’ price was repeatedly announced and, essentially, there was more emphasis placed on the commercial promotional aspect of the concert rather than on its cultural aspect. In such instances, the Authority considers that slot as an advert and will regulate it accordingly.

5.12 20-Minute Clock Hour Rule

In October 2006 the Authority interpreted the 20-minute clock hour rule in the Third Schedule of the Broadcasting Act which requires the separation of one batch of adverts from another batch of adverts after 20 minutes have elapsed between the two batches of adverts. However, in the case of a half hour programme, the Authority stated that it is permissible to have the advertising break after fifteen minutes of the programme rather than at the twentieth minute.

5.13 Aggregation of Time for Radio Adverts

In terms of paragraph 28 of the Third Schedule to the Broadcasting Act, the amount of time given to advertising on radio services should not exceed 15 minutes within a one hour period. However, part of such advertising time may be aggregated to a continuous period not exceeding two hours in each twelve hour period. For the purposes of aggregation, the Authority decided that the said twelve hours should be calculated as follows:

- a. the first twelve hours shall be counted from 6.00a.m. to 6.00p.m.; and
- b. the second twelve hours to be counted from 6.00p.m. to 6a.m.

5.14 Clarification of the Sponsorship Rules

Further to Circular 20/05 to all broadcasting stations dated 18th March 2005, the Authority clarified the following:

- a. no programme promotion may be sponsored and no mention may be made in a programme promotion of the programme’s sponsor/s;
- b. it is allowed to identify a sponsor not only at the beginning and at the end of the programme but also when the programme is interrupted by advertising breaks. In



the latter case, the sponsor may be referred to immediately prior to or after the advertising break.

5. 15 Designer Clothes in Sports Programmes

During sports programmes players wearing their football gear were being invited to participate during these programmes. As these kits bear the name of the sponsor of the team in question, the Authority stated that it was prepared to permit such participation provided that:

- a. both the programme presenter and members of the production team do not wear any designer clothes where the name of the sponsor, the firm or product/service are visible;
- b. no close-ups are taken of these designer clothes' names, products or services during sports programmes;
- c. programme guests or the audience may wear designer clothes by way of an exception provided that there is no close-up on the names of these designer clothes or on the particular product or service referred to on such clothes.

5.16 Wearing of Bath Robes

Where persons are shown wearing bath robes bearing the name of a salon, a beauty centre or a hotel, the Authority is of the view that:

- a. the presenter or a member of the production team should not wear any designer clothes where the name of the sponsor, brand, product or service is visible; and
- b. no close-ups are taken of the names to the brands, products or services.

5.17 Sponsorship of a One Minute Slot

Where a one minute slot does not provide any informational material but is used to give publicity to a product or a service offered by the slot's sponsor, the sponsorship regulations do not apply in this case. In order to be permitted to sponsor a one minute slot the following conditions have to be observed:

- a. no promotion, whether directly or indirectly, of the sponsor's products or service are allowed;
- b. the slot must be of an informational or educational nature;
- c. the slot does not have advertising content; and
- d. it is not longer than one minute.

Should one of the above four criteria be breached, the slot will be considered to be an advert and will be regulated accordingly.



5.18 Broadcasts from Establishments

The Authority observed that certain radio programmes were being broadcast from certain establishments such as shops, supermarkets, etc. and that the programme presenter was promoting the said establishment without respecting the separation rule. As this was in breach of the Third Schedule to the Broadcasting Act, the Authority advised stations not to allow such violation of the law to continue.

5.19 Programme Repeats during the Summer Months

As it is normal for programme repeats to increase during the summer months, the Authority reminded stations to be more vigilant at ensuring that if these repeats were to be broadcast before 9.00p.m. – when children would normally be watching television or listening to the radio – no programmes containing violence or adverts for alcoholic beverages were to be broadcast prior to the watershed.

5.20 Introduction of a New Service on the Market

In April 2006 the Authority considered a monitoring report which referred to a new service introduced into the market in Malta by a company which used stem cells for the cure of disease. The question which the Authority had to consider was whether such a new service constituted a commercial promotion or whether it had an intrinsic value which was of interest to the public.

The Authority decided that mention in a programme of a company's name, which company specialised in a subject which had an intrinsic value in itself and which was of interest to the public, did not necessarily breach advertising rules. This rule applies when it does not transpire that the said company name is being mentioned only for advertising purposes and that such company is not in competition with another competitor. Therefore the Authority was of the opinion that it could not *a priori* consider these broadcasts to constitute advertising.

In order to guide broadcasters better, the Authority was of the opinion that stations should consider the following criteria to arrive at a decision:

- a. whether the item is purely informational/educational or whether it is purely intended to promote a new service or product;
- b. whether other competitors exist on the local market which offer a similar service or product. If the answer is in the affirmative, it has to be established whether these competitors have been invited or not to participate in the programme;
- c. the subject in question, that is, once it is referring to a new product or service, whether such product or service is of interest to the public; and
- d. although *per se* there is nothing wrong if during the programme a representative of that company offering such new products or service were to participate and that the



price of that product or service was referred to, the emphasis of the programme has to be on the informative/educational element and not on the advertising element.

5.21 Language used in SMS's

The Authority drew stations' attention to the fact that during discussion and current affairs programmes, SMS's which were being broadcast on air contained unsuitable language. The Authority thus requested stations to check the language content of SMS's prior to their broadcast.

5.22 Broadcasts which Offend Religious Sentiment

On 16th February 2006 the Broadcasting Authority Chief Executive issued a circular to all broadcasting stations drawing their attention to the provisions of article 13(2)(a) of the Broadcasting Act which provides that it shall not be allowed to broadcast programme content which offends religious sentiment. He also informed stations that the Authority would consider the airing of caricatures of the prophet Mohammed as had been then published in a Danish newspaper as being disrespectful and offensive. The reproduction of such caricatures was thus considered to be in breach of the law. Naturally, this did not exclude any discussion of these caricatures, provided that they were not shown by the broadcasting media.

5.23 Broadcasting Authority Directive concerning *E-News* broadcast on Education 22

On 6th June 2006 the Authority wrote to Mr Andrew Psaila, then responsible for editorial content on Education 22, with regard to *E-News*. The Authority noted that this programme was broadcasting news which was not necessarily related to the educational sector. The Authority thus drew the station's attention to the provisions of article 119 of the Constitution of Malta concerning the need to ensure impartiality and balance in its broadcasts as well as to the provisions of article 13(2) of the Broadcasting Act. The Authority complained of the fact that, whilst Education 22 always found the necessary time to report about Government's educational policy, no coverage was given by this Education 22 programme to disseminate among viewers the Maltese Labour Party's draft plan for the education sector. Although this draft plan was published by the Malta Labour Party on 27th May 2006, it was not covered in the 29th and 31st May and 2nd and 5th June 2006 editions of *E-News*. Indeed, these four programmes had as a matter of fact addressed subjects which were of less relevance to society than the said draft plan. Consequently, in terms of article 119 of the Constitution and of article 15 of the Broadcasting Act, the Authority directed Education 22 to dedicate an edition of *E-News* to the said draft Malta Labour Party education plan. Such a programme had to be broadcast within a week's time from the date of the Authority's directive. Education 22 fully complied with the Authority's directive.



5.24 European Union Television Without Frontiers Directive

The Broadcasting Authority was consulted by the Ministry for Tourism and Culture on the amendments being discussed at EU level to the *Television Without Frontiers Directive*. The Authority had written to the Ministry in order to draw the latter's attention as to the requirements which the amended directive – the Audiovisual Media Services Directive - would import should the amendments to the directive be adopted in their current form. In its submissions, the Authority observed that the proposal needed to be addressed from an institutional, financial, technical and human resources point of view. Naturally, for a small island state with limited resources, Malta still had to quantify the exact impacts that such a proposal will bring about.

6. PROGRAMME COMPLAINTS

During 2006 the following programme complaints were brought before the Authority for adjudication:

Mr Mario Borg for the *Malta Tagħna Hielisa* Movement complained that the public broadcaster had not carried a Press Release issued by the Movement on 27th February claiming that Europe's position on Iran was in breach of the Constitution of Malta. *Public Broadcasting Services Limited* submitted that the Press Release in question did not have any news value and therefore did not conform to the requirements of the Authority's Guidelines on News and Current Affairs. The Authority noted that the press release was only expressing an opinion based on the statements made by three member states of the European Union and concluded that the contents of the Press Release did not satisfy the Authority's Guide Lines on what constitutes news value. The Authority found in favour of *PBS Ltd.* and the complaint was not upheld.

The *Mediterranean Conference Centre* complained that after entering its premises without permission, TVM newsroom staff broadcast factually incorrect reports regarding the laying out of wires and cables and that TVM used incorrect terminology to describe the Centre's facilities in its news bulletin broadcast on 13th March, 2006. The Centre submitted that this was done in order to benefit a competitor and paint a negative picture of the Centre to weaken its market competitiveness. The Centre further complained that a statement it issued in reply, was not given adequate treatment in the station's news broadcast on 15th March, when only points from the statement were mentioned whilst the visual material was unacceptable. TVM submitted that the purpose of the news item had been to investigate the state of the *Sacra Infermeria*, a building of national importance, after it had been used as a counting hall for local council election results. The Authority held that a right of reply was provided for by the Press



Act and that the Authority's jurisdiction was limited to article 34 of the Broadcasting Act regarding unjust or unfair treatment in news. On investigation the Authority found the news item to have intrinsic value and the complaint was not upheld.

On 23rd May 2006, Mr Jesmond Saliba, the Communications Coordinator in the Ministry for Investment, Industry, and Information Technology, wrote to complain about the way that a statement issued by the Ministry was carried on *One News*. The statement was by way of a right of reply to a report broadcast by the station on 18th May, 2006, regarding the financial loss incurred by Government on the sale of *Maltacom plc*. The Authority held that the nature of the complaint did not fall within the Authority's remit in terms of article 34 of the Broadcasting Act and as complainant had started proceedings under the provisions of the Press Act, the Authority could not adjudicate the matter. The Authority did not consider the complaint any further.

The *Union Haddiema Magħqudin* complained that a conversation resulting from a telephone call made by a One News journalist to its Secretary General was recorded by the journalist without the Secretary General's knowledge and broadcast by the station as an interview in its news programme on the following day. *UHM* complained that such behaviour contravened the Journalist's Code of Ethics and the Authority's Guidelines on News and Current Affairs programmes and asked the Authority to investigate and inform the *UHM* of any measures the Authority might take as a result. On hearing the voice clip the Authority found that the journalist has not fully complied with the provisions of paragraph 13.3.1 of the Guidelines on News and Current Affairs. The complaint was upheld.

The radio station *RTK* wrote to complain that *TVM* did not give any news coverage to an *RTK* broadcast of a debate between the Prime Minister and the Leader of the Opposition because *TVM* did not consider this to have any news value even though this event was given extensive coverage in all newspapers. *TVM* submitted that the criteria for news for television differed from that for newspapers in that these had focussed on the politicians' behaviour rather than on the content of the debate. Moreover the debate, having already been broadcast by *RTK*, consisted of second hand news whilst *TVM* had already given extensive coverage to the budget debate in Parliament. On hearing submissions from both stations, the Authority found that *TVM* had observed precisely those requirements regarding news value that are laid down by the Authority's Guidelines on News and Current Affairs. In applying this criteria, *TVM* did not report on the debate since the Prime Minister's views and those of the Leader of the Opposition on the subject had already been given extensive coverage and once the debate was broadcast on another medium, the Authority decided that it should not disturb *TVM*'s editorial discretion. The complaint was not upheld.



7. BROADCASTING CASE LAW

7.1 Decided Case

During 2006, only one case was decided by the Courts as follows:

No.	Date of Decree / Judgement	Court Ref. No.	Parties	Court	Remarks
1	3/11/06	754/00/GC	Tony Zarb et noe vs Awtorita' tax-Xandir	Constitutional Court	Court confirmed judgement of the Civil Court, First Hall in favour of the GWU

7.2 Political Advertising in Malta: Recent Case Law

On 3rd November 2006, the Constitutional Court delivered a judgment finding the Malta Broadcasting Authority to be in breach of freedom of expression. On 17th August 2000 Smash Television faxed the Broadcasting Authority a transcript of a political spot proposed by the General Workers Union to be broadcast on Smash TV. The Authority informed Smash Television that this spot was in breach of the Broadcasting Act which prohibits political advertising unless such spot is broadcast within a scheme of party political broadcasts organised by the Broadcasting Authority. The wording of the spot read as follows:

"What justice is this? There are those who are comfortable and those who have to carry all the burdens. There are those who are filthy rich and those who have to struggle to maintain a decent standard of living which s/he would have gained. It is very easy to turn to the wage earner and to pensioners to collect as much taxes as possible from these people. Why should we turn the clock back? Is this just? You can also give your contribution."

On 3rd June 2005 the Civil Court decided that the advert was of a political nature but it did not appear reasonable that any person who wanted to air a political advert on television had to request the Broadcasting Authority to organize a scheme of political broadcasts as the Authority could always refuse to organize such a scheme. Although it was true that the Authority was obliged to ensure that balance is kept in questions of a political or industrial controversy, such balance could not however be assured by prohibiting the broadcast of a political advert. One had the right to express oneself and if there was any balance that had to be maintained, there should be adequate regulations which ensure that such balance is kept even if the first advert is a paid advert. These regulations should establish how this advert can be countered.

The Union had the freedom to express its opinions even if these opinions were of a political nature and even if these happened to be paid adverts. It had also the right to impart



information as to its opinion and without being hindered to do so by a public authority. The Authority had acted unreasonably when it applied the law and regulations in question by prohibiting such an advert; such Authority decision not being required in a democratic society. Therefore the Authority was not justified to prohibit the broadcast of this political spot.

The Civil Court quoted the *VGT Verein Gagen Tierfabriken vs. Switzerland* European Court of Human Rights judgment of 28th June 2001 where it was held that the prohibition to broadcast an advert by an association amounted to interference by a public authority in the exercise of the fundamental freedom guaranteed by Article 10 of the European Convention of Human Rights and that it was allowed to permit a prohibition of political advertising only “to protect public opinion from the pressures of powerful financial groups and from undue commercial influence; to provide for a certain equality of opportunity between the different forces of society; to ensure the independence of broadcasters in editorial matters from powerful sponsors and to support the press.” In the Civil Court’s opinion, the facts of the case pending before it did not fall within any one of these cases mentioned by the Strasbourg Court.

By judgment of 3rd November 2006, the Constitutional Court held that the *a priori* and total prohibition to broadcast a political advert only with the Broadcasting Authority’s consent clashed with the principle of proportionality which was required by the legitimate aim which had to be achieved and the means used to achieve it. To achieve impartiality, there was no need that political advertising had to be subject to the approval of the Broadcasting Authority.

There was no pressing social need for prohibiting a political advert and nor did it result that any political party, union or other constituted body had complained that it wanted to reply to such advert. The Authority’s prohibition, even if through the application of a clear provision of ordinary law as the court of first instance correctly held, was not reasonably justifiable in a democratic society, bearing in mind the importance which freedom of expression, especially in matters of political controversy, has in a democratic country. The Constitutional Court thus rejected the Broadcasting Authority’s appeal.



8. INTERNATIONAL RELATIONS

8.1 European Platform of Regulatory Authorities

Between 17th and 19th May, 2006 the Chairman and Chief Executive of the Broadcasting Authority, participated in the 23rd Meeting of the European Platform of Regulatory Authorities held in Elsinore, Denmark.

During this meeting EPRA members discussed political advertising, the advertising rules of the Audiovisual Services draft directive, compliance with broadcasting licence requirements and the reform and convergence of regulatory authorities. EPRA members were also briefed of the latest developments at the European Commission and the Council of Europe. At this meeting Dr Aquilina presented a paper on programme sponsorship.

The Authority also participated during the 24th Meeting of the European Platform of Regulatory Authorities held in Dubrovnik, Croatia, between 4 and 6 October, 2006. Topics discussed during this meeting included content regulation in the new Media Environment, relationships with co- and self-regulatory bodies, digital radio broadcasting, jurisdiction over broadcasters and the regulation of mobile TV.

8.2 Mediterranean Network of Regulatory Authorities

The eighth Meeting of the Mediterranean Network of Regulatory Authorities took place in Barcelona, Spain between 5th and 7th July, 2006. Dr Kevin Aquilina, Chief Executive of the Broadcasting Authority, attended the meeting.

During the Barcelona meeting, the following topics were discussed: the circulation of audiovisual books in the Mediterranean area, intellectual property rights and its influence on the distribution of audio visual works, TV and children, the current reform of the EU Television Without Frontiers Directive and the Mediterranean Network's website.

8.3 Commonwealth Broadcasting Association

In view of the fact that the Maltese public service broadcaster had recently joined the Commonwealth Broadcasting Association and that Malta would continue to be represented in this Association through PBS Ltd., the Broadcasting Authority decided to withdraw its membership in the Commonwealth Broadcasting Association.

Indeed, the Authority discussed its international membership and decided to retain membership only of those international organisations which consist of broadcasting regulators. In the past, the Broadcasting Authority gave up its European Broadcasting Union membership as this is a public service broadcasters' organisation. The Commonwealth Broadcasting Association, although it is more of a mixed organisation, is predominantly also a broadcasting



organisation. The Authority withdrew from the Commonwealth Broadcasting Association with effect from 1st January 2007. The Authority has, on the other hand, retained its membership of the European Platform of Regulatory Authorities and the Mediterranean Network of Regulatory Authorities.

8.4 E.U. Meeting on Incitement to Hatred in Broadcasts

The Chairman of the Broadcasting Authority, Mr Joseph Scicluna, following an invitation by Mrs Viviane Reding, Commissioner for Information Society and Media, attended a meeting on 24th March, 2006 of the High Level Group of Regulatory Authorities in the Field of Broadcasting. This meeting, convened by the European Commission, was chaired by Mrs Reding and dealt primarily with incitement to hatred in broadcasts.

9. GHARGHUR TRANSMITTING TOWER

2006 saw the security service assignment of Group 4 Security Services (Malta) Limited coming to an end at the end of July. From 1st August 2006 security at Għargħur began to be manned by a new company, Personal Security Services Ltd.

10. RADIO AND TELEVISION AUDIENCES IN MALTA

Article 30(2) of the Broadcasting Act, Chapter 350 of the Laws of Malta, requires the Broadcasting Authority to make and transmit to the Prime Minister a report that includes the results of independent audience research on local radio and television broadcasts.

The *Continuous Audience Assessment* carried out by the Broadcasting Authority between June 2004 and June 2005 was again resumed from 1st October 2006. In the latest survey, the number of interviews to be carried out on a daily basis was doubled whilst the amount of questions asked to each interviewee was reduced when compared to the 2004-2005 survey.

The data collected by the National Statistics Office for the period October-December 2006 was forwarded to the offices of the Broadcasting Authority in the first weeks of January 2007. After due analysis being prepared by the undersigned, a synopsis of the finalized report is being published with this press release.



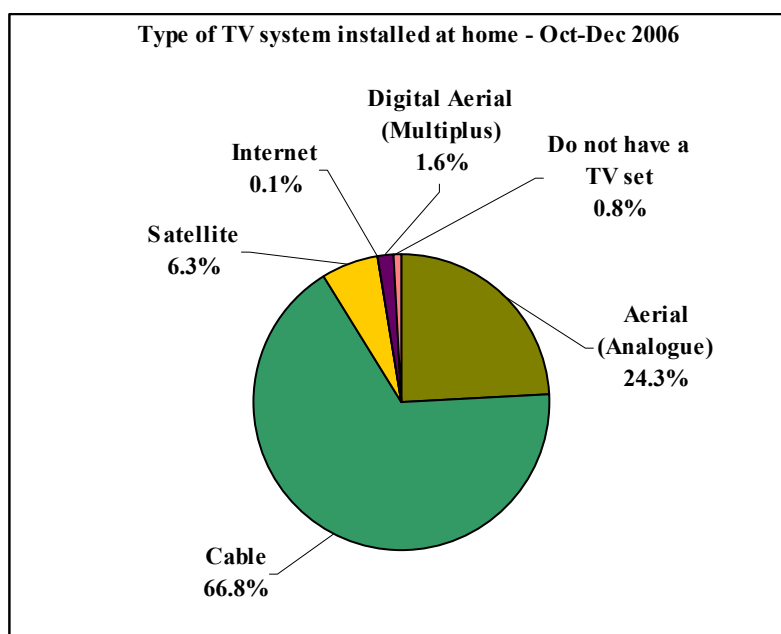
10.1 RESPONSES AND SAMPLE PROFILE

Considering that interviews were made through the telephone, the response rate was that of 58.7% of all those contacted, resulting in a sampling base of 914 interviewees. These were evenly distributed between the three months; and the sample demographic profile is as follows:

AGE GROUP	GENDER		DISTRICT					
	MALE	FEMALE	SOUTHERN HARBOUR	NORTHERN HARBOUR	SOUTH EASTERN	WESTERN	NORTHERN	GOZO & COMINO
12-14	53.8%	46.2%	25.0%	30.8%	17.3%	7.7%	7.7%	11.5%
15-24	43.0%	57.0%	19.3%	27.4%	16.3%	11.1%	12.6%	13.3%
25-29	36.8%	63.2%	29.8%	31.6%	10.5%	19.3%	5.3%	3.5%
30-49	43.2%	56.8%	20.5%	27.8%	16.6%	17.4%	12.0%	5.8%
50-64	36.5%	63.5%	20.7%	28.6%	16.2%	14.9%	10.4%	9.1%
65-79	39.4%	60.6%	20.4%	25.4%	14.8%	19.0%	11.3%	9.2%
80+	32.1%	67.9%	21.4%	28.6%	14.3%	17.9%	14.3%	3.6%
Tot.Row%	40.7%	59.3%	21.2%	28.0%	15.8%	15.6%	10.9%	8.4%

10.2 MEDIA RECEPTION PLATFORMS

Due to convergence and digitisation in media platforms, the Broadcasting Authority wanted to find out the use of multi-media platforms by local broadcasting consumers. The dispersion of the various media platforms by local households is depicted in the following figure:



Of interest is that most of those who declared that they do not have a TV set and who view television broadcasts on the Internet are from the 30-49 age-group.



10.3 DAILY PEAK AUDIENCES

Participants were asked to indicate which radio and/or television station they had followed for at least 10 minutes, and for how long by specifying their clock-hour or part thereof. All the replies were classified by half-clock hour slots and analysed to give the broadcasting stations' audiences per half-hour. The peak percentage audiences obtained by the various radio and television broadcasting stations per week-day are listed below:

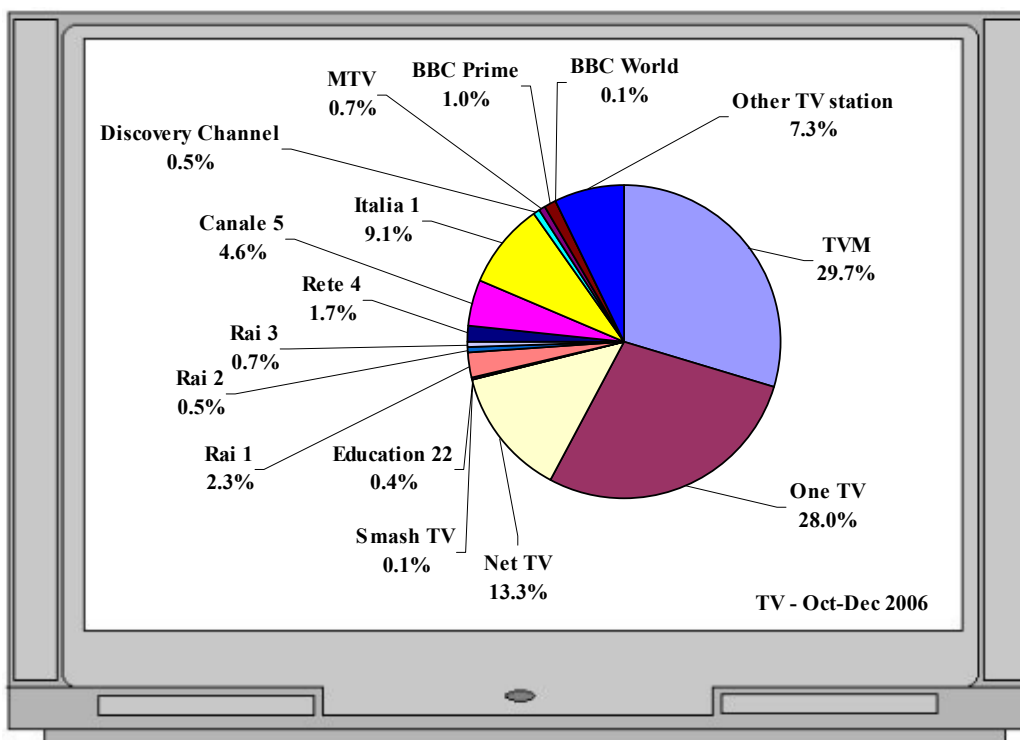
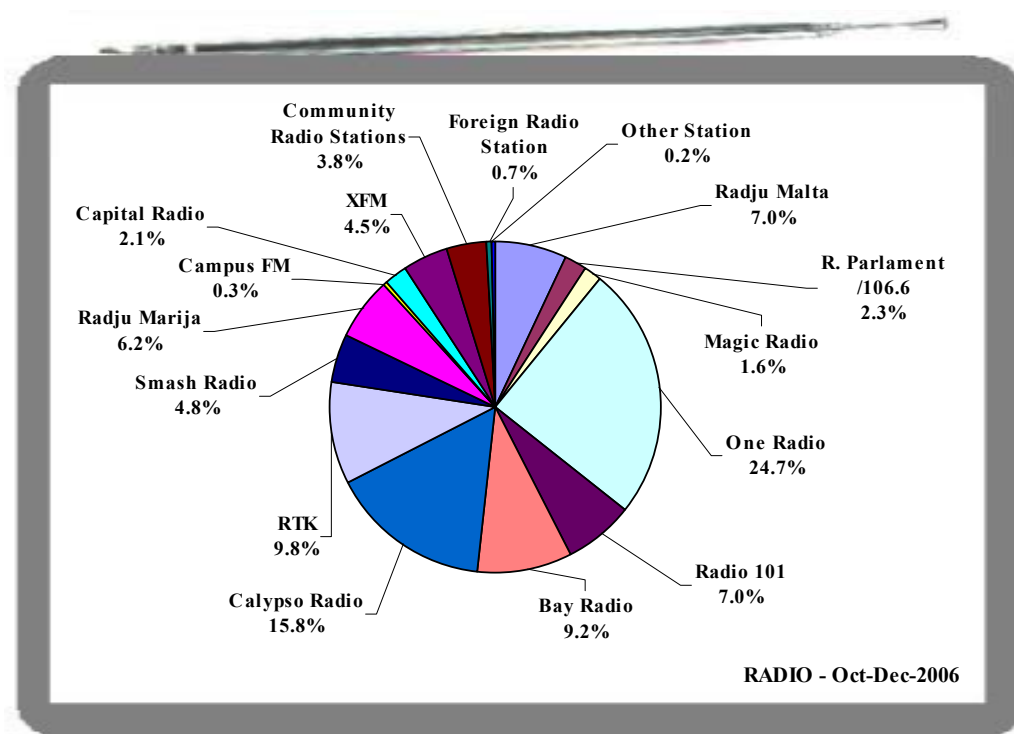
RADIO																
	RADJU MALTA	R. PARLAMENT /106.6	MAGIC RADIO	ONE RADIO	RADIO 101	BAY RADIO	CALYPSO RADIO	RTK	SMASH RADIO	RADJU MARIJA	CAMPUS FM	CAPITAL RADIO	XFM	COMMUNITY RADIO STATIONS	FOREIGN RADIO STATION	OTHER STATION
Mon	3.08	0.77	0.77	3.85	2.31	3.85	4.62	0.77	2.31	3.08	0.77	2.31	1.54	0.77	0.00	0.77
Tue	4.65	0.78	0.00	5.43	0.78	3.10	6.20	2.33	0.78	3.10	0.00	0.78	0.78	1.55	0.00	0.00
Wed	1.54	0.77	1.54	6.92	3.08	2.31	6.15	4.62	2.31	0.00	0.77	1.54	2.31	0.77	0.00	0.00
Thu	1.54	1.54	1.54	6.92	4.62	5.38	5.38	3.08	2.31	0.77	0.77	0.77	0.77	2.31	1.54	0.00
Fri	4.72	0.79	1.57	3.94	4.72	3.15	4.72	3.94	0.79	0.79	0.00	2.36	1.57	2.36	0.00	0.00
Sat	3.94	0.79	0.00	8.66	1.57	1.57	2.36	3.15	2.36	2.36	0.79	0.00	2.36	0.79	0.79	0.00
Sun	2.13	0.00	0.00	9.22	1.42	2.84	2.84	3.55	2.13	2.84	0.00	0.00	1.42	1.42	0.00	0.00
Highest Peak	4.72	1.54	1.57	9.22	4.72	5.38	6.20	4.62	2.36	3.10	0.79	2.36	2.36	2.36	1.54	0.77

