

ANNUAL REPORT



Broadcasting Authority Malta

2008

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

27th February 2009

Honourable Prime Minister,

Broadcasting Authority Annual Report 2008

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 2008.

Yours sincerely,

Joseph Scicluna B.A.
Chairman

Dr Kevin Aquilina
Chief Executive



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MESSAGE FROM THE CHAIRMAN

The year being covered by this Report proved to be another engaging one for the Authority. The Board of the Authority was convened for a total of 37 meetings up to the end of the year when the three-year term of office of the Chairman and Members expired. However, the Authority was subsequently re-appointed with the same composition for a further two-year period.

During the first quarter of the year under review the Authority had to focus its attention and resources on the scrutiny of broadcasting content in relation to the electoral campaign for the 2008 General Elections which was then at its peak. In this respect, the Authority had adopted a proactive approach even during the last quarter of the previous year and indeed it can be stated that this contributed to a reasonably stable broadcasting scenario during the electoral campaign. During the last month prior to the General Elections, the Authority organised its own scheme of party political broadcasts which was generally successful, apart from one particular episode when a Government Member of Parliament who was also an election candidate insisted on participating in a press conference when this was in conflict with the Authority's own rules. The scheme of broadcasts provided all the contesting political parties with a good opportunity to convey their message to the electorate.

As the detailed Report by the Chief Executive of the Authority will show, during the year under review, the licensing activities, and therefore the monitoring responsibilities, of the Authority increased considerably. Apart from the ongoing process of renewing, where appropriate, existing and expiring broadcasting licences, the Authority issued a broadcasting content licence to the local digital radio network operator for the re-broadcasting of a number of foreign channels as well as for the simulcasting of practically all the locally originating FM radio stations. It also approved broadcasting licences to two locally owned and originating radio services to be carried on this new digital network. Moreover, the Authority issued licences for two new television stations, namely Family Television Network and Favourite Channel TV, both of which are being carried on the cable television network and are now transmitting on a regular basis. It also issued, for the first time ever and in terms of a delegated authority by the Minister responsible for communications, a satellite television licence. On the other hand, the Authority refused an application for the renewal of a licence which had been issued to U TV and this in view of the fact that the station had not reached the quality and other standards promised by the licence holder when the application was originally submitted. With the potential for additional carrying capacity on the existing cable and digital terrestrial television networks, it is not unlikely that during the coming months the Authority will be required to appraise other applications for new commercial television broadcasting licences and, in that event, the Authority will need to strike a balance between the objective of further enhancing pluralism in the local broadcasting sector and the need to ensure that licensed broadcasting stations, especially in the context of the local small-scale and highly competitive media market, are

sustainable in the longer term and are in a position to maintain an acceptable minimum of quality standards.

During 2009, the responsibilities of the Broadcasting Authority are likely to continue to increase as a result of developments that have been in the pipeline for some time but which are now reaching implementation stage. One of these developments is the transposition into Maltese law of the new European Union Audiovisual Media Services Directive which has to be transposed and implemented by Member States by the 19th December, 2009. A Working Group, which was appointed for the purpose by the Minister responsible for broadcasting policy and which included a representative of the Authority, has now submitted its report to the Minister. If these recommendations are accepted, they will entail significant amendments to the Broadcasting Act and the Broadcasting Authority will, *inter alia*, have to assume a new responsibility for the regulation of 'non-linear' media content, which refers to 'tv-like' on-demand services and which has hitherto not been regulated.

Another development is the recent announcement by the Minister responsible for communications of Government policy, including an implementation strategy, on "Digital Broadcasting that meets General Interest Objectives (GIO)". This policy is a follow-up to an earlier Government decision establishing the end of December 2010 as a target for the turn-off of analogue broadcasting and will likewise entail significant amendments to the Broadcasting Act and new responsibilities for the Authority, including the establishment of detailed GIO selection criteria and the conduct of the GIO selection and allotment process.

In my previous messages in the Authority's annual reports, I have always refrained from referring to the Authority's financial position. However, as the Financial Statements for 2008 included in this Report show, the position is now becoming critical and, for the first time in many years, the Authority has registered a deficit, albeit a modest one, in its Income and Expenditure Account. This is mainly due to a combination of two factors, namely the impact of the current Collective Agreement for the Authority's employees, which is based on Public Service salary scales, and a Government budgetary allocation that has remained practically unchanged for the last ten years. While the Authority will continue to adopt a most prudent financial management system and will certainly continue to maximise its resources to meet its objectives, including those arising from the above-mentioned additional responsibilities, its financial position is bound to become increasingly tight and difficult unless it is addressed. Indeed, the Authority is already finding it practically impossible to take on new broadcasting initiatives, including initiatives intended to enhance the competency of local broadcasters/producers and the quality of broadcasting.



Finally, I want to take this opportunity to thank the outgoing Chief Executive of the Authority, Dr. Kevin Aquilina, for his dedicated service to the Authority over a period of ten years. Dr. Aquilina has resigned from his position to take up a full-time academic post at the University of Malta. The Authority has now appointed a new Chief Executive, Mr. Pierre Cassar, who I am sure will be a worthy successor to Dr. Aquilina.

Joseph Scicluna B.A.

Chairman

27th February 2009

**CHAIRMAN AND MEMBERS
OF THE BROADCASTING AUTHORITY DURING 2008**



**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
Mr. Edgar P. Cassar**



1. REVIEW OF THE YEAR

by the Chief Executive

1.1 The Broadcasting Authority.

During the year 2008, 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.

Secretary: Mr. Edgar Cassar.



**Chief Executive
Dr. Kevin Aquilina**

A total of 37 meetings of the Authority were held during the year under review.

1.2 Broadcasting Authority Committees.

Four Committees were in office during the year under review.

1.2.1 Equality Committee.

An Equality Committee within the Broadcasting Authority has been established on a permanent basis 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. During last year, the Broadcasting Authority's Equality Committee was composed as follows:

Chairperson: Ms. Joanna Spiteri, Supervisor

Members: Dr. Kevin Aquilina, Chief Executive

Mr. Mario Axiak, Head Research and Communications

Ms. Natalie Debono, Senior Programme Monitor.

1.2.2 Children's Programmes Committee.

Following the approval by the Commissioner for Children of the Quality Children's Programming Strategy, the Prime Minister delegated to the Minister responsible for broadcasting policy the implementation of this strategy. For this purpose Mr Mario Axiak and Dr Kevin Aquilina met with the Commissioner for Children, Ms Carmen Zammit, and the said Minister's broadcasting advisor, Rev. Fr Joe Borg, to start implementing that strategy. As an initial step, it was decided that:

- a) a joint committee be appointed between the Broadcasting Authority, the Commissioner for Children and the Ministry for Tourism and Culture to propose



amendments to the Broadcasting Code for the Protection of Minors. These proposals will eventually have to be approved by the Broadcasting Authority and the said Minister; and

- b) to organise training for broadcasters.

Two important measures were adopted by this Committee in the year under review. Training on quality children's programmes was organized for broadcasters who produce children's programmes. This aspect is dealt with in greater detail in the chapter on training. The other initiative was that a number of meetings were held to discuss both the text of the *Broadcasting Code for the Protection of Minors* and the *Guidelines for Audio-Visual Programme Content Created for Children*. The revision of the latter document is in its final stages with a view to submission to the Broadcasting Authority and to the Minister responsible for broadcasting for approval.

1.2.3 *Broadcasting Studies Series Committee*

The Broadcasting Studies Series Committee was established by the Broadcasting Authority in 2007 and consists of:

Dr Kevin Aquilina, Chief Executive, Broadcasting Authority, as Editor of the Broadcasting Studies Series;

Mr Mario Axiak, Head Research and Communications, Broadcasting Authority, as Deputy Editor of the Broadcasting Studies Committee.

The workings of this Committee are reported in the Publications chapter of this Annual Report.

1.2.4 *Maltese Language Committee.*

In August 2008, the Broadcasting Authority together with the *Kunsill Nazzjonali tal-Ilsien Malti* appointed a Committee chaired by Dr Ray Fabri and consisting of the following members: Dr Charles Briffa, Mr Trevor Zahra and Mr Charles Flores to draw up a report on the use of the Maltese language by the broadcasting media. Mr Jean Pierre Caligari, a Monitoring Officer in the Authority's Programme Monitoring Department, was appointed as its Secretary.

The terms of reference of this Committee, as approved conjointly by the Authority and the National Council, were as follows:

- a) to identify the problems associated with the use of the Maltese language by different broadcasting sectors and to propose measures on how these problems would be addressed in the short term period of four months. Examples of these problems typically included the orthography used in scrolls, pronunciation and the use of numbers. By 'sectors' is meant the sectors relating to announcers, presenters, newscasters, journalists, graphic artists, disc jockeys and advertising agencies;



- b) Liaise with the technical committees of the National Council to update the two Guidelines issued by the Broadcasting Authority in the past dealing with the names of towns and villages and information technology terminology;
- c) to identify and contact organized interests which could assist professionally and financially in the implementation of these measures;
- d) to discuss with representatives of the music sector to find ways and means how to ensure a greater presence of Maltese music on the broadcasting media;
- e) to discuss with representatives of advertising agencies to ensure more consistency in the use of the Maltese language in advertisements;
- f) to compile a list of resources which assist broadcasters in making better use of the Maltese language (e.g. list of books and writings);
- g) to list other problems to which solutions have to be provided on a longer time span, for instance to investigate how students following courses organized by the University of Malta's C.C.T. are prepared better in the use of the Maltese language and the need to revise the Broadcasting Code on the Correct Use of the Maltese Language on the Broadcasting Media.

On 18th December 2008, the said Committee concluded its report and had to be presented to the Authority in March 2009. A copy of this report is found in Appendix I. The Committee held fifteen meetings and during four such meetings it consulted radio and television stations, the Malta Institute of Journalists and the Head of the Centre for Communications Technology at the University of Malta.

1.3 The Authority's Staff.

During the year under examination, one vacant post of Information and Records Officer was filled as well as five posts of Senior Clerk. At year's end the necessary procedures were still taking their course for the filling of one post of Chief Executive and Secretary Designate.

1.3.1 Notice of Resignation by the Chief Executive

At the end of September 2008, Dr. Kevin Aquilina, Chief Executive of the Broadcasting Authority, informed the Authority of his intention to resign his office to join the Faculty of Laws of the University of Malta on a full-time basis as Head and Senior Lecturer of the Department of Public Law. Hence, a vacancy of Chief Executive arose at the Broadcasting Authority. A call for applications was issued in October 2008. The post of Chief Executive of the Authority is established in the Broadcasting Act, which states that the Chief Executive is to be appointed *'following a public call for applications by the Authority from among persons who have had experience of, and shown capacity in, dealing with matters related to broadcasting'*.



A Selection Board composed of Mr. Joseph Scicluna, Chairman of the Broadcasting Authority as Chairman and Dr. Reno Borg and Mr Alfred Mallia Milanese, Members of the Broadcasting Authority as Members was appointed to short-list and interview candidates. On 30th January the Authority announced that Mr Pierre Cassar was selected to be its new Chief Executive. Mr Cassar will commence his duties on 1st March 2009 whilst Dr Aquilina's last working day as Chief Executive of the Broadcasting Authority will be 28th February 2009.

1.4. Post of Secretary Designate

In 2008, the Authority agreed to issue a call for applications for filling the post of Secretary-Designate to the Board. The successful person would be appointed Secretary to the Board on successful completion of the probationary period and when the vacancy of Secretary falls due in April 2009. Five applicants applied for the post. A Selection Board was appointed by the Broadcasting Authority to interview these candidates. At year's end, the Selection Board had concluded the relative interviews and was drawing up its report for submission to the Authority for its approval.

The Selection Board which was composed in the same manner as that of Chief Executive recommended to the Authority, which agreed, that Dr Simon Manicolo, Head of the Programme Monitoring Department, be appointed Secretary Designate and, with effect from 1st May 2009, Secretary to the Broadcasting Authority.

1.5. Reform of Senior Management Posts

During 2008 the Authority carried out an extensive study aimed at reforming Senior Management.

The main managerial issues identified for review were (i) the need to decentralise authority and decision-making at the very top by delegating more responsibilities onto senior management; (ii) emphasising more the role of business planning by involving senior management in planning and direction; (iii) ensuring more ownership and involvement by senior management in budgets; (iv) following better EU affairs and being in a position to make timely recommendations to Government and to the Authority on new proposals submitted by the EU Commission concerning the broadcasting acquis; (v) introducing succession planning, particularly when persons are bound to retire or else leave the Authority; (vi) making better use of information technology development; and (vii) introducing more accountability and controls.

Following the approval of the latest collective agreement by the Broadcasting Authority, the Prime Minister, the Minister of Finance, and the Collective Bargaining Unit and in view of the new responsibilities assigned to the Broadcasting Authority by Parliament, it has become imperative to upgrade senior management responsibilities to provide for an efficient and effective managerial



structure which can easily absorb such new responsibilities and which can be of more direct assistance to the Chief Executive in the execution of his lawful duties.

The Broadcasting Authority structure is still the same at senior management level as it was prior to the enactment of the Broadcasting Act in 1991 when there was only one broadcaster, the national broadcaster. Whilst the public service has moved on to reform its administrative structures in the early 1990's and to adjust its structures to E.U. membership, the Authority has remained static and unresponsive to the changes which were taking place in the public service and to cater for its new role following EU accession.