TELEVISION																	
	TVM	ONE TV	NET TV	SMASH TV	EDUCATION 22	ITV	RAI 1	RAI 2	RAI 3	RETE 4	CANALE 5	ITALIA 1	DISCOVERY CHANNEL	MTV	BBC PRIME	BBC WORLD	OTHER TV STATION
Mon	12.31	9.23	16.92	0.00	0.77	0.00	2.31	0.00	0.00	0.77	2.31	3.85	0.77	0.00	1.54	0.00	2.31
Tue	10.85	17.83	6.98	0.78	0.00	0.00	0.00	0.78	0.78	2.33	1.55	2.33	0.00	0.78	0.00	0.78	2.33
Wed	9.23	6.15	9.23	0.00	0.00	0.00	3.08	0.77	0.77	0.77	1.54	3.08	0.77	0.77	0.77	0.00	1.54
Thu	23.08	7.69	4.62	0.00	0.77	0.00	1.54	0.00	0.77	1.54	3.08	5.38	0.77	0.77	0.00	0.00	3.08
Fri	33.07	3.94	2.36	0.00	0.00	0.00	0.00	0.00	0.00	0.79	1.57	4.72	0.00	0.79	0.79	0.00	3.15
Sat	11.81	13.39	2.36	0.00	0.00	0.00	0.00	0.00	0.00	1.57	3.94	5.51	0.00	0.79	0.00	0.00	3.15
Sun	19.15	12.77	1.42	0.00	0.00	0.00	2.13	1.42	0.00	1.42	1.42	2.13	0.00	0.71	1.42	0.00	2.13
Peak	33.07	17.83	16.92	0.78	0.77	0.00	3.08	1.42	0.78	2.33	3.94	5.51	0.77	0.79	1.54	0.78	3.15



10.4 DAILY AVERAGE AUDIENCE

The total daily audience share attained for both radio and television are depicted in the following two figures:



11. POLITICAL BROADCASTING

11.1 Party Political Broadcasts

As in previous years, the Authority resumed its scheme of party political broadcasts. The 2006 series consisted of three debates and 50 minutes of political spots apportioned as follows:

	PN	MLP	AD
Debates	1 x 45'	1 x 45'	1 x 45'
Political Spots	20'	20'	10'

All three political debates were chaired by veteran broadcaster Mr Godfrey Grima and were broadcast by TVM on Monday, 20th February, Monday, 27th February and Monday, 6th March 2006. They were aired at approximately 9.30p.m.

11.2 Anniversary Messages

There were four anniversary messages broadcast on TVM during 2006 as follows:

Date	Time	Duration	Type	Message
27/09/2006	19:00	11'53"	Anniversary	World Tourism Day Minister Francis Zammit Dimech
01/10/2006	19:05	5'27"	Anniversary	World Day of the Elderly Parliamentary Secretary Helen D'Amato
16/10/2006	19:00	9'53"	Anniversary	World Food Day Minister Francis Agius
03/12/2006	18:50	7'43"	Anniversary	International Day of Disabled Persons Minister Dolores Cristina

11.3 Ministerial Broadcasts

No ministerial broadcasts were aired during 2006.



12. ADMINISTRATIVE OFFENCES

During 2006, the Authority had found the following stations to be in breach of the Broadcasting Act and subsidiary legislation made thereunder:

Station	Number of Infringements
Smash TV	12
TVM	29
One TV	18
NET TV	16
Melita Cable plc	3
Calypso	2
Education 22	3
Smash Radio	1
Radio 101	1
XFM	1

A total of 86 infringements of the Broadcasting Act were found by the Authority in 2006.

13. QUALITATIVE RESEARCH

13.1 Quality Children's Programmes

Preparations were underway for the publication of the conference proceedings on Quality Children's Programmes held by the Broadcasting Authority and the Office of the Commissioner for Children on 8th June, 2006. The relative proceedings were published in January, 2007. The publication entitled 'Programmi ta' Kwalita` Għat-Tfal' was edited by Dr Kevin Aquilina, Mr Mario Axiak, Ms Daniela De Bono and Mrs Marian Muscat Azzopardi.


13.2 Maltese Broadcast Consumer Profile

Mr Mario Axiak, Head Research and Communications, was carrying out a study covering all the audience surveys commissioned by the Broadcasting Authority covering the years 1999 to 2006. Preparations are under way for this study to be published by the Authority in early 2007.



14. STAFF PUBLICATIONS AND PAPERS

During 2006 the following papers were presented during conferences or were published or compiled:

Name	Title of Publication	Title of Journal /Conference	Date
Dr Kevin Aquilina, Chief Executive	Broadcasting in Gozo	The Gozo Observer 	Issue No. 14, 2006 pp. 8-11
Dr Kevin Aquilina, Chief Executive	Maltese Law Regulating Programme Sponsorship: A Compendium of Relevant Documents	European Platform of Regulatory Authorities 23 rd Meeting	Elsinore, Denmark 18 th May 2006
Dr Kevin Aquilina, Chief Executive	Strategija Proposta Għall-Programmi ta' Kwalita' Għat-Tfal	National Conference on Quality Children's Programme	8 th June, 2006

Mr Edgar Cassar, Director Administration and Secretary to the Board, wrote two country reports on the latest developments in the broadcasting regulation landscape for the European Platform of Regulatory Authorities and another country report for the Mediterranean Network of Regulatory Authorities.



15. MALTA JOURNALISM AWARDS

As in previous years, the Broadcasting Authority sponsored the Broadcast Script and the Broadcast Film categories of the Malta Journalism Awards organised by the Institute of Maltese Journalists. In 2006 the Broadcast TV Script was won by the *Traċċi* team composed of Julia Farrugia, Joe Cachia, Pablo Micallef, Charles Ahar and Daniel Buġeja of Super 1 TV. The award was presented by Mr Joseph Scicluna, Broadcasting Authority, Chairman. On the other hand, Dr Kevin Aquilina presented the Broadcast Film award to the *Traċċi* team of Super 1 TV. The Awards ceremony was held on 7th November 2006.



16. TRAINING AND DEVELOPMENT

16.1 Economics for Broadcasters

The Broadcasting Authority in collaboration with the Foundation for International Studies organised a short training course on “Economics for Broadcasters” every Wednesday, starting on 4th October and ending on 1st November 2006, at the Foundation for International Studies, St. Paul Street, Valletta. The idea behind this training course for broadcasters was to provide for life-long learning for people involved with the media industry through the amalgamation of pedagogical studies in different areas as social policy, social welfare, environment protection, management, economics, social sciences, etc. with media practices.

This training course was also open to the general public, especially NGO members, with the aim of increasing media-awareness and media practices of media consumers; thus enhancing the local media workforce by integrating media practices with NGO's expectations of good practices in media production.



The Broadcasting Authority sponsored 20 media practitioners for this training course and participants were selected according to position held within their organisation and the perceived derived benefit. Media producers, including independent broadcasters, and newsroom editors were especially targeted for these training sessions.

The tutors of the course were Professor Lino Briguglio and Dr Gordon Cordina who are both well known economists with a long experience in lecturing on Economics subjects. The course was spread over 5 sessions, on Wednesdays with each session starting at 2:00p.m. and ending at 4:30p.m. The course content included:

- a. Basic microeconomic concepts, including the market mechanism (for goods, money, property, labour, etc) with reference to the Maltese situation.
- b. Basic macroeconomic concepts, with reference to the Maltese economy
- c. The structure and performance of the Maltese Economy (referring to GDP, Balance of Payments, and Money)
- d. Malta and the Lisbon Agenda (i.e. comparing Malta's indicators with the rest of the EU)
- e. The main strengths and weaknesses of the Maltese Economy

Participants attending at least 80% of the sessions were awarded a Certificate of Attendance.



16.2 Irregular Immigration, racism and cultural diversity in the media

In view that the Broadcasting Authority is in the process of setting a new set of guidelines on the proper portrayal of racism and racial equality on local broadcast media, the Monitoring Staff of the Broadcasting Authority participated in a three-day seminar on this issue organised by the Tumas Fenech Foundation from 4th to 6th October at the Hilton. The list of speakers and participants included both local and foreign mentor on this issue and included:

Dr. Ruth Farrugia

Malta refugee and immigration legislation and procedures

Dr Brenda Murphy

Klandestini or asylum seekers? How the Maltese media depict migrants

Mr Aidan White, Secretary General, International Federation of Journalists

Racism, Xenophobia and the Media

Dr Katrine Camilleri, Jesuit Refugee Service

Defending the rights of asylum seekers

Mgr. Philip Calleja, Emigrants Commission

Helping migrants integrate in the community

Andreas Accardo, EUMC

Monitoring Racism and Xenophobia in the EU - the role of the UMC

Mr Aidan White, Secretary General, International Federation of Journalists

Regulation, self-regulation, editorial policy

Mr. Brian Magro, Ministry for the Family and Social Policy

Government integration policy






Mr Martin Scicluna

Government policy on irregular migration



16.3 Staff Training and Development

During 2006, as in previous years, the Authority continued to invest in its human resources by assisting its employees in developing their intellectual faculties. Members of staff were encouraged to study various subjects, mainly on a part-time basis, relevant to their duties ranging from management to law so that they would be in a better position to perform their duties more efficiently and effectively. The following members of staff have benefited from the Authority's Training and Development Plan:

	Dr Simon Manicolo, Head of Monitoring	Concluded and was conferred the degree of Doctor of Laws
	Ms Natalie Debono, Programme Monitor	Concluded and was conferred a Master's degree in Creativity and Innovation - first class.
	Mr Chris Sciberras, Senior Technical Officer	Concluded and was awarded an Advanced Diploma in Computer Studies
	Mr Ian Sammut, Programme Monitor	Concluded and was awarded a Diploma in Anatomy and Physiology and a Diploma in Holistic Massage
	Ms Shirley Sultana Rizzo, Programme Monitor	Concluded and was awarded a Diploma in Diplomatic Studies





Ms Charmaine Grech,
Programme Monitor

Concluded and was awarded a Diploma in
Management Studies

Ms Sonya Agius,
Clerk

Completed a module of the Advanced European
Computer Driving Licence course

Ms Josephine Gatt
Programme Monitor

Completed the European Driving Licence core
level course

In addition, Mr Gordon Vassallo, Director Finance, and Mr Daniel Delia, Senior Accounts Officer, regularly attended the obligatory continual professional development courses organised by the Institute of Accountants.

17. REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDING 31ST DECEMBER 2006

The Broadcasting Authority report and financial statements for the year ended 31st December 2006 are found in Appendix X of this Annual Report.



APPENDICES





BROADCASTING AUTHORITY POLICY ON PUBLIC CONSULTATION

The Broadcasting Authority's regulatory activities are planned:

- a. following changes to the European Union Television Without Frontiers Directive;
- b. following changes to the Council of Europe's Transfrontier Television Convention;
- c. following changes to national laws adopted by Parliament which might require changes to policies of the Broadcasting Authority;
- d. to change an existing Broadcasting Authority policy usually concerning matters of programme content.

In so far as national laws and policies are concerned, the Authority normally follows this procedure:

- a. A draft set of guidelines is prepared and discussed internally.
- b. The guidelines are approved in draft form by the Broadcasting Authority.
- c. The Broadcasting Authority circulates the draft guidelines to all broadcasting stations usually up to a six week period for public consultation. Broadcasting stations are requested to forward copies of the consultation document to independent production houses. Advertisers and consumer organisations are also sent a copy of the consultation document.
- d. Where no feedback is given or where the feedback is such that it does not merit further detailed discussion, the Authority discusses the feedback and passes on to approve the guidelines.
- e. Where the feedback is such as to require further discussion, a public seminar is held. A transcript of that seminar is made and discussed by the Authority. The proceedings of that seminar are usually published. The Authority will then approve the guidelines in a final form.
- f. The guidelines will be brought into force preferably on a given date depending on the nature and urgency of the case.
- g. Sometimes a comparative study is carried out at the very initial stage to establish how other regulatory authorities in Europe regulate a particular aspect of television and/or radio productions.

This procedure usually applies also to subsidiary legislation adopted from time to time by the Broadcasting Authority.

The planning process for developing new policies is normally initiated either at Board level, or by the Authority's Chief Executive.

It is the Broadcasting Authority which establishes the priorities. In doing so, it takes into consideration the available expertise, human resources, finances and other aspects depending on the circumstances of each case.

Normally the public is informed about proposed changes to regulations through press releases. Broadcasting stations are invariably informed of all changes to the Authority's guidelines and codes through a letter circular.



The number of officials involved in the planning process is usually 7, that is, the Broadcasting Authority's Management Committee consisting of:

- a. the Chief Executive
- b. the Secretary to the Authority
- c. the Financial Controller
- d. the Head of Monitoring
- e. the Supervisor Monitoring Department
- f. the Head of Research and Communications
- g. the Senior Technical Officer

26th September 2006



BROADCASTING AUTHORITY RECRUITMENT POLICY

1. Grades which require a degree

Grades which require possession of a degree in the case of an eventual vacancy are the following:

Chief Executive
Director Administration
Director Finance
Head of Monitoring
Head of Communications & Research
Supervisor
Senior Programme Monitor
Communications & Research Officer
Senior Accounts Officer
Programme Monitor
Accounts Officer

For the purpose of this policy, a degree means a degree awarded by the University of Malta or any other degree awarded by another university or institute which is evaluated and certified as equivalent to a degree conferred by the University of Malta in terms of article 26(1) of the Education Act.

2. Grades which require a diploma

In so far as the posts of Personal Secretary and Secretary are concerned, future incumbents should possess a Diploma in Secretarial Studies or equivalent.

In so far as the Senior Technical Officer is concerned, a Higher Technician's Diploma or a Diploma in Information Technology with specialisation in technical backup or a diploma in a technical subject with a minimum of 5 years experience in the technical field is required.

In the case of a Senior Accounts Clerk on BA Scale 4, a minimum of 'A' level Accounts is required.

In the case of the following posts, no degree or diplomas are required:

Clerks (including Receptionist / Clerk);
 Officer in charge of Minor Staff;
 Senior Office Assistant;
 Office Assistant;
 Charwoman/Janitor.

However, in the case of the above posts, the Authority should require the analogous qualifications and/or experience required in Government service.

In the case of recruitment of a Monitoring Officer, a diploma is required.

A first degree or diploma which should be considered to be a pre-requisite as aforesaid should preferably be in the following subjects:

- a. law;
- b. management, public administration or commerce;
- c. communications or journalism or media studies;
- d. accountancy or finance;
- e. social work, social studies, sociology or psychology.

or equivalent professional qualifications to any of the above.

26th September 2006



BROADCASTING AUTHORITY'S POLICY ON SEXUAL HARASSMENT

1. Introduction

- 1.1 This document defines what the Broadcasting Authority perceives as sexual harassment and stipulates the procedures that will be adopted in cases of allegations of sexual harassment at work.
- 1.2 This policy binds all the employees of the Broadcasting Authority.

2. Declaration of Principles

- 2.1 The Broadcasting Authority believes that preventing sexual harassment is part of good management. The victim of sexual harassment may experience emotional stress, physical stress or a negative change in job performance. On the other hand, the organization may be negatively affected in terms of morale amongst employees, higher rate of absenteeism, job turnover and low job performance. Through this Sexual Harassment Policy the Authority wants to ensure that all its employees are treated with respect and dignity.
- 2.2 The Broadcasting Authority believes that sexual harassment is an intolerable violation of the dignity of workers and that it may have negative effects on the work environment and the general well-being of staff or clients, and is therefore committed to create a climate at work in which women and men respect each other.
- 2.3 The Broadcasting Authority is an equal opportunity employer and as such it will not tolerate any form of sexual harassment at the workplace. Management and all employees in general are duty bound to safeguard and uphold the precepts articulated in this policy document. Non-compliance will be severely reprimanded.

3. Aims

- 3.1 This policy is aimed at:
 - 3.1.1 securing the dignity and personal development of all members of staff within the Broadcasting Authority. The Authority makes it clear that sexual harassment is unlawful and will not be permitted or condoned in the workplace.
 - 3.1.2 informing and educating the employees on the type of behaviour that is acceptable or unacceptable at the place of work.
 - 3.1.3 providing redress to the victims of sexual harassment at the place of work. No employee needs to fear that he/she will be victimized for bringing a complaint of sexual harassment. All sexual harassment claims will be treated very seriously, confidentially, and all the necessary action will be taken to deal with the claim.
 - 3.1.4 building a pro-active work environment that prevents the occurrence of sexual harassment at the place of work.

4. Definition of Terms

- 4.1 Sexual harassment is defined in article 9 (1) of the Equality for Men and Women Act, Chapter 452 of the Laws of Malta, as follows:

“9.(1) Without prejudice to the provisions of article 29 of the Employment and Industrial Relations Act, it shall be unlawful for any person to sexually harass other persons, that is to say:

 - a. to subject other persons to an act of physical intimacy; or
 - b. to request sexual favours from other persons; or
 - c. to subject other persons to any act or conduct with sexual connotations, including spoken words, gestures or the production, display or circulation of any written words, pictures or other material, where the act, words or



- conduct is unwelcome to the persons to whom they are directed and could reasonably be regarded as offensive, humiliating or intimidating to the persons to whom they are directed; or
- d. the persons so subjected or requested are treated less favourably by reason of such persons' rejection of or submission to such subjection or request, it could reasonably be anticipated that such persons would be so treated."

This law further provides that persons responsible for any work place, educational establishment or entity providing vocational training or guidance or for any establishment at which goods, services or accommodation facilities are offered to the public, shall not permit other persons who have a right to be present in, or to avail themselves of any facility, goods or service provided at that place, to suffer sexual harassment at that place.

It further states that it shall be a defence for persons responsible as aforesaid to prove that they took such steps as are reasonably practicable to prevent such sexual harassment.

Finally it is to be noted that the law states that persons who sexually harass other persons shall be guilty of an offence against this article and shall, without prejudice to any greater liability under any other law, be liable on conviction to a fine (*multa*) of not more than one thousand liri or to imprisonment of not more than six months or to both such fine and imprisonment.

Moreover, article 21 of the Employment and Industrial Relations Act provides that:

- "29. (1) It shall not be lawful for an employer or an employee to harass another employee or to harass the employer by subjecting such person to any unwelcome act, request or conduct, including spoken words, gestures or the production, display or circulation of written words, pictures or other material, which in respect of that person is based on sexual discrimination and which could reasonably be regarded as offensive, humiliating or intimidating to such person.
- (2) It shall not be lawful for an employer or an employee to sexually harass another employee or the employer (hereinafter in this article referred to as "the victim") by:
- a. subjecting the victim to an act of physical intimacy; or
 - b. requesting sexual favours from the victim; or
 - c. subjecting the victim to any act or conduct with sexual connotations, including spoken words, gestures or the production, display or circulation of written words, pictures or other material where:
 - i. the act, request or conduct is unwelcome to the victim and could reasonably be regarded as offensive, humiliating or intimidating to the victim;
 - ii. the victim is treated differently, or it could reasonably be anticipated that the victim could be so treated, by reason of the victim's rejection of or submission to the act, request or conduct."

- 4.2** Sexual harassment is unwelcome behaviour of a sexual nature or other sex based conduct affecting the dignity of women and men at the workplace. Male and female employees may not always realize that their behaviour constitutes sexual harassment. They must recognize that what is acceptable to one person may not be acceptable to another. Sexual harassment takes many forms, from relatively mild sexual comments to actual physical violence. The following may be considered as a broad classification system in this regard:



4.2.1 Physical conduct of a sexual nature: commonly regarded as meaning unwanted physical conduct ranging from unnecessary touching, patting or pinching or brushing against another employee's body to assault and coercing sexual intercourse at the place of work. Recourse to such coercive conduct could lead to the institution of criminal charges.

4.2.2 Verbal conduct of a sexual nature: this may include unwelcome sexual advances, propositions or pressure for sexual activity; continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome; offensive flirtations, suggestive remarks, insensitive jokes, innuendoes or lewd/obscene comments.

4.2.3 Non-verbal conduct of a sexual nature refers to the display of pornographic or sexually suggestive pictures, objects or written materials, and making sexually suggestive gestures.

4.2.4 Sex-based conduct refers to conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee's gender, such as derogatory or degrading abuse or insults that are gender related and offensive comments about appearance or dress. Such conduct can create an offensive working environment for the recipient.

4.2.5 Sexual blackmail (abuse of authority) refers to conduct where an employee's refusal or submission to unwanted sexual behaviour is used as a basis for a decision which affects that employee's access to employment, continued employment, training, salary, and promotion opportunities. This form of behaviour involves abuse of authority as only somebody holding direct or indirect (that is capable of influencing) supervisory or managerial authority has the power to threaten or actually take an employment decision affecting the person harassed.

4.3 The above list is not an exhaustive list and should not be considered as such.

5. Procedures

5.1 Objectives:

5.1.1 These procedures are intended to make explicit to both Management and staff how sexual harassment cases are to be tackled.

5.1.2 The procedural framework identified herein ensures that sexual harassment cases are dealt with fairly, consistently, constructively and speedily. All cases will also be dealt with utmost confidentiality.

5.1.3 These procedures reflect the current standards of good practice and follow the basic precepts of natural justice, namely:

5.1.3.1 The alleged harasser should be informed of the nature of the accusation against him/her.

5.1.3.2 The alleged harasser will be given the opportunity to state his/her case prior to the undertaking of any disciplinary action.

5.1.3.3 Those presiding over both investigative and disciplinary hearings will act in good faith prior to reaching any decisions.

5.2 The primary purpose of this procedural framework is to deal with cases of sexual harassment in a constructive manner by providing employees the possibility of improving their conduct. These procedures aim to achieve this by dealing with minor breaches of code of conduct informally (where the complainant agrees).

6. Application

6.1 These procedures apply to sexual harassment cases experienced by the employees of the Broadcasting Authority as well as any students and trainees placed within this organization. It applies also to clients, guests and to any person dealing with the staff of the Broadcasting Authority, whether within the premises of the Authority or otherwise.



7. Advice and Assistance

- 7.1** All employees will be informed of the Broadcasting Authority's sexual harassment policy through formal and informal training programmes, where the key constructs of this policy will be outlined and disseminated. Also, the legal mechanism relating to sexual harassment will be explained, and the employees will be informed about where to seek assistance outside the organization should they feel that they will be better safeguarded that way. The employees will be further informed about the possibility of seeking assistance from the relative trade union/employee representative.
- 7.2** These training initiatives will stress that complaints related to sexual harassment will be treated very seriously. All employees of the Broadcasting Authority are entitled to adequate, regular, and ongoing training on the prevention of sexual harassment at work to ensure that this policy is adhered to at all times.