The new responsibilities which have been assigned to the Broadcasting Authority since the enactment of the Broadcasting Act 1991 are the following:

- responsibilities for the Għarghur tower which was previously assigned to a Government limited liability company – Master Antenna Co. Ltd. The latter company was wound up and its duties were subsequently assigned in 1998 to the Broadcasting Authority;
- 5 new TV stations have been licensed in addition to TVM (One TV, NET TV, Smash TV, U TV, Family Network TV). The Authority also approved the licensing of another television channel to be known as Favourite Channel which began broadcasts in January 2009;
- 12 new nationwide stations have been licensed in addition to Radju Malta (Super One Radio, Radio 101, Bay Radio, Calypso Radio, RTK, Smash Radio, Radju Marija, Campus FM, Capital Radio, Xfm, together with PBS Ltd.'s Radju Parlament and Magic Radio);
- a multitude of community radio stations have been licensed by the Broadcasting Authority from 1996 onwards (in 2007 there were 56 such community radios) whilst in 2008, the Authority also licensed 5 new non-profit making community radio stations and was processing another community radio application;
- monitoring of television channels on the cable and digital television terrestrial platforms;
- monitoring of one cable teleshopping channel (iTV);
- licensing and monitoring of satellite: the Broadcasting Authority was delegated to license satellite television on behalf of the Government by the Minister responsible for Communications: one such licence was approved in 2008;
- supervision of mobile TV: in terms of an amendment to the Broadcasting Act made by the Communications Laws (Amendment) Act 2007, the Authority will soon be responsible to license broadcasts on mobile phones once the relative regulations are published as a Legal Notice;
- enforcement of EU acquis:
 - drawing up and revising from time to time lists of major events





- enforcing the right to short news reporting
- compilation of statistics for submission to the EU with regard to European works and independent production houses
- regulation of non-linear services as soon as the amendments to the Television without Frontiers Directive made by the EU Audiovisual Media Services Directive are transposed into Maltese law (not later than December 2009)
- reports to the European Union Commission in terms of the Audiovisual Media Services Directive
- processing complaints filed under the Injunctions Directive;
- drawing up of new legislation and updating current legislation – Codes, Regulations, Requirements and Directives are issued on a regular basis by the Authority and need to be updated from time to time. The latest major overhaul took place in 2007. Currently the Broadcasting Authority is updating the Code on the Correct Use of the Maltese Language in the Broadcasting Media and the Broadcasting Code for the Protection of Minors; other new Requirements were also approved in 2008;
- production of radio and television broadcasts for local council elections. The Authority has been involved in supervising all broadcasts during such elections since 1993;
- production of radio and television referenda broadcasts (one referendum was held in 2003) and supervision of all broadcasts during a referendum campaign;
- production of European Union Parliament elections radio and television broadcasts since 2004 and supervision of all broadcasts during EU Parliament elections;
- answering various Questionnaires and requests for information from other EU Member States and providing feedback to EU Commission and to Government on various proposals adopted by the Commission, the Council and EU Parliament;
- drawing up of Audience Surveys: four reports are compiled every year – one every quarter;
- Broadcasting Authority Publications consisting in its annual report and the Broadcasting Studies Series;
- Appointment of various advisory Committees (News and Current Affairs, Quality Programming, Protection of Minors, Community Radios, Medicinal Products and Services, Gender Equality, Maltese Language, Equality, etc.);
- New duties re gender portrayal, protection of minors, protection of vulnerable persons, competitions and awards, racial equality, various forms of advertisements (e.g. gambling, alcoholic drinks, tattoos, medicinal advertising, etc.);
- The Authority is also preparing to monitor broadcast content on new media e.g. broadcasting on the internet;
- Holding of training courses for broadcasters;
- Compliance with the new high-level reporting structures of the Ministry of Finance including compliance with the requirements of the Financial Management Monitoring Unit, Auditor General, Central Office of Statistics and others. These include

compilation of management accounts, income and expenditure accounts, balance sheets, list of human resources, periodic cash-flows, estimates, business and financial plans and other financial reporting and collation of data;

- Negotiations and conclusion of periodic collective agreements; and
- Design, co-ordination and implementation of new IT structures in co-ordination with MITTS.

These duties have all emerged following the enactment of the 1991 Broadcasting Act and Malta's adherence to the European Union. Naturally, there were and still are other duties which have existed before 1991 and are still being carried out such as advising Government with regard to the Council of Europe's Convention on Transfrontier Television, preparing draft replies for Parliamentary Questions, etc.

All the above additional workload requires the Authority's structures at senior management level to be brought in line with the new realities of the times.

The Authority thus approved the establishment of four Directorates within the Broadcasting Authority as follows:

1. Directorate for Corporate Services;
2. Directorate for EU Affairs;
3. Directorate for Compliance; and
4. Directorate for Consumer Affairs.

All these four directorates are to be headed by a Director and each director will perform the duties listed in the respective position descriptions. These four directors will be directly responsible to the Authority's Chief Executive.

In this way the Authority would be able to take on board the new tasks which have been assigned to it following EU accession, will be preparing its administrative structures for additional responsibilities which will be devolved upon it in 2009 following the transposition into Maltese law of the E.U. Audiovisual Media Services Directive and the adoption by Government of the General Interest Objectives policy and will also streamline its administrative structures on the lines of those currently available under the Government once the Broadcasting Authority applies to its staff comparable salary scales and conditions of employment to those of the public service in terms of article 9 of the Broadcasting Act. The proposed new structure at senior management level is intended to focus on the changing role and responsibilities of the Authority brought about especially by technological convergence as well as the Authority's vision for the future in an ever increasing technologically changing scenario.

These proposals were duly communicated to the Office of the Prime Minister and at year's end the Authority was still awaiting the required feedback thereupon.

1.6. European Commission against Racism and Intolerance's Report

The European Commission against Racism and Intolerance of the Council of Europe (ECRI) adopted its third report on Malta on 14 December 2007. This Report was released in Malta on 26th April 2008 by means of Government of Malta Department of Information Press Release No 577e. Although the Report discusses various issues regarding racism and intolerance, of particular relevance is that part dealing with the broadcasting media which reads as follows:

"86. As regards the broadcast media, ECRI welcomes the adoption by the Maltese authorities in April 2007 of requirements as to standards and practice that must be observed by broadcasters in order to respect and promote racial equality, the implementation of which is monitored by the Broadcasting Authority. ECRI notes that a fine has been imposed on a television channel for failure to comply with these requirements in July 2007 in connection with the broadcasting of views expressed by exponents of an extreme right-wing group. Prior to the entry into force of these requirements, the Broadcasting Authority had levelled another fine on the same channel in 2004 in connection with the broadcasting of speech by the leader of another extreme right-wing group, on the basis of Article 13 (2) (a) of the Broadcasting Act, combined with Article 82 A of the Criminal Code. ECRI understands however, that an appeal has been filed against this decision and is currently pending.

87. ECRI welcomes the fact that according to these requirements, media owners must raise awareness about the expected standards and practice including among editors and journalists and that the requirements should be a standard element of journalists' training. ECRI also notes that the Broadcasting Authority has planned to train broadcasters on gender equality in co-operation with the National Commission for the Promotion of Equality and believes that there is a real opportunity to extend such training to issues of race equality now that the mandate of the Commission has been extended accordingly."

The report refers to the adoption by the Broadcasting Authority of legally mandatory *Requirements as to Standards and Practice on the Promotion of Racial Equality* and to a charge issued by the Chief Executive of the Broadcasting Authority in July 2007 against a private television station licensed by the said Authority. This station admitted the charge without any contestation and paid the applicable administrative penalty. In that instance, irregular immigrants were, during the programme, called criminals and racist terminology was used. Contrary to the 2004 case, no appeal to the court was lodged from the July 2007 admission of guilt. In the meantime, training of broadcasters, both in the promotion of racial equality and gender portrayal, was carried out on 5th June 2008 with the first batch of training being provided to all the employees of the Monitoring Department of the Broadcasting Authority and to all employees of broadcasting stations working in the Sales and Marketing Departments and to staff of the National Commission for the Promotion of



Equality between Men and Women. Training of other categories of broadcasters (mainly to journalists and producers) will follow suit.

1.7. Digitisation of Broadcasting Authority Equipment

On 31 October 2008 M.I.T.T.S. Ltd. presented a report to the Authority entitled *Broadcasting Authority Consultancy for a Radio and Television Capturing and Monitoring Management System: Requirements Document*. Following a discussion by the Authority this document was approved and the Authority decided to move to the next step, that is, to commission M.I.T.T.S. Ltd. to prepare the necessary tender document. In early 2009 the necessary meetings will take place between the Authority and M.I.T.T.S. Ltd. so that the tender document is discussed and finalized.

1.8 Migration to the Government Portal

In 2008, the Broadcasting Authority migrated to the Government computer system. All e-mail addresses have been changed in October 2008 whilst the Authority's website is hosted by M.I.T.T.S. Ltd. now redesignated M.I.T.A.

1.9 Purchase of a Multi-Channel Broadcast Logging Equipment for Radio Services

In December 2008, the Authority bought a new radio logging machine which is capable of recording up to 192 radio channels whether analogue or digital.

1.10 House of Representatives Select Committee on Democracy

On 31st July, 2008, the Authority wrote to the Hon. Dr. Louis Galea, B.A., LL.D., M.P., Speaker of the House of Representatives, in order to register an expression of interest in the workings of the Select Committee of the House of Representatives. As this Select Committee was to discuss broadcasting, the Authority informed the Select Committee that it was prepared to give its feedback once the Select Committee informed it which aspects of broadcasting were up for discussion.

1.11 Freedom of Information Act 2008, Act No. XVI of 2008

Parliament has on 19th December 2008 enacted the Freedom of Information Act, Act No. XVI of 2008. This Act has not yet been brought into force but when this will be the case it will apply to the Broadcasting Act in so far as its non-constitutional functions are concerned. Indeed, in terms of article 5(4)(g) of the Freedom of Information Act, this enactment does not apply to documents held by 'the Broadcasting Authority, in so far as such documents relate to its functions under subarticle (1) of article 119 of the Constitution'. This provision was not enshrined in the Bill accompanying the White Paper *Towards Greater Transparency and Accountability: The Government's Proposals for a*



Freedom of Information Act in Malta published by the Office of the Prime Minister in July 2007. Indeed, the Authority had written to the Principal Permanent Secretary on 30th July 2007 wherein the point was made that the Authority, as a constitutional body, was independent from the other organs of the state when exercising its constitutional functions. It is with great satisfaction to note that Government took on board the Authority's submissions and included the above cited wording both in Bill No. 7 dated 20 June 2008 and, eventually, in the enactment itself.



2. BROADCASTING LICENCES

2.1. Radio Broadcasting Licences

During the year under review, the following nationwide and community radio broadcasting licenses were issued by the Broadcasting Authority:

Name of Station	Duration of Licence	Valid From	Freq.	Power [watts]	Date of Issue
2008 Circuit Assembly of Jehovah's Witnesses	2 days	12/1/08	108	0.25	02/1/08
Radju Vilhena	2 years	14/1/08	106	0.5	14/1/08
Radju Hompesch	2 years	19/3/08	90	0.5	24/1/08
Radju Lauretana	1 month	02/3/08	96.5	0.5	08/2/08
Radju Vizitazzjoni	1 month	02/3/08	92.4	0.5	21/2/08
Radju Każin Banda San Filep	1 month	09/5/08	106.3	0.5	14/3/08
Lehen il-Belt Ġorġjana	2 months	01/5/08	105.6	0.5	07/4/08
Radju Festa	12 days	30/7/08	99.2	0.5	16/4/08
Radju Lehen il-Guzeppini	1 month	27/4/08	89.1	0.5	15/4/08
Lehen il-Belt Victoria	2 years	25/6/08	104	0.5	17/4/08
Tal-Gilju FM	1 month	20/5/08	95.4	0.5	28/4/08
Radio 12 th May	1 month	09/5/08	96.5	1	02/5/08
Radju Maria Bambina	1 month	16/8/08	90.2	0.5	14/5/08
Radju Gilju Rebbieh	1 month	16/6/08	105.5	0.5	14/5/08
Radio Cuore d'Italia	4 years	01/10/08			01/7/08
Radju Sant'Andrija	1 month	07/6/08	88.4	0.5	29/5/08
Radio Sacro Cuor Sliema	22 days	15/6/08	94	0.5	03/6/08
Lehen il-Karmelitani	41 days	16/6/08	101.4	1	03/6/08
Elenjani FM	1 month	25/7/08	95.8	0.5	06/6/08
Radju Margerita	1 month	01/7/08	96.1	0.5	09/6/08
Radju Marija Assunta	1 month	15/7/08	98.9	0.5	10/6/08
Christian Light	2 years	17/6/08	105.4	0.5	11/6/08
Radju San Gwann	1 month	09/7/08	96.9	0.5	11/6/08
Radju Vizitazzjoni	1 month	22/6/08	92.4	0.5	17/6/08
Banda Fgura FM	26 days	23/6/08	93.1	0.5	17/6/08
Radju Bartilmew	1 month	25/7/08	103.3	0.5	23/6/08
Radju Santa Venera	11 days	19/7/08	91.2	0.5	25/6/08
Radju Leonardo	11 days	12/9/08	105.2	0.5	02/7/08
Radju 15 t'Awissu	25 days	23/7/08	98.3	0.5	02/7/08
Radio 101	8 years	15/6/08	101		10/7/08
Radju Lauretana	1 month	03/8/08	96.5	0.5	14/7/08
Radju Santa Katarina	1 month	04/8/08	90.6	0.5	14/7/08
Kottoner 98FM	2 years	29/7/08	98	0.5	29/7/08
2008 District Convention of Jehovah's Witnesses	4 days	04/9/08	108	0.25	06/8/08
MMG FM	1 month	14/8/08	97.5	0.5	13/8/08
Smash Radio	8 years	08/6/08	104.6		30/9/08
Radio Sacro Cuor	2 years	15/11/08	105.2	0.5	02/10/08
Radju Lehen il-Guzeppini (Ghaxaq)	1 month	01/12/08	89.1	0.5	03/11/08
Lehen il-Karmelitani (Zurrieq)	1 month	01/12/08	101.4	1	03/11/08
Deejays Radio 95.6 FM	2 years	23/11/08	95.6	0.5	03/11/08
Radju Elenjani 95.8FM (B'Kara)	1 month	06/12/08	95.8	0.5	03/11/08
Radju 15 t'Awissu (Qrendi)	20 days	15/12/08	98.3	0.5	03/11/08
Tal-Gilju FM (Mqabba)	1 month	21/11/08	95.4	0.5	03/11/08
Radju Marija Assunta	1 month	03/12/08	98.9	0.5	06/11/08
Radju Santa Katarina	1 month	10/11/08	90.6	0.5	06/11/08
Radju Lauretana	28 days	08/12/08	96.5	0.5	13/11/08
Radju Marija Bambina	26 days	05/12/08	90.2	0.5	13/11/08
Radju Sant'Andrija	1 month	19/11/08	88.4	0.5	14/11/08
Radju Luminaria	2 years	14/12/08	106.9	0.5	20/11/08



Name of Station	Duration of Licence	Valid From	Freq.	Power [watts]	Date of Issue
Radju Belt Rebbieha	13 days	19/12/08	97	0.5	21/11/08
Radju Vizitazzjoni	1 month	07/12/08	92.4	0.5	02/12/08
Radju Katidral	2 years	01/12/08	90.9	0.5	03/12/08
Radju Bambina	2 years	13/12/08	98.3	0.5	03/12/08
2009 Circuit Assembly of Jehovah's Witnesses	2 days	10/1/09	108	0.25	11/12/08

2.1.1. Rebroadcasting on the Digital Radio Platform

The Authority received an application for a digital radio platform to be operated by the digital radio network operator, Digi B Networks Limited. The Authority approved a four year broadcasting content licence submitted by this company which came into effect on 1st October 2008. The platform had already been licensed by the Malta Communications Authority.

The Broadcasting Authority licence is not for a locally originating broadcasting station but for radio rebroadcasting by the digital radio network operator. Indeed, no new locally originating radio station was in fact licensed on the digital radio network to be operated by the digital radio operator but what the Authority licensed were a number of foreign rebroadcasted channels together with the simulcasting of nearly all locally originating FM radio stations. More details on these channels are provided in the Annual Report's chapter on digital radio.

2.1.2. Cuore d'Italia

The Authority approved an application for a digital radio service to be known as *Radio Cuore d'Italia* which is owned by Cuore d'Italia Limited. This station does not carry any local or foreign news but is mainly a thematic music station. Cuore d'Italia provides a 24 hour Italian music station with interaction with the listeners through the telephone. Operating through the Digi B Networks platform via a micro-wave link, it is the first in Malta to provide such specialized content. It is also the first locally originating digital radio station to broadcast on the digital platform. It airs programmes like *San Remo*, *Anni D'Oro* and other Italian music targeting lovers of Italian music of every age.

2.1.3. Gozo Digital Radio

The Authority received during the year under review an application for a second digital radio service to be known as *Gozo Digital Radio*. This new radio station will transmit various genres of music. It will not carry any local or foreign news but is mainly a thematic music station broadcasting from the sister island of Gozo. The Authority is still awaiting for additional information from the station before it can conclude the licensing procedures.



2.1.4. Christian Light Radio

Christian Light Radio applied for the renewal of its community radio licence as per standard procedure and in addition it requested the Authority's permission to simulcast its programmes on the DAB+ platform in terms of regulation 12 of the Digital Radio Broadcasting Regulations 2007. A new application was submitted by Christian Light Radio for this purpose and was approved by the Authority. Christian Light Radio is the first and sole community radio station which is broadcasting on the digital platform and which has availed itself of this concession intended to permit community radio stations to move on to the digital platform.

2.2. Nationwide Television Stations

During 2008, the Authority licensed two cable television stations, *Family Television Network* and *Favourite Channel TV*. It did not however renew the broadcasting license of U TV which was broadcasting on the GO digital terrestrial television platform and by the year's end was still awaiting U TV to provide it the necessary details as to which platform it was going to be carried before the Authority could continue processing the station's fresh application.

2.2.1. Family Television Network

Family Television Network is a cable television channel owned by Far-Fetched Media Ltd. The objects for which the company was established particularly include audio, video and audio-visual broadcasting in general, the provision of media related services, sale of media advertising, radio and television.

Programming on the Family TV Network is mainly dedicated to provide family oriented, educational and entertainment programming which include a breakfast show, magazine as a programme for children, news, three hours of teleshopping, sports and discussion programmes. *Family TV Network* began regular transmissions on 6th October 2008.

2.2.2. Favourite Channel

Favourite Channel is also a cable television channel which began test transmissions in November 2008 and regular transmissions in January 2009. Owned by F Media Limited, its programming consists of a mix of news, newspapers analysis, sports, teleshopping, kids show, quiz time, breakfast shows and talk shows, drama and cinema commentaries, week-end shows and a religious programme on Sunday. This channel's target audience consists of all components of the Maltese family and hence the programme mix has been devised to cater for all persons within the social unit.

2.2.3. U TV

On 30 September 2008, U TV's one year license lapsed. U Communications Limited applied for a renewal of that licence. The Authority noted that it was not in a position to renew U TV's



broadcasting licence. Even when it was discussing the licence renewal, U TV was still facing serious technical problems, was not adhering to the programme schedule in terms of the broadcasting licence, and programme monitoring reports were indicating serious breaches of broadcasting law.

The Authority further noted that U TV had one whole year within which to address these problems and that during this period it had unsuccessfully drawn the station owner's attention to them but, notwithstanding, the station did not comply with its Promise of Performance as required by law. The Authority was however inclined to accept a fresh application from U TV after the station provides it with a plan which satisfies the Authority that the technical and programme quality would increase substantially, after the station would have in place adequate managerial and financial structures and demonstrates a strong commitment guaranteeing quality programming standards. U TV ceased broadcasting in the first week of October 2008. Currently, the Authority is waiting to be informed by U TV on which platform will this station be broadcast if the Authority were to approve the new application for a television broadcasting licence.

2.3. Satellite Television

BuzzTV Limited, a company registered in Malta bearing company registration number C44481, applied to the Broadcasting Authority to be issued with a satellite television licence. Currently, as the Broadcasting Act stands, it is the Minister responsible for communications who is empowered to issue such a licence unless he delegates such a function to the Broadcasting Authority as he had already done on a previous occasion even though on such occasion the application was not filed with the Authority and consequently, no licence was issued. The Malta Communications Authority wrote to the Minister requesting an instrument of delegation to that effect and by means of Legal Notice 175 of 2008, the Minister for Infrastructure, Transport and Communications empowered the Broadcasting Authority to issue on behalf of Government a licence to the company BuzzTV Limited to broadcast, via satellite, a television programme service. Following discussions with BuzzTV Ltd., a satellite broadcasting licence was issued by the Broadcasting Authority on 11th July 2008.

BuzzTV Ltd.'s uplink is sited in Slovenia and is operated by Satellite Telecommunications Network. BuzzTV is using a Eutelsat Hotbird satellite. As to programming, Buzz TV is providing a range of quality, factual, sports and entertainment programming, including music videos and films, for a target young audience.

2.4. Pending Television Applications

At year's end, the Authority had three pending nationwide television applications: one from Alternattiva Demokratika who seemed to have lost interest completely in their application; U TV



which had submitted an application for renewal but had it turned down by the Authority although the Authority informed the applicant that it would be willing to consider a fresh application if certain measures were taken by the station, and a new application for a music television station. In so far as this latter application is concerned, it was filed with the Authority in early December 2008 and at year's end the Authority was still processing it.

3. DIGITAL RADIO AND COMMUNITY RADIO STATIONS

3.1. Community Radio Stations

Since the Authority beefed up its Programme Monitoring Department by the recruitment of five Monitoring Officers in late 2007, it has had the opportunity to focus more specifically on programme content aired by community radio stations which unfortunately were not given the necessary attention they deserved in previous years. During the year under review, various charges were issued against community radio stations which are reported in the chapter of this Annual Report dealing with Administrative Offences.

3.1.1. Long-Term Community Radios

Following discussions with the Malta Communications Authority, the Broadcasting Authority concluded a revision of its policy on long-term community radio stations. Hence with effect from Monday, 10th November 2008, the Broadcasting Authority began to receive applications for long-term community radio stations, thereby lifting the moratorium which has existed on the issuing of licenses of community radio stations. The Broadcasting Authority invited applications for a license for a long-term community radio up till Friday 28th November, 2008. In all the Authority received six applications out of which five of which were approved by year's end whilst the sixth was still in the process of being determined.

The text of the call for applications is found in Appendix II.

3.1.2. Policy on Short-Term Community Radio Licences

On 17th September 2008, the Authority clarified its own policy on short-term community radio licenses as follows:

1. Short-term community radio licenses will not be issued for a term that exceeds one month.
2. The station's programme schedule should focus on the particular event for which the license is sought such as in the case of a parish feast, a philanthropic, charitable or cultural event, etc.
3. The Authority will not normally entertain applications where the requirements of the particular event in respect of which a request for a short-term licence is made are already catered for by an existing long-term community radio station.

3.2. Digital Radio

The Authority approved the licensing of rebroadcast digital radio stations on the digital radio (DAB +) Platform. The latest position at year's end was that the Authority has authorised the rebroadcasting of 36 foreign digital radio stations, the simulcasting of 12 nationwide analogue radio



stations and of one community radio station on the digital radio platform which intends to start broadcasting as a nationwide digital radio. There are also two new digital radios on the DAB + Platform, one which is already broadcasting and another in the process of being licensed. The relative details are found hereunder:

A. Foreign Rebroadcast Radio Stations on the DAB + Platform	
BBC WS	BBC World Service
WRN	World Radio Network
VOA	Voice of America
The Dance Syndicate / The Drum & Bass Collection	Dance Music
Elektronika	Dance
Deutsche Welle	German station
RAI Stereo 1/2/3/ International	Public Service
Classic II	Classic Music
Black Magic	R & B Music
The Country Club	Country Music
The Rock / Mojo / Go Mojo Plus	Rock Music
Past Magic	Old Time Radio
XFM (London)	GCAP Station
Capital 95.8	GCAP Station
Fun Radio	GCAP Station
Italo Music	Italian Oldies Music
Magic 80s	Top 80 Hits
ReteSport	Sports
Vatican Radio	Religious
Classic Choice	Classic Music
The Riff	Rock Music
Groove	60's / 70's
Pump	80's / 90's
Big Country	Country Music
Folk	Folk Music
MMB	Ethnic Music
Radio Padre Pio	Religious
Radio Kiss Kiss	Italian Station
Radio DeeJay	Italian Station
Iso Radio	RAI Service
Blu Sat 2000	RAI Service
Go Extreme	Alternative rock and pop
TOTAL 36	
B. Simulcasted FM Radio Stations on the DAB + Platform	
Super One Radio	
Radio 101	
Bay Radio	
Calypso Radio	
RTK	
Smash Radio	
Campus FM	
Radju Parlament	
Magic Radio	
Radju Malta	
Radju Marija	
Capital Radio	
TOTAL: 12	

At year's end, PBS Ltd. and Radju Marija were still in the process of concluding the relative carriage agreement with the digital radio operator, Digi B Networks Ltd.



C. Simulcasted Community Radio Stations on the DAB + Platform
Christian Light Radio
D. Sole Ownership Digital Radio Stations on the DAB + Platform
Cuore D'Italia
Gozo Digital Radio

Although the Authority had discussed the application of *Gozo Digital Radio*, the latter had still to provide the Authority with additional information before the relative broadcasting licence could be issued.

Test transmissions on the digital platform commenced on 1st July, 2008 and regular transmissions started on 1st October, 2008.

3.2.1. *Digital Radio Broadcasting (Amendment) Regulations, 2008*

The Digital Radio Broadcasting (Amendment) Regulations, 2008 moved forward by one year the date of entry into force of the original regulations, that is, from 1st October 2007 to 1st October 2008 due to the fact that the digital radio platform commenced broadcasting with effect from 1st October 2008 and not on 1st October 2007 as originally envisaged.



4. CONSULTATION DOCUMENTS

4.1 Consultation Document Proposing Guidelines on Quality Programming.

In March 2006 Ernst & Young Limited submitted a report to the Media Desk within the EU Affairs Directorate of the Ministry for Tourism and Culture which consisted in an analysis of focus group discussions which dealt with quality programming. The report lists a number of themes which participants mentioned as being essential for good quality programming. Participants' comments were summarised under a number of themes. Based on this report and after having sought the approval of Ernst & Young Limited to transform the contents of that report in guidelines for good quality programming, the Authority published draft guidelines seeking any feedback thereon.

Essentially the *Consultation Document Proposing Guidelines on Quality Programming* identified the following characteristics of a quality programme:

- A quality programme must have interesting topics.
- A quality programme is informative and educational.
- A good programme is fair and balanced.
- A quality programme can be humorous and witty.
- A quality programme is realistic.
- A quality programme has sound values.
- A quality programme has a good script.
- A quality programme has a good presenter.
- A quality programme has good camera work, light and sound.
- A good quality programme should not have any advertisements and should not be "stretched out".
- A good quality programme respects people.
- A good quality programme is original.
- A good quality programme has an informed panel.

These characteristics are, in turn, elaborated upon in the consultation document. A copy of the Consultation Document is found in Appendix III of this Report.

The closing date for receipt of feedback was established for Friday, 30th May, 2008. Unfortunately, the feedback received was very scant, and thus the Authority was of the opinion that prior to approving these guidelines it ought to organize a seminar. This seminar will be held in 2009.



4.2. Consultation on Sponsorship Rules

By means of Circular to Broadcasting Stations 25/08, the Authority consulted stations on amendments it was proposing to sponsorship rules. Indeed, Circular 20/05 dated 18th March 2005 provided that:

- “(2) 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 terms of paragraph 13 of the Third Schedule, a period of at least 20 minutes must elapse between each successive advertising break within a programme. During such interruption of a programme it is allowed to identify a sponsor of a programme.*
- (3) A segment (rokna) of a programme can be sponsored but mention of the segment’s sponsor can take place only as stated in paragraph 2 above, that is, during one advertising break per segment.”*

In its consultation document, the Authority was considering changing these two paragraphs to read as follows:

- “(2) 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 terms of paragraph 13 of the Third Schedule, a period of at least 20 minutes must elapse between each successive advertising break within a programme. During such interruption of a programme it is allowed to identify a sponsor of a programme.*
- (3) In the case of magazine programmes only, which consist in more than one segment (rokna) dealing with different subject matters, a segment of a programme can be sponsored but mention of the segment’s sponsor can take place only at the beginning and at the end of a segment (rokna).” Each mention should not exceed a maximum of ten seconds and during a given clock hour broadcasters should ensure that if they elect to apply this paragraph or to apply paragraph 2 and this paragraph together, there still should not be more than 6 such mentions within a given clock hour.”*

The Authority welcomed feedback on the proposed change by Friday, 4th July 2008. After it received the relative feedback, the Authority by means of Circular 39/08 of 19th September 2008 decided to review Circular 20/05 and approved the following new rules which came into force on 1st October 2008. The Authority substituted paragraphs (2) and (3) above to read as follows:

- “(2) 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 terms of paragraph 13 of the Third Schedule, a period of at least 20 minutes must elapse between each successive advertising break within a programme.*



During such interruption of a programme it is allowed to identify a sponsor of a programme.