8. Dealing with sexual harassment informally

- 8.1** Persons experiencing the more minor forms of sexual harassment may take informal action by approaching the person concerned and attempting to resolve issues informally. This is done, primarily, by making it clear to the harasser that the behaviour is unacceptable and must stop. Such informal action is intended to avoid seeking redress through formal procedures that may lead to a disciplinary hearing depending on the severity of the alleged offence. Employees should note that, whilst informal settlement may be appropriate in some instances, it remains within their rights to seek redress through the formal procedure of the organization. The Broadcasting Authority further recognizes the difficulties related to pursuing informal redress to experiences of sexual harassment, particularly if the alleged harasser is a senior member of staff.
- 8.2** Where the complainant is too embarrassed to approach the harasser to reach informal settlement, the former may ask a colleague, head of section or a trade union representative to raise the issue with the person concerned.
- 8.3** If anyone is approached by a colleague on behalf of the complainant, the approached party is entitled to assistance by a colleague, trade union or any other representative as delineated above.
- 8.4** The Broadcasting Authority will identify and appoint someone within the same organization to act as a 'confidential counsellor' or adviser to individuals experiencing sexual harassment upon the latter's consent. Sexual harassment counsellors will offer advice and support to the individual who has been harassed and suggest possible courses of action to the latter, depending on the severity of the case, such as, for example, whether to lodge a formal or informal complaint.
- 8.5** Management at all levels have a positive duty to establish and maintain workplaces free of sexual harassment. Should any sexual harassment be taking place, the head of section is duty bound to bring this to the attention of the appointed 'confidential counsellor'.

9. Formal complaints

- 9.1** Where informal methods fail, or serious harassment occurs, employees are advised to lodge a formal complaint and should seek assistance from the respective head of section or any other senior staff member in doing so. If the latter is somehow implicated in the allegations made by the complainant, the complainant should report the incident to another officer holding a senior grade within or outside the complainant's section.
- 9.2** The complaint should be made in writing and where possible state:
- the name of the harasser
 - the nature of the harassment
 - Dates and times when the harassment occurred
 - Names of potential witnesses to the alleged incident
 - Any action taken by the complainant to stop the harassment.



- 9.3 The complaint, once signed by the complainant, should be sent, in confidence, to the Chief Executive. Where it is alleged that the harasser is the Chief Executive, the complaint should be handed in confidence to the Chairman of the Broadcasting Authority.
- 9.4 When formal complaints are instituted against an employee, the latter is advised to seek the support of a work colleague or trade union representative or any other person as delineated above.
- 9.5 If the complainant, the alleged harasser or any witness/potential witness are victimized by other colleagues because of their actual or alleged behaviour, the latter might be liable to disciplinary action.
- 9.6 Copies of all formal complaints should not only be kept confidentially on file, but should also be sent to the complainant and the alleged harasser, who are also to be informed about the duty of confidentiality in relation to the same complaint. Similarly, copies of reports defining the outcome of the preliminary investigation into the allegation should be sent to those involved in the case. The report shall, as far as practicable be submitted by the investigating board not later than one week from when the investigations are terminated.
- 9.7 Finally, if the preliminary investigation leads to a formal disciplinary hearing, the case against the harasser is proved and the relevant sanctions are imposed, a written document delineating the said information should be filed in the employee's personal file. A copy of this document should be made available to both the complainant and harasser.
- 9.8 The course of action delineated above does not override the right of the complainant or the alleged party to take recourse to legal action or to any other competent body such as the National Commission for the Promotion of Equality, a Trade Union or a relevant NGO.

10. Investigations

- 10.1 Immediately after a formal complaint of harassment has been received, where necessary, action will be taken to separate the alleged harasser from the complainant. This may involve the temporary transfer of the alleged harasser to another section or suspension from work until the complaint has been resolved.
- 10.2 One or more officers nominated by the Chief Executive will carry out a full and thorough investigation as quickly as possible. The Chief Executive may also appoint specialist persons as members of the investigating board. The Chief Executive shall, as far as practicable, appoint the Investigating Board within three working days from when the complaint is received. It is recommended that where possible, the constitution of the Board will reflect equal gender representation. All persons involved in the investigation are expected to maintain and ensure confidentiality at all times.
- 10.3 Given the sensitivity of sexual harassment cases, Board members should ensure an efficient and expedient investigating process. The investigating Board shall as far as practicable initiate its work within five working days when appointed.
- 10.4 Copies of statements made by witnesses will be made available to the alleged harasser and the complainant. Witness will be encouraged to appear at the complaints hearing if requested by either party. The organization acknowledges that some witnesses may be reluctant to do so. In these circumstances, the Board will, if necessary, adjourn the hearing to ask supplementary questions to the witnesses in private. Further, witnesses will be informed by the Board that the organization shall not permit their victimization due to giving evidence. Witnesses are also bound by confidentiality.



- 10.5** Both the complainant and the alleged harasser will also have the right to be accompanied at the complaints hearing by a staff or union representative, a lawyer or any other advisor (such as an employment advisor).
- 10.6** Where the Board concludes that the harassment has actually taken place, disciplinary procedures will be immediately instigated. The Board may also recommend that the harasser should undergo counselling at his/her own expense.
- 10.7** The harasser will have an opportunity to defend his/her actions before a full disciplinary hearing.

11.0 Disciplinary Hearings/Measures in Sexual Harassment Cases

- 11.1** It is important to note that proven sexual harassment by staff constitutes gross misconduct which could lead to dismissal.
- 11.2** Subject to the provisions of any collective agreement which might be in force from time to time, if an alleged case of harassment by staff is actually proved, the following sanctions may be imposed according to the severity of the case:
- Written reprimand
 - Suspension without pay
 - Downgrading
 - Dismissal
- 11.3** Where a lesser penalty is appropriate (such as a written warning), this will be administered in tandem with the necessary action to ensure that the victim is able to work without undue embarrassment or anxiety.
- 11.4** An appeal shall lie from the Investigating Board's decision when the alleged harasser or victim does not agree with the decision. Appeals against the above penalties or conclusions delineated in the Investigating Board's report may be undertaken in accordance with the stipulated Disciplinary Procedure.
- 11.5** Where it is found that the allegations of sexual harassment made by employees are untrue, every effort will be made to facilitate the resumption of duties by the falsely accused employee. Any employee unjustly accusing colleagues or lodging malicious complaints will himself/herself be liable to dismissal or other disciplinary action as indicated above.

23rd May 2006



ASSESSING RADIO AND TV AUDIENCES A PROPOSAL

The Need for Audience Research and Methods Used

As far as the Broadcasting Authority is concerned, the necessity for audience research arises out of Article 30(2) of the Broadcasting Act. This provision reads as follows:

- a. The state of listenership or viewership of broadcasting services provided in Malta;
- b. The state of public opinion concerning programmes included in broadcasting services provided in Malta;
- c. Any effects of such programmes on the attitudes or behaviour of those who watch them; and
- d. The types of programmes that members of the public would like to be included in broadcasting services provided in Malta.

Such research has normally been directed either at the Authority's research requirements [news transmission regulation, party political broadcast audiences, parliamentary debate audiences, radio and TV set ownership, etc.] or at that perceived by the Authority to be the broadcasting stations' requirements [who listens/watches what, at what time, how many hours, where, and what medium used].

Due to the industry's nature, audience data is only possible in either of two systems: a census covering all the population of the Maltese Islands, or through sampling – and there are various methods and forms for the latter. The audience research done by the Authority prior to 2004 was based on a “one-week stratified sampling” using personal interviews. From June 2004 to June 2005, a continuous audience assessment started being conducted using telephone interviews.

1. Basic Demographics

Since a census of the population is unattainable in both magnitude and costing, a sample of the population is the next choice. This is the cornerstone of the whole system - a good representative and stable structure right from the outset, with full control over the proper selection of respondents, in terms of radio and television behaviour and demographic structure of the Maltese population. Demographics are to be based on those published by the NSO to maintain conformity, assessable to national statistics, and should include:

- Gender
- Age
- Locality [Southern Harbour, Northern Harbour, South Eastern, Western, Northern, Gozo & Comino]
- Education level attained [Primary, Secondary, Post-Secondary, Tertiary, No School]
- Present occupation of respondent

2. Assessment of local broadcasting scenario [Article 30(2)(a)]

“The state of listenership or viewership of broadcasting services provided in Malta;” or rather who watches/listens what, where, how, why and when; and these would refer to:

- Type of medium was used [personal &/ portable; communal; integrated];
- Place of reception [home, work, travelling from/to; recreation centre]
- Type of reception services [free-to-air, cable, satellite, Internet (telephone)]
- For recreation, information, education, cultural reasons
- At what time during a 24-hour period, for how long, on which radio/TV station

3. Medium Consumption Opinions and Requirements [Article 30(2)(b)]

“The state of public opinion concerning programmes included in broadcasting services provided in Malta;” This set of questions would deal with consumption patterns of the Maltese public expanding on:



- Preferred radio and television station
- Preferred types of broadcasting channels [general as against specific, by type per age group – “sports tv”]
- Preferred types of programmes and programme repeats
- Attitudes to specific programme types

4. Consumption Frequency and Attitudes [Article 30(2)(c)]

“Any effects of such programmes on the attitudes or behaviour of those who watch them;”

This set of questions would deal with consumption patterns of the Maltese public expanding on:

- Perception of advertising methods used and frequency
- Consumers’ programme participation
- Advertising effect on consumer’s purchasing habits

5. Consumer Programme Requirements [Article 30(2)(d)]

“The types of programmes that members of the public would like to be included in broadcasting services provided in Malta”. This set of questions would deal with consumers’ perceived improvements to local broadcasting services and would include:

- Perceptions to new media platforms
- New types of programmes, broadcast time and medium
- Interactive services on broadcasting media
- Periodic [monthly / quarterly] programme content analysis
- Programme Appreciation Index

6. Cheapest and Most Effective Data Collection Method

No single research technique is best, but each is appropriate for a particular kind of situation. Research can be fast, cheap, and accurate – pick any two. In other words:

- Quick, low-cost research is usually not accurate
- Quick and accurate research is not cheap, and sometimes not possible
- Cheap and accurate research is usually slow.

If we want to get an approximate idea of audiences, it is possible to do research quickly and cheaply, and still have it accurate enough. The more we already know about the audience, the more expensive it becomes to increase that knowledge. Conversely, analysing previous data collected, certain data that was producing similar results with little percentage change could be either left out completely or reduced in nature, or analysed periodically.

The liberalization of the Maltese broadcasting scenario started in 1991 with the enactment of the Broadcasting Act. By 2004 there were fourteen nationwide radio and four TV broadcasting stations and a cable operator. On 11th May 2005, the Malta Communications Authority has assigned to two operators [Maltacom Plc. and Multiplus Ltd.] eight transmission channels each for the use of Radio Frequencies in the UHF Band and Digital Terrestrial Television Transmission Networks – approximately about fifty-six (56) additional TV channels [seven (7) “TV Channels” per transmission channel], depending on broadcast quality; much more than this if each transmission channel is used for radio broadcasts. Digital Audio has been approved by the M.C.A. on Friday, 24th February and licences will soon be issued.

7. Minimum Required Sample Size

Whilst the respective measurement of the numbers of television viewers and of listeners of radio stations presents different problems, it is convenient to consider common elements together. Both radio listening and television viewing is “time constrained”; this is to say the timing of the programme and the order in which they are broadcast are determined by the broadcaster and not the consumer – unlike newspaper readership. While it is possible, in general, to read a particular newspaper and pay attention to a specific item in that publication where and when the consumer likes, this freedom does not exist when viewing or listening to a particular programme.

Results on a quarterly base are to be published based on the appropriate minimum survey period according to the adult population with the minimum reporting sample required. RAJAR (Radio Joint Audience Research Ltd. – U.K.) suggest that for populations between 300,000



and 999,999, an audience assessment should be based on a minimum requirement of 650 respondents spread over a period of six months.

8. Conclusion

Trying to collect data on radio and television audiences based on the above requirements through telephone interviews to individual consumers is near impossibility. However, spreading the data required over two or more different individuals, this becomes reachable. Assessing radio/television viewing/listening audiences continuously on a daily basis leans towards the unfeasibility. But averaging results every thirteen weeks [quarterly] using alternating questionnaires, leans towards viability.

Ultimately, the objective of the audience assessment is not to satisfy the needs of any one venture holder but to increase the quality levels of national broadcasting units and producers to the benefit of all stakeholders.



**TWETTIQ TAL-LINJI GWIDA TA' L-AWTORITÀ TAX-XANDIR
DWAR IL-BULETTINI TA' L-AĦBARIJET
U L-PROGRAMMI TA' ĠRAJJET TA' LLUM**

Dokument ta' Konsultazzjoni

**Pubblikat: 23 t'Ottubru 2006
Data ta' l-Egħluq għall-Kummenti:
1 ta' Diċembru 2006**

**ENFORCEMENT OF THE BROADCASTING AUTHORITY GUIDELINES
ON NEWS BULLETINS AND CURRENT AFFAIRS PROGRAMMES**

Consultation Document

**Publication: 23rd October 2006
Closing Date for Responses:
1st December 2006**





SFOND

L-Awtorità tax-Xandir ilha għal ħafna snin tipprovdì gwida lix-xandara u lill-produtturi indipendenti, kemm dwar il-kontenut u l-produzzjoni tal-bullettini ta' l-aħbarijiet u ta' programmi ta' ġrajjet ta' llum. F'Jannar 1993, l-Awtorità kienet varat sett ta' *"Linji Gwida dwar il-Programmi ta' Ġrajjet ta' Llum fil-Mezzi Kollha tax-Xandir"* u, wara, f'Diċembru 1994, l-Awtorità approvat sett ta' *"Linji Gwida għal Bullettini ta' l-Aħbarijiet"*.

Fl-1999, l-Awtorità ħatret kumitat konsultattiv dwar il-bullettini ta' l-aħbarijiet u l-programmi ta' ġrajjet ta' llum li kien mitlub biex jirrevedi u jikkonsolida s-sett eżistenti ta' linji gwida. Fil-fatt, il-kumitat konsultattiv ippreżenta f'April 2001 lill-Awtorità abbozz ta' sett ta' linji gwida reveduti u konsolidati. Wara sar proċess estensiv ta' konsultazzjoni pubblika li ntemm b'seminar pubbliku li sar f'Jannar 2003. Ir-reazzjonijiet għall-abbozz ta' dokument ġew evalwati bir-reqqa mill-Awtorità li approvat sett finali ta' linji gwida f'Mejju 2004. Dawn ġew wara mgħoddija lill-istazzjonijiet kollha tax-xandir fejn ġew infurmati li fi stadju aktar 'il quddiem l-Awtorità kellha tikkunsidra proposti dwar l-approvazzjoni tal-Linji Gwida biex dawn ikunu jistgħu jitwettqu bis-saħħa tal-liġi.

Il-pubblikazzjoni ta' dawn id-disposizzjonijiet fil-forma ta' linji gwida bl-ebda mod ma preġudikat ir-responsabbiltà Kostituzzjonali ta' l-Awtorità tax-Xandir li dejjem tirbaħ fuqhom li *"tiżgura illi, safejn ikun possibbli, f'dawk is-servizzi ta' xandir ta' smigħ u televiżjoni li jistgħu jkunu provduti f'Malta, tiġi miżmuma imparzjalità xierqa dwar ħwejjeġ ta' kontroversja politika jew industrijali jew li jirreferixxu għal policy pubblika kurrenti"*; lanqas ma ppreġudikat id-dritt ta' l-Awtorità li twettaq id-disposizzjonijiet anċillari dwar il-bullettini ta' l-aħbarijiet u l-imparzjalità msemmija fl-artikolu 13(2) ta' l-Att dwar ix-Xandir.

L-ARRANGAMENTI PROPOSTI

L-Awtorità tax-Xandir mhix tal-fehma li hu neċessarju jew rakkomandabbli li tirrevedi b'xi manjiera sinifikanti l-kontenut ta' dawn il-linji gwida f'dan iż-żmien partikolari, jiġifieri wara perijodu ta' madwar sentejn mill-approvazzjoni tagħhom.

Madankollu, mill-banda l-oħra, l-Awtorità hija mħassba dwar il-livell ġenerali ta' konformità mad-disposizzjonijiet ta' dawn il-linji gwida li

BACKGROUND

The Broadcasting Authority has been providing guidance to broadcasters and independent producers on both the content and the production of news bulletins and current affairs programmes for many years. In January 1993, the Authority had issued a set of *"Guidelines on Current Affairs Programming on all Broadcasting Media"* and subsequently, in December 1994, the Authority had issued a set of *"Guidelines for News Broadcasts"*.

In 1999, the Authority had appointed an advisory committee on news bulletins and current affairs programmes which was expected to review as well as to consolidate the existing sets of guidelines. In fact, the advisory committee submitted a draft revised and consolidated set of guidelines to the Authority in April 2001. This was followed by an extensive process of public consultation which was concluded with a public seminar held in January 2003. The reactions to the draft document were carefully evaluated by the Authority, which approved a final set of guidelines in May 2004. These were subsequently circulated to all the broadcasting stations with an indication that, at a later stage, the Authority would consider proposing the adoption of the Guidelines to make them legally enforceable.

The publication of these provisions in the form of guidelines did not, of course, in any way prejudice the overriding Constitutional responsibility of the Broadcasting Authority *"to ensure that in 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"*; neither did it prejudice the right of the Authority to enforce the ancillary provisions on news bulletins and impartiality listed in article 13(2) of the Broadcasting Act.

THE PROPOSED ARRANGEMENTS

The Broadcasting Authority does not feel that it is necessary or advisable to review in any significant manner the contents of these guidelines at this particular stage, that is only after a period of around two years since their adoption.

However, on the other hand, the Authority is concerned that the overall level of adherence to the provisions of these guidelines has not

ma jistax jingħad li kien wieħed sodisfaċenti u, għalhekk, issa qed tipproponi li tiegħu passi ħalli wħud mid-disposizzjonijiet tal-linji gwida jkunu jistgħu jitwettqu. Dan għandu jintlaħaq permezz ta' l-artikolu 20(3) ta' l-Att dwar ix-Xandir, li jipprovdi illi *"L-Awtorità tista', fit-tweqqi tar-responsabbiltà ġenerali għall-programmi, timponi ħtigijiet dwar standards u prattika għal dawk il-programmi..."*. Madankollu, l-Awtorità qed tipproponi wkoll li tiġi emendata l-Ħames Skeda ma' l-Att ħalli rati differenti ta' penaltajiet ikunu applikabbli għal ksur ta' dawn id-disposizzjonijiet, skond il-gravità ta' l-offiża. Bħalissa tapplika biss penali waħda uniformi fil-każ ta' ksur ta' artikolu 20(3) ta' l-Att.

been satisfactory and, therefore, now proposes to take steps so that various provisions of the guidelines would become legally enforceable. This would be achieved in terms of article 20(3) of the Broadcasting Act, which provides that *"the Authority may, in the discharge of its general responsibilities for programmes, impose requirements as to standards and practice for such programmes..."*. However, the Authority also proposes to amend the Fifth Schedule to the Act so that different penalty rates would be applicable for breaches of these provisions, depending on the gravity of the offence. Currently, only one standard penalty of Lm1,000 is applicable in relation to breaches of article 20(3) of the Act.

Id-disposizzjonijiet ta' linji gwida dwar l-aħbarijiet u l-ġrajjet ta' llum li se jitwettqu skond l-arrangamenti l-ġodda li qed jiġu proposti jinkludu dawn li ġejjin:

- materjal rikostitwit
- jeddijiet għall-ġieħ u l-privatezza
- filmjar u rekordjar f'istituzzjonijiet
- teħid ta' films fuq xogħol ta' Pulizija
- ħaqq ta' min ma għandux ħtija
- kameras u mikrofonu moħbija
- il-vjolenza fl-aħbarijiet
- il-jeddijiet tat-tfal
- reklamar fl-aħbarijiet
- intervisti, editjar ta' intervisti, intervisti rekordjati bit-telefon
- programmi ta' diskussjoni dwar ġrajjet ta' llum
- dmirijiet ġenerali / obbligazzjonijiet kontrattwali ta' produttori indipendenti.

The provisions of the current guidelines on news and current affairs which would be enforceable in terms of the proposed new arrangements would include the following:

- reconstruction material
- rights of respect and privacy
- filming and recording in institutions
- filming on police operations
- fairness to innocent parties
- hidden microphones and cameras
- violence in the news
- children's rights
- promotional material in the news
- interviews, editing of interviews, recorded telephone interviews
- current affairs discussion programmes
- general obligations / contractual obligations of independent producers.

Dawn il-linji gwida minn issa 'l quddiem se jissejgħu **"Gwida ta' l-Awtorità tax-Xandir u Ħtigijiet dwar l-Aħbarijiet u Programmi ta' Ġrajjet ta' llum"**.

These guidelines will henceforth be referred to as **"Broadcasting Authority Guidance and Requirements on News and Current Affairs Programming"**.

GHAN TAL-KONSULTAZZJONI

L-iskop ta' dan il-proċess ta' konsultazzjoni hu li jfittex ir-reazzjoni tax-xandara, produttori indipendenti u persuni oħra interessati għal proposta ta' l-Awtorità tax-Xandir biex tkun tista' twettaq skond il-liġi dawn id-disposizzjonijiet t'hawn fuq. Kif ġa' ngħad, l-Awtorità mhux tfittex li tirrevedi l-kontenut attwali tal-linji gwida ta' llum b'xi mod sinifikanti, għallinqas f'dan l-istadju.

SCOPE OF THE CONSULTATION

The purpose of this consultation process is to seek the reaction of broadcasters, independent producers and other interested parties to the proposal of the Broadcasting Authority to make the above-mentioned provisions legally enforceable. As already indicated, the Authority is not seeking to review the actual contents of the current guidelines in any significant manner, at least at this stage.

RISPONS

Rispons għal din il-konsultazzjoni għandha tintbagħat lill-Awtorità sa mhux aktar tard mill-1 ta' Diċembru 2006 u għandha tiġi ndirizzata kif ġej:

RESPONSES

Responses to this consultation will be received by the Authority up to Friday, 1st December 2006 and should be addressed as follows:



Kap Eżekuttiv
Awtorità tax-Xandir
7 Mile End Road
Hamrun HMR02

The Chief Executive
Broadcasting Authority
7 Mile End Road
Hamrun HMR02

Kopja tad-dokument rivedut li issa qed jissejjaħ **“Gwida ta’ l-Awtorità tax-Xandir u Htiġijiet dwar l-Aħbarijiet u Programmi ta’ Ġrajjet ta’ Llum”** tinsab meħmuża ma’ dan id-dokument ta’ konsultazzjoni.

A copy of the revised document, now entitled **“Broadcasting Authority Guidance and Requirements on News and Current Affairs Programmes”** is attached to this consultation document.

The draft Guidance and Requirements on News and Current Affairs Programming are not being published as these were approved by the Broadcasting Authority on 19th December 2006 and are reproduced as Appendix VI



**GWIDA U HTIĠIJET
TA' L-AWTORITÀ TAX-XANDIR
DWAR L-AĦBARIJET
U L-ĠRAJJET TA' LLUM**

**L-EWWEL TAQSIMA
INTRODUZZJONI**

**Daġla
Tifsir
Integrità u Responsabbiltà tax-Xandar**

**IT-TIENI TAQSIMA
RAPPORTI TA' L-AĦBARIJET**
Akkuratezza u Imparzialità
Rappurtaġġ minn fuq il-Post
Materjal Rikostitwit
Stqarrijiet għall-Medja
Id-Dritt għar-Rispett u l-Privatezza
Il-Vjolenza fl-Aħbarijiet
Il-Jeddijiet tat-Tfal
Materjal Promozzjonali fl-Aħbarijiet

**IT-TIELET TAQSIMA
PROGRAMMI TA' DISKUSSIONI
U DWAR ĠRAJJET TA' LLUM**
Ġrajjet ta' Llum
Intervisti
Programmi ta' Diskussjoni

**IR-RABA' TAQSIMA
PRODUZZJONIJIET INDIPENDENTI**
Dmirijiet Ġenerali ta' Produtturi
Indipendenti
Dmirijiet Kontrattwali tal-Produtturi
Indipendenti

**IL-ĦAMES TAQSIMA
IX-XANDAR TAS-SERVIZZ PUBBLIKU**
Ir-Regoli li jrid jimxi fuqhom ix-xandar
tas-Servizz Pubbliku
L-Imparzialità tax-xandar tas-Servizz
Pubbliku
Preżentaturi u Riporters Assoċjati
Primarjament max-Xandar tas-Servizz
Pubbliku

**IS-SITT TAQSIMA
THADDIM TA' DAWN IL-LINJI GWIDA**
Għal min jgħoddu dawn il-Linji Gwida
Editur biex iħaddem dawn il-Linji Gwida

**BROADCASTING AUTHORITY
GUIDANCE AND REQUIREMENTS
ON NEWS BULLETINS AND
CURRENT AFFAIRS
PROGRAMMING**

**PART ONE
INTRODUCTION**

**Preamble
Definitions
Integrity and Responsibility of the
Broadcaster**

**PART TWO
NEWS BULLETINS**
Accuracy and Impartiality
Location Reporting
Reconstruction Material
Media Releases
Rights of Respect and Privacy
Violence in the News
Children's Rights
Promotional Material in the News

**PART THREE
CURRENT AFFAIRS AND
DISCUSSION PROGRAMMES**
Current Affairs
Interviews
Discussion Programmes

**PART FOUR
INDEPENDENT PRODUCTIONS**
General Obligations of Independent
Producers
Contractual Obligations of Independent
Producers

**PART FIVE
THE PUBLIC SERVICE BROADCASTER**
Rules applicable to the Public Service
Broadcaster
Impartiality of the Public Service
Broadcaster
Presenters and Reporters Primarily
Associated with the Public Service
Broadcaster

**PART SIX
APPLICATION OF THESE GUIDELINES**
Applicability of these Guidelines
Editor for the Purposes of the Guidelines



L-EWWEL TAQSIMA INTRODUZZJONI

1. Daħla

1.1 L-Artikolu 119 tal-Kostituzzjoni ta' Malta kif ukoll l-Att ta' l-1991 dwar ix-Xandir, kif emendat, illum Kapitolu 350 tal-Liġi ta' Malta, jagħmel l-Awtorità tax-Xandir l-għassies legali ta' l-imparzjalità u r-reqqa fl-aħbarijiet u fi programmi ta' grajjiet ta' llum.

1.2 Ix-xandara tar-radju u tat-televiżjoni, iridu jhejju u joħroġu bir-reqqa kollha meħtieġa, rapporti ta' aħbarijiet u programmi ta' grajjiet ta' llum.

1.3 L-Awtorità trid tara wkoll li xandar jibqa' jżomm imparzjalità sħiħa fejn jidhlu f'wejjeġ ta' kontroversja politika jew industrijali jew tax-xejra pubblika magħrufa taż-żmien.

1.4 Għandu jiġihares u jkun stmat il-jedd tal-ħajja privata u familjari kif ukoll id-dritt tal-kelma u tat-tagħrifha ħielsa.

1.5 L-Awtorità tax-Xandir għandha tiżgura li kulma hu maħsub f'dan id-dokument jkun jaqbel mal-prinċipji mniżżla fil-Kostituzzjoni u ma' l-istrumenti legali li jwettquhom.

2. TIFSIR U TFEHIM

2.1 L-Aħbar

2.1.1 L-uniku kriterju biex tiddaħħal xi ħaġa f'rapport ta' l-aħbarijiet irid ikun is-siwi tagħha bħala aħbar. L-aħbar nistgħu nfissruha bħala notizzja, tagħrif ta' grajja ġdida jew li għadha kif seħħet. Il-valuri li l-aktar jissemmev ta' l-aħbar huma dawk ta': kemm tkun f'waqtha jew fil-qrib, kemm tispikka jew hi kbira, l-impatt li jkollha, it-taħwid li taqla' u wkoll l-istramberija tagħha.

2.1.2 Xandar jista' jressaq siltiet għall-aħbarijiet dwar kull xorta ta' suġġett li jagħżel. Din l-għażla ħielsa marbuta mal-qadi tad-dmir li jiżgura s-sens tal-ħaqq u l-ħarsien tas-sewwa.

2.1.3 Minkejja dan, jistgħu biss isiru kummenti sakemm:

- i. ikollhom x'jaqsmu direttament ma' l-iżvilupp ta' l-istorja;
- ii. ikunu preċiżi, fattwali u etikament korretti;
- iii. ikunu bilanċjati; u

PART ONE INTRODUCTION

1. Preamble

1.1 The Broadcasting Authority is the legal guardian over the impartiality and accuracy of news and current affairs programmes in terms of Section 119 of the Constitution of Malta as well as the Broadcasting Act of 1991, as amended, now Chapter 350 of the Laws of Malta.

1.2 Radio and television broadcasters are required to provide news and current affairs programmes that should be presented with due accuracy.

1.3 The Authority has to ensure that a broadcaster preserves due impartiality in respect of matters of political or industrial controversy or current public policy.

1.4 The right for private and family life and the right of freedom of expression and information should be preserved and respected.

1.5 The Broadcasting Authority must seek to ensure that the provisions of this document are consistent with the principles of the Constitution and applicable legal instruments.

2. DEFINITIONS AND INTERPRETATIONS

2.1 News

2.1.1 The sole criterion for the inclusion of any item in a news bulletin is its news value. News can be defined as tidings, new information or fresh information. News values usually cited include: timeliness, proximity, prominence, magnitude, impact, conflict and oddity.

2.1.2 A broadcaster may produce news items about any subject or issue he/she chooses. This freedom of choice is subject to the fulfilment of the obligations to ensure fairness and respect for truth.

2.1.3 This notwithstanding, comments are considered to be admissible as long as:

- i. they are directly connected with the unfolding story;
- ii. they are accurate, factual and ethical;
- iii. they are balanced; and



iv. jinstemgħu l-ideat ta' min jifhem skond xi jkun is-sugġett ta' l-aħbar.

iv. depending on the nature of the news item, informed opinions are sought.

2.1.4 Il-Kap ta' l-Aħbarijiet fid-dmir jiddeċiedi dwar dak li għandu siwi ta' aħbar.

2.1.4 It is the responsibility of the Head of News to decide what constitutes news value.

2.2 L-Interest Pubbliku

2.2 PUBLIC INTEREST

2.2.1 L-interess pubbliku ma għandux jingħalaq f'tifsir limitat u ristrett. Meta xi haġa, tant tolqot il-biċċa l-kbira tan-nies li tqajmilhom tabilhaqq interess jew tħassib dwar dak li jkun qed jigi, jew x'jista' jseħh lilhom jew lill-oħrajn, hemm imbagħad tkun iva xi haġa ta' interess pubbliku li kulhadd ikollu l-jedd jgħaddi kumment għaqli dwarha.

2.2.1 Public interest is not to be confined within narrow limits. Whenever a matter is such as to affect people at large, so that they may be legitimately interested in, or concerned at, what is going on; or what may happen to them or others; then it is a matter of public interest on which everyone is entitled to make fair comment.

2.2.2 Kull għemil li jitlob ħarsien ta' l-interess pubbliku jrid jintqies ma' kemm jaqdi l-interess għal dak il-waqt. Xi eżempji dwar kif il-medja tista' taqdi l-interess pubbliku huma:

2.2.2 Any act that relies upon a defence of public interest must be proportional to the actual interest served. Examples of how the public interest may be served by the media include:

i. l-istħarriġ u l-kxif ta' xi delitt jew reat ieħor serju;

i. detecting or exposing crime or a serious misdemeanour;

ii. il-ħarsien tas-saħħa pubblika u tas-sigurtà tal-ħajja;

ii. protecting public health and safety;

iii. ma tħallix il-pubbliku jitgħallat b'xi dikjarazzjoni jew għemil minn xi ħadd jew xi għaqda;

iii. preventing the public from being misled by some statement or action of an individual or organisation;

iv. il-kxif ta' nuqqasijiet kbar ta' ħila f'karigi pubbliċi.

iv. exposing significant incompetence in public office.

2.2.3 Jinħtieġ tingħata attenzjoni speċjali fejn jidhru t-tfal, u nies oħra aktarx dgħajfa (bħalma huma l-anzjani, id-diżabilitati eċċ.) biex ikollhom protezzjoni xierqa u ħarsien minn kull ħsara. Meta jkun hemm imdeffsin iż-żgħir, ix-xandara jridu jqisu l-ewwel u fuq kolloxx is-saħħa fiżika, mentali u emozzjonali tagħhom. L-edituri ta' l-aħbarijiet iridu juru interess pubbliku eċċezzjonali li jisboq l-interess ewlieni li dawn in-nies normalment jistħoqqilhom.

2.2.3 The involvement of minors and other vulnerable persons (such as the elderly, disabled persons, etc.) requires special attention so as to provide for their protection and safety. When minors are involved broadcasters should treat their physical, mental and emotional health as being of paramount importance. News editors should demonstrate an exceptional public interest to over-ride the normally paramount interest of these persons.

2.2.4 Ir-responsabbiltà li tiġġustifika kull tbeġhid mill-ħtiġijiet imsemmija f'dan id-dokument għal raġunijiet ta' interess pubbliku għandha taqa' kollha fuq il-ġurnalista u x-xandar.

2.2.4 The onus shall be upon the journalist and broadcaster concerned to justify any departure from the requirements indicated in this document on the grounds of public interest.

2.3 Ġrajjet ta' Llum

2.3 CURRENT AFFAIRS

2.3.1 Għall-iskopijiet ta' dan id-dokument "Ġrajjet ta' Llum" (*Current Affairs*) tfisser programm li jkun fih spjega u/jew analiżi ta' grajjet u argumenti ta' llum, kif ukoll materjal li jkollu x'jaqsam ma' kontroversji politiċi u/jew industrijali jew mat-tifsil tax-xejra

2.3.1 For the purposes of this document, 'Current Affairs' means a programme which contains explanation and/or analysis of current events and issues, including material dealing with political or industrial controversy or with public policy. Programmes should





pubblika. Il-programmi jridu jipprezentaw lis-semmiegħa u lit-tele spettaturi argumenti intelligenti u informattivi dwar x'inhom għaddej b'mod li jgħinuhom jaslu għall-konkluzjonijiet personali tagħhom. Dan jista' jinkiseb bit-tnejn ta' programmi ta' għajiet ta' illum li jaħsbu biex jeżaminaw fil-fond dak li jkun hemm wara l-għajiet, jagħtu tagħrif, analiżi esperta, kumment infurmat u lok għal diskussjoni miftuħa.

2.4 Ix-Xandar

2.4.1 Kull individwu jew kumpanija li għandu/ha l-liċenzja skond il-kondizzjonijiet ta' l-Att dwar ix-Xandar tat-telewizjoni jew tar-radjo jissejjaħ xandar. Ix-xandar għandu r-responsabbiltà jiżgura li l-impjegati ta' l-istazzjon, bil-ġurnalisti, bl-edituri, bil-produtturi u bil-preżentaturi kollha jimxu skond dan id-dokument.

2.5 Il-Kap Ta' L-Aħbarijiet

2.5.1 Kull referenza f'dan id-dokument għall-Kap ta' l-Aħbarijiet tfisser, bla ebda preġudizzju għar-responsabbiltà ta' l-editur skond l-Att dwar l-Istampa, dak l-individwu fdat bir-responsabbiltà legali għall-kamra ta' l-aħbarijiet ta' l-istazzjon tax-xandar konċernat. Dan irid iwieġeb għal kull deċiżjoni li tittieħed dwar il-kontenut tar-rapporti ta' l-aħbarijiet u/jew programmi ta' għajiet ta' illum imxandra mill-istazzjon tiegħu.

2.6 Minorenni

2.6.1 Għall-għajiet tad-disposizzjonijiet ta' dan id-dokument 'minorenni' tfisser xi hadd li għadu ma għalaqx is-16-il sena.

2.7 Kariga Pubblika

2.7.1 Jintqies li għandu kariga pubblika kulmin għandu impjeg pubbliku, kulmin hu f'kariga pubblika magħrufa kif ukoll dawk kollha li għalkemm mhux uffiċjali pubbliċi jafhom kulhadd bħalma huma presidenti jew membri ta' xi korporazzjonijiet pubbliċi jew kumpaniji tal-gvern, uffiċjali ta' trej djunons, ta' għaqdiet ta' min iħaddem jew ta' xi organizzazzjoni oħra bħal dawn, kif ukoll l-awtoritajiet tal-Knsija.

3. L-INTEGRITÀ U R-RESPONSABBILTÀ TAX-XANDAR

3.1 Il-ġurnalisti u x-xandara jridu jħarsu l-integrità u l-kredibbiltà tagħhom biex għemilhom ikun f'ideles u maqtuġh minn kull setgħa li tista' tinfluwenzahom iżżejjed u ttellfilhom għażla f'ideles u xierqa.

offer viewers and listeners an intelligent and informed account of issues that enables them to form their own views. This is achieved by current affairs programming which examines in depth the background of events, providing information, expert analysis, informed comment and open discussion.

2.4 Broadcaster

2.4.1 A broadcaster is any person or company licensed in terms of the Broadcasting Act to broadcast by radio or television. The broadcaster shall be responsible for ensuring compliance with the provisions of this document by the station's staff, including journalists, editors, producers and presenters.

2.5 Head of News

2.5.1 Without prejudice to the editor's responsibility under the Press Act, any reference in this document to the Head of News means the person entrusted with the legal responsibility for the newsroom of the broadcasting station concerned. Such person shall be answerable for any decisions taken concerning the content of news bulletins and/or current affairs programmes transmitted by the said station.

2.6 Minors

2.6.1 For the purposes of the provisions of this document, a 'minor' is a person who has not yet reached the age of 16.

2.7 Public Capacity

2.7.1 Public capacity includes persons holding public offices, public figures and other persons who although not public officers are in the public limelight such as chairpersons and members of public corporations and government owned companies, officials of trade unions, employers associations and other similar organisations, and Church authorities.

3. INTEGRITY AND RESPONSIBILITY OF THE BROADCASTER

3.1 Journalists and broadcasters must guard their own integrity and credibility in order to be able to act freely and independently of forces which may exert undue influence and impair free and balanced judgement.

3.2 Uffiċjali ta' partiti politiku, organizzazzjonijiet li jħabirku jew gruppi li jistinkaw biex jipperswadu lil ħaddieħor ma għandhomx ikunu involuti fil-ġbir ta' aħbarijiet, fil-produzzjoni u l-preżentazzjoni ta' aħbarijiet jew programmi ta' ġrajjet ta' illum.

3.3 Għajnuna finanzjarja qatt ma għandha tinfluwenza l-ħidma editorjali, il-kontenut u l-preżentazzjoni. Ġurnalista ma għandux jaċċetta kummissjonijiet jew iċedi għal min qed ifittex biex jirreklama għal skopijiet kummerċjali. Ma għandhomx jitwiegħdu favuri editorjali għal xi reklami mogħtija.

3.4 Kull żball irid jiġi rikonoxxut u korrett, malajr u pubblikament.

3.2 Officials in a political party, campaigning organisation or lobby group, should not be involved in newsgathering, production and presentation of news and current affairs programmes.

3.3 Sponsorship should never influence editorial activity, contents and presentation. Journalists must not accept commissions or give in to these seeking publicity for commercial purposes. Editorial favours must not be promised in return for advertisements.

3.4 Errors must be quickly acknowledged and publicity corrected.

IT-TIENI TAQSIMA RAPPORTI TA' L-AĦBARIJET

Il-ħtiġijiet imsemmija fil-paragrafi 6, 8, 9, 10 u 11 hawn taħt huma esegwibbli skond l-artikolu 20(3) ta' l-Att dwar ix-Xandir. Id-disposizzjonijiet tal-liġi dwar l-akkuratezza u l-imparzjalità huma fis-seħħ skond l-artikolu 119 tal-Kostituzzjoni ta' Malta u l-artikolu 13 ta' l-Att dwar ix-Xandir.

4. Akkuratezza u Imparzialità

4.1 Il-ħsieb individwali għandu jintgħaraf sewwa mill-ġrajja.

4.2 L-Att tax-Xandir jitlob li l-Awtorità tax-Xandir tiżgura l-imparzjalità tax-xandar meta jirrapporta l-aħbarijiet l-aktar fejn jidhru dak li għandu x'jaqsam ma' kontroversja politika jew industrijali jew policy pubblika kurrenti.

4.3 Xandar irid jiżgura li l-elementi ewlenin ta' ideat opposti jridu jidhru f'rapport wieħed ta' aħbarijiet meta din tkun kontroversja ħajja mill-ġrajjet ta' illum. Meta f'rapport wieħed ta' aħbarijiet ma jkunx possibbli li jidhru l-fehmiet kollha ta' kull naħa, l-editur ikollu jiddeċiedi hu, b'għaqqal, x'għandu jsir.

4.4 Xandar ma għandu ebda jedd jippilla li r-rapporti ta' l-aħbarijiet minn stazzjonijiet oħra jistgħu jiżguraw li fihom jinstemgħu fehmiet opposti. Rapport ta' l-aħbarijiet għandu jkollu tiżwiqa ta' rapporti attivi u passivi. Ma għandux jidher qisu xi bord ta' l-avviżi u, forsi l-aktar importanti, parti minn magna tal-propaganda ta' xi organizzazzjoni.

PART TWO NEWS BULLETINS

The requirements listed in sections 6, 8, 9, 10 and 11 below are enforceable in terms of article 20(3) of the Broadcasting Act. Legal provisions on due accuracy and impartiality are in force in terms of article 119 of the Constitution of Malta and article 13 of the Broadcasting Act.

4. Accuracy and Impartiality

4.1 Opinion should be clearly distinguished from fact.

4.2 The Broadcasting Act demands that the Broadcasting Authority secures due impartiality on the part of a broadcaster in its news bulletins so far as matters of political or industrial controversy or current public policy are concerned.

4.3 A broadcaster should ensure that principal divergent points are reflected in a single news bulletin when the issue involved is of a current and active controversy. Editorial judgement can be used when it is not possible to include all views in a single news bulletin.

4.4 It shall not be permissible for the broadcaster to claim that news bulletins on other channels will ensure that opposing views will be heard. A news bulletin should consist of a mix of active and passive reports. It should avoid looking like a notice board and, more importantly, as if it forms part of an organization's propaganda machine.





4.5 Xandar irid ikun żgur li meta jittratta affarijiet ta' kontroversja kbira irid jagħmel haqq lill-medda shiħa ta' fehmiel u perspettivi li ma jkunx hemm qbil dwarhom waqt li l-istess kontroversja tkun għaddejja.

4.6 Fejn tidhol kontroversja politika jew industrijali jew policy pubblika kurrenti, l-Att tax-Xandir jitlob li l-aħbarijiet, jingħataw kif jingħataw, iridu jkunu preżentati bir-reqqa u bl-imparzjalità xierqa kollha.

4.7 Kull rapport ta' l-aħbarijiet irid jilhaq dawn l-għanijiet:

- a. l-aħbarijiet iridu jingħadu b'reqqa u bla preferenzi;
- b. l-aħbarijiet ma għandhomx ikunu editorjali;
- ċ. l-aħbarijiet ma għandhomx jintgħažlu biex jintlaħaq xi skop għal, jew ifixkel lil, ebda naħa f'kontroversja pubblika; u
- d. l-aħbarijiet ma għandhomx jifasslu fuq it-tweġmin, l-ideat jew ix-xewqat ta' min imexxi l-istazzjon jew ta' xi oħrajn li jkunu mqabba bit-tnejja jew ix-xandir tagħhom.

4.8 Aħbar trid tkun ġrajja li seħħet jew mibnija fuq fatti li ġraw. Sthajil, tagħwiġ, tiżwiq, ħsibijiet, fehmiel jew tweġmin personali ma għandhomx jithallew jingħadu, kemm jekk meqjusa bħala kummenti kif ukoll bħala opinjonijiet kif ukoll jekk għandhom jew ma għandhomx x'jaqsmu ma' dak li jkun għaddej jew ukoll għaliex biss jistgħu - u kultant ikunu - qed jidhku bis-semmejgħ u jwasslu għat-taħwid jekk l-hekk imsejjaħ kumment/opinjoni hux dak li l-istazzjon/xandar ħaseb jew ħareġ mill-fatt li jkun qed jiġi rapportat.

4.9 Opinjonijiet editorjali għandhom jintwerew ċar x'inħuma u jinżammu maqtugħin mix-xandir regolari ta' rapporti ta' l-aħbarijiet.

4.10 Ma jistax jittalla' taħlit ta' aħbarijiet nofsu mibni, nieqes mill-preċiżjoni u kultant marbut jew imżewwaq b'kummenti partigani.

5. Rapporti minn fuq il-Post

5.1 Meta jsiru rapporti minn fuq il-post il-ġurnalista jithalla jgħaddi kumment ħieles, jagħti deskrizzjoni jew opinjoni professjonali bla preġudizzju dwar xi haġa li tkun ġrat, jew ukoll interpretazzjoni qasira biex tintwera aħjar jew tiftaħ aktar il-preżentazzjoni ta'

4.5 In dealing with major matters of controversy, a broadcaster must ensure that justice is done to a full range of divergent views and perspectives during the period in which the controversy is active.

4.6 Regarding matters of political or industrial controversy or current public policy, the Broadcasting Act requires that any news, given in whatever form, must be presented with due accuracy and impartiality.

4.7 A news bulletin should comply with the following standards:

- a. news should be presented with accuracy and without bias;
- b. news should not be editorial;
- c. news should not be selected for the purpose of furthering or hindering either side of a controversial public issue; and
- d. news should not be designed by the beliefs, opinions or desires of the broadcaster or others engaged in its preparation or delivery.

4.8 A news item has to be factual or at the very least based on fact. Conjectures, distortions, remarks, opinions, judgements or convictions should not be allowed whether they are termed as comments or opinions and whether they are related to the item in question or not simply because they can - and usually do - mislead the audience and lead to confusion as to whether the so-called comment/opinion is what the station/newscaster thinks or whether it resulted from the fact being reported.

4.9 Editorial opinion shall be clearly labelled as such and kept entirely distinct from regular broadcasts of news bulletins.

4.10 Combinations of semi-fabricated news items, without care for accuracy solely aimed for partisan propaganda shall be prohibited.

5. Location Reporting

5.1 When making on location reports journalists shall be allowed the facility and freedom to make a remark, a description or a professional unbiased judgement of a happening, or a note of interpretation to further illustrate/enhance the presentation of a

storja tal-bidu, sakemm ma jkunx hemm ksur ta' standards jew ta' htigijiet ta' Prattika imsemmija f'dan id-dokument jew linji gwida oħra intenzjonati għall-ġurnalisti, kemm jekk huma ta' l-Awtorità jew mod ieħor.

5.2 Waqt rapporti minn fuq il-post trid tingħata attenzjoni speċjali għall-korrettezza, nuqqas ta' preġudizzju, ebda taħlit bejn l-aħbar u l-kumment editorjali, tbeġħid minn kull tagħwiġ, tidwir jew sensazzjonalizmu, rispett għall-privatezza u twarrib ta' kull konflitt ta' interessi.

5.3 Jekk riporter jgħaddi ġudizzju ġurnalistiku professjonali dan għandu jidher li jkun ġust u jiftiehem sewwa iżda mhux bħala opinjoni personali. L-udjenza ma għandhiex tkun tista' tqis l-opinjoniet personali tal-preżentaturi u tar-riporters dwar suġġetti kontroversjali tat-tifsil tax-xejra pubblika.

6. MATERJAL RIKOSTITWIT

6.1 Kull tixbiha ta' xi ġrajja fl-aħbarijiet televiżivi jew f'xi aħbar għalġharrieda għandu jkollha miktub ċar taħtha li dak li qed jidher mhux dak li ġara u ma għandux ikun hemm l-ickien dubju li jista' jinħaseb li hu filmat originali tal-ġrajja. Meta jintuża filmat ix-xandar għandu jgħid ċar jekk hux ġdid jew meħud mill-arkivji. Ċerta teknika ta' filmati mdawra bilmod jew jirrepetu l-istess xbihat għandha tintuża mill-inqas u dan biss meta tabilhaqq ikun meħtieġ isir xi enfasi dwar xi ħaġa jew xi għemil partikolari. Wieħed irid iqis ukoll ir-rispett li għandu jingħata lil dak li jidher fil-film; ċerti għemejjel/drawwiet li jddardru lanqas biss għandhom jintwerew, aħseb u ara kemm jiddawru bilmod u/jew għal aktar minn darba.

7. Stqarrijiet għall-Medja

7.1 L-importanza ta' stqarrijiet għall-medja trid tintqies mis-siwi tagħhom bħala aħbar. Mhux hekk biss iżda aktar milli jikkwota kelma b'kelma mill-isqarrijiet tal-medja, ix-xandar għandu jara li l-persuna / organ-izzazzjoni li qed toħroġ dawn l-istqarrijiet tidher jew tinstama' fihom.

7.2 Fejn stqarrija għall-medja maħruġa bħala tweġiba għal x'ġara jew x'intqal qabel li ma tkunx ġa' ġiet rappurtata mill-istazzjon konċernat minħabba li ma jkollhix valur t'aħbar, dak l-istazzjon għandu jipprovdi reżokont ta' l-istqarrija originali flimkien mar-reazzjoni għaliha.

breaking story provided that the reporting does not breach the standards and practice requirements set out in this document or in other codes, whether of the Authority or otherwise, aimed at journalists.

5.2 Location reporting calls for due regard for accuracy, absence of bias, non-intermingling of news and editorial comment, avoidance of distortion and sensationalism, respect for privacy and avoidance of conflict of interest.

5.3 If a reporter expresses a professional, journalistic judgement, such judgement must be recognized as perceptive and fair and not as a personal opinion. The audience should not be able to gauge the personal views of the presenters and reporters on controversial issues of public policy.

6. RECONSTRUCTION MATERIAL

6.1 Any simulation of an event in a television news bulletin or news flash should either be subtitled, indicating clearly that the pictures are not actual and there can be no reasonable possibility that it could be taken to be original footage. When using footage, the broadcaster should clearly indicate whether it is fresh or archive material. Certain techniques, such as running footage in slow motion or repeating the images, must be used sparingly and only when required to stress a point or highlight a given action. Also, respect must be shown to the subject in such footage; unsavoury human practices / habits should not be screened at all, let alone in slow motion and / or repeatedly.

7. Media Releases

7.1 Media releases should be evaluated on the merits of their news value. Moreover, rather than just quoting verbatim from media releases, the broadcaster should seek that the person/ organisation issuing such release appears on camera or on sound.

7.2 Where a media release is issued in reaction to an earlier event or statement which had not been previously reported by the station concerned due to its lack of news value, it shall be the duty of the said station to provide an account of the original release together with the reaction thereto.





8. Jeddijiet għall-Gieħ u l-Privatezza

8.1 Kulhadd għandu l-jedd jara li l-ħajja privata tiegħu u tal-familja tibqa' rispettata. Kulmin ikun fl-aħbarijiet jew jaħdem fil-ħajja pubblika għandu l-jedd għall-ħarsien tal-privatezza ħlief meta l-ħajja privata ta' dak li jkun tista' tasal biex teffettwa l-ħajja pubblika.

8.2 Jista' jkun hemm każi fejn irid jintqies sewwa l-interess pubbliku mal-jedd li l-individwu jkollu rispettata, il-ħajja privata tiegħu u tal-familja tiegħu.

8.3 Meta l-ġurnalisti, l-edituri u l-produtturi jirrapportaw attivitajiet li jsiru f'postijiet pubbliċi, iridu jagħżlu b'għaqqal xieraq dak li jisimgħu dikjarat, jaraw jiġri jew jintebħu bih billi jibqgħu jiżguraw il-jedd għall-privatezza individwali.

8.4 Meta jkun se jintwera materjal meħud minn kameras televiżivi b'ċirkuwitu ristrett, jinħtieġ jinkiseb il-permess minn qabel mingħand l-individwu li jidher fihom u li aktarx ma kienx jaf bihom. Izda meta jkun fl-interess pubbliku li jintuża filmat bħal fil-każ biex jixxandar l-għemil ta' reat jew negligenza grassa fl-immaniġjar ta' l-affarijiet pubbliċi, il-permess ta' l-individwu li jidher fih ma jkunx meħtieġ.

8.5 Min jipprovdi l-materjal għall-aħbarijiet irid iqis sewwa jekk kienx hemm min intlaqat ħażin minħabba li l-materjal għall-aħbarijiet raġa' wara ntuża fi programmi oħra u b'kuntest/i differenti.