- (3) *In the case of magazine programmes only, which consist in more than one segment (rokna) dealing with different subject matters, a segment of a programme can be sponsored but mention of the segment's sponsor can take place only at the beginning and at the end of a segment (rokna). Each mention should not exceed a maximum of ten seconds and during a given clock hour broadcasters should ensure that if they elect to apply this paragraph or to apply paragraph 2 and this paragraph together, there still should not be more than 6 such mentions within a given clock hour.*
- (4) *For the purposes of paragraph (3) above, a magazine programme is a programme which consists of different segments dealing with diverse subjects."*

4.3. Consultation on Lack of Separation and Surreptitious Advertising

On 25th June 2008, Circular 29/08 launched a consultation document aimed at clarifying the interpretation of paragraphs 4 and 9 of the Third Schedule of the Broadcasting Act on the lack of separation between editorial content and advertising and on surreptitious advertising. In its introductory note to the consultation document, the Authority affirmed that it was and continued to be worried about the substantial amount of charges which had been issued by the Chief Executive for breaches of paragraphs 4 and 9 aforesaid. Paragraph 4 reads as follows:

"Advertising and teleshopping shall be readily distinguishable as such and kept quite separate from the other parts of the programme service by optical and acoustic means. Isolated advertising and teleshopping spots shall remain the exception."

Article 9 reads as follows:

"Surreptitious advertising shall be prohibited."

The Authority felt the need to explain how it was going to interpret these provisions and hence the Chief Executive had on 10 December 2007 issued Circular 57/07 to all broadcasting stations. This notwithstanding this Circular did not produce the desired effects and therefore the Authority proposed during 2008 to provide a more comprehensive interpretation of these two paragraphs of the law. This interpretation was given without prejudice to the general provisions of paragraphs 4 and 9 aforesaid:

"(i) whoever is invited to participate in an information slot during a programme must be an "independent" person, in the sense that such person is not in any way associated with an entity which is sponsoring the programme or a slot within that programme or which is advertising in that programme. For this purpose, the Authority intends to give an extensive interpretation as to what constitutes the informative part of a programme.



For instance, a programme on the preparation of food is considered to be an informative slot.

(ii) a presenter of a programme may not take part in an advertisement which promotes a product or service of the same genre as that presented during the information slot of a programme. This notwithstanding, the presenter may appear, even during the same programme, in an advertisement which is promoting a different genre of product or service and this only if that slot has been pre-recorded.

(iii) the set used for the information slot cannot be the same set used for the advert which is aired after the information slot has finished

(iv) the product or service which is advertised after an information slot cannot be the same product or service mentioned in the information slot.

(v) no reference may be made during the advertisement to a product or service which has been shown during the information slot.

(vi) no reference may be made during the information slot to any product or service which are going to be mentioned in the advertisements which follow the information slot.

(vii) the advertisement has to be pre-recorded.

(viii) there are certain events which, although they involve entities of a commercial nature, are newsworthy. In these cases the Authority finds no difficulty if these events are covered during a news bulletin once the presentation of the news is informative and is not promotional. In this regard, reference is made to paragraph 11 of the Requirements as to Standards and Practice Applicable to News Bulletins and Current Affairs Programmes, Subsidiary Legislation 350.14. However, the inclusion of these events in discussion or current affairs programmes would probably be more of a promotional rather than information nature and therefore in this case the Authority is of the view that such inclusion would be in breach of paragraphs 4 and 9 of the Third Schedule to the Broadcasting Act."

Feedback on the consultation document had to be received by 1st August 2008 and following further discussion the Authority issued Circular 41/08 on 25th September 2008 which provides for the following:

"(i) whoever is invited to participate in an information slot during a programme must not be a person who is in any way associated with an entity which is sponsoring the programme or a slot within that programme or which is advertising in that programme. For this purpose, the Authority intends to give an extensive interpretation as to what constitutes the informative part of a programme. For instance, a programme on the preparation of food is considered to be an informative slot.

(ii) a presenter of a programme may not take part in an advertisement which promotes a product or service of the same genre as that presented during the information slot of a programme. This notwithstanding, the presenter may appear, even during the same

programme, in an advertisement which is promoting a different genre of product or service.

(iii) the set used for the information slot cannot be the same set used for the advert which is aired after the information slot has finished.

(iv) the product or service which is advertised after an information slot and in the first batch of advertisements cannot be the same product or service mentioned in the information slot.

(v) no reference may be made during an advertisement to a product or service which has been shown during an information slot.

(vi) no reference may be made during an information slot to any product or service which are going to be mentioned in an advertisement which follows the information slot.

(vii) there are certain events which, although they involve entities of a commercial nature, are newsworthy. In these cases the Authority finds no difficulty if these events are covered during a news bulletin once the presentation of the news is informative and is not promotional. In this regard, reference is made to paragraph 11 of the Requirements as to Standards and Practice Applicable to News Bulletins and Current Affairs Programmes, Subsidiary Legislation 350.14. However, the inclusion of these events in discussion or current affairs programmes would probably be more of a promotional rather than information nature and therefore in this case the Authority is of the view that such inclusion would be in breach of paragraphs 4 and 9 of the Third Schedule to the Broadcasting Act.”

Paragraphs (i) and (ii) of this interpretation came into force on 1st January, 2009 whilst the remaining paragraphs were already in force, except for paragraph (vii) which is a clarification, through circular 57/07 of 10th December 2007.

4.4. Consultation Document: Media Concentration

Another consultation document issued by the Broadcasting Authority during 2008 was that on media concentration. The latter is currently regulated by article 10(6) of the Broadcasting Act which made the following points with regard to the current legal provision found in article 10(6) of the Broadcasting Act:

“(6)(a) No organization, person or company may own, control or be editorially responsible for more than –

(i) one terrestrial or cable, radio broadcasting service; and

(ii) one terrestrial or cable, television broadcasting service; and

(iii) one terrestrial or cable, radio or television broadcasting service devoted exclusively to teleshopping:

Provided that the Government may, through a company designated by the Minister, by notice in the Gazette, as a company providing public broadcasting services, own, control, or be editorially responsible for any number of broadcasting services:

Provided that that the Government may not own any broadcasting services or participate in their ownership other than through such company, and that no other company in which the Government has a controlling interest may own voting shares in a company providing any broadcasting services.

(b) For the purposes of this subarticle the simultaneous transmission of the same broadcasting service by cable and terrestrially shall be considered as one broadcasting service.

(c) For the purposes of a licence for a television broadcasting service, until such time as regulations are made in terms of article 35, the Fourth Schedule to this Act shall mutatis mutandis be applicable also to a television broadcasting service.”

4.4.1. Historical Background

Following the enactment of the Broadcasting Act in 1991, it was only possible for a limited liability company to own only one radio or one television station. This provision was amended in 1993 to enable the same company to own both a radio service and a television service. In 2000, the provision was amended again to permit the same company to own one radio service, one television service and one radio or television broadcasting service devoted exclusively to teleshopping.

In so far as the Government is concerned, it empowered the Government – through a company designated as a company providing public broadcasting services – to own, control or be editorially responsible for any number of broadcasting services.

Whilst a limit as to the number of broadcasting stations which could be owned, controlled or editorially responsible for was imposed on the private sector, no such corresponding limit has been imposed on the Government.

4.4.2. The Current Scenario

In so far as the Government is concerned, it owns through Public Broadcasting Services Limited:

TVM

Radju Malta

Radju Parlament / 106.6

Magic Radio.

PBS Ltd. is also editorially responsible for Education 22.



In so far as the private sector is concerned, there are only 3 companies which own more than one broadcasting service. These are:

MediaLink Communications Limited – Radio 101 and Net TV

One Productions Limited – Super One Radio and One TV

Smash Communications Limited – Smash Radio and Smash Television.

Other companies own either one radio service or one television service or one television teleshopping service.

One must also bear in mind that both the cable operator and the digital terrestrial television operator are also licensed as broadcasters and have locally originating television stations.

4.4.3. The Rationale of Media Concentration

Media concentration takes place when one media organization commands a large portion of a particular medium such that there may be a concern of development of an editorial concentration within that medium to the extent that the end result would be only one view or opinion propounded by that medium thereby suffocating freedom of expression and aborting diverse views or opinions. What is sought to be avoided is the possibility of permitting media organizations to be in a dominant position in the market as this brings about a potential abuse of power.

4.4.4. The New Media Landscape

Article 10(6) of the Broadcasting Act was conceived at a time when media was not yet convergent, where frequencies were a scarce resource and where there was only one dominant medium – the broadcasting medium. With advancements in technology this scenario has changed. Frequencies in the digital era have multiplied to such an extent that from one analogue frequency it is possible to broadcast between six to eight digital television stations and up to 12 digital radio stations. Not only so but technology is developing to such an extent that on the digital radio platform it is possible to accommodate up to 40 digital radio stations per frequency. Apart from digital radio and digital television which allow compression of bandwidth to permit a greater number of radio and television services, other media have emerged which carry broadcasting services. Such is the case with the internet where, it is anticipated, that Internet Protocol will develop at a fast rate in the very near future offering radio and television services on the internet; mobile radio and mobile television whereby it is possible to hear radio services and watch television programmes on a mobile phone. This apart from other media which provide audiovisual content such as video-on-demand and pay-per-view. Satellite radio and satellite television is also another distributor of radio and television services in addition to analogue, digital and cable platforms.

4.4.5. Reviewing the Currently Obtaining Provision

In the light of the recent technological development and those which are anticipated, the end result will be a multiplicity of radio and television services which, because of their numerical abundance,



have made the current legal regime anachronistic. Suffice it to say, for instance, that there are already 6,000 internet radios available only on one medium. This notwithstanding, it must be acknowledged that the time has not yet come to remove entirely media concentration provisions for these are still relevant in a democratic society which respects freedom of expression as a fundamental freedom enjoyed in Malta through the Constitution of Malta, the European Convention of Human Rights and Fundamental Freedoms and the Broadcasting Act.

4.4.6. Media Concentration in the 21st Century: A New Dimension

Various countries have moved from the old model – that of having media concentration rules on their statute book – to the new model which has removed such restrictions thereby leaving it up to competition law to regulate such matters. Such is the case of the Czech Republic, Denmark, Finland, Lithuania, Spain and the United Kingdom. What is being suggested here, however, is to retain the extant media concentration rules in article 10(6) aforesaid of the Broadcasting Act but updating them to present day needs in order to encourage take-up over different transmission platforms. What is being proposed is as follows:

- (a) in so far as generalist radio and television stations are concerned the rules should for the time being remain the same as they currently obtain as explained above; and
- (b) in so far as specialist radio and television stations are concerned the rules should be changed to permit one company to own, control or be editorially responsible for up to six radio and three television channels only when these are niche stations. As niche stations, they will be considered to be commercial stations. This would apply in the case of satellite radio and television; cable radio and television; digital radio and television; digital terrestrial radio and television; and mobile radio and mobile television. These rules apply only to locally originating channels and not to retransmitted channels. However, the expression “niche stations” should not be interpreted to include the following programme genres: news bulletins, current affairs and discussion programmes: these programmes should continue to be considered as falling within the ambit of generalist stations’ programme schedules.

Finally, it is to be borne in mind that Government, in the transposition of the new Audiovisual Media Services Directive, might need to revisit this provision in so far as non-linear services are concerned.

4.4.7. Proposed amendment to Article 10 of the Broadcasting Act

In its consultation document the Authority was proposing that Article 10 of the Broadcasting Act be substituted by the following:

- “(6)(a) No organization, person or company other than the Government may own, control or be editorially responsible for more than –*
- (i) one terrestrial or cable, radio broadcasting service; and*
 - (ii) one terrestrial or cable, television broadcasting service; and*



(iii) one terrestrial or cable, radio or television broadcasting service devoted exclusively to teleshopping:

(b) The Government may, through a company designated by the Minister, by notice in the Gazette, as a company providing public broadcasting services, own, control, or be editorially responsible for any number of broadcasting services:

Provided that that the Government may not own any broadcasting services or participate in their ownership other than through such company, and that no other company in which the Government has a controlling interest may own voting shares in a company providing any broadcasting services.

(c) For the purposes of this subarticle the simultaneous transmission of the same broadcasting service over different transmission platforms shall be considered as one broadcasting service.

(d) For the purposes of a licence for a television broadcasting service, until such time as regulations are made in terms of article 16B, the Fourth Schedule to this Act shall mutatis mutandis be applicable also to a television broadcasting service.

(e) Notwithstanding the provisions of the foregoing paragraphs, it shall be possible for the same organization, person or company, including the Government through the company mentioned in paragraph (b) above, to own, control or be editorially responsible for more than one terrestrial or cable radio broadcasting service and one terrestrial or cable television broadcasting service where such services are not generalist stations but niche channels. In such case, it shall be possible for the same organization, person, company, including the Government through the company mentioned in paragraph (b) above, to own, control or be editorially responsible for:

- (a) up to six niche radio broadcasting services; or*
- (b) up to three niche television broadcasting services; or*
- (c) up to six niche radio broadcasting services and three niche television broadcasting services:*

Provided that for the purposes of this article, the expression “niche” in relation to radio and television broadcasting shall not include the following programme genres: news bulletins, current affairs programmes and discussion programmes, and other programmes which might include elements of news bulletins, current affairs programmes and discussion programmes.”



It was further proposed that consequential amendments will have to be made to the Digital Radio Broadcasting Regulations, 2007 to be brought in line with the above proposed amendment to the Broadcasting Act.

4.4.8. Feedback

Feedback to this Consultation Document had to be received by 31st July 2008. By year's end that Authority had gone through the said feedback and was awaiting Government to launch its decision on the general interest objectives so that it could propose within that framework amendments to the Broadcasting Act on media concentration.