8.6 Il-jedd għall-privatezza għandu jkun rispettata fi żminijiet ta' luttu jew tbatija kbira. Wieħed irid bis-serjetà iqis sewwa l-qagħda ta' dak li jkun f'xi traġedja personali.

8.7 Jekk ma jkunx meħtieġ, bħal meta forsi biex tgħin lill-pulizija tagħraf lil dak li jkun, ma hemmx għalfejn jinġiebu jidhru mill-qrib xbihat ta' vittmi f'diżgrazzji. Bħala regola, ma għandhomx jiġġabbru l-ismijiet tal-vittmi qabel ma jkunu jafu qrabathom.

8.8 Xeni ta' tbatija u ta' nies fil-hemm sikwit jagħmlu sehem sħiħ minn rapport ta' aħbarijiet fejn ikun hemm diżastri naturali, diżgrazzji jew vjolenza. Qabel ma jiġġallaw joħorġu xeni bħal dawn il-produttur irid iwiežen bir-reqqa l-herqa li jaqdi l-ħtieġa tas-sewwa, mas-sogru li joħloq sensazzjonalizmu. Għandu jsir avviz minn qabel, iwissi li xi xeni li se jidhru, jistgħu ma jkunux addattati għat-tfal jew għal dawk li

8. Rights of Respect and Privacy

8.1 Everyone is entitled to respect for his or her private and family life. People in the news and persons holding office in public life are entitled to protection of their privacy except in those cases where their private life may have an effect on their public life.

8.2 There are occasions when the individual's right to respect for private and family life must be balanced against the public interest.

8.3 When covering events in public places, journalists, editors and producers must exercise due diligence when reporting on statements or action heard or noticed while ensuring the individual's right of privacy is respected.

8.4 The subject's permission must be obtained when using material from closed-circuit television cameras of which the individual is unlikely to have been aware. However, when it is in the public interest to use footage such as in the case of the exposure of crime or gross negligence in the management of public affairs, then the subject's permission is not required.

8.5 The news service provider should consider carefully whether unfairness to the person / persons portrayed results from re-use of news material in later and different programme contexts.

8.6 The individual's right to privacy at times of bereavement and extreme distress must be respected. Particular care should also be taken where personal tragedy is involved.

8.7 Generally, close-up of victims should be avoided, if necessity does not demand otherwise, such as to help police identification. The names of the victims, before next-of-kin are informed, should not as a rule be broadcast.

8.8 Scenes of human suffering and people in distress are often an integral part of news reportage of natural disasters, accidents or human violence. Before presenting such scenes a producer needs to balance the wish to serve the needs of truth against the risk of sensationalism. A prior announcement should be made to warn that the subsequent scenes might not be suitable for viewing by children or impressionable persons.

jimpressjonaw ruħhom.

8.9 Nies mixlija b'atti kriminali ma għandhomx jintwerew daqslikieku ġa nstabu haqja. Qatt ma għandu jsir ġuri bil-medja qabel ma toħroġ sentenza mill-qorti. Wieħed għandu jqis sewwa li ma jixxandarx ripetutament filmat li jista' jippreġudika l-jedd għal haqq ħieles tal- l-mixli. Meta jsir rapport li xi haqq tressaq il-qorti, dejjem għandu jibqa' rispettat il-prinċipju li wieħed għadu innoċenti. L-istil u l-importanza li bihom isir ir-rapport ta' nies li tressqu l-qorti għandu jkun jaqbel ma' dak ta' meta fl-aħħar tinqata' s-sentenza.

8.10 Ma għandux jingħata l-post fejn wieħed jgħix jew fejn toqgħod il-familja tiegħu sakemm dan ma jkunx meħtieġ minħabba l-istħarriġ.

8.11 Filmjar u Rekordjar f'Istituzzjonijiet

8.11.1 Meta jingħata permess biex jittieħed film jew isir rekording f'xi istituzzjoni fejn in-nies diehla u ħierġa l-ħin kollu iżda fejn normalment ma jithallewx jiddaħħlu kameras mingħajr dan il-permess, aktarx li l-filmata ikun fih biċċiet ta' xi wħud li jkunu hemm dak il-ħin u ma jkollhom x'jaqsmu xejn mal-ħsieb ewlieni tal-programm.

8.11.2 Wieħed isaqsi kemm jistgħu nies bħal dawn jirrifjutaw u xi drittijiet għandhom, biex materjal bħal dan fejn jidhru huma ma jixxandarx. Is-soltu ma jkun hemm l-ebda obbligu li jintalab permess meta d-dehra ta' nies hekk, hija inċidentali u jkun jidher ċar li dawn huma hemm b'kombinazzjoni u bħala membri li jagħmlu sehem mill-pubbliku in ġenerali.

8.11.3 Fejn id-dehra tagħhom ma tkunx inċidentali, meta ma jidhru b'kombinazzjoni avolja bla isem, jew ma jissemmewx, u jidhru f'xi qagħdiet partikolarment sensittivi (bħal ngħidu aħna pazjenti psikjatriċi, ħabsin jew nies b'diżabbiltà) irid l-ewwel jinkiseb il-permess ta' kull wieħed u waħda minnhom biex il-materjal ikun jista' jintwera.

8.11.4 Meta minħabba xi diżabbiltà jew mard dak li jkun la jista' jagħti permess u lanqas jirrifjutah, għandu jintalab il-permess biex jintuża l-materjal mingħand il-qraba l-aktar viċin tiegħu jew minn min ikun qed jiehu ħsiebu/ha.

8.11.5 Kull eċċezzjoni tista' tiġi ġġustifikata meta jkun jidher ċar li dan qed isir fl-interess pubbliku.

8.9 Persons accused of criminal matters should not be projected as if they are already found guilty. Trial by the media before any court judgement is delivered should be avoided at all times. Care should be taken to avoid broadcasting repetitive footage that might prejudice the accused's right to a fair trial. When reporting on arraignment, the principle of presumption of innocence must be fully respected. The same treatment meted out to persons on arraignment shall likewise be meted out when judgement is pronounced.

8.10 The location of a person's home or family should not normally be revealed unless strictly relevant to the behaviour under investigation.

8.11 Filming and recording in institutions

8.11.1 When permission is received to film or record material in an institution, which has regular dealings with the public, but which would not normally be accessible to cameras without such permission, it is very likely that the material will include shots of individuals who are themselves incidental, rather than central, figures in the programme.

8.11.2 The question arises as to how far and in what conditions such people retain a right to refuse to allow material in which they appear to be broadcast. As a general rule, no obligation to seek agreement arises as to when the appearance of the persons shown is incidental and they are clearly random and anonymous members of the general public.

8.11.3 When their appearance is not incidental, where they are not random and anonymous or where, though unnamed, they are shown in particularly sensitive situations (for example as psychiatric patients, prison inmates or disabled persons), individual consents to use this material should be sought.

8.11.4 When by reason of disability or infirmity a person is not in a position either to give or to withhold agreement, permission to use the material should be sought from the next of kin or from the person responsible for his/her care.

8.11.5 Any exception is justifiable when this is manifestly in the public interest.





8.12 Teħid ta' Films fuq Xogħol ta' Pulizija

8.12.1 Meta jingħata permiss biex jittieħdu filmati tal-pulizija jew xi ħidmiet uffiċjali oħra, fejn ikun hemm ukoll membri tal-pubbliku fi nħawi jew f'postijiet oħra li m'humiex pubbliċi (eż.: żjarat fi djar b'digriet, stħarriġ għalgharrieda f'postijiet liċenzjati u oħrajn), għandha tkun ir-responsabbiltà tal-produttur jew tal-membri anzjan tal-kru, li jwaqqaf il-filmjar jew jitleq minn fuq il-post jekk jintalab jagħmel hekk minn min ikollu s-setgħa.

8.13 Haqq ma' min ma għandux ħtija

8.13.1 Meta jkun hemm nies bla ħtija li jidhru f'qofol ta' xi rapport ta' l-aħbarijiet trid tittieħed aktar attenzjoni biex ma jidhrux fih u jinfteħu ħażin, xi biċċiet dwar xi delitti serji, xi diżgrazzja kbira jew diżastru. Suġġetti ta' interess pubbliku bħal deċiżjonijiet li jmorru kontra l-haqq jew diskussjonijiet li jqumu dwar prinċipji legali, soċjali jew morali, għandhom jintqiesu importanti.

8.14 Kameras u Mikrofondi Moħbija

8.14.1 Mikrofondi u kameras moħbija jistgħu jintużaw biss fejn ikun meħtieġ li titwemmen u tidher tabilhaqq il-verità ta' storja. Meta tirrekordja bil-moħbi tista' tqarraq b'dak li jkun jew tisraqlu l-jedd li għandu tal-ħajja privata tiegħu. Meta jiġri hekk il-gurnalista irid jikseb il-kunsens sħiħ tal-Kap ta' l-Aħbarijiet.

8.14.2 Meta jsir xi rekording bil-moħbi, il-kliem u x-xbihat rekordjati jridu jaqdu, l-ewwel u qabel kollox, l-interess pubbliku li jiġġustifika:

- i. id-deċiżjoni biex jingabar dak il-materjal;
- ii. ir-rekording innifsu;
- iii. ix-xandira.

8.14.3 Aġġegġ elettroniku li jirrekordja ma għandux jitħalla xi mkien f'tal-privat mingħajr ma dawk li joqogħdu fil-post jagħtu l-kunsens sħiħ bl-għarfien kollu ta' dak li se/qed jiġri, sakemm talba għall-permess bħal dan ma tisfrattax l-istħarriġ li jkun qed isir fl-interess ewlieni tal-pubbliku, minn dawk li qed itellgħu l-programm.

8.14.4 L-użu fid-dieher u bil-miftuħ ta' kameras u apparat li jirrekordja mqiegħed f'post pubbliku jew fi proprjetà privata, irid jintqies ma' l-importanza u n-natura ta' l-istorja. Ix-xandar ma għandux għalfejn jirfes aktar mill-meħtieġ fl-imgiba privata.

8.12 Filming on police operations

8.12.1 When permission is given to film police or similar official operations of any kind, involving members of the public in other than public places (e.g. visits to homes under warrant, raids on licensed premises, etc) it is the responsibility of the producer or senior crew-member to stop filming or to leave premises if they are asked to do so by persons in authority.

8.13 Fairness to innocent parties

8.13.1 Where innocent parties are central figures in any news bulletin, special care should be taken not to present items concerning serious crimes, a tragic event or disaster in an unfair light. Arguments of public interest would be relevant, for example, where questions of a possible miscarriage of justice arise or where major legal, social or moral principles are at issue.

8.14 Hidden microphones and cameras

8.14.1 The use of hidden microphones and cameras should only be considered where it is necessary to the credibility and authenticity of the story. The use of hidden recording techniques can be unfair to those recorded as well as an infringement of their privacy. In such a case, the journalist must always seek the explicit consent of the Head of News.

8.14.2 When recording does take place secretly, the words or images recorded should serve an overriding public interest that justify:

- i. the decision to gather the material
- ii. the actual recording
- iii. the broadcast

8.14.3 An unattended recording device should not be left on private property without the full and informed consent of the occupiers, unless seeking such permission might frustrate the investigation by the programme-producers of matters of overriding public interest.

8.14.4 The open and apparent use of cameras or recording devices on both public and private property, must be appropriate to the importance or nature of the story. The broadcaster should not intrude unnecessarily on private behaviour.

8.14.5 Meta l-materjal għax-xandir jinkiseb bil-moħbi, kemm jekk minn post publiku kif ukoll jekk minn post privat, ix-xandar irid joqgħod attent li ma jirfissx il-privatezza ta' min ikun hemm għaddej u li jista' jidher bla ma jaf fir-rekording. L-indentità ta' nies innoċenti għandha tinsatar. Materjal meħud minn xi ħaddieħor li jiġi f'idejn ix-xandar irid jintqies bl-istess mod.

8.14.5 When broadcasting material is obtained secretly, whether in public or private property, the broadcaster should take care not to infringe the privacy of bystanders who may be caught inadvertently in the recording. The identity of innocent parties should be obscured. Material shot or recorded secretly by third parties, which becomes available to the broadcaster, should be treated in the same way.

8.14.6 Ix-xandar għandu jżomm registru bid-dettalji kollha, inklużi l-verżjoni sħiħa u editjata tar-rekordings meħuda bil-moħbi sa disgħin ġurnata wara li jixxandar il-programm.

8.14.6 The Broadcaster must keep full records, including the edited and unedited versions of secret recordings for the duration of ninety days after broadcasting date.

9. II-Vjolenza fl-Aħbarijiet

9. Violence in the News

9.1 Bħall-programmi l-oħra, ir-Rapporti ta' l-Aħbarijiet jaqgħu taħt dak li hemm meħtieġ bħala wiri għall-familja u hekk għandu jintqies. Madankollu dan il-prinċipju ma għandux inaqqas l-għażla tad-diversi xorta ta' stejjer li jkun fih rapport ta' l-aħbarijiet kif lanqas ma jinftehem li xi ġrajiet godda fl-aħbarijiet ma jingħatawx kif ikun jixirqilhom.

9.1 News Bulletins, like any other programming, fall under the requirements of family viewing and should be treated as such. However this should not restrict the range of different stories covered in any news bulletin or imply that some news events may not be properly and appropriately covered.

9.2 Kull suġġett ġdid fl-aħbarijiet għandu jixxandar b'mod li jqis sewwa lill-udjenza li jkollu. Meta jkun hemm xi biċċa filmat vjolenti għandhom jingħataw twissijiet xierqa minn ħafna qabel.

9.2 It is required that all news subjects are presented in a manner that takes account of the audience. In case of violent footage, the appropriate warnings are to be given well in advance.

9.3 Wieħed irid joqgħod attent meta f'ċerti ħinijiet li t-tfal ikunu qed iħarsu jerggħu jintwerew, fl-aħbarijiet ta' wara, l-istess xeni ta' vjolenza.

9.3 Care should be taken when scenes of violence are repeated in succeeding news bulletins, at times when children would be watching.

10. Jeddijiet it-Tfal

10. Children's Rights

10.1 Għandu jittieħed ħsieb u għaqaq partikolari kulfejn jidhlu ż-żgħar, kemm jekk ikun hemm interess privat kif ukoll jekk fi ħwejjeġ pubbliċi.

10.1 Particular consideration and prudence should be exercised in all cases concerning minors, whether interest therein is derived from private or public matters.

10.2 Meta f'xi sħarriġ tal-pulizija jew proċeduri tal-qorti jkun hemm imdaħħla ż-żgħar, l-aktar f'reati sesswali iżda wkoll f'każi oħrajn, iridu jittieħdu passi speċjali biex bl-ebda mod dak li jkun ma jista' jiġi indikat jew jintgħaraf.

10.2 Where minors are or have been involved in police enquiries or court proceedings, particularly but not limited to sexual offences, special care needs to be taken to avoid any indication of the identity of the person.

10.3 Wieħed irid joqgħod attent sewwa meta jkun qed jirrapporta reati sesswali f'familja. Jekk jissemma l-mixli jew jiftiehem ir-reat jista' jkun li tintgħaraf il-vittma. L-għoti ta' l-indirizz tal-mixli jkompli jgħin biex jgħaqqad l-informazzjoni dwar min tkun il-vittma.

10.3 Particular care needs to be taken when reporting sexual crimes within a family. Naming the accused and describing the crime can have the effect of identifying the victim. Giving information about an accused person's address may contribute to the jigsaw, which identifies the victim.





11. Materjal Promozzjonali fl-Aħbarijiet

11.1 Kull xogħol li jintbagħat minn jew jitwassal għal xi organizzazzjonijiet uffiċjali, kumpaniji kummerċjali jew għaqdiet li jħabirku u jistinkaw għal ħaddieħor, għandu jkun *immarkat* ċar b'dak li hu meta jingħad jew jidher imxandar għal mhux aktar minn *ħames sekondi*.

11.2 Jistgħu jsiru eċċezzjonijiet meta l-materjal ikun fih innifsu qasir u bl-ebda mod ma jirreklama l-interessi ta' min qed jibagħtu. Madankollu, materjal li jkun jidher ċar li qed jirreklama għandu jitwarrab, sakemm il-ħidma ta' dik l-organizzazzjoni nfisha ma jkollhiex x'jaqsam ma' l-istorja fl-aħbar.

11.3 Affarijiet kummerċjali għandhom jidhlu biss jekk minnhom infushom ikollhom importanza bħala aħbar u mhux minħabba s-siwi tal-kont li għandu ma' l-istazzjon min qed jirreklama.

11. Promotional Material in the News

11.1 The source of promotional material supplied by or on behalf of official bodies, commercial companies or campaigning organisations should be briefly but *clearly labelled* on-air for a maximum *duration of five seconds* either in sound or vision.

11.2 Exceptions to this rule may be made where the material itself is very brief and in no sense promotes the supplier's interests. Material whose effect is clearly promotional should, however, be avoided, unless the organisation's activity is itself a subject of the news story.

11.3 In the case of items of a commercial nature, their inclusion shall be dependent on the items' intrinsic news value and not on the value of the advertiser's account with the station.

IT-TIELET TAQSIMA

PROGRAMMAR DWAR ĠRAJJET TA' LLUM

Il-ħtiġijiet imsemmija f'paragrafi 13 u 14 t'hawn taħt huma esegwibbli skond l-Artikolu 20(3) ta' l-Att dwar ix-Xandir.

12. Ġrajjet ta' Llum

12.1 L-għan tax-xandara għandu jkun li jipprezentaw programmi dwar grajjiet ta' llum:

- b'mod li tiffhalla tinħoloq diskussjoni pubblika ta' għarfien dwar suġġetti siewja li jolqtu l-komunità;
- biex jinħolqu biżżejjed opportunitajiet ħalli joħorġu opinjonijiet meqjusa meta jissemmev suġġetti kontroversjali ta' importanza pubblika;
- ta' rilevanza immedjata għall-komunità, b'intervisti u kummentarji li jidhlu fil-qalba ta' dak li jingħad fl-aħbarijiet.

12.2 Dak li jitlob l-Att dwar ix-Xandir li għandu x'jaqsam ma' l-imparzjalità jħalli serje ta' programmi jintqiesu bħala ħaġa waħda sakemm programm wieħed ta' grajjiet ta' llum ma jkunx bilanċjat fih innifsu; il-ħtieġa legali ta' l-imparzjalità tista' tkun: (i) fuq żewġ programmi, jew aktar, li għandhom x'jaqsmu fl-istess serje; (ii) meta x-xandiriet isiru tista' tgħid fl-istess żmien (iii) meta matul l-ewwel programm ix-xandar javża lit-telespettaturi jew lis-semmiegħa bid-data ta' meta jkun se

PART THREE

CURRENT AFFAIRS PROGRAMMING

The requirements listed in Sections 13 and 14 below are enforceable in terms of Article 20(3) of the Broadcasting Act.

12. Current Affairs

12.1 Broadcasters should aim to present current affairs programmes:

- in a way which allows informed public debate on substantial issues affecting the community;
- to provide reasonable opportunities to present significant viewpoints when dealing with controversial issues of public importance;
- of immediate relevance to the community, including interviews and commentary dealing in depth with news items.

12.2 The Broadcasting Act requirements about impartiality allow a series of programmes to be considered as a whole provided that when a single current affairs programme is not per se balanced, the legal requirement of impartiality may be discharged: (i) over two or more related programmes within the same series; (ii) where the broadcasts are transmitted within a reasonable period from each other; and (iii) when the broadcaster informs the viewers or

jsir il-programm l-ieħor, kif ukoll b'tagħrif biżżejjed ta' x'se jkun is-suġġett, ta' min huma dawk li hemm ħsieb jiehdu sehem fih u li għalhekk maħsub jinżamm bilanċ fil-programm. Għal dan il-għan "serie" tfisser numru ta' programmi ta' ġrajjet ta' llum, imxandra mill-istess stazzjon, kull wieħed minnhom marbut ċar ma' l-oħrajn u li jitttrattaw l-istess argument jew affarijiet oħra li għandhom x'jaqsmu miegħu.

listeners during the first programme of the date of the subsequent programme wherein he/she intends to balance the first programme giving sufficient information as to date of programme, subject of the programme and proposed participants. For this purpose, a "series" means a number of current affairs programmes, broadcast in the same service, each one of which is clearly linked to the others, and which deals with the same or related issues.

12.3 Dak li hemm fit-Tieni Taqsima ta' dawn il-Linji Gwida li jirregola r-Rapporti ta' l-Aħbarijiet jgħodd ukoll għall-programmi ta' ġrajjet ta' llum, ħlief għal dak li hemm f'paragrafu 7.

12.3 The provisions of Part 2 of these Guidelines which regulate News Bulletins shall apply also to current affairs programmes apart from paragraph 7.

12.4 Minbarra dak li hemm imsemmi fuq f'paragrafu 4.3, tat-Tieni Taqsima, imparzjalità ma tfissirx li għandu jkun hemm bilanċ semplicement b'mod matematiku jew li jingħata l-istess ħin lil kull idea opposta li tingħad. Il-ġurnalisti u l-produtturi ma għandhomx għalfejn ikunu għal kollox newtrali dwar kull suġġett kontroversjali. Madankollu għandhom jaraw kif iwieżnu sewwa ż-żewġ xejriet opposti u jsibu mod kif ipattu jew joħolqu diskussjoni demokratika bejn ideat li ma jaqblux.

12.4 Apart from the matters specified in paragraph 4.3 in Part 2 above, impartiality does not mean that balance is required in any simple mathematical sense or that equal time must be given to each divergent point of view. Journalists and producers do not have to be absolutely neutral on every controversial issue. They should nevertheless tackle even-handedly with divergent points of view to supplement or create a democratic debate amongst contrasting ideas.

12.5 L-għażla ta' min għandu jieħu sehem fi sħarriġ investigattiv ġurnalistiku jew f'xi diskussjoni mill-istudjo trid tqis il-ħtieġa li dak li jkun, jagħraf jagħmel ħaqq, ikun jaf sewwa s-suġġett mistħarreġ, kif ukoll jagħraf iżomm bilanċ xieraq dwar dak li jingħad. Madankollu dawk li jieħdu sehem f'diskussjoni mill-istudjo aktarx jintgħazlu biex joħorġu opinjonijiet opposti.

12.5 The choice of participants in research-led investigative journalism or a studio discussion will be determined by the need to be fair, balanced and knowledgeable on the subject matter. However, in a studio discussion participants are normally chosen with a view to reflect divergent viewpoints.

13. Intervisti

13. Interviews

13.1.1 Min se jkun intervistat dwar kontroversja politika jew industrijali jew dwar ix-xejra pubblika magħrufa taż-żmien, għandu jkun jaf sewwa it-tiswira tal-programm li fih ser jieħu sehem, xi jkun tabilhaqq is-suġġett u l-għan tal-programm kif ukoll x'aktarx jintuża dak li ser jintqal jew jingħad.

13.1.1 Interviewees dealing with political or industrial controversy or current public policy should be made adequately aware of the format, subject matter and purpose of the programme to which they have been invited to contribute and the way in which their contribution is likely to be used.

13.1.2 Hekk kif isiru magħrufa dawk li ser jieħdu sehem, dak li se jkun intervistat għandu d-dritt ikun jaf min huma u x'se jkun sehemhom fil-programm.

13.1.2 Interviewees should also be informed of the identity and intended role of other proposed participants in the programme, as soon as the persons are known.

13.1.3 Kultant min ikun intalab jiġi intervistat fi programm ma jkunx jista' jew ma jkunx irid jilqa' l-istedina biex jieħu sehem.

13.1.3 On occasion, proposed interviewees will be unable or unwilling to accept an invitation to participate in a programme. This





Dan ma jfissirx li l-programm għandu jithassar. Il-preżentatur, bl-aktar mod normali u kemm jista' jkun distakkat, għandu jagħmel referenza sempliċi għal dak li naqas jidher fil-programm u l-preżentatur għandu safejn ikun prattikabbli jgħid x'inhuma l-opinjoni ta' l-intervistat jew ta' l-organizzazzjoni tiegħu jew tagħha dwar is-suġġett li jkun qed jiġi diskussjoni li dik l-opinjoni tkun magħrufa.

13.1.4 Meta wieħed jaċċetta li jkun intervistat dwar xi ħaġa oħra barra minn dik maħsuba mill-produtturi għal programm ta' aħbarijiet, din tista' biss tintuża bla permess ta' min għamilha sakemm dan il-materjal jinħass importanti li jingħad fl-interess pubbliku.

13.1.5 Hija ħaġa normali li bħala parti mill-gabra ta' l-aħbarijiet isiru intervisti għalgharrieda ma' nies importanti fil-ħajja soċjali jew magħrufa fl-aħbarijiet bla ma jinqalghu problemi partikolari. Madankollu kultant jiġri li riporter, bla miftiehem, jaf jiltaqa' ma' u jintervista lil xi ħadd fi proprjetà privata jew f'postijiet bħal ristoranti, knejjes u nħawi oħra fejn min ikun qed jiġi intervistat jistenna, u bir-raġun, li tibqa' rispettata l-privatezza personali tiegħu. Intervisti bħal dawn għandhom biss jintużaw meta ma jkunx hemm aktar x'wieħed jagħmel u jridu jitqiesu b'zewġ aspetti ewlenin:

i. l-investigazzjoni tkun dwar delitt jew imġiba anti-soċjali gravi u/jew

ii. l-individwu hekk intervistat ma jkunx wieġeb għal diversi talbiet biex ikun intervistat, irrifjuta li jkun intervistat bla ma ta raġuni serja, jew magħruf, meta mitlub, li jirrifjuta jew ma jmurx.

13.1.6 Wieħed irid joqgħod attent ħafna meta lil min ikellem ma jkollux x'jaqsam direttament ma' l-allegazzjonijiet, bħal ngħidu aħna xi ħadd jiġi minnu, xi ħabib jew sieħeb fix-xogħol, biex ma jkunx hemm riskju li tintmess bla mitlub il-ħajja privata ta' dak li jkun.