4.5. Revision of Broadcasting Authority Requirements as to Standards and Practice applicable to News Bulletins and Current Affairs Programmes

Another consultation document issued in 2008 by means of Circular 33/08 dated 11th August 2008 by the Broadcasting Authority was that concerning the News and Current Affairs Requirements.

4.5.1. Background

In May 2004, following a lengthy process of consultation, the Broadcasting Authority had issued a set of guidelines on the production of news bulletins and current affairs programmes for the purpose of self regulation by local broadcasting stations. However, it eventually became clear that the expected result was not being achieved and accordingly, following another process of consultation held during the last quarter of 2006, the Authority adopted a revised set of Requirements, several sections of which were codified into Maltese subsidiary legislation. These sections consist of provisions which are generally intended to promote good ethical behaviour in the production of news bulletins and current affairs programmes. These provisions address various subjects, including rights of respect and privacy, children's rights, the use of hidden microphones and cameras, the recording of telephone interviews and the use / editing of interviews.

Legal provisions on impartiality and due accuracy in the local broadcasting media have long been in existence in virtue of article 119 of the Constitution of Malta and of article 13 of the Broadcasting Act and it was, therefore, then not deemed necessary to codify into Maltese subsidiary legislation also those sections of the Requirements which essentially constitute an elaboration of these already existing legal provisions. Moreover, article 13 of the Broadcasting Act enables the Broadcasting Authority, in the exercise of its responsibilities to ensure due impartiality in the broadcasting media, *'to consider the general output of programmes provided by the various broadcasting licensees and contractors, together as a whole'*, although this proviso cannot be applied to public broadcasting services. In fact, successive Boards of the Authority, in dealing with news bulletins and current affairs programmes produced by the politically owned broadcasting stations, have opted to be guided by this enabling provision. However, it is obvious that local public opinion is generally not sympathetic to such an approach.



Although, over the past year, the Authority has sought to enforce the applicable provisions of the above-mentioned requirements (which seek to promote good ethical standards), even in the case of the politically owned stations, this has not in effect helped to reduce the excessive political slant in news bulletins and current affairs programmes produced by the latter stations and, also in this case, it is evident that public opinion is not satisfied with the prevalent situation. The Authority was therefore proposing to revise these Requirements and to codify into Maltese subsidiary legislation also section 4 of the Requirements dealing with 'News Bulletins'. These provisions would apply to all broadcasting stations, irrespective of their ownership.

The Authority, of course, cannot and should not impinge on the broadcaster's right to produce news items about any subject or issue he/she chooses, although this freedom of choice is always subject to the fulfilment of the obligations to ensure fairness and respect for truth. However, in the local broadcasting scenario and in the particular case of the politically owned stations, it is very often the choice of subject which substantially contributes to the existing level of political slant and it will therefore also very much depend on the discretion actually exercised by the editorial structures of these stations as to whether an acceptable level of impartiality and balance will be achieved.

4.5.2. Proposed Amendments to the News and Current Affairs Requirements

The amendments that were proposed by the Authority to the above-mentioned Requirements in brief are the following:

- i) the definition of 'news', under section 2.1 (Definitions and Interpretations) was being amplified so that a news item which is essentially only a repetition of an item already featured in a previous edition of a news bulletin could be justified for inclusion in a subsequent news bulletin;
- ii) section 4 (News Bulletins) was to be codified into Maltese subsidiary legislation in its entirety. Moreover, section 4.1 was to be amplified to make it clearer that opinions and comments on news items would only follow an accurate report on the facts, and that such opinions and comments would respect the requirements listed in Section 2.1.3 (Definitions and Interpretations) of the Requirements;
- iii) two of the provisions under Section 12 (Current Affairs Programmes) of the Requirements were to be amplified.

Section 12.1, which deals with the content of current affairs programmes, was to make it clear that *"a series of current affairs programmes should be balanced with a diversity of topics, including topics of a social, cultural, educational, environmental, economic, industrial and political nature, as well as other subjects of general interest. Where the topics selected address issues of political or industrial controversy or of current public policy, the broadcaster is to ensure that, at least over a series of programmes, the*

selected topics adequately reflect the current debate affecting the whole political spectrum in the country.”

Section 12.5, which deals with the choice of participants in current affairs programmes, was to specifically make it clear that *‘where the subject matter refers to an issue of political or industrial controversy or addresses public policy, participation in the programme should reflect a balanced and adequate representation of all the interested parties, political or otherwise’* and that *‘the use of audiovisual material, including clips and features, in such programmes should reflect in a balanced manner the views of all the parties concerned. Where the programme involves the active participation of an audience, the audience selection process should, to the extent possible, ensure that the audience is composed of persons with divergent views’*;

- iv) the ancillary and supporting provisions included under Section 2 (Definitions and Interpretations), Section 8 (Integrity and Responsibility of the Broadcaster), Section 20 (Application of Requirements) and Section 21 (Editor for the Purposes of these Requirements) were to be codified into Maltese subsidiary legislation. This meant, in effect, that, with the exception of Sections 17-19 of these Requirements, which specifically refer to the public service broadcaster, the Requirements were to be fully enforceable. The Authority had legal advice to the effect that Sections 17-19 could not be enforced by the Authority itself.

4.5.3. Responses to the Consultation Document

The Broadcasting Authority welcomed any comments by interested broadcasters on the proposed revision of these Requirements by Friday, 12th September 2008. The Authority, however, did not consider it necessary or appropriate to revise the current provisions of these Requirements and comments had to be limited to the proposed revision.

Following a consultation process, the Authority approved amendments to the above-mentioned Requirements. In brief they are the following:

- i) the definition of ‘news’, under section 2.1 (Definitions and Interpretations) is being amplified so that a news item which is essentially only a repetition of an item already featured in a previous edition of a news bulletin cannot be justified for inclusion in a subsequent news bulletin;
- ii) section 4 (News Bulletins) is to be codified into Maltese subsidiary legislation in its entirety. Moreover, section 4.1 will be amplified to make it clearer that opinions and comments on news items should only follow an accurate report on the facts, and that such opinions and comments should respect the requirements listed in Section 2.1.3 (Definitions and Interpretations) of the Requirements;



- iii) two of the provisions under Section 12 (Current Affairs Programmes) of the Requirements are being amplified.

Section 12.1, which deals with the content of current affairs programmes, will now make it clear that *'a series of current affairs programmes should be balanced with a diversity of topics, including topics of a social, cultural, educational, environmental, economic, industrial and political nature, as well as other subjects of general interest. Where the topics selected address issues of political or industrial controversy or of current public policy, the broadcaster is to ensure that, at least over a series of programmes, the selected topics adequately reflect the current debate affecting the whole political spectrum in the country.'*

Section 12.5, which deals with the choice of participants in current affairs programmes, will now specifically make it clear that *'where the subject matter refers to an issue of political or industrial controversy or addresses public policy, participation in the programme should reflect a balanced and adequate representation of all the interested parties, political or otherwise'* and that *'the use of audiovisual material, including clips and features, in such programmes should reflect in a balanced manner the views of all the parties concerned. Where the programme involves the active participation of an audience, the audience selection process should, to the extent possible, ensure that the audience is composed of persons with different views';*

- (iv) the ancillary and supporting provisions included under Section 2 (Definitions and Interpretations), Section 8 (Integrity and Responsibility of the Broadcaster), Section 20 (Application of Requirements) and Section 21 (Editor for the Purposes of these Requirements) will also be codified into Maltese subsidiary legislation. This means, in effect, that, with the exception of Sections 17-19 of these Requirements, which specifically refer to the public service broadcaster, the Requirements would be fully enforceable. The Authority has legal advice to the effect that Sections 17-19 cannot be enforced by the Authority itself.

These Requirements entered into force on 1st November, 2008 and are reproduced in Appendix IV to this Report.

4.6 Consultation Document on the Draft Broadcast Distribution Services Regulations and the Cable Systems (General) (Amendment) Regulations, 2008

Following the approval by Parliament of the Communications Laws (Amendment) Act, 2007, the Malta Communications Authority and the Broadcasting Authority met to draft a consultation

document on two draft legal notices intended to give effect to the amendments made by Parliament to the said enactment.

Following consultations with the Malta Communications Authority and the Office of the Attorney General, the Broadcasting Authority proposed to Government to amend one provision in the Broadcasting Act, Chapter 350 of the Laws of Malta, namely article 16B which deals with digital radio. The reasons and objectives of this proposed amendment was to widen the scope of article 16B of the Broadcasting Act to empower the Broadcasting Authority to license broadcasting content not only on digital radio but even on other electronic communications networks which provide broadcasting content such as the cable network, digital terrestrial television stations and non-linear audiovisual media services.

This amendment was intended to:

- (a) ensure technology neutrality in so far as the regulation of programme content on diverse electronic communications networks are concerned. This is a requirement of the E.U. Telecommunications acquis and hence Malta will be complying with the principle of technology neutrality in its broadcasting legislation as well;
- (b) to ensure that all programme content, irrespective of the network on which it is broadcast, is regulated uniformly and consistently by the Broadcasting Authority. This is indeed a better regulation requirement as it cuts down on the bureaucracy involved, e.g. the same regulator will regulate broadcasting content in a more holistic fashion, one application form can be drawn up which will be applicable for any type of broadcasting content, irrespective of the network upon which that same content is aired;
- (c) to ensure that in so far as broadcasting content is concerned, the provisions of the Broadcasting Act are applied consistently to all networks by the Broadcasting Authority;
- (d) to legislate the current *modus operandi* in terms of which the Broadcasting Authority regulates broadcasting content and issues the relevant broadcasting content licences to broadcast on all electronic communications networks whilst the Malta Communications Authority regulates and licenses all technical matters on the said networks. Since the Malta Communications Authority came into being a few years ago, there has been a healthy working relationship established wherein both authorities consult each other on matters of mutual interest and a clear separation of duties as explained above has been devised and applied. In this way the Malta Communications Authority will continue to license cable and digital terrestrial networks whilst the Broadcasting Authority will license their programme content;
- (e) to prepare the way forward for the regulation of programming content on non-linear audiovisual media services as approved in the revision of the European Union's



- Television Without Frontiers Directive. In this way, Malta can prepare itself for the transposition of the said amendments into the Broadcasting Act as early as possible;
- (f) to enable different laws on our statute book to be able to speak to each other whilst using the same terminology, thereby bringing about consistency in the nomenclature used. For this purpose the expression “network” in the Broadcasting Act is being defined by reference to the Electronic Communications (Regulation) Act 2007 so that both laws use the same terminology and thus bring about a more harmonious relationship between the two laws in question.

This amendment was adopted by Parliament through Part III, articles 19 and 20, of the Communications Laws (Amendment) Act, 2007 – Act No. XXX of 2007. It is envisaged that a legal notice will be published by the Prime Minister in the near future to bring this amendment into force. In the meantime, the Authority in conjunction with the Malta Communications Auth drew up draft regulations for consultation in order to implement the provisions of the amended article 16B of the Broadcasting Act.

In order to give effect to the above-mentioned amendments to the Broadcasting Act, both Authorities will soon issue a consultation document to make two legal notices as follows:

- a) the Broadcast Distribution Services Regulations, 2009; and
- b) the Cable Systems (General) (Amendment) Regulations, 2009.

4.7 General Interest Objectives

The Malta Communications Authority had taken the lead to draft a document for digital broadcasting that meets general interest objectives. In doing so, it consulted the Broadcasting Authority and the Minister of Education, Culture, Youth and Sports. Various meetings were held during 2008 between the three parties concerned until the agreed proposals were submitted for Cabinet’s approval. In late 2008, Cabinet approved a *Policy and Strategy for Digital Broadcasting that meets General Interest Objectives*. This document was launched on Friday, 6th February 2009 and a copy thereof is available on the Broadcasting Authority’s website.

5. BROADCASTING LEGISLATION

5.1. Prohibition of Publication of Information concerning Adoptions in Broadcasts

The Authority had amended in 2007 its *Requirements as to Standards and Practice Applicable to Participation in Media Programmes of Vulnerable Persons* to prohibit, *inter alia*, programmes aimed at establishing the identity of the natural parents of children, including adopted ones. Moreover, programmes or parts thereof related to adoption have to be aired after the 9.00 p.m. watershed. The same applies to programme promotions. Since then, the legislator has taken action to tighten up the provisions of the Civil Code. Article 128A of the Civil Code was added to this Code very recently by means of amendments made to the Civil Code by article 41 of Act No. IV of 2008, the Adoption Administration Act, now Chapter 495 of the Laws of Malta. The relative text of article 128A of the Civil Code reads as follows:

“Prohibition of Publication

128A. (1) *No person shall, without the approval in writing of an accredited agency, publish or cause to be published in any newspaper, periodical or any other printed matter or by means of broadcasting, television, public exhibition or by any other means or medium, any advertisement, news item or other matter indicated, whether or not in relation to a particular child, born or unborn, that:*

- a) *a child may be adopted;*
- b) *a person intends to adopt a child; or*
- c) *a person intends or is willing to make arrangements with a view to the adoption of a child.*

(2) *Unless authorised by the court, no person shall publish or cause to be published in any newspaper, periodical, any other printed matter or by means of broadcasting or television, public exhibition or by any other means or medium, anything related to an application for the adoption of a child or to adoption proceedings including:*

- a) *the name of the applicant or applicants;*
- b) *the name of the person who is or will be adopted;*
- c) *the name of the father, mother, curator or tutor of the child who is or will be adopted; or*
- d) *any matter likely to enable any of the persons mentioned in paragraphs (a), (b) and (c) to be identified.*

(3) *Any person who contravenes the provisions of this article shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term of not less than three months but not exceeding six months or to a fine (multa) of not less than one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) but not*



more than two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) or to both.”

5.2. Food Programmes

By means of Circular 43/08 dated 3rd October 2008, the Authority's Chief Executive reminded broadcasting stations of Circular 31/05 concerning food hygiene during programmes whereby the basic standards of hygiene had to be observed. A reminder was issued to ensure that protective clothing is worn during such programmes, that the rules on hygiene and health are abided by in the case of food preparation and that basic sanitary equipment is used during such programmes.