13.2 Editjar ta' Intervisti

13.2.1 Fl-editjar ta' intervisti għandha tirbañ l-imparzjalità u l-ħaqq. Intervisti rekordjati ma għandhomx jitgħawgu bl-editjar b'tali mod li tinħareġ minnhom tifsira ħażina ta' dak li jkun qal l-intervistat.

13.2.2 Meta jkunu se jintużaw intervisti meħuda mill-arkivji wieħed irid jara jekk dak li fihom għadux jiswa u fejn meħtieġ titniżzel

need not cancel the programme. Reference to the absence of such a spokesperson should be referred in as detached and factual a manner as possible and the presenter should as far as practicable make known the absent interviewee's or his or her organisation's views on the subject under discussion, where known.

13.1.4 Where the subject consents to being interviewed for a different purpose from that covertly intended by the producers of a news programme, the use of such material without the subject's permission can only be justified if it is necessary in order to make an important point of public interest.

13.1.5 Impromptu interviews with public figures and people in the news are a normal and usually unproblematic part of newsgathering. There are, however, occasions when a reporter confronts and records a potential interviewee without prior arrangement on private property or locations such as restaurants, churches and other places where the subject would reasonably expect personal privacy. The use of such interviews should however be generally a last resort and should be guided by two main aspects:

i. the investigation involves crime or serious anti-social behaviour and /or

ii. the subject so being interviewed has failed to respond to a repeated request to be interviewed, refused an interview on unreasonable grounds or has a history of such failure or refusal.

13.1.6 Particular care needs to be taken where the person approached is not the subject of the allegations, for example a relative, friend or associate, to avoid the risk of unwarranted invasion of their privacy.

13.2 Editing of Interviews

13.2.1 Impartiality and fairness also apply to the editing of interviews. Editing of recorded interviews must not be distorted or to create misrepresentation of the known view of the interviewee.

13.2.2 Interviews held on library tapes should be checked before use to see whether the views expressed are still valid, and where

ukoll id-data ta' meta kienu saru.

necessary captioned to show the date when the original interview was recorded.

13.3 Intervisti Rekordjati bit-Telefon

13.3.1 Normalment taħditiet jew intervisti li jsiru bit-telefon ma għandhomx ikunu rekordjati biex jiddaħħlu f'xi programm, sakemm l-intervistatur ma jkunx qal min hu u li qed jirrappreżenta lil xi ħadd li għandu l-liċenzja jew lil xandar, kif ukoll jinforma lill-intervistat li qed jirrekordjalu dik it-taħdita u li l-intervistat ta l-permess biex dik it-taħdita tkun tista' tixxandar fir-rapporti ta' l-aħbarijiet jew fil-programmi tal-ġrajjet ta' llum.

13.3.2 Fil-ġurnalizmu investigattiv jistgħu jinqalgħu okkażjonijiet meta proċeduri bħal dawn ma tkunx tista' tosservahom, bħal f'dawk il-każi li jinvolvu staħriġ dwar allegazzjonijiet kriminali jew xi mġiba mhux xierqa.

13.3.3 Meta l-ġurnalista/produttur iqis li jkollu każ hekk, għandu, qabel ma jxandar dan il-materjal fi programm, l-ewwel jikseb il-permess ta' l-uffiċjal esekuttiv tal-programmi l-aktar anzjan li jkun hemm fil-kamra ta' l-aħbarijiet.

13.3 Recorded Telephone Interviews

13.3.1 Interviews or conversations conducted by telephone should not normally be recorded for inclusion in a programme unless the interviewer has identified himself or herself as speaking on behalf of a licensee or a broadcaster, and has informed the interviewee that the conversation is being recorded, and the interviewee has given consent to the use of the conversation in news bulletins or current affairs programmes.

13.3.2 In investigative journalism, there may be occasions, such as those involving investigation of allegedly criminal or otherwise disreputable behaviour, when these normal requirements cannot be observed.

13.3.3 When, in the considered judgement of the journalist / producer, such a case arises, he or she must obtain the explicit consent of a broadcaster's most senior programme executive in the newsroom, before such material is broadcast in a programme.

14. Programmi ta' Diskussjoni

14.1 Meta l-programm jieħu xejra ta' diskussjoni l-preżentatur għandu d-dmir ifakkar li xi ħadd importanti kien mistieden biex jieħu sehem u li dan ma laqax l-istedina. Filwaqt li l-preżentatur obligat jinforma l-udjenza għaliex dan irrifjuta, jekk ir-raġuni tkun magħrufa, il-preżentatur ma għandux jinforma l-udjenza jekk dak li ma laqax it-talba biex jieħu sehem ma jkunx mistieden fil-kariga pubblika uffiċjali tiegħu u f'dan il-każ il-preżentatur għandu jimxi mad-disposizzjonijiet ta' l-aħħar sentenza tal-paragrafu 13.1.3 t'hawn fuq.

14.2 Kull organizzazzjoni u kull persuna għandha d-dritt li tirrifjuta invit biex tipparteċipa f'programm iżda r-rifjut li tipparteċipa f'programm m'għandux awtomatikament ifisser li dak il-programm ma jkunx jista' jsir. Ir-raġuni għal dan hu li l-kancellazzjoni titqis li tkun l-istess daqs li kieku ngħata dritt ta' veto dwar dak is-suġġett partikolari. Dan ikun inkonsistenti mad-dover tas-servizz tax-xandir li jitratta ħwejjeġ importanti.

Nota:

Id-disposizzjonijiet tat-Tieni Taqsima ta' dan id-dokument dwar il-bullettini ta' l-

14. Discussion Programmes

14.1 When the programme takes the form of a discussion, it is the presenter's duty to note that a public figure has been invited to participate and such person has declined the invitation. Whilst the presenter is obliged to inform his/her audience of the reason for such refusal, if known, the presenter shall not inform the audience that a person has declined an invitation as aforesaid if such person is not invited in a public capacity and in such case the presenter shall comply with the provisions of the last sentence of paragraph 13.1.3 above.

14.2 Any organisation or any person has the right to decline an invitation to participate in a programme but refusal to take part in a programme shall not automatically imply the cancellation of that programme. The reason is that cancellation would be equivalent to granting a right of veto over the particular subject. This would be inconsistent with the broadcasting services' duty to deal with important issues.

Note:

The enforceable provisions of Part 2 of this document regulating news bulletins,



aħbarijiet li se jitwettqu, japplikaw ukoll għal programmi ta' ġrajjet ta' llum. Bl-istess mod, id-dis-posizzjonijiet tal-paragrafi 13.2 u 13.3 tat-Tielet Taqsima ta' dan id-dokument għandhom japplikaw għall-produzzjoni tal-bullettini ta' l-aħbarijiet.

also apply to current affairs programmes. Likewise, the provisions of Sections 13.2 and 13.3 of Part 3 of this document also apply to the production of news bulletins.

IR-RABA' TAQSIMA PRODUZZJONIJIET INDIPENDENTI

Il-ħtiġijiet imsemmija f'artikoli 15 u 16 t'hawn taħt huma esegwibbli skond l-artikolu 20(3) ta' l-Att dwar ix-Xandir.

15. Dmirijiet Ġenerali ta' Produtturi Indipendenti

15.1 Produzzjonijiet indipendenti magħmula għax-xandara jridu jimxu fuq l-istess standards u ħtiġijiet ta' prattika kif imniżżla fil-partijiet ta' qabel ta' dan id-dokument daqslikieku kienu produzzjonijiet interni u jinħtieġ jikkonformaw ukoll ma' dak li hemm f'dawn il-Linji Gwida. Ix-xandar li jikkummissjona dan ix-xogħol jibqa' responsabbli għall-metodu użat kif ukoll għall-kontenut.

16. Obbligazzjonijiet Kontrattwali ta' Produtturi Indipendenti

16.1 Kull kuntratt li xandar jagħmel ma' produttur indipendenti jrid idañhal l-obbligazzjoni li josserva dak kollu li hemm f'dan id-dokument, fil-Kostituzzjoni, fl-Att tax-Xandir u f'kull liġi oħra li għandha x'taqsam.

IL-ĦAMES TAQSIMA IX-XANDAR TAS-SERVIZZ PUBBLIKU

17. Regolamenti għax-Xandar tas-Servizz Pubbliku

17.1 Minbarra r-regolamenti msemmija hawn fuq, ix-xandar tas-servizz pubbliku jrid ukoll jimxi fuq ir-regolamenti li ġejjin.

18. L-Imparzjalità tax-Xandar tas-Servizz Pubbliku

18.1 Min italla' l-aħbarijiet u l-programmi ta' ġrajjet ta' llum ma jistax ikollu rabtiet jew interessi oħra barranin li jistgħu jgħarrqu l-fama għall-imparzjalità, il-ġustizzja u l-integrità tax-xandar tas-servizz pubbliku.

19. Preżentaturi u Riporters Assoċjati Primarjament max-Xandar tas-Servizz Pubbliku

19.1 Dawk li l-pubbliku primarjament jagħraf bħala preżentaturi jew riporters ta' l-aħbarijiet

PART FOUR INDEPENDENT PRODUCTIONS

The requirements listed in sections 15 and 16 below are enforceable in terms of article 20(3) of the Broadcasting Act.

15. General Obligations of Independent Producers

15.1 Independent productions made for broad-casters must observe the same standards and practice requirements set out in the preceding parts of this document for in-house productions. Ultimate responsibility for the method and content of any material commissioned by a broadcaster rests with the said broadcaster.

16. Contractual Obligations of Independent Producers

16.1 All contracts made by a broadcaster with an independent producer should include their obligation to observe the previous provisions of this document, of the Constitution, of the Broadcasting Act and of any other relevant law.

PART FIVE THE PUBLIC SERVICE BROADCASTER

17. Rules applicable to the Public Service Broadcaster

17.1 In addition to the above, the following rules shall apply to the public service broadcaster.

18. Impartiality of the Public Service Broadcaster

18.1 Producers of news and current affairs programmes should have no outside interests or commitments which could damage the public service broadcaster's reputation for impartiality, fairness and integrity.

19. Presenters and Reporters primarily associated with the Public Service Broadcaster

19.1 Those known to the public primarily as presenters of, or reporters on, news



jew programmi dwar ġrajjet ta' llum fl-istazzjon tas-servizz pubbliku, iridu jidhru li jkunu imparzjali. Importanti li kull ħidma oħra barra mix-xandir, kemm ta' kitba kif ukoll l-għoti ta' intervisti jew diskorsi ma tħalli ebda dubju dwar l-oġġettività tagħhom fix-xandir. Jekk dawn il-prezentaturi jew riporters jesprimu ruħhom pubblikament barra mix-xandir f'xi argument ta' kontroversja, jistgħu jikkompromettu serjament il-qagħda tagħhom fix-xandir. Kemm f'xogħolhom fix-xandir tas-servizz pubbliku kif ukoll f'xi attività ta' xandir ieħor mhux tas-servizz pubbliku bħal ngħidu aħna bil-kitba, bil-kliem jew ukoll bl-għoti ta' intervisti, ma għandhomx:

- jgħidu kif jivvutaw jew juru ma' liema partit politiku jzommu
- jgħidu kif jaħsbuha, favur jew kontra xi xejra tattika li tkun argument ta' diskussjoni tax-xejra pubblika magħrufa taż-żmien tal-partiti.
- jiddefendu xi qagħda partikolari dwar xi argument ta' diskussjoni jew kontroversja tax-xejra pubblika magħrufa taż-żmien.
- jinkoraġġixxu bidla fl-imġiba tax-xejra pubblika magħrufa taż-żmien billi jiġbdu l-attenzjoni fuqha.

programmes or programmes about current affairs broadcast on the public service broadcaster must be seen to be impartial. It is important that no off-air activity, including writing, the giving of interviews or the making of speeches, leads to any doubt about their objectivity on-air. If such presenters or reporters publicly express personal views off-air on controversial issues, then their on-air role may be severely compromised. It is crucial that in both their work with the public service broadcaster and in other non-public service broadcasting activities such as writing, speaking or giving interviews, they do not:

- state how they vote or express support for any political party
- express views for or against any policy which is a matter of current party political debate
- advocate any particular position on an issue of current public controversy or debate
- exhort a change in high profile public policy.

IS-SITT TAQSIMA IT-TQEGHD FIS-SEHH TA' DAWN IL-LINJI GWIDA

20. L-Applikabbiltà ta' dawn il-Linji Gwida

20.1 Id-disposizzjonijiet ta' dan id-dokument jgħoddu għax-xandara kollha tat-televiżjoni u tar-radjo, kif ukoll għar-rapporti ta' l-aħbarijiet u programmi ta' ġrajjet ta' llum kemm jekk joħorġu minn xandar kif ukoll jekk jintgħamlu minn dar tal-produzzjoni indipendenti għall-imsemmi xandar, sakemm fihom ma hemmx mod ieħor.

20.2 Kull stazzjon irid ikollu editur li jagħmilha ta' uffiċjal ta' l-osservanza biex jiżgura li ma jinkiser xejn minn kulma jingħad f'dawn il-Linji Gwida.

21. Editur għall dawn il-Linji Gwida

21.1 Kull stazzjon tax-xandir irid jaħtar editur għal dawn id-disposizzjonijiet.

PART SIX APPLICATION OF THESE STANDARDS AND PRACTICE REQUIREMENTS

20. Applicability of these Stands and Practice Requirements

20.1 Unless otherwise provided in this document, these provisions apply to all broadcasters, whether they are television or radio, and to all news bulletins and current affairs programmes whether made by a broadcaster or by an independent production house for the said broadcaster.

20.2 Each station should have an editor who shall act as a compliance officer to ensure the due observance of this provision of these guidelines. The station shall notify the details of the said officer.

21. Editor for the purposes of these provisions

21.1 Each broadcasting station shall appoint an editor for the purposes of these provisions.



21.2 L-editur irid jagħmilha ta' uffiċjal ta' l-osservanza biex jiżgura li qed jitharsu bir-reqqa l-istandards u l-ħtiġijiet ta' prattika.

21.3 Kull stazzjon tax-xandir irid jgħaddi lill-Awtorità l-isem u l-kunjom ta' dan l-editur kif ukoll fejn u kif jista' jkun ikkontattjat kif ukoll kull tiddil li jkun hemm fil-ħatra f'dik il-kariga.

21.2 The editor shall act as a compliance officer to ensure the due observation of the provisions of these standards and practice requirements.

21.3 Each broadcasting station shall notify the Authority of the name, surname and contact details of the said editor as well as of any changes in appointment to this position.

19 ta' Diċembru 2006

19th December 2006



REVIEW OF EXISTING LEGAL PROVISIONS ON THE TRANSMISSION OF MAJOR EVENTS AND OF THE LIST OF MAJOR EVENTS CONSULTATION DOCUMENT

Date of Publication: 6th November 2006
Closing Date of Consultation: 7th December 2006

Background

Article 3c of the European Union ‘**Television without Frontiers Directive**’ (EU Directive 89/552/EC) *inter alia* provides that

“each Member State may take measures in accordance with community law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events via live coverage or deferred coverage on free television. If it does so, the Member State shall draw up a list of designated events, national or non-national, which it considers to be of major importance to society. It shall do so in a clear and transparent manner in due and effective time. In so doing, the Member State concerned shall also determine whether these events should be available via whole or partial live coverage, or where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage.”

Although the provisions of the above-mentioned Directive are currently in the process of being reviewed on the basis of a Commission proposal for a new ‘**Audiovisual Media Services Directive**’, there has been no suggestion that these particular article 3c provisions need be revised. It even has to be stated that provisions similar to the above also exist in the Council of Europe Convention on Transfrontier Television.

The above-mentioned provisions were transposed into Maltese legislation in the year 2000 with the adoption of the Broadcasting (Jurisdiction and European Co-operation) Regulations, 2000 (Legal Notice 158 of 2000). Moreover, a list of major events established in terms of these regulations was published under Government Notice 900 of 2001 on 30th October 2001. This list, which has not been amended since then, currently includes the following events:

1. the Malta Song Festival;
2. the Malta Song for Europe Festival;
3. the Eurovision Song Festival;
4. the Malta Carnival;
5. the Authority’s Programme Awards;
6. the New Year Concert from Vienna;
7. the Maltese national football team’s home and away matches;
8. the final of the local FA trophy;
9. the final of any UEFA football club competition;
10. all the matches in the final stages of the European national football championship and the football World Cup;
11. the summer Olympic Games;
12. the Small Nations Games;
13. the March and September regattas;
14. the Middle Sea Race.



On the 11th March 2006, in anticipation of the transmission by the local cable network operator of the games of the final competition of the 2006 FIFA World Cup, the Broadcasting Authority had issued a public statement indicating that, in terms of the provisions of the relative Legal Notice, the Authority had determined that the obligation of the rights holder to make arrangements for the transmission of the final stages of this competition on free-to-air television referred to the quarter-finals, semi-finals, the game for third place and the final game of the competition.

It is also pertinent to point out that, in the context of the Directives that are issued by the Ministry for Tourism and Culture (responsible for broadcasting policy) to PBS Ltd. on the utilisation of the annual Government financial contribution to the public service broadcaster to enable the station to meet its 'extended public service obligations', the Ministry imposes an obligation on the station to broadcast a number of events. During the current year, these events are the following:

1. three concerts of the National Orchestra, including the Epiphany and the Independence concerts;
2. the Malta Carnival;
3. the Malta Song for Europe Festival;
4. the 'Ghana' Festival;
5. the Eurovision Song Festival;
6. the Junior Eurovision Song Festival;
7. the Jazz Festival;
8. the Christmastime 'Taht it-Tinda' activity and the Christmas messages by the President, Prime Minister, Leader of the Opposition and Archbishop;
9. the Middle Sea Race;
10. the Military Tattoo;
11. the Final of the Fireworks Festival;
12. the Final of the Choir Festival.

Although this particular Ministry directive is not motivated by the provisions of the above-mentioned Legal Notice, it has to be recognised that the directive does have a bearing on the determination of the list of major events issued in terms of the Legal Notice.

The Broadcasting Authority Proposal

The Broadcasting Authority is now proposing the following:

- i. **to recommend to Government amendments to the Broadcasting (Jurisdiction and European Co-operation) Regulations, 2000** so that these regulations could be more effectively applied. These amendments would *inter alia* address the following:
 - a more specific definition of what constitutes 'a substantial proportion of the public' for the purposes of the Regulations;
 - a procedure for the purpose of determining 'a fair price' to be paid by a free-to-air television station to the exclusive rights holder for the subsidiary rights to transmit a particular major event;
 - the inclusion of a new provision in the Legal Notice which would recognise the right of broadcasters to short news reporting when these are not entitled to transmit a listed major event and possibly other events. In this respect, it should be noted that the European Union is currently considering the establishment of such rights in the context of the proposed new Audiovisual Media Services Directive. Such a right is already enshrined in Council of Europe Convention on Transfrontier Television which reads as follows:

Article 9 – Access of the public to information

Each Party shall examine and, where necessary, take legal measures such as introducing the right to short reporting on events of high interest for the public to avoid the right of the public to information being undermined due to the exercise by a broadcaster within its jurisdiction of exclusive rights for the transmission or retransmission, within the meaning of Article 3, of such an event.



- ii. **to revise the current list of major events (Government Notice 900 of 2001) and to specify *a priori* whether the listed events should be transmitted on free-to-air television via whole or partial live coverage or whole or partial deferred coverage.** In this respect, a number of considerations have to be borne in mind, including the following:
- the relative EU Directive and the provisions of Legal Notice 158 of 2000 do not specifically define what constitutes a major event for this particular purpose. However, a number of common criteria appear to have guided adhering Member States in the establishment of their respective lists of major events. These include the following:
 - that the event and its outcome should have a special general resonance for society, not simply a significance to those who ordinarily follow the sport or activity concerned;
 - that the event should have a generally recognised, distinct cultural importance for society and, in particular, contains elements of its cultural identity;
 - that, in the case of a sports event, this should involve the national team or a national representative in a major international tournament;
 - that the event should have traditionally been broadcast on free television and has commanded large television audiences.
 - in the current local broadcasting scenario, it would not be impossible that the inclusion of an event in this list of major events, especially if this has to be made available on free-to-air television via live coverage, could have the opposite effect of that it was intended to achieve, that is to prevent a substantial proportion of the public being deprived from following the event; this in view of the fact that, in the case of certain events, it may not be commercially attractive for a broadcaster to procure the relative exclusive rights if the event has to be transmitted on free-to-air television especially via live coverage.
 - it is necessary to avoid as much as possible listing the same events in both the Directives issued by the Ministry responsible for broadcasting policy to PBS Ltd. and in this particular list of major events, especially in those cases where it is unlikely that the organisers of the event would sell the exclusive rights for the event to a subscription or pay-tv based broadcaster.

Proposed Revision of List of Major Events

In the light of the above-mentioned considerations and following consultations that have already been carried out with interested organisations and public sector entities, it is proposed to revise the current list of major events as follows:

1. The new list is to be divided into two categories:
 - a. cultural events;
 - b. sports events.
2. In so far as cultural events are concerned, it is proposed to delete the following events from the current list of major events:
 - a. the Malta Song Festival (event no longer held);
 - b. the Broadcasting Authority Programme Awards (event no longer held);
 - c. the New Year's Concert from Vienna (popular but not specifically linked to national cultural identity).
3. In so far as sports events are concerned, it is proposed to delete the following events from the list:
 - a. the final of the local FA trophy (has no special major resonance in society);
 - b. the Middle Sea Race (included in MTAC Directive to PBS).



4. As to the Malta Song for Europe Festival, this is divided in the selection phase and the final phase. It is proposed to retain only the final night to be broadcast direct and in full.
5. As to the Eurovision Song Festival, it is proposed that only the final night is to be broadcast direct and in full whilst the qualifying event will be broadcast direct and in full only if Malta participates in the qualifying event.
6. As to the Maltese national football team home and away matches, it is suggested to retain these events in the list but that the obligation should be limited to competitive games and to their transmission in full on a deferred basis within 24 hours from the time of broadcast by the exclusive rights holder of such event.
7. With regard to the final of any UEFA football club competition, it is proposed that this should be clarified to refer to the final game of the UEFA Champions League and the UEFA Cup. These should be broadcast direct and in full.
8. As to all the matches in the final stages of the European national football championship, it is proposed that this should be clarified to mean the semi-final and the final matches of the UEFA European Football Championship. These should be broadcast direct and in full.
9. As to all the matches in the final stages of the FIFA World Cup, it is proposed that this should be clarified to include the opening ceremony and the opening match, the quarter-finals, the semi-finals, the match for third place and the final. These should be broadcast direct and in full.
10. As to the Games of the Small States of Europe, it is proposed that this should be clarified to mean the opening ceremony and the finals taking place on the last day of the competition.
11. As to the Summer Olympic Games, it is proposed that this shall be clarified to mean the opening ceremony and where there is Maltese participation during the games.

On the basis of the above criteria and proposals, a revised draft list of major events (Government Notice) has been drawn up and is attached to this consultation document.

Responses

Responses to this consultation will be received by the Authority up to 7th December 2006 and should be addressed as follows:

The Chief Executive
Broadcasting Authority
7 Mile End Road
Hamrun HMR02
fax: 21 240855
e-mail: info@ba-malta.org



ATT DWAR IX-XANDIR
(KAP. 350)

**Regolamenti ta' l-2000 dwar il-
Ġurisdizzjoni u l-Kooperazzjoni Ewropea
fix-Xandir**

Trasmissjonijiet ta' Ġrajjet Ewlenin

BIS-SAHHA tas-setgħat tas-sub-regolament (1) ta' regolament 6 tar-Regolamenti ta' l-2000 dwar il-Ġurisdizzjoni u l-Kooperazzjoni Ewropea fix-Xandir, l-Awtorità tax-Xandir hejjiet, hawn taht, lista ta' ġrajjet, nazzjonali jew le, li tqis li għandhom importanza ewlenija għas-soċjetà Maltija:

Ġrajjet Kulturali

1. il-Festival tal-Kanzunetta Maltija għall-Ewropa; is-serata finali;

2. il-Festival tal-Kanzunetta tal-Eurovision; is-serata finali iżda wkoll l-avveniment tas-serata tal-kwalifika jekk Malta tkun qed tiehu sehem.

3. il-karnival ta' Malta – dawk il-partijiet li għad iridu jkunu indikati mill-Kunsill Malti għall-Kultura u l-Arti.

Ġrajjet Sportivi

4. il-logħbiet kompetittivi li it-tim nazzjonali tal-futbol Malti, jilgħab f'Malta;

5. il-logħbiet kompetittivi li it-tim nazzjonali tal-futbol Malti, jilgħab barra minn Malta;

6. il-logħba finali tat-Tazza tal-U.E.F.A. u tal-U.E.F.A. Champions League;

7. iċ-ċerimonja tal-ftuħ, il-partita tal-ftuħ, il-kwarti tal-finali, is-semi-finali, il-logħba għat-tielet post u l-finali tal-FIFA World Cup;

8. is-semi-finali u l-finali tal-Kampjonat Ewropew tal-Futbol tal-U.E.F.A.;

9. iċ-ċerimonja tal-ftuħ u kulfejn Malta tiehu sehem fil-Logħob Olimpiku tas-Sajf;

10. iċ-ċerimonja tal-ftuħ u l-finali li jintlagħbu fl-aħħar ġurnata tal-Logħbiet tal-Pajjiżi ż-Żgħira ta' l-Ewropa;

BROADCASTING ACT
(CAP. 350)

**Broadcasting (Jurisdiction and European
Co-operation) Regulations, 2000**

Transmission of Major Events

IN exercise of the powers conferred by sub-regulation (1) of regulation 6 of the Broadcasting (Jurisdiction and European Co-operation) Regulations, 2000, the Broadcasting Authority has drawn up hereunder a list of designated events, national or non-national, which it considers to be of major importance for the Maltese society:

Cultural Events

1. the Malta Song for Europe: final night;

2. the Eurovision Song Festival; final night but qualifying event also included in case of Maltese participation.

3. the Malta Carnival – (those parts to be indicated by the Malta Council for Culture and the Arts).