5.3. Requirements as to Standards and Practice Applicable to the Conduct of Competitions and the Award of Prizes

By means of Government Notice 1051 of 2008 published in the Government Gazette of 28th November 2008, paragraph 5.2 of the above-mentioned Requirements was substituted by a new paragraph which reads as follows:

5.2. The broadcaster shall ensure that prize-winners are announced during the next edition of the programme following the conclusion of the competition or, in the case of a competition concluded at the end of a programme schedule, during the final programme in that schedule. The prize shall be awarded to the prize-winner within one calendar month of the announcement of the prize-winner/s of the competition.

5.4. Broadcasting Authority's Interpretation of the 20-Minute per Clock Hour of Advertising Rule: The Position of Short Programmes

Further to Circular 30/08 dated 27th June 2008, the Authority clarified in September 2008 that paragraph 13 of the Third Schedule to the Broadcasting Act applies to programmes and not to broadcasts aired during a given clock hour.

In the case of programmes which are of less than 20 minutes duration, that is "short programmes", it is permissible to have adverts at the beginning or at the end of the short programmes even if 20 minutes have not elapsed between one advertising break and another. However, in such short programmes, it is not permissible to have adverts within the short programmes. In other words, such short programmes cannot be interrupted by adverts.



5.5. Broadcasting Authority's Interpretation of the 20 Minute per Clock Hour of Advertising Rule

The Authority referred to paragraph 13 of the Third Schedule to the Broadcasting Act which provides that where programmes are interrupted by advertising and teleshopping spots, a period of at least 20 minutes shall elapse between each successive advertising break within the programme.

A case arose before the Authority as to whether a teleshopping window can be counted as forming part of programmes aired between one batch of advertisements and another or whether such teleshopping window should be excluded for the purpose of counting the 20 minutes of programming.

By means of a Circular issued to broadcasting stations in June 2008, the Authority was of the view that as teleshopping is a form of advertising it should not be counted for the purpose of establishing the 20 minutes of programming between one batch of adverts and another.

5.6. Cocaine Energy Drink

In June 2008, the Chief Executive took cognizance of an advert on TVM broadcast on 13th June 2008 for an energy drink by the name of Cocaine Energy Drink. He drew the attention to the fact that the Broadcasting Act prohibits the advertising of certain products such as medicinal products which require a prescription, tobacco products and cigarettes. The said enactment also restricts the broadcasting of certain adverts such as those relating to alcoholic drink advertising, gambling, tattoo advertising, etc.

In so far as Cocaine Energy Drink is concerned, the Chief Executive was of the opinion that it breaches the Broadcasting Act's provisions concerning offence to public feeling. Moreover, such an advert encourages behaviour prejudicial to health or to safety and runs counter to the efforts made by agencies like *Sedqa* to combat the drug problem in Malta. He was of the view that by referring to "Cocaine" in the name of the energy drink, by association, the impression could be given that the use of cocaine was legitimate. Therefore, he did not consider it to be in the public interest to allow the broadcast of this advertisement.

5.7. Guidelines on Good Taste and Decency

After the Authority was requested by the producers of the programme Teletubi to provide its interpretation of article 13(2)(a) of the Broadcasting Act in so far as this provision concerns good taste and decency in satirical programmes, the Authority delivered the opinion hereunder through media release 44/08 dated 20th May 2008.



The Authority is willing to accept a measure of double entendre or words having a double meaning provided that the double meaning is used in a humorous manner and in the context of satire and provided that the programme is classified for adults only. The Authority was not however willing to accept vulgar and obscene language and that when bleeping of such words was resorted to during editing, all the syllabi of these words had to be bleeped over and the language used should not be considered to be offensive.

5.8. Respect for Caller's Privacy during Phone Calls

The Authority approved in May 2008 an addition – in paragraph 3 – to its Requirements as to Standards and Practice applicable to the Price of Telephone Calls and Sms's in the Broadcasting Media.

In terms of new paragraph 3, the Authority was requesting radio and television presenters to respect the privacy of callers by refraining from unduly invading their callers' privacy when asking, for instance, whether the caller is living alone or with other persons. The text of the consolidated version of these Requirements is reproduced in Appendix V to this report.

5.9. Name or Logo of Sponsor

The attention of broadcasting stations was drawn to the rules on sponsorship in the Third Schedule to the Broadcasting Act in particular to paragraph 20(b) which provides as follows:

"Sponsored programmes shall meet the following requirements –

(b) they shall be clearly identified as such by the name or logo of the sponsor at the beginning or the end of the programmes;"

It is clear from a reading of the legal provision that references to sponsors should only include the *name* or *logo*, which in turn implies that any additional details whether verbal or through visual means to attributes and characteristics, addresses, telephone numbers, and websites related to the sponsor are not part of such references. In view of this, stations were requested to refrain immediately from pursuing such practices, which are clearly in breach of existing regulation. Such presentation led during the year under review to the issue of charges in terms of the Broadcasting Act.

Furthermore, as can be clearly noticed, this provision does not specify the manner in which such name or logo may be presented. Therefore, the Chief Executive clarified that animation techniques may be used for sponsorship purposes as long as these are exclusively illustrating the name or logo of the sponsor.



5.10. Programme Repeats

The Authority noted that during the last year's summer period not all repeat programmes were indicated by the letter 'R' for repeat. It therefore directed all television stations to show the word 'Repetition' on screens for the first 30 seconds of a repeated programme and the letter 'R' throughout the remaining duration of all the programmes. Indeed, it was not the first time that during repeated programmes a telephone or sms number were shown on screen in connection with a competition. In these cases it was important to edit this part of the programme or, should this not have been possible, a caption had to be shown on screen stating that due to the fact that this is a repeat programme, the competition was no longer valid or that the telephone and sms numbers were no longer applicable.

5.11. Public Collections

The Chief Executive drew the attention of broadcasting stations in April 2008 to the provisions of the Public Collections Act, Chapter 279 of the Laws of Malta, whereby public collections have to be licensed in terms of that Act. More recently, the Voluntary Organisations Act, 2007, Chapter 492 of the Laws of Malta, provides in article 4(2) that notwithstanding the provisions of the Public Collections Act, a voluntary organisation enrolled in terms of the Voluntary Organisations Act may make public collections without any further authorisation in accordance with applicable laws or any guidelines which may be issued by the Commissioner for Voluntary Organisations.

This meant that public calls for funds or donations, or any advertisement for such calls on behalf of individuals or organisations, made on broadcasting station had either to be licensed by the Police or made by a voluntary organisation certified with the Commissioner. Where neither of these provisions apply such calls were in violation of the law.

Moreover, during 2008, following consultation with the Commissioner for Voluntary Organisations and the Commissioner of Police, the Authority approved Requirements as to Standards and Practice as to Advertisements, Methods of Advertising and Directions on Public Collections on the Broadcasting Media. In terms of new Requirements as to Standards and Practice as to Advertisements, Methods of Advertising and Directions on Public Collections on the Broadcasting Media, the Authority is ensuring that all advertisements and notices dealing with or referring to a public collection and all programmes which are devoted entirely to a public collection or in which reference is made to a public collection comply with these Requirements.

These Requirements were published as Government Notice No. 1105 of 2008 in the Government Gazette of 12th December 2008, now Subsidiary Legislation 350.31 of the Laws of Malta reproduced in Appendix VI to this report.



5.12. Smoothing Down due to Euro Changeover

The Authority informed all radio and television broadcasting stations that the Ministry of Finance's approval for the smoothing down of the various application and licence fees charged by the Broadcasting Authority was also applicable to digital radio application and licence fees. For clarity's sake, the full list of fees is listed hereunder:

	€
Nationwide radio application fee	5,823
Nationwide radio licence fee	11,646
Master Antenna Facilities fee	4,658
Community radio application fee	116
Community radio licence fee (one-off event)	116
Community radio licence fee (2 year term)	349
Television application fee	5,823
Television licence fee	13,976
Digital Radio Broadcasting	€
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;	1,164
b) for any number of retransmitted digital radio services.	1,164
2. Without any prejudice to regulation 12(2), no licence fees shall be paid to the Broadcasting Authority on the grant of a licence for the first two years from the date of the award of the licence provided that such fees shall be levied from 1 st October, 2009 onwards.	
3. Licence fees to be paid on an annual basis from 1 st October, 2009 till 30 th September, 2013 shall be as follows:	
a) for retransmitted digital radio services originating from outside the Maltese Islands:	
i) up to 3 channels	1,164
ii) from 4 to 6 channels	2,329
iii) from 7 to 9 channels	3,494
iv) from 10 to 12 channels	4,658
v) from 13 to 16 channels	5,823
vi) from 17 channels onwards	6,988
b) for one generalist locally originating digital radio service	5,823
4. Fees to be paid on the renewal of an application for a digital radio service.	5,823
5. Programme monitoring fees to be paid on the grant of a licence on an annual basis from 1 st October, 2013 onwards shall be as follows:	
a) for retransmitted digital radio services originating from outside the Maltese Islands:	
i) up to 3 channels	2,329
ii) from 4 to 6 channels	3,494
iii) from 7 to 9 channels	4,658
iv) from 10 to 12 channels	5,823
v) from 13 to 16 channels	6,988
vi) from 17 channels onwards	9,317
b) for one generalist locally originating digital radio service	11,646
6. In the case of locally originating specialised digital radio services the above fees shall be reduced by fifty <i>per centum</i> (50%).	
7. For the purpose of this Schedule, a locally originating specialised digital radio service means a digital radio service which does not carry advertising or teleshopping, whose programmes are not sponsored and which does not broadcast news, current affairs programmes or discussion programmes on current affairs.	



5.13. Frequency of Announcements when Participant does not Attend for a Programme

The Authority was called upon in a charge which the Chief Executive issued against a broadcasting station to interpret paragraph 13.1.3 of the Requirements and Practice Applicable to News Bulletins and Current Affairs Programmes with regard to the frequency of announcements to be made when a programme invitee does not participate during a programme. This paragraph reads as follows:

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

The Authority decided that

- a) the lack of programme participation by a person should be stated in a prudent way at the beginning of a programme and following each advertisement break;
- b) it is not allowed during a programme to leave an empty chair for that person who chose not to participate in the programme or to put questions to an absent participant.

5.14. Broadcasting Act (Amendment of Fifth Schedule) Regulations, 2008

In terms of the Broadcasting Act (Amendment of Fifth Schedule) Regulations 2008, the administrative penalty for the *Requirements as to Standards and Practice on Programmes involving the Participation of Certain Health Care Professionals in the Broadcasting Media and Requirements as to Advertisements, Methods of Advertising and Directions applicable to Medicinal Products and Treatments* was established as follows:

Reduced Penalty	-	€ 931
Penalty	-	€1,164

5.15. Broadcasting Bill on Satellite Radio and Television Services

Article 16A of the Broadcasting Act, Chapter 350 of the Laws of Malta, contains a provision which regulates satellite broadcasting in article 16A(1)(b). Article 16A reads as follows:

“16A. (1) The provisions of this Act shall apply to all broadcasters under Maltese jurisdiction both as it exists at the time of the coming into force of this article and as it may be defined and extended from time to time by regulations made under article 37: Provided that –

- (a) *the provisions of article 10(2) and (5) shall not apply to –*
 - (i) *the provision of any sound or television broadcasting services by the Government or by any person, body or authority under licence from or under arrangements with the Government; and*



- (ii) *any broadcasting licence granted prior to the 1st June, 1991;*
- (b) *the provisions of article 10 other than those of subarticles (10) and (11) thereof, and the provisions of article 13(2)(d) and (4) and (5), of article 17 and 18, and of article 23(2) shall not apply in respect of the provision of any sound or television broadcasting by satellite under a licence issued by the Government or by any person, body or authority which the Minister responsible for wireless telegraphy may by order made under this article empower to issue such a licence.*

(2) Broadcasting referred to in paragraph (a)(i) and in paragraph (b) of the proviso to subarticle (1) shall be subject to such conditions as the Minister responsible for wireless telegraphy or such person, body or authority as is mentioned in paragraph (b) of the proviso to subarticle (1), as the case may be, may deem appropriate which conditions may also include conditions similar in content to the provisions made applicable to such broadcasting by virtue of the proviso to subarticle (1)."

The provision concerning satellite broadcasting – article 16A(1)(b) – was introduced in the 2000 amendments to the Broadcasting Act. However, these provisions were never used.

By means of Legal Notice 19 of 2007 (Subsidiary Legislation 350.13) entitled "Satellite Television Broadcasting Licence (Empowerment) Order" dated 9th February 2007 made under the said article 16A(1)(b) of the Broadcasting Act,

"The Broadcasting Authority is hereby 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."

Notwithstanding the above Order and discussions held between the Authority and Modern Investment Company Limited, the latter did not apply for a satellite television service. The reasons for such decision are not known. However, there were certain factors which emerged during the discussions between the Authority's Chief Executive and the legal representative of the aforesaid company which seemed to have worried the company, namely:

- a) the length of time it took the Minister responsible for communications to delegate to the Broadcasting Authority the task of dealing with the proposed application;
- b) the elements of uncertainty which exist in the current provision of the Broadcasting Act on licensing of satellite broadcasting content services. The latter elements of uncertainty for instance concerned what the applicable application fee is, the licence fee, whether Malta could license broadcasting content to be uplinked outside Malta from an EU Member State, etc.



In order to do away with this uncertainty and to speed up the processing of such applications it was proposed by the Authority to the Government that:

1. The Broadcasting Authority should in future deal with the broadcasting content aspect of satellite services whilst the Malta Communications Authority should deal with the technical issues.
2. The Broadcasting Act provision on satellite broadcasting should be beefed up in such a way as to permit an element of discretion upon the Broadcasting Act bearing in mind the fast development and changes taking place in the communications sector.

A draft bill to amend the Broadcasting Act was drawn up by the Authority and submitted to Cabinet. In so far as Article 16A of the draft bill is concerned, it was proposed to delete the references in article 16A (1)(b) to satellite broadcasting so that this matter be regulated in the proposed new Part IIIA, to be entitled “Satellite Radio and Television Services”.