Sports Events

4. the Maltese national football team's competitive home matches;

5. the Maltese national football team's competitive away matches;

6. the final game of the U.E.F.A. Cup and of the U.E.F.A. Champions League;

7. the opening ceremony, the opening game, the quarter-finals, the semi-finals, the game for third place and the final of the FIFA World Cup;

8. the semi-finals and the final of the U.E.F.A. European Football Championship;

9. the opening ceremony and Maltese participation in the Summer Olympic games;

10. the opening ceremony and the finals taking place on the last day of the Games of the Small States of Europe;



11. ir-regatta ta' Marzu u ta' Settembru.

Rapporti Mxandra

Fil-każ ta' ġrajjet imsemmija hawn fuq, ix-xandir isir dirett u sħiħ ħlief f'dawn il-każi li ġejjin:

1. Il-logħbiet kompetittivi tat-tim nazzjonali Malti li jsiru f'Malta u barra minn Malta jistgħu jixxandru differiti fi żmien 24 siegħa mill-ħin li jkunu xxandru esklużivament minn min kellu l-jedd ixandarhom.

2. Il-Karnival ta' Malta li jista' jixxandar parzjalment u fuq bażi differita.

In-Notifikazzjoni tal-Gvern Nru. 900 ta' 2001 hija b'din mħassra.

11. the March and September regattas.

Coverage

In the case of the events listed above, coverage shall be direct and in full except in the following cases:

1. The Maltese national football team competitive home and away matches which could be aired on a deferred basis within 24 hours from the time of broadcast by the exclusive rights holder of such event.

2. The Malta Carnival which could be aired in part and on a deferred basis.

Government Notice No. 900 of 2001 is hereby revoked.



TERRESTRIAL DIGITAL AUDIO BROADCASTING CONSULTATION DOCUMENT

By means of the Consumer Protection (Amendment) Act, 2006, Act No. XV of 2006, the Broadcasting Act was amended whereby a new provision was added to the said Act in terms of which the Broadcasting Authority has been entrusted with licensing programme content on digital radio services.

Draft regulations for the Prime Minister's eventual approval to give better effect to the licensing and regulation of digital radio have been drawn up by the Broadcasting Authority. However, before taking any further action, the Authority has decided to initiate a consultation process on these regulations to obtain feedback thereon. The proposed draft regulations will empower the Broadcasting Authority to license programming content on terrestrial digital audio broadcasting networks. It is proposed to have two types of programming content: locally originating and retransmitted programme content. In the case of the former, local programming can be of a generalist nature covering a variety of programme genres or of a specialist nature. Changes to the channel line-up would also have to be approved by the Broadcasting Authority.

The Authority welcomes any feedback on the draft regulations by not later than Friday 24th November 2006. Submissions should be addressed to:

The Chief Executive
Broadcasting Authority
7 Mile End Road
Hamrun HMR02

13th October 2006



BROADCASTING ACT (CAP. 350)

Digital Radio Broadcasting Regulations, 2006

IN exercise of the powers conferred by sub-article (2) of article 16B of the Broadcasting Act, the Prime Minister, following agreement with the Broadcasting Authority, has made the following regulations:

1. (1) The title of these regulations is the Digital Radio Broadcasting Regulations, 2006.

Citation and date of commencement.

(2) These regulations shall come into force on 1st November 2006.

2. (1) In these regulations, unless the context otherwise requires -

Interpretation.

“the Act” means the Broadcasting Act;

“the Authority” means the Broadcasting Authority;

“the licensee” means any person who is licensed by the Broadcasting Authority to provide a digital radio broadcasting service.

(2) Words and expressions used in these regulations which are also used in the Act shall have the same meaning as is assigned to them in the Act.

3. (1) No person shall provide any digital radio broadcasting service without a licence issued by the Authority.

Licence for a digital radio service.

(2) The application form for a digital radio broadcasting licence is set out in Appendix I to these regulations.

Application form for a digital radio broadcasting licence.

4. The provisions of the Broadcasting Act which set out the conditions under which a nationwide radio broadcasting service is licensed shall *mutatis mutandis* apply to a digital radio broadcasting service: provided that the Authority may from time to time supplement such conditions or adapt such conditions to the specific exigencies of digital radio broadcasting.

Conditions under which a digital radio broadcasting licence may be issued.

5. The Authority shall levy those tariffs from a licensee as set out in Appendix II to these regulations, provided that when the same radio broadcasting service is simultaneously transmitted on an analogue and digital frequency without any editing being made to the digital retransmission so that both the analogue transmission and the digital retransmission are totally identical in so far as programme content is concerned, the Authority shall not charge the licensee any fee for the retransmitted station which is already licensed in terms of the Broadcasting Act.

Tariffs of prices, etc.

6. Unless otherwise lawfully terminated or abridged in accordance with the Act or the licence, the period for which a digital radio broadcasting licence shall remain operative shall be up to a maximum of eight years.

Maximum duration of of licence period.

7. A licensee shall provide the Authority with programme schedules in such format, at such intervals and containing such information as the Authority may establish.

Submission of programme schedules.



8. The Authority may license a digital radio broadcasting service to offer either one locally originating generalist digital radio station or one locally originating specialised digital radio station and retransmitted digital radio programme content.

Licensing of digital radio programme content.

9. (1) Whenever a licensee during the validity of a broadcasting licence proposes to change the digital radio services channel line up as approved by the Authority in the licensee's licence, the licensee shall write to the Authority requesting a change in the channel line up. The licensee shall provide detailed reasons and information as to the proposed channel line-up for such a change.

Channel line up.

(2) The Authority may either approve or reject the request.

(3) When the Authority approves the request, it may impose such reasonable conditions as it may deem fit.

(4) When the Authority refuses to approve such request, the Authority shall give reasons for its decision.

10. Where a digital radio broadcasting service is not provided in unencoded form, the licensee shall provide such number of free services to the Authority as it may establish in order to enable it to carry out its monitoring functions. Such free service shall mean the installation and provision of a licensee's programming services.

Provision of free installation and service.

11. In the case of a locally originating digital radio broadcasting service, at least twenty per centum (20%) of its programming shall be in the Maltese language.

Percentage of programmes in the Maltese language.



APPENDIX I

[regulation 3(2)]

APPLICATION FORM FOR A DIGITAL RADIO BROADCASTING SERVICE

GENERAL INSTRUCTIONS

(a) Applications should be typed. Ten copies of this completed form are required. Only add separate sheets where it is indicated you may do so; otherwise responses must be kept within the space allocated. Appendices giving additional information, or any other material (e.g. cassettes, publicity documents), should not be enclosed unless specifically requested. Failure to comply with these requirements will render the application liable to disqualification. Following the presentation of this application form to the Broadcasting Authority any contact between the applicant and the Authority should only be at the instigation of the Authority.

(b) This form, when completed, should be addressed to the Chairman of the Broadcasting Authority.

PART I – GENERAL INFORMATION

1a. NAME, ADDRESS AND TELEPHONE NUMBER(S) OF MAIN ORGANISER(S) OF THIS APPLICATION

(for contact purposes: maximum two persons).

Name (1) (2)

Address

Telephone

(daytime)

mobile

fax

e-mail



1b. LEGAL STATUS OF APPLICANT

(see Section 10, subsections (4) to (6) of Part III of the Broadcasting Act).

2. CONTENT AND GENRES OF PROGRAMMING

This is your 'Promise of Performance'. It should state whether you will have local programming content (only up to one station), the proposed number of retransmitted radio services and their programme genres (e.g. music, sports, etc.) and whether there will be any pay radio services.

3. MEMBERS OF APPLICANT GROUP - overleaf give name, age, address, **nationality (if not Maltese)** and other activities (e.g. other directorships) of each. Briefly describe personal background and previous experience, especially that which is relevant to running this radio service.



3a. MANAGING DIRECTOR

Name: Age:

Address:

Nationality:

Background/Experience:

Telephone:

Mobile:

Fax:

e-mail:

3b. DIRECTORS / MANAGEMENT COMMITTEE

For each individual, provide the following information (use additional sheets if necessary)

Name: Age:

Address:

Nationality:

Background/Experience:

Telephone:

Mobile:

Fax:

e-mail:



3c. DESCRIBE HOW, AND WHEN, THE APPLICANT GROUP WAS FORMED, AND HOW IT HAS DEVELOPED.

Mention any other organisations lending support to this application.



4. STAFFING

4a. Draw up a reporting structure showing station management and organisation, including all intended staff posts, with salaries. (Use additional sheets if necessary).



4b. EXECUTIVES / SENIOR STAFF (including those mentioned at Section 3) - give name, age, address and nationality (if not Maltese) of any individuals so far appointed or identified for station management or other senior staff posts. Briefly describe personal background and relevant previous experience, and state which post the individual would occupy. (Use additional sheets if necessary).



4c. Give total number of (i) full-time and (ii) part-time staff actually employed or to be employed in paid posts.

(i) Full-time

(ii) Part-time

Actually employed

To be employed

4d. If appropriate, indicate how voluntary (i.e. unpaid) staff would contribute to the running of the service, and how many volunteers might be involved during a typical week.

5. PROGRAMMING

5a. Make your promise of programming performance, stating, the main orientation of the programme service you intend to provide. If possible, quantify in approximate terms the proportions of airtime to be devoted to the main elements of output.

5b. Briefly describe how your proposed programming will differ from, and add to, the choice of radio output already available.



5c. During which hours of the day do you intend to broadcast? (If different from day to day, please list each day of the week separately).

5d. If you intend to retransmit foreign programme content, please provide details concerning the foreign retransmitted stations (name and country of origin) and please provide the latest programme schedule available with a description of the relative programme content. State also for how many hours per day each retransmitted radio service will be aired.

6. DETAILS CONCERNING THE PLATFORM

6a. Please provide details concerning the platform. On which platform will your programme service be carried? On which digital frequencies will each radio service be broadcast?

Name of Radio Service

Frequency

The above list is to be considered to be your channel line up.

Please provide a letter from the platform operator indicating that your service will be carried on such platform and the channel number to be allocated.

6b. Digital Radio Pay services

In addition to any other approval which might be required under any other law for the provision of digital radio pay services, should you intend to provide pay radio services, please indicate hereunder which of the above channels will be made available on a pay basis.

Name of Radio Service

Frequency

Please provide any further information with regard to pay radio services such as the various times which are envisaged, payment structures, etc.



7. EDITORIAL RESPONSIBILITY - EDITOR

7a. Who will be registered under the Press Act as the person responsible for editorial content of the radio service?

Name and surname:

Address:

Id. Card No.:

Tel:

Fax:

e-mail:

Changes to the above have to be notified to the Authority three working days prior to effecting any such changes.

It is to be noted that all charges issued by the Authority's Chief Executive for any breach of the Constitution, Broadcasting act and subsidiary legislation made thereunder, including Broadcasting Authority guidelines, policies and codes of practice shall be issued against the Editor. The Editor shall also ensure compliance for the above.

PART II - LOCAL PROGRAMME CONTENT

If you intend to apply for a locally originating radio service, please fill in this part of the application form. If you intend to apply for more than one locally originating radio service, please fill Part II of each station. You are permitted to apply for only specialised stations and up to five such stations. If you do not intend to do so for the time being, please fill in the words "NON APPLICABLE" and move on to Part III of this form.

8. LOCAL PROGRAMMING CONTENT

8a. By which name will the station be known?

8b. Do you intend to have a news service. What arrangements will you make to obtain:

National news?

International news?



8c. Provide an outline on these pages of a proposed typical week's programming, indicating the times of broadcasting and the length and type of items likely to be included. Indicate also whether any increase in hours is expected, and when.



8c. (contd.)



8c. (contd.)



8d. What, if any, are your plans for preparing and broadcasting national information, social action and/or religious programming? Please include details of any proposals for off-air activity, e.g. the provision of training facilities.

8e. If programming in languages other than Maltese is proposed, state which, and give approximate proportions of total output to be broadcast in these languages.



9. THE AUDIENCE

9a. How large an audience do you expect to attract? Will your station appeal especially to particular groups within the population (if so, say which)? What evidence do you have of public demand for the type of programme service you propose? (If specific audience research has been carried out, use this and a maximum of one additional page to summarise main findings of relevance. Do not include full audience research reports with the application).



9b. By what means would the station plan to keep in touch with the views of its listeners, and their responses and reactions to its services?

9c. Are there any particular organisations or groups within the Maltese islands which you would expect to involve on a regular basis in the station's programming, or on an advisory basis?



PART III - FINANCE

10. FINANCIAL ARRANGEMENTS

10a. Applicants should submit a feasibility study analysis covering three (3) years as a minimum which should include:

- (i) Projected profit and loss statement - first year per quarter;
- (ii) Projected cash flow statement - first year per quarter;
- (iii) Projected balance sheet for the three years;
- (iv) Projected statement of source and application of funds;
- (v) Details of assumptions on which feasibility study is based;
- (vi) Details of financing arrangements;
- (vii) Details of grants and donations.



10b. Share Capital

Classes of share capital:

Number

Par value

Issue Price

(if different)

Voting:

Non voting:

Other: *(Please specify)***10c. Loan Stock**

If loan stock is to be issued, state the amount and redemption/conversion terms.



10d. Set out below the details of all voting shareholders (excluding any nominal membership shares), and holders at 5% or more of non-voting shares and loan stock. (A second page may be added if necessary).

Name of Investor	Address	Invest. Lm	% of total required
------------------	---------	---------------	---------------------------



10e. Describe briefly the method by which share/loan capital is to be raised. (Give details of any proposal to have share capital publicly quoted).

10f. Other loans

If appropriate, give details of lender, interest rate and repayment terms.

10g. Bank overdraft facilities

If facilities have been provisionally negotiated, attach a supporting letter from the relevant bank.

Letter dated

Enclosed/Not enclosed
(delete as applicable)



10h. Details of capital expenditure.

11. CASH FLOW FORECAST

In which year of operation is it expected:

- (i) first to make a trading profit?
- (ii) to have eliminated all cumulative losses?

12. ADVERTISING AND OTHER REVENUE

12a. What arrangements do you propose for the sale of advertising?



12b. Briefly show how you have estimated your annual revenue from the sale of advertising time (taking into account e.g. population coverage, percentage of airtime sold, tariff levels).

12c. Who within the radio station would be responsible for advertising. (Please confirm that he/she will be made familiar with the Code for Advertisements and Sponsorships as laid down in the Third Schedule of the Broadcasting Act).

12d. If you plan to raise revenue from sources other than the sale of airtime for advertising (e.g. merchandising, commercial production, co-funding, etc.), please list these below:

Type/source of revenue	Expected annual income (Yr 1) Lm	% of total revenue required
------------------------	---	--------------------------------------





13. APPLICANT'S OTHER INTERESTS

13a. Details are required of the involvement by the applicant group in the activities set out below. For these purposes, the applicant group is defined as its directors (or their equivalent), any company or person with a potential holding of 5% or more of any class of voting share or loan capital, or any subscriber otherwise providing 5% or more of the total funding needs identified in paragraph 7b above. Details should be given under the following broad classifications, showing for each heading the extent of the interest owned, i.e. wholly owned, controlling interest (and size thereof), minority interest (and size thereof). If not applicable, write 'None'.

(i) Advertising agencies.

(ii) The manufacture of records or the publication of musical works.

(iii) The promotion of the broadcasting of sound recordings or of the broadcasting of performance of music works.

(iv) The obtaining of employment for theatrical performers or for persons to take part as performers in programmes by way of television or radio.

(v) Newspapers, including shareholdings or holdings in a group having substantial control over one or more newspapers.

I3b. Provide details of any connection between the applicant group (as defined above) and the following:

(i) Sound broadcasting, television, and allied activities (e.g. wire distribution of sound or television, satellite and cable television).

(ii) Places of entertainment or other entertainment activities.

(iii) Other connections of a nature relevant or related to broadcasting.

(iv) Connections with bodies of a wholly or mainly religious nature.

(v) Connections with bodies of a wholly or mainly political nature.



14. STUDIOS (Until an offer of licence is made the Authority does not wish to be told which engineering company or consultancy, if any, has been or will be providing advice or services to the applicant).

14a. What is the proposed location (give the actual address, if known) of your studio(s)? What is the property currently used for?

14b. What form of acoustical treatment and isolation do you envisage for your studio(s)?

14c. On a separate sheet, insert a rough scale plan of your studio(s), technical areas and other principal rooms, giving all dimensions.

14d. On a separate sheet, list and price all studio equipment you either have or intend to purchase, giving proforma specifications.

14e. Please add any technical points regarding studios, in addition to those given in sections 12a to 12d.



14f. What arrangements do you propose for linking your studio(s) with the transmitter?

I5. READINESS DATE

How long after the award of licence would you be ready to start broadcasting?
What are the main factors that will determine your readiness date?



I certify that, to the best of my knowledge, the details given in this application for a licence to provide digital radio broadcasting services are correct, and that I have read the Broadcasting Act and understand the terms under which licences to broadcast are issued. I understand that, if awarded the licence, tape recordings of all output, apart from commercial tapes, records or discs (with timings), will need to be made and retained for ninety days prior to being recycled and that if phone-ins are part of the station's programming a delay mechanism will need to be installed and instructions given for its use where necessary.

Signature:

Name (in block capitals):

Position within applicant group:

APPENDIX II

[regulation 5]

1. Fees to be paid on submission of an application for a digital radio service:

- | | |
|---|---------|
| a. for one generalist or one specialist locally originating digital radio service; | Lm1,000 |
| b. for any number of retransmitted digital radio services. | Lm 500 |

2. Programme monitoring fees to be paid on the grant of a licence on an annual basis for the first four years from the date of the award of the licence:

- | | |
|---|---------|
| a. for retransmitted digital radio services: | |
| i) up to 3 channels | Lm1,000 |
| ii) from 4 to 6 channels | Lm1,500 |
| iii) from 7 to 9 channels | Lm2,000 |
| iv) from 10 to 12 channels | Lm2,500 |
| v) from 13 to 16 channels | Lm3,000 |
| vi) from 17 channels onwards | Lm5,000 |

- | | |
|---|---------|
| b. for one generalist or one specialist locally originating digital radio service; | Lm2,500 |
|---|---------|

c. where any of the retransmitted channels is not licensed by a broadcasting regulator, the licence fee shall be increased by Lm1,000 per unlicensed channel.

3. Fees to be paid on the renewal of an application for a digital radio service:

- | | |
|---|---------|
| a. for retransmitted digital radio services: | |
| i) up to 3 channels | Lm1,000 |
| ii) from 4 to 6 channels | Lm1,500 |
| iii) from 7 to 9 channels | Lm2,000 |
| iv) from 10 to 12 channels | Lm2,500 |
| v) from 13 to 16 channels | Lm3,000 |
| vi) from 17 channels onwards | Lm5,000 |

- | | |
|---|---------|
| b. for one generalist or one specialist locally originating digital radio service; | Lm5,000 |
|---|---------|

c. where any of the retransmitted channels is not licensed by a broadcasting regulator, the licence fee shall be increased by Lm1,500 per unlicensed channel.



LINJI GWIDA GHALL-KONTENUT AWDJOVIŽIV TA' PROGRAMMI GHAT-TFAL

Illum it-tfal huma esposti għal diversità ta' influwenzi mill-medja. Hafna djar għandhom televiżjonijiet, radjijiet, *video recorders*, *DVD players*, loġhob elettroniku u varjetà ta' medja oħra. Il-familji qed jixtru wkoll kompjuters b'rata mgħaġġla. Ir-riċerka ma tħalli l-ebda dubbju li t-tfal jużaw il-medja u li l-medja sservi bħala mezz ta' divertiment, informazzjoni u edukazzjoni għalihom. Il-medja hija importanti fil-ħajja tat-tfal.

It-tfal iż-żgħar, speċjalment dawk li huma bejn sentejn u sitt snin, jirrapprezentaw udjenza speċjali bi bżonnijiet speċjali. Dawk it-tfal jinsabu fl-istadji bikrin ta' formazzjoni ta' attitudnijiet, twemmin u valuri flimkien ma' mgieba li tikkorrispondi magħhom. It-tfal qegħdin ukoll joħolqu xbiehat tagħhom infushom, ta' nies oħrajn u tad-dinja ta' madwarhom, u jirċievu ħafna mill-informazzjoni tagħhom mid-dinja ta' *multimedja* li fiha huma qed jitrabbew u jiżviluppaw.

Ir-rakkontar ta' stejjer għat-tfal jista' jkun realistiku jew ibbażat fuq il-fantasija. Ir-riċerka turi li t-tfal jistgħu jitgħallmu bl-istess mod mill-fantasija kif jistgħu wkoll jitgħallmu minn rappreżentazzjonijiet aktar realistiċi mill-medja. Għalkemm tfal akbar fl-età – dawk li għalqu aktar minn sitt snin – huma kapaċi jiddistingwu bejn il-fantasija u r-realtà, jeħtieġ li il-programmi kollha jiġu analizzati għall-impatt tagħhom fuq l-attitudnijiet, it-twemmin u l-imġiba fuq it-tfal.

L-Awtorità tax-Xandir u l-Kummissarju għat-Tfal, filwaqt li jirrikonoxxu l-ħtiġijiet speċjali tat-tfal u r-rwol li l-medja għandha f'ħajjithom, waqqfu grupp ta' ħidma biex jiddiskuti kif jistgħu jissawru *standards* u linji gwida għal diversi forom ta' kontenut audioviżiv għat-tfal. Dan il-grupp ta' ħidma kkonsulta ma' l-istazzjonijiet tat-televiżjoni, kumpaniji ta' produzzjoni, aġenziji ta' reklamar u anke l-pubbliku. Saret ukoll konferenza f'Ottubru 2005 biex tidiskuti dawn il-linji gwida bil-partecipazzjoni ta' esperti fil-qasam u tlaqqgħet Konferenza Nazzjonali f'Ġunju 2006 li kienet miftuħa għas-setturi kollha tas-soċjetà.

Dawn il-linji gwida jirrikonoxxu r-rabta importanti li hemm bejn ir-responsabbiltà speċjali tal-professjonijiet kreattivi u tar-rwol tal-ġenituri, għalliema u oħrajn biex jgħinu lit-tfal ikunu konsumaturi għaqlija tal-medja. Ta' min wieħed jinnota wkoll li dawn il-linji gwida mhumix maħsuba biex ikunu sett finali ta' *standards*. Huma jirrapprezentaw ideat fi stadju ta' formazzjoni li jistgħu jinbidlu hekk kif tasal informazzjoni ġdida u l-esperjenzi attwali tagħhom jiġu evalwati. Fuq kollox, il-linji gwida għandhom jinkoraġġixxu kull wieħed minna biex insibu metodi ġodda u innovattivi biex nirrakkontaw storja, li taqbad avventura, turi karattru, u li tipproduċi programm bil-ħsieb ta' l-impatt li programm għandu fuq it-telespettaturi żgħar.

Dawn il-linji gwida, li huma maħsuba bħala *minimum standards*, japplikaw għat-tfal u żgħażaġħ li ma għalqux it-tmintax-il sena.



LINJI GWIDA GHALL-KONTENUT AWDJOVIZIV TA' PROGRAMMI GHAT-TFAL

Dawn il-linji gwida għandhom jgħinu fl-iżvilupp ta' programmi awdjoviżivi għat-tfal.

GUIDELINES FOR AUDIO-VISUAL PROGRAMME CONTENT CREATED FOR CHILDREN

The following guidelines are intended to assist in the development of audio-visual programmes for children.

IL-KARATTERIZZAZZJONI U L-VALURI

- L-istejjer għandhom jirriflettu l-valuri pożittivi, ikabbru r-rispett li t-tfal għandu jkollhom lejhom infushom, irawmu mgħiba ta' kollaborazzjoni, juru mħabba u jsaħħu l-ħila li jhossu għal u jaqsmu ma' l-oħrajn.

- Ma għandux ikun hemm manjieri u modi perikolużi jew imġiba negattiva li t-tfal jistgħu faċilment jimitawhom.

- L-adulti għandhom jintwerew b'mod pożittiv u bħala xempju ta' għajnuna, sakemm il-programm mhux qed jiffoka fuq l-imġiba ta' l-adulti li tagħmel ħsara u twaġġa' lit-tfal, u li juri għalhekk ir-reazzjoni meqjusa tat-tfal. Fi programmi mibnija fuq ir-realtà (animati jew diretti) marbutin ma' l-istorja, għandu jkun hemm adult jew persuna responsabbli għand min it-tfal jistgħu jirrikorru għall-għajnuna.

- Kulfejn wieħed jista' għandu jara li l-istorja għib 'il quddiem u/jew turi eżempji ta' xorta ta' ħajja b'saħħitha u ambjent nadif.

- Għandu jingħata kas xieraq biex il-lingwaġġ u l-vokabularju mħaddma jkunu adattati għat-tfal. M'għandu qatt jintuża lingwaġġ volgari. Jista' jintuża kliem ġdid u differenti biex it-tfal jidraw ikabbru u jsaħħu l-vokabularju tagħhom.

- Billi llum nafu li t-treddid u l-bullying huma meqjusin bħala l-kawża ewlenija ta' vjolenza bejniethom, għandhom jittieħdu prekawzjonijiet speċjali biex ma jinkoraġġux din l-imġiba baxxa jew ukoll li twaqqa' għaċ-ċajt lin-nies. Xi karatteristiċi li t-tfal jagħżlu bihom lil xulxin b'mod negattiv huma, 'intelligenti', 'nerd', 'injuvant', 'bin-nuċċali', 'oħxon', 'żgħir',

CHARACTERISATION AND VALUES

- Story lines should reflect positive personal and interpersonal values, enhance children's self-esteem, foster cooperative behaviour, show caring and sharing behaviour and promote empathy for others.

- Dangerous stunts and techniques or negative behaviour that can be easily imitated should be avoided.

- Adults should be portrayed in a positive and supportive way, unless the programme is focusing on adult behaviour that is harmful or hurtful to the child, and depicts the child's appropriate response. In reality-based programs (animated or live-action), when consistent with the story line, there should be an adult or person in authority to whom a child can go for support.

- Whenever possible, the story line should promote and/or show examples of a healthy lifestyle and a clean environment.

- Special care should be taken to develop com-prehensible language and vocabulary in programmes for children. Vulgar language should not be used. New and different words can be introduced in order to enhance the child's vocabulary.