A bill to amend the Broadcasting Act was published in the *Malta Government Gazette* on Friday, 6th February 2009. Apart from including the above-mentioned provisions regulating satellite broadcasting, it also included an amendment to article 31 of the Broadcasting Act – dealing with contracts and power to acquire and dispose of property – to bring this enactment in line with the Public Contract Regulations (Subsidiary Legislation 174.04) made under the Financial Administration and Audit Act.

5.16. Amendments to the List of Major Events

The List of Major Events dates back to 29th January 2007. In that year this list was substantially revised by the Authority. However, since then, it was felt that corrective action had to be taken with regard to one item in that list – the away matches of the Maltese football national team. The Authority thus amended Government Notice 86 of 2007 – the list of major events - in the sense that paragraph 5 referring to the Maltese national football team’s away matches no longer needed to be broadcast direct and in full on a free-to-air channel but will instead be transmitted on a deferred basis as in the case of the national football team’s home matches.

Experience in the past two years had shown that none of the free-to-air television broadcasters was willing to purchase the relative rights and such rights had, during this period, been acquired by either the cable or the digital terrestrial platform operator. Rather than prohibiting the platforms from carrying such matches to the detriment of the Maltese consumer, the Authority had in the past permitted platform operators to broadcast the away matches of the Maltese national football team direct and in full with a repeat of such match also in full but on a deferred basis on a free-to-air channel within 24 hours from the conclusion of the aforesaid football match. A revised list of major events was published on 7th November, 2008 in *The Malta Government Gazette* as Government Notice 951 of 2008. The list of Major Events is found at Appendix VII.



5.17. Public Hearings

In 2008 the Authority decided to adopt a public hearing procedure when its Chief Executive recommends to the Authority to revoke, suspend or refuse to renew a broadcasting licence. The station in question is called in to attend a sitting of the Authority to put its case in rebuttal of the Chief Executive's recommendation.

5.18. Segment Sponsorships

Following a consultation process on sponsorship rules, the Authority decided to allow the identification of sponsors not only at the beginning and end of the programme but also during successive advertising breaks occurring after each lapse of 20 minutes of programme content.

With regard to magazine programmes only, consisting of more than one segment dealing with different subject matters, the Authority decided to allow a segment of the programme to be sponsored but mention of the segment's sponsor can take place only at the beginning and at the end of the segment. Each mention should not exceed 10 seconds duration with a total of no more than 6 mentions within a given clock hour, whether as a result of the application of this paragraph alone or together with the preceding one.

5.19. Requirements as to Standards and Practice Applicable to the Conduct of Competitions and the Award of Prizes

By means of Government Notice 1051 of 2008 published in the Government Gazette of 28th November 2008 reproduced in Appendix VIII to this report, paragraph 5.2 of the above-mentioned Requirements was substituted by a new paragraph which reads as follows:

"5.2. The broadcaster shall ensure that prize-winners are announced during the next edition of the programme following the conclusion of the competition or, in the case of a competition concluded at the end of a programme schedule, during the final programme in that schedule. The prize shall be awarded to the prize-winner within one calendar month of the announcement of the prize-winner/s of the competition."

Essentially, the changes to paragraph 5.2 were in the sense that the announcement of the prize-winners has to take place 'during the next edition of the programme following the conclusion of the competition or, in the case of a competition concluded at the end of a programme schedule, during the final programme in that schedule'.



6. THE EUROPEAN UNION AUDIOVISUAL MEDIA SERVICES DIRECTIVE

6.1. Transposition of the AVMS Directive into Maltese Law

Malta began a process to transpose the European Union Audiovisual Media Services Directive (AVMS) into Maltese Law. This process started off on 20 November 2007 with a conference for stakeholders organized by the Malta Forum in Europe in collaboration with TAIEX and the Media Desk within the Ministry for Tourism and Culture. The conference was entitled *The New Media Landscape: Audiovisual Media Services Without Frontiers*.

On 3rd September 2008 the Minister responsible for broadcasting appointed a Working Group on the Audio Visual Media Services Directive with the following terms of reference:

- i) to carry out a legal gap analysis to establish which provisions of Maltese law need to be amended or substituted and propose how they can be amended or substituted;
- ii) to advise Government about which entity is to regulate the content of non-linear media in terms of the Directive;
- iii) to advise Government on all the aspects of the Audio Visual Media Services Directive which, in one way or another, impact on the local media scenario. These aspects include the non-obligatory provisions of the Directive;
- iv) to thoroughly consult the public and all interested stakeholders prior to reaching its conclusions and making its recommendations.

The Working Group issued a Consultation Document on the transposition of the Directive and invited comments from stakeholders. The closing date for receipt of written submissions expired on 5th November 2008. The Working Group studied the submissions it received and drew up a report together with a draft Bill to amend the Broadcasting Act together with seven subsidiary laws to amend the regulations made over time under the Broadcasting Act to bring them in line with the new AVMS Directive. This report will be concluded in early January 2009. Dr Kevin Aquilina, the Broadcasting Authority's Chief Executive was a member of the Working Group whilst Mr Mario Axiak, Broadcasting Authority's Head of Communications and Research was invited to attend all meetings of the Working Group as he was participating in EU Commissioner organised meetings on the new Directive.

The Working Group concluded its task on 26th January 2009 and submitted its report to the Minister who will then have to consider the Committee's report, discuss it in Cabinet and move the Bill in the House of Representatives. Once Parliament enacts the law in question, then the subsidiary laws will have to be made. The time frame is to have the amending law and subsidiary legislation in force by 1st October 2009 to coincide with the date when the autumn schedule commences in the



beginning of October 2009. In this way Malta would have abided by its obligations under the AVMS Directive.

6.2. Application of Article 3c of the Audiovisual Media Services Directive

On 16th October 2008 a Circular was issued to television broadcasters to make them aware of the new Directive's provisions requiring television programmes to be made accessible to people with a visual or hearing disability. The relevant article under the heading *Provisions applicable to all audiovisual media services*, provides that:

"Member States shall encourage media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability."

Although this directive has not as yet been transposed into our legislation it was recommended that service providers were to be conversant with this provision and take the necessary measures to fall in line with such obligation.

As a starter, it was being suggested that weather reports and financial news had to be among the first services to conform to this obligation. This implies that all the information conveyed to viewers via graphics or animation had to be presented verbally.

The same technique had to be adopted in the case of programmes where viewers were requested to participate using telephone or sms numbers. In such cases a verbal mention of the said details including their respective tariffs, had to be made at least once during the programme.

7. PROGRAMME COMPLAINTS

On 8th January, 2008, the Authority heard Mr. Mario Mifsud, a radio presenter known as D.J.Banana, complain that in the programme Bomba which was broadcast on TVM on 25th October and on 8th and 22nd November, 2007, the presenter Mr Ray Calleja had, by mimicry, ridiculed and insulted him and invaded his privacy causing him and his family unnecessary distress. Mr. Mario Mifsud claimed that the programme Bomba had made him up to be an incompetent, ill-mannered person who had certain political leanings and who made use of drugs. Mr.Mifsud added that the presenter of Bomba never took heed of his complaints which even resulted in a report being made to the Police over threatening behaviour. Mr Ray Calleja, stated that he had not thought such problems existed because D.J. Banana was well known and he had not expected such a reaction. He added that it was never his intention to suggest that Mr. Mifsud was a drug user and that the next series of programmes would leave out any reference to D.J. Banana. Charges which were issued against TVM in respect of alleged breaches of article 13(2)(a) and article 34(1) (a) and (b) of the Broadcasting Act were withdrawn, after assurances were given by TVM that D.J. Banana and the coconuts would not feature in the next series of programmes to be broadcast. The complaint was upheld.

In another complaint, Alternattiva Demokratika had complained to TVM that the programme Bondi Plus which was about to be broadcast on 19th November, 2007, was to be entirely taken up with Azzjoni Nazzjonali. Alternattiva Demokratika asked TVM to broadcast another programme in the same series completely dedicated to Alternattiva Demokratika in order to maintain balance in public broadcasting as required by the Constitution and the Broadcasting Act. TVM replied that the reason for the programme was because Azzjoni Nazzjonali had just been launched and that if TVM were to accede to Alternattiva Demokratika's demands, it would have to give similar treatment to the other political parties, which like Alternattiva Demokratika have been established for some time, including the Nationalist Party and the Labour Party. After considering Alternattiva Demokratika's complaint and TVM's reply and after listening to their submissions, the Authority held that there was no case of imbalance. This in view of the fact that Alternattiva Demokratika had participated in Bondi Plus programmes on many occasions and that the one programme on Azzjoni Nazzjonali had to be seen in the context of the other Bondi Plus programmes where Alternattiva Demokratika was invited to participate on a regular basis. The complaint was not upheld.

In another complaint, Alternattiva Demokratika complained that NET TV's news bulletin of 5th November, 2007, had reported Dr. Harry Vassallo's participation at a public forum in one sentence and gave a totally incorrect version of what Dr. Harry Vassallo actually said. NET TV countered by insisting that a NET TV journalist was present throughout Dr. Harry Vassallo's speech and had heard Dr Vassallo use the very same words that were reported by NET News and that these words had news value. NET News also said that in its news bulletin on that same day Alternattiva



Demokratika had been given the same treatment as that given to Azzjoni Nazzjonali. After listening to the parties involved and seeing all relevant documents and videos, the Authority concluded that Alternattiva Demokratika had not brought forward sufficient proof to show that the coverage of Dr. Harry Vassallo's speech by NET News was in any way incorrect. The complaint was not upheld.

Another complaint was lodged by the Unjoni Haddiema Magħqudin complained that TVM had not given adequate coverage to a speech made Mr Gejtu Vella, its Secretary General, at a social activity organised by the UHM's pensioners' section at Qawra, on 19th December, 2007. In his speech Mr. Vella had spoken about price increases and their impact on the cost of living of workers and pensioners. TVM submitted that Mr.Vella's speech did not present any new facts or shed new light on known facts. After considering UHM's complaint and TVM's reply and after listening to the submissions made, the Authority concluded that the UHM Secretary General's speech contained points which merited being broadcast in TVM's main news bulletin and ordered TVM to broadcast, by 2nd February, 2008, a prepared summary of Mr. Gejtu Vella's speech in TVM's main news bulletin. The complaint was upheld.

Another complaint which the Authority heard during 2008 was filed by Prof Dominic Fenech who complained that Bondi Plus of 17th December, 2007, had stated that he had refused to take part in the programme, with the topic "Evarist Saliba: Memoirs of a Diplomat", whereas in fact he had never been asked to do so and that when the Registered Editor and News Manager at PBS had twice approved a right of reply to be read out, once on 7th January and again on 14th January, 2008, the Registered Editor's instructions were not carried out and the necessary correction was not broadcast. Professor Fenech asked the Authority to order PBS to broadcast his remedy in accordance with the Registered Editor and News Manager's instructions. Following Prof Fenech's complaint, the Chief Executive issued charges against TVM for allegedly breaching article 34 of the Broadcasting and paragraph 8.15.1 of the Authority's Requirements as to Standards and Practice Applicable to News Bulletins and Current Affairs Programmes, 2007. A hearing was held on 19th February, 2007, and after listening to all the relevant submissions, the Authority granted Professor Fenech a remedy and instructed TVM to broadcast a prepared statement which was eventually read out in its entirety on 31st March, 2008. The complaint was upheld.

Another complaint against TVM was filed by Mr Edward Cassar who complained about unfair treatment meted out to his wife Yoda in the programme Xarabank broadcast on 26th October, 2007. Mr. Cassar submitted that although his wife was the only fortune teller to have accepted an invitation to take part in the programme and had come to an agreement with the presenter, Peppi Azzoipardi had shouted at her in public and accused her of causing harm through the services she was offering. Mr.Cassar also said that the panel of experts and studio participants invited to speak on the subject were in their majority chosen because they were opposed to fortune telling, while those who were in favour were not given the opportunity to voice their opinions. After listening to submissions made and viewing the programme, the Authority found that the person who allegedly



suffered unfair treatment was the person who was obliged at law to appear before the Authority to seek a remedy and that the Authority could not just rely on the evidence of her husband who attended the hearing instead. The Authority also found that there was no agreement between the presenter and his guest that could give rise to unfair treatment. The complaint was not upheld.

Once again Alternattiva Demokratika complained that it was completely disadvantaged by an unbalanced news report broadcast by TVM on 14th February, 2008, regarding Alternattiva Demokratika's Press Conference. This was because the report devoted much coverage to the resignation of Alternattiva Demokratika's Councillor, Mr. Rene Rossignaud, when he was not the subject of the Conference and when the Councillor's letter of resignation had already been covered by TVM news the previous day. The Authority found that the PBS report had covered Alternattiva Demokratika's Press Conference and the complaint was not upheld.

In another complaint regarding TVM news of 16th February, 2008, Alternattiva Demokratika said that TVM's news coverage of a press conference addressed by Mr. Carmel Cacopardo on the Sant Antnin Waste Separation Plant gave more time to answers from MEPA and the Minister for the Environment, in reply to questions put to them, than to the actual press conference. Alternattiva Demokratika said that these questions were biased and slanted and were put by the same journalist covering the previous press conference in order to discredit the message that Alternattiva Demokratika wanted to put across. The Authority found that Alternattiva Demokratika's views on the subject had been covered by PBS and the complaint was not upheld.

Alternattiva Demokratika complained again about TVM news of 18th February, 2008, wherein there was a link-up with Lou Bondi who quoted a comment made by the Chairperson of Alternattiva Demokratika out of its original context in order to attack the concept of a coalition government. Alternattiva Demokratika said that it was not acceptable for TVM news to be used as a platform for Lou Bondi's partisan bias and asked for a remedy. The Authority noted that Alternattiva Demokratika's position on the issue was clarified by the Chairperson himself, Dr. Harry Vassallo, in a later edition of Bondi Plus and the Authority did not proceed with the hearing of this complaint.

Alternattiva Demokratika further complained about the priority given to electoral news and the running order in which they were broadcast by TVM in its 11.00 p.m. news on 25th February, 2008, when an Azzjoni Nazzjonali activity took precedence over an activity organised by Alternattiva Demokratika. The Authority was informed that this was a mistake and as there was agreement that this was the case, the Authority declined to continue the hearing of this complaint.