- Given that bullying and put-downs have been identified as a major cause of violence among children, special precautions must be taken not to encourage the demeaning or ridiculing of people. Examples of characteristics that are often targeted include children who are deemed "smart," "nerds," "slow to learn," "wear glasses," "overweight,"



‘fqr’, u oħrajn.

"small," and come from "homes with very low incomes."

IL-KUNFLITT U L-VJOLENZA

CONFLICT AND VIOLENCE

- Wieħed irid jara li jittratta kull sitwazzjoni ta' kunflitt bl-akbar reqqa u sensitività. Kulfejn hu possibbli għandu jintuża d-djalogu, ir-raġunar, il-medjazzjoni jew kull mod ieħor għaqli li jista' b'xi mod ikun infurzat.

- Conflict situations should be handled with great care. Whenever possible, conflict resolution by means of dialogue, negotiation, mediation or other clever techniques should be reinforced.

- L-attitudni soċjali ħażina (bħall-vandalizmu, l-aggressjoni, imġiba kriminali jew theddid) trid tintwera fil-kruha kollu tagħha u li qatt ma tista' tkun aċċettabbli.

- Antisocial behaviour (for example, vandalism, aggression, criminal behaviour or bullying) should be portrayed as unglamorous and unacceptable.

- Il-vjolenza eżagerata murija u bla mitluba – kemm jekk fiżika jew psikoloġika – ma tridx tidhol fil-programmi tat-tfal. Jista' jintwera biss atteġġament vjolenti meta s-suġġett ikun imfisser u żviluppat tajjeb, muri sewwa fil-kuntest tiegħu fejn il-konsegwenzi perikolużi u negattivi joħorġu b'mod ċar u realistiku.

- Gratuitous, graphic or excessive violence - whether physical or psychological - must be avoided in programmes for children. A limited level of violent behaviour may be shown, but only when the subject is properly explored, portrayed in the appropriate context, and the dangerous and negative consequences are clearly and realistically depicted.

- Ma għandhomx jintwerew xeni fejn annimali jinħaqru jew ikunu trattati ħażin sakemm xeni bħal dawn ma jkunux jagħmlu parti sħiħa mill-istorja jew maħsuba biex joħolqu għarfien akbar fl-udjenza ta' kemm għandna bżonn nieħdu aktar ħsieb l-annimali.

- Unless integral to the story or for the purpose of sensitizing the audience to the proper care of animals, portraying scenes in which animals are injured or mistreated should be avoided.

- Il-wiri ta' mġiba kriminali għandu dejjem iġorr miegħu messaġġ ċar li "id-dnub ma jorqodx!"

- The portrayal of criminal behaviour should always carry with it a clear message that "crime does not pay."

ID-DIVERSITÀ U L-ISTEREOTIPI

DIVERSITY AND STEREOTYPES

- Għandna ninkoraġġaw ir-rappreżentazzjoni u d-deskrizzjoni tad-diversità. Jinħtieġ li tintwera sensitività u bilanċ partikolari fis-sura mfissra tal-ġens, fl-etniċità, fil-lewn, fl-età, fir-reliġjon, fil-kultura, fl-orjentazzjoni sesswali, fil-qagħda soċjo-ekonomika u fid-diversi diżabbiltajiet.

- Portrayal of diversity should be encouraged. Special sensitivity and balance are necessary in the portrayal of gender, ethnicity, color, age, religion, culture, sexual orientation, socio-economic status and physical and mental disabilities.



- Hemm bżonn nifhmu li l-idea ta' x'inhi familja qed tinbidel. Għalhekk dawk li jaħsbu biex joħolqu xbihat tal-familja, għandhom ikunu sensitivi għall-fatt li hawn familji magħmulin minn ġenitur wieħed, tfal addottati, tfal mrobbija ma' familji u xorta oħra ta' gruppi familjari.
- It is important to understand that the concept of family is changing. When representing families, creators should be sensitive to the concept that families can be composed of single parents, adopted children, foster children or other household combinations.
- Għandha tinstab l-opportunità biex ikun hemm bilanċ fid-deskrizzjoni ta' karattri li jirrappreżentaw diversi gruppi bi stil ta' personalità unika, b'opinjonijiet differenti, li huma fassieba indipendenti, kif ukoll ta' dawk li jridu b'xi mod jaċċettaw jidhru li m'humiex konvenzjonali.
- There should be opportunities for balanced portrayals of characters representing various groups who have unique personality styles, diverse points of view, are independent thinkers, and who are willing, in acceptable ways, to be unconventional.
- Jista' wieħed jinkoraġġa d-deskrizzjoni pożittiva ta' individwi mhux konvenzjonali sakemm l-imġiba tagħhom tibqa' konsistenti mal-linji gwida msemija f'dan id-dokument.
- Positive portrayals of unconventional individuals should be encouraged so long as their behaviour remains consistent with the guidelines in this document.
- Għandu jinħarab kull stereotipar evidenti ta' kwalunkwe grupp billi l-karattri li jinħolqu jkunu sħaħ, u murija bi mġiba, f'sibijiet u għemejjel differenti fis-sitwazzjonijiet li jsibu ruħhom fihom.
- Overt stereotyping of any group should be avoided by creating characters who are multifaceted in their behaviour, thoughts, and actions.

L-INKORAĠĠIMENT TA' L-GĦARFIEN KULTURALI U L-UŻU TAJJEB TA' L-ILSIEN MALTI

F'dawn il-programmi għat-tfal għandu jiddaħħal u jithegġeġ l-għarfien kulturali kif ukoll l-użu tajjeb ta' l-Ilsien Malti.

PROMOTION OF CULTURAL AWARENESS AND PROPER USE OF THE MALTESE LANGUAGE

Cultural awareness should be fostered in children's programming and proper use of the Maltese language should be resorted to.

20 ta' Ġunju 2006

20th June 2006



**BROADCASTING AUTHORITY
FINANCIAL STATEMENTS
2006**

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Statement of the Authority's Responsibilities

The Broadcasting Act, 1991 requires the Authority to prepare financial statements for each financial period which give a true and fair view of its state of affairs at the end of the financial period and of its surplus or deficit for that period.

In preparing the financial statements, the Authority is required to:

- adopt the going concern basis, unless it is inappropriate to presume that the Authority will continue in business;
- select suitable accounting policies and apply them consistently;
- make judgements and estimates that are reasonable and prudent;
- account for income and charges relative to the accounting period on the accruals basis;
- value separately the components of asset and liability items; and
- report comparative figures corresponding to those of the preceding accounting period.

The Authority is responsible for keeping proper accounting records which disclose with reasonable accuracy, at any time, its financial position and to enable it to ensure that the financial statements comply with the relevant legislation. The Authority is also responsible for safeguarding its assets and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.



Auditors' Report

We have audited the financial statements set out on pages 133 to 141. As described on page 131, these financial statements are the responsibility of the Authority's members. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with International Standards on Auditing, issued by the International Auditing and Assurance Standards Board. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by the members, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion on the financial statements.

In our opinion, the financial statements give a true and fair view of the state of affairs of the company as at 31 December 2006 and of its results, changes in equity and cash flows for the year then ended in accordance with the requirements of International Financial Reporting Standards and have been properly prepared in accordance with the Broadcasting Act, 1991.

*This copy of the audit report has been signed by
John Abela (Partner) for and on behalf of*

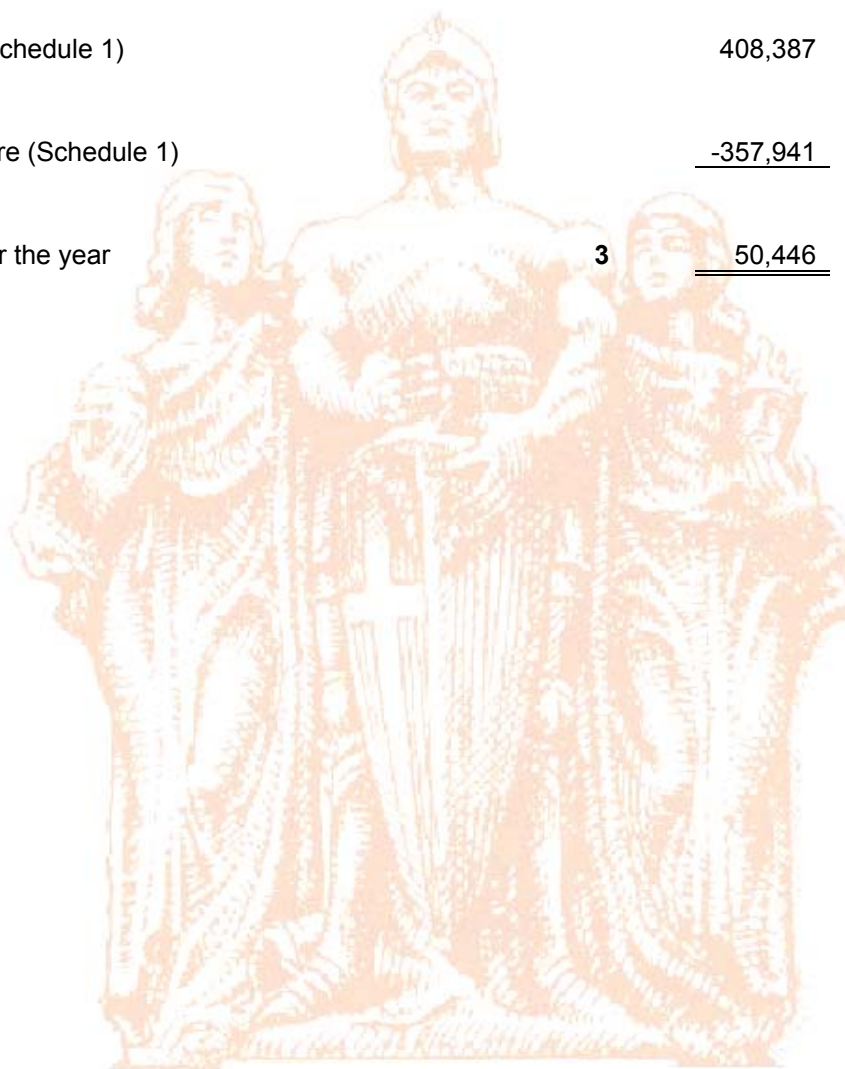
HORWATH (MALTA)
Audit, Tax and Business Advisory Services
La Provvida
Karm Zerafa Street
Birkirkara

6 March 2007



**INCOME AND EXPENDITURE ACCOUNT
YEAR ENDED 31 DECEMBER 2006**

	Note	2006 Lm	2005 Lm
Income (Schedule 1)		408,387	387,550
Expenditure (Schedule 1)		<u>-357,941</u>	<u>-373,769</u>
Surplus for the year	3	<u>50,446</u>	<u>13,781</u>



BALANCE SHEET
31 DECEMBER 2006

	Notes	2006 Lm	2005 Lm
ASSETS			
Non-current Assets			
Property, Plant and equipment	4	897,669	921,751
Current Assets			
Receivables	5	37,116	38,541
Cash at bank and in hand		303,824	225,255
		340,940	263,796
Total Assets		1,238,609	1,185,547
CAPITAL AND LIABILITIES			
Capital and Reserves			
Capital fund	6	1,104,476	1,104,476
Reserve Fund	6	16,000	16,000
Revaluation reserve	7	126,085	126,085
Accumulated reserve		-75,413	-125,859
		1,171,148	1,120,702
Current Liabilities			
Payables	8	67,461	64,845
Total Capital and Liabilities		1,238,609	1,185,547

The financial statements on pages 134 to 141 were approved by the members on 6th March 2007 and were signed on their behalf by:



Mr. Joseph Scicluna
Chairman



Dr. Kevin Aquilina
Chief Executive



STATEMENT OF CHANGES IN EQUITY
YEAR ENDED 31 DECEMBER 2006

	Total Lm	Capital Fund Lm	Revaluation Reserve Lm	Reserve Fund Lm	Accumulated Reserve Lm
Balance at 01 January 2005	1,106,921	1,104,476	126,085	16,000	(139,640)
Surplus for the year	<u>13,781</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>13,781</u>
Balance at 31 December 2005	<u>1,120,702</u>	<u>1,104,476</u>	<u>126,085</u>	<u>16,000</u>	<u>(125,859)</u>
Balance at 01 January 2006	1,120,702	1,104,476	126,085	16,000	(125,859)
Surplus for the year	<u>50,446</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>50,446</u>
Balance at 31 December 2006	<u>1,171,148</u>	<u>1,104,476</u>	<u>126,085</u>	<u>16,000</u>	<u>(75,413)</u>



CASH FLOW STATEMENT
YEAR ENDED 31 DECEMBER 2006

	Note	2006 Lm	2005 Lm
Cash flows from Operating Activities			
Surplus for the year		50,446	13,781
<i>Adjustment for:</i>			
Profit on disposal of property, plant and equipment		(2,819)	(1,242)
Depreciation charge		38,017	45,591
Bank interest receivable		<u>(5,743)</u>	<u>(5,035)</u>
Operating surplus before working capital changes		79,901	53,095
Decrease/(increase) in receivables		1,425	(1,804)
Increase/(decrease) in payables		<u>2,662</u>	<u>(6,707)</u>
Cash generated from operations		83,988	44,584
Bank interest received		<u>5,697</u>	<u>5,015</u>
Net Cash from Operating Activities		89,685	<u>49,599</u>
Cash flows used in Investing Activities			
Proceeds from sale of property, plant and equipment		2,819	1,986
Payments to acquire property, plant and equipment		<u>(13,935)</u>	<u>(18,436)</u>
Net cash used in Investing Activities		<u>(11,116)</u>	<u>(16,450)</u>
Net movement in Cash and Cash Equivalents		78,569	33,149
Cash and cash equivalents at beginning of year		<u>225,255</u>	<u>192,106</u>
Cash and Cash Equivalents at End of Year	10	<u>303,824</u>	<u>225,255</u>



NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED 31 DECEMBER 2006

1. Basis of Preparation

The financial statements have been prepared in accordance with the requirements of International Financial Reporting Standards promulgated by the International Accounting Standards Board and in compliance with the provisions of the Broadcasting Act, 1991.

2. Significant Accounting Policies

The significant accounting policies adopted in the preparation of these financial statements are set out below. These accounting policies have been consistently applied by the Authority and are consistent with those adopted during the previous year.

(a) Property, Plant and Equipment

Property, plant and equipment are stated at cost less accumulated depreciation. Depreciation is calculated to write down the value of tangible fixed assets less any anticipated residual value over their estimated useful lives. A charge equivalent to a full year's depreciation is provided during the year in which the asset is first brought into use, while no depreciation is charged during the year the asset is disposed of or scrapped.

Expenditure on repairs or maintenance of tangible fixed assets made to restore or maintain future economic benefits expected from the asset is recognised as an expense when incurred.

Depreciation is provided using the straight line method at the following rates:

	%
Buildings	1
Motor vehicles	20
Studio equipment	20
Fixtures, fittings and equipment	10/20
Technical equipment	25
Transmitting antenna	4/12

No depreciation is provided on freehold land.

(b) Revenue Recognition

Income from Government is recognized on a receipt basis.

Income from licences and application fees is recognized on an accruals basis.

Income from Master Antenna fees and rental fees is recognized on an accruals basis.

Interest income from investments is accrued on a time basis, by reference to the principal outstanding and at the interest rate applicable.



(c) Impairment

At each balance sheet date the Authority reviews the carrying amounts of its assets to determine whether there is any indication that those assets have suffered an impairment loss. If any such indication exists, the recoverable amount of the assets is estimated in order to determine the extent of the impairment loss (if any).

If the recoverable amount of an asset is estimated to be less than its carrying amount, the carrying amount of the asset is reduced to its recoverable amount. Impairment losses are recognized as an expense immediately.

Where an impairment loss subsequently reverses, the carrying amount of the asset is increased to the revised estimate of its recoverable amount, but so that the increased carrying amount does not exceed the carrying amount that would have been determined had no impairment loss been recognized for the asset in prior years. A reversal of an impairment loss is recognized as income immediately.

(d) Financial Instruments

Financial assets and financial liabilities are recognized on the Authority's balance sheet when the Authority has become party to the contractual provisions of the instruments.

Debtors

Debtors are stated at their nominal value as reduced by appropriate allowances for estimated irrecoverable amounts.

Creditors

Creditors are stated at their nominal value.

(e) Cash and Cash Equivalents

Cash and cash equivalents comprise cash in hand, fixed and demand deposits.

3. Surplus

Surplus for the year has been stated after charging:

	2006 Lm	2005 Lm
Depreciation	38,017	45,591
Auditors' remuneration	590	590



NOTES TO THE FINANCIAL STATEMENTS

31 DECEMBER 2006

4. Property, Plant and Equipment

	Freehold Land Lm	Building & Improvements Lm	Fixtures Fittings & Equipment Lm	Technical Equipment Lm	Studio Equipment Lm	Motor Vehicles Lm	Transmitting Antenna Lm	Total Lm
Cost								
At 01 January 2006	68,804	796,657	212,468	52,741	80,097	23,760	217,952	1,452,479
Additions	-	-	7,191	1,408	-	-	5,336	13,935
Disposals	-	-	-29,056	-562	-	-	-	-29,618
At 31 December 2006	68,804	796,657	190,603	53,587	80,097	23,760	223,288	1,436,796
Depreciation								
At 01 January 2006	-	81,078	192,669	51,748	73,782	23,759	107,692	530,728
Charge for year	-	7,967	11,122	1,011	3,386	-	14,531	38,017
Released on disposal	-	-	-29,056	-562	-	-	-	-29,618
At 31 December 2006	-	89,045	174,735	52,197	77,168	23,759	122,223	539,127
Net Book Value								
At 31 December 2006	68,804	707,612	15,868	1,390	2,929	1	101,065	897,669
At 31 December 2005	68,804	715,579	19,799	993	6,315	1	110,260	921,751



4. Tangible Assets

i. Land and buildings at Gharghur were revalued on the basis of an open market valuation for existing use on 25 March 1991 by professional civil engineers & consultants.

The transmitting antenna at Gharghur was revalued on the basis of an open market valuation for existing use on 28 August 1991 by a professional architect and civil engineer.

If the above assets had not been revalued they would have been included in the financial statements at the following cost:

	2006 Lm	2005 Lm
Gharghur land, buildings and transmitting antenna	<u>655</u>	<u>655</u>

ii. Fully depreciated fixed assets still in use at the balance sheet date amounted to:

	2006 Lm	2005 Lm
Motor vehicles	23,760	23,760
Fixtures, fittings and equipment	157,444	154,071
Studio equipment	75,214	63,168
Technical equipment	<u>51,398</u>	<u>50,106</u>
	<u>307,816</u>	<u>291,105</u>

5. Receivables

	2006 Lm	2005 Lm
Licences receivable	27,167	26,000
Other debtors	8,349	10,970
Prepayments and accrued income	<u>1,600</u>	<u>1,571</u>
	<u>37,116</u>	<u>38,541</u>

6. Capital Fund and Reserve Fund

These funds have been set up in accordance with Section 26 of the Broadcasting Act, 1991.

7. Revaluation Reserve

The revaluation reserve has arisen from a valuation carried out on property in 1991.



8. Payables

	2006 Lm	2005 Lm
Capital creditors	13,547	18,064
Other creditors	120	1,380
Accruals and deferred income	53,794	45,401
	<u>67,461</u>	<u>64,845</u>

9. Financial Instruments

Financial assets include debtors and cash held at bank and in hand. Financial liabilities include creditors. At 31 December 2006, the Authority had no unrecognised financial instruments.

Risk management policies

- a. Credit risk on amounts receivable is limited through the systematic monitoring of outstanding balances and the presentation of debtors net of allowances for doubtful debts, where applicable. Cash is placed with reputable banks.
- b. Liquidity risk is limited as the Authority has sufficient funding resources and the ability to raise finance to meet its financial obligations as these arise.

Fair Values

At 31 December 2006, the fair values of financial assets and liabilities were not materially different from their carrying amounts.

10. Cash and Cash Equivalents

Cash and cash equivalents included in the cash flow statement comprise

	2006 Lm	2005 Lm
Cash at bank and in hand	<u>303,824</u>	<u>225,255</u>



**SCHEDULES TO THE INCOME AND EXPENDITURE ACCOUNT
YEAR ENDED 31 DECEMBER 2006**

Schedules

Schedule 1: Income and Expenditure Account

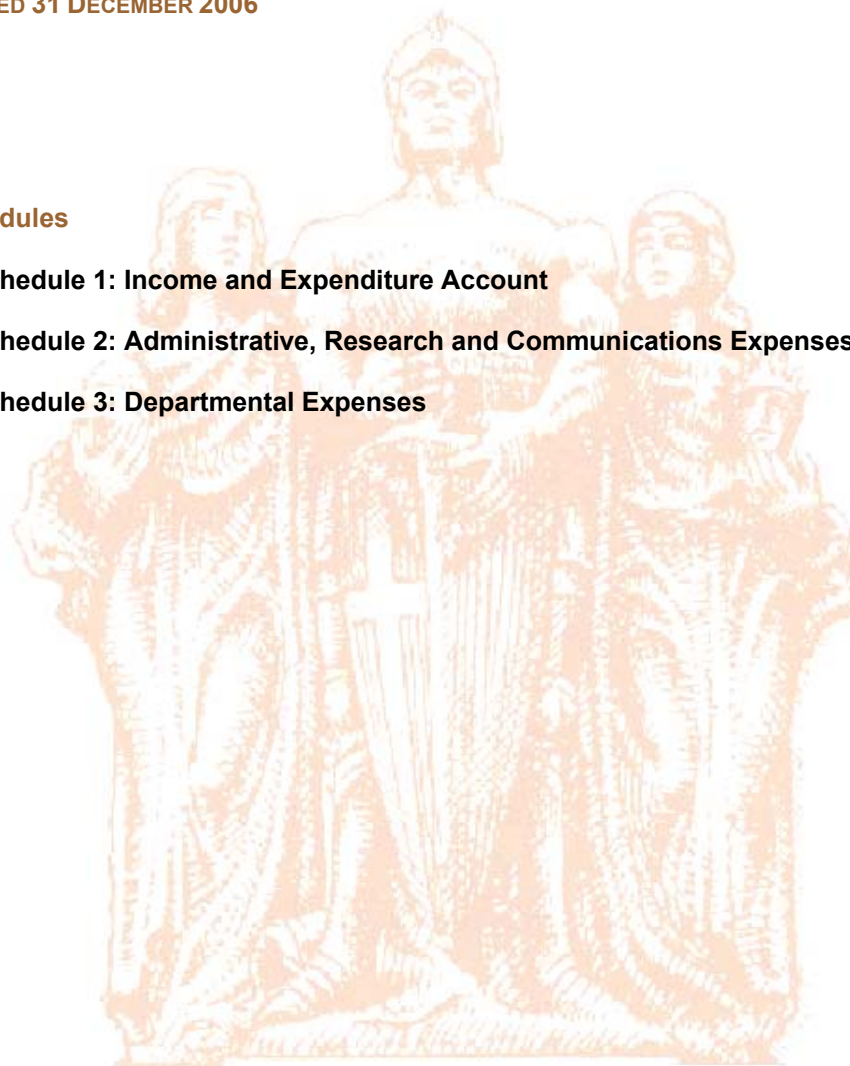
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Schedule 2: Administrative, Research and Communications Expenses

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Schedule 3: Departmental Expenses

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SCHEDULE 1

Income and Expenditure Account Year ended 31 December 2006

	2006 Lm	2005 Lm
Income		
Government contributions	260,000	260,000
Application fees	9,100	2,050
Licences	75,400	72,950
Other income	25,287	14,200
Rental fees receivable	12,600	12,350
Master Antenna facilities fees	26,000	26,000
	<u>408,387</u>	<u>387,550</u>
Expenditure		
Technical assistance	-	2,530
Administrative (schedule 2)	235,662	238,375
Research and communications (schedule 2)	16,686	13,979
Production (schedule 3)	4,400	3,800
Monitoring (schedule 3)	88,268	92,170
Technical (schedule 3)	12,925	22,915
	<u>357,941</u>	<u>373,769</u>



SCHEDULE 2

Administrative, Research and Communications Expenses
Year ended 31 December 2006

	2006 Lm	2005 Lm
Administrative Expenses		
Members' honoraria	23,534	23,070
Legal advisor's honoraria	2,500	2,500
Salaries	109,839	106,083
Staff training	300	921
Telecommunications	4,759	5,719
Water and electricity	8,962	6,464
Insurance	3,356	3,091
Stationery	3,303	3,583
Subscriptions and publications	940	1,271
International organisations membership fees	2,816	3,179
Repairs and maintenance	9,281	7,183
IT maintenance and support	2,677	1,644
Duty visits abroad	3,454	3,578
Transport	3,817	3,770
Rentals of radio & TV sets	2,519	2,374
Staff health scheme	4,510	3,788
Sundry expenses	4,010	3,581
Auditors' remuneration	590	590
Legal and professional fees	1,859	1,687
Gharghur site running costs	11,836	14,433
Profit/Loss on disposal of tangible fixed assets	(2,819)	(1,242)
Depreciation	33,619	41,108
	<u>235,662</u>	<u>238,375</u>
Research and Communications Expenses		
Wages and salaries	10,123	10,150
Audience and qualitative research study	3,756	153
Seminars and conferences	754	1,333
Public relations	1,018	932
BA reports and publications	67	76
Advertising	628	355
Broadcasters' Maltese language support	340	980
	<u>16,686</u>	<u>13,979</u>



SCHEDULE 3

Departmental Expenses
Year ended 31 December 2006

	2006 Lm	2005 Lm
Production Department		
TV political broadcasts	961	371
Depreciation	3,439	3,429
	<u>4,400</u>	<u>3,800</u>
Monitoring Department		
Wages and salaries	85,065	90,826
Purchase of audio tapes	1,309	211
Staff training	507	70
Repairs and maintenance	429	8
Depreciation	958	1,055
	<u>88,268</u>	<u>92,170</u>
Technical Department		
Wages and salaries	8,549	9,345
Repairs and maintenance	4,090	13,548
Sundry expenses	21	22
Staff training	265	-
	<u>12,925</u>	<u>22,915</u>