Mr. Jo Said complained that PBS had not broadcast his right of reply, as required by the provisions of article 21(1) and article 21 (3) of the Press Act, in answer to allegations made by Mr. Lou Bondi, in the programme Bondi Plus broadcast on 28th January, 2008. Nor had PBS broadcast his declaration in reply to other allegations made by Lou Bondi in the programme broadcast on 4th



February, 2008. Following Mr Said's complaint, the Chief Executive issued charges against PBS for breaching the provisions of article 34 of the Broadcasting Act and of paragraph 8.15.1 of the Requirements as to Standards and Practice Applicable to News Bulletins and Current Affairs Programmes. The station submitted that what Mr Jo Said wanted to say with regard to the programme broadcast on 28th January, 2008, was said in the following programme and contradicted by a number of people and it was pointless to keep repeating the same things. With regard to the programme of 4th February, 2008, the PBS Editorial Board had decided there were not sufficient grounds to justify a right of reply under article 21 of the Press Act. After seeing both programmes, the Authority found that there was no unfair or unjust treatment in Mr Jo Said's regard and that the opinions of Mr Jo Said were reflected in the programme even when the station carried part of the news conference addressed by Mr. Jo Said near the steps of Auberge de Castille. The Authority concluded that Mr. Jo Said opinions were broadcast and that it was untrue to say that the presenter of Bondi Plus had given the impression that Mr Jo Said was being investigated by the Police. The complaint was not upheld.

Dr. Louis Buhagiar complained that the programme Xarabank broadcast on 15th February, 2008, had featured an interview with Dr. Frank Portelli who had made derogatory references to the former Labour Member of Parliament and former Parliamentary Secretary responsible for the Elderly which Dr. Buhagiar understood to refer to him. Dr. Buhagiar submitted that although he had asked Mr Peppi Azzopardi as a representative of Where's Everybody for a right of reply and had even e-mailed him with his reply, this was not forthcoming. Charges were then issued by the Authority against TVM for allegedly breaching article 34 of the Broadcasting Act as well as paragraph 8.15.1 of the Requirements as to Standards and Practice Applicable to News Bulletins and Current Affairs Programmes. A hearing was conducted on 4th March, 2008, and the Authority found that on 29th February, 2008, TVM had broadcast only part of the text of a statement issued by Dr. Buhagiar by way of a right of reply, claiming that the other parts were libellous. The Authority also found that this right of reply had not been given the same prominence as that accorded to Dr. Frank Portelli's contribution which had given rise to the complaint. The Authority therefore directed PBS to broadcast, by 21st March, 2008, at the beginning of the programme Xarabank, the text of a prepared statement, by way of a right of reply. The first part of this prepared statement was eventually read out at the beginning of the programme that was broadcast on 11th April, 2008. The complaint was upheld.

Mr. Lou Bondi complained that One TV had not broadcast his right of reply to allegations made by Mr. Jason Micallef in the programme Bidu Gdid, broadcast on One TV on 15th February, 2008. The Chief Executive also issued charges against the station for infringing article 34 of the Broadcasting Act and paragraph 8.15.1 of the Requirements as to Standards and Practice Applicable to News Bulletins and Current Affairs Programmes. A hearing was conducted on 18th March and 8th April, 2008, and the Authority found that three out of four points for which Mr Bondi requested a right of reply were relevant to what was said in the programme, broadcast by One TV,



on 15th February, 2008. The Authority directed One TV to broadcast, not later than 12th April, 2008, a right of reply in the form of a prepared statement as the last item in its main news bulletin. The complaint was upheld.

Following a complaint made by Mr. Sergio Mallia about a news item broadcast by One TV in its news bulletin on 13th May, 2008, the Chief Executive issued charges against One News for allegedly infringing article 34 of the Broadcasting Act with regard to unfair treatment. After viewing the relevant videos and hearing submissions from the complainant and the station concerned, the Authority found that although the coverage given was to a greater extent correct, parts of the news item could have given the impression that the Court had found Mr. Mallia guilty, when this was not the case since the Court had declared that the proceedings had been exhausted. The Authority directed One News to broadcast its decision in its main news bulletin not later than 13th October, 2008. The complaint was upheld.



8. BROADCASTING CASE LAW

During 2008, although the Authority was involved as defendant in a number of court proceedings, it was only in one case that a decision was delivered by the Civil Court, First Hall, and which involved the Authority: this was the application for a warrant of prohibitory injunction filed by Alternattiva Demokratika against the Authority a couple of days before the General Elections of March 2008. The Green Party lost the case.

In another case the Authority was involved marginally but still this case concerned a community radio station in Gozo.

8.1. Broadcasting Case Law for 2008

The decided cases in the year under review are as follows:

No.	Date of Decree/ Judgement	Court Ref. No.	Parties	Court	Remarks
1.	25/2/08	M. Inib. 265/2008	Alternattiva Demokratika – The Green Party vs Broadcasting Authority	Civil Court First Hall	Court rejected application for the issue of a prohibitory injunction against the Authority
2.	12/9/08	Avviz Numru 18/2007	Mons. Joe Vella Gauci vs Andrew Farrugia noe et	Court of Magistrates (Gozo) Inferior Jurisdiction	Plaintiff lost the case

8.2. Independence of the Broadcasting Regulator Confirmed

On 8th March 2008 general elections were held in Malta. The Broadcasting Authority adopted a scheme of general elections broadcasts wherein the four political parties contesting the general elections participated in debates and press conferences on the public service broadcaster during the period 11th February to 6th March 2008. No political broadcasts took place both on 7th and 8th March 2008.

On 23rd February 2008, the Green Party requested the Civil Court, First Hall, to prohibit the Broadcasting Authority from effecting changes to its scheme of election broadcasts. On 25th February the Civil Court heard the case and delivered a written decree.

In its decree, the Civil Court referred to the provisions of articles 119(1) and 118(8) of the Constitution of Malta. The former provides that it is 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 latter provision states that in the exercise of the above-mentioned functions the Broadcasting Authority is not subject to the direction or control of any other person or authority.

In its decree the Court held that, bearing in mind the above Constitutional provisions, it is the Broadcasting Authority which has to ensure balance and impartiality in political broadcasting and that the court's role in this respect is limited to ensure that it does not substitute itself for the discretion exercised by the Authority in its constitutional function. The court's function is to ensure itself whether the Authority in the instant case had acted beyond its lawful powers, whether it had observed the law or whether it acted in such an irrational way that it would have wrongly carried out its lawful duties.

The Court held that for it to be in a position to intervene as requested by the Green Party, the latter had to prove that there was a serious breach of the law by the Broadcasting Authority. However, this did not result in the case under examination because the reasons brought forward by the Authority to change its own programme schedule were based on programming reasons and this reasoning could not be considered to be irrational in the circumstances; nor could it be proved to be in violation of the law. The Court held that the Authority did consider the relevant facts before arriving at its decision, and the conclusions arrived at by the Authority on the basis of these considerations were not irrational. Hence the Court refused to issue a warrant of prohibitory injunction to prevent the Authority from changing its own general elections' programme schedule and found in favour of the Authority. Through this decree the Court has recognized the broadcasting regulator's independence when carrying out its lawful constitutional duties of ensuring balance and impartiality in political broadcasting when the said Court refused to review the Authority's decision on the merits.

8.3. Mons. Joe Vella Gauci vs Andrew Farrugia noe et

On 12 September 2008, the Court of Magistrates (Gozo) Inferior Jurisdiction decided a case in the names of *Mons. Joe Vella Gauci vs. Andrew Formosa as editor and A & M Printing as printer and by means of a decree delivered on 24 June 2008 the Court ordered that Mons. Guseppi Farrugia be joined into the suit.* In this case, an issue arose with regard to the publication of a phamplet entitled 'Il-Belt Victoria' published by St. George's Parish, Victoria, Gozo. In the July-August 2007 issue number 157 a supplement was published which dealt with a complaint which Mons. Guseppi Farrugia had filed with the Authority and upon which the Authority ordered Radju Katidral to broadcast a right of reply. The station manager of Radju Katidral then was the plaintiff Mons. Dr. Joe Vella Gauci. These proceedings were instituted in terms of the Press Act where plaintiff alleged that he was libelled by the said publication, however, the court disagreed and found in favour of defendants.



9. ADMINISTRATIVE OFFENCES

The year 2008 proved to be a hectic year in so far as administrative offences were concerned. The table hereunder provides the details of stations which have been found to be in contravention of broadcasting legislation during the year under review. All decisions are announced by the Authority as a media release and are available on the Authority's website. The stations in question and the relative number of infringements for 2008 are as follows:

Station	Number of Infringements
<i>Televisions</i>	
TVM	31
Net TV	14
One TV	15
Smash TV	6
Education 22	3
iTV	1
Family TV	7
U TV ¹	5
<i>Nationwide Radios</i>	
Calypso	17
Bay Radio	1
<i>Community Radios</i>	
Big FM	2
BKR Radio	1
Energy FM	1
Radju Sokkors	1
Power FM	1
MMG FM	1
Radju Hompesch	1

A total of 108 infringements of broadcasting legislation were found by the Authority in 2008.

¹ U TV ceased broadcasting in the first week of October 2008.



10. POLITICAL BROADCASTING

10.1. Directive on Programmes and Advertisements Broadcast During the Electoral Period

Following the issue of the Presidential writ that general elections will be held on 8 March 2008, together with local council elections for 23 localities in Malta and Gozo, the Broadcasting Authority issued a Directive governing programmes and advertisements broadcast between 11 February and 8 March 2008. this Directive, which came into force on 11 February 2008, requires all radio and television stations to submit their programme schedules for approval to the Broadcasting Authority so that the latter would be in a position to ensure that during the electoral campaign periods all political parties are given an opportunity to air their views and that all programmes containing political content ensure a level playing field between all the political parties concerned, in the interest of fair and democratic elections.

Care has to be taken during this period to ensure that all programmes and all advertisements are free of material that could be interpreted as favouring or giving undue exposure to any political party or candidate, or which might be reasonably considered as being directed towards a political end. In particular it is not permissible in the case of advertisements commissioned by public or other entities to allow persons who have submitted their candidature for these elections to appear in such advertisements; that a programme is presented by a person who has submitted his or her candidature for these elections when such person is not a regular employee of the station broadcasting such programme; that the person who has submitted his or her candidature for these elections participates in a regular manner in a programme during the said period. A candidate is not considered to have participated regularly when s/he participates in less than two editions of the same programme in the above-mentioned period.

During the day preceding the elections and on the actual day of polling (hereinafter referred to as “the silence period”), all forms of broadcasting that might influence voters are prohibited. Broadcasting stations have to avoid a situation where during the silence period they broadcast programmes, which could be reasonably interpreted as broadcasting with a view to influence voters. All forms of presentation in the broadcasting media of political parties, candidates and other movements and organisations involved in the elections must cease. Broadcasting stations cannot broadcast information, statements, press and media releases issued by the government, the opposition, candidates, politicians, political parties and other movements and organisations involved in the elections, and other forms of broadcasting that are, openly or in a covert manner, of a political nature, have political content, or which may influence the decisions of the voters. Nor may informative advertisements commissioned by public entities, including public service announcements, be broadcast unless these are of public interest and of an urgent nature.

The following is also prohibited during the two-day silence period: agitation, information related to an electoral campaign, and announcements designed for presentation of programmes, logos,



mottos and symbols of a political party and a candidate. All forms of media presentations concerning the electoral campaign (such as free presentations, political propaganda, discussion programmes, interviews, etc.) are also prohibited. The Authority's directive is reproduced at Appendix IX.

10.2 Broadcasting Authority Scheme of General Election Broadcasts

As during previous general elections, the Authority approved its own scheme of election broadcasts. In doing so last year, the Authority also took cognisance of all political broadcasting on radio and television services to ensure as much as possible a diversity of political party participation on the same date across all media. The February – March 2008 scheme of election broadcasts consisted in the following programmes:

Programmes	PN	MLP	AD	AN
Press Conferences	3 x 60'	3 x 60'	1 x 60'	1 x 60'
Debates	3 x 60'	3 x 60' 1 x 60'	2 x 60'	2 x 60'
Party Productions	25'	25'	15'	10'
Political Spots	76'	76'	36'	20'

The chairpersons for the press conferences and debates were: Anna Bonanno, Paul Azzopardi, Martin Micallef, Godfrey Grima, Reno Bugeja, Mario Micallef, Kurt Sansone, Victor Formosa and Ruth Amaira.



10.3 Postponement of MLP Press Conference

A deplorable incident occurred on 3rd March 2008 when the Hon. Jeffrey Pullicino Orlando disrupted a press conference by the Leader of the Malta Labour Party, Dr Alfred Sant, notwithstanding repeated calls by the Broadcasting Authority Chairman to permit the Authority to resume its general election broadcast.

In terms of the Authority's scheme for general and local council elections, on 3rd March, 2008, the Authority had to record a press conference which had to be addressed by Dr Alfred Sant, Leader of the Malta Labour Party. As is usual in these cases, the Authority invites the media to participate during these press conferences to nominate an accredited journalist in terms of a pre-established roster approved by the Authority. It is the practice of the Authority not to permit journalists who are candidates to participate in press conferences in their capacity of journalists. This condition is also



written down in the regulations governing the scheme of political broadcasts for the general and local council elections 2008. These regulations were sent to all political parties and were issued as Press Release No. 10/08 of 7th February, 2008.

Media.link Communications Co. Ltd. had advised that for the MLP 3rd March 2008 press conference, it was Ms Amanda Ciappara who had to represent the company in her capacity of accredited journalist. However, a few minutes before the recording had to commence, the Authority was informed that Ms Ciappara could not turn up but that another journalist would replace her. Subsequently, the Hon. Jeffrey Pullicino Orlando presented himself as the journalist in question. The Authority explained to the Hon. Pullicino Orlando that, in terms of the Authority's regulations, he could not participate in the press conference, but as he refused to leave the studio, the press conference could not be recorded. The Authority, however, decided to hold the conference on the following day.

The scheme of general election broadcasts is reproduced at Appendix X.

10.4 Programme Schedules for 7th and 8th March 2008

All broadcasting stations were requested to submit their programme schedule for the 7th and 8th March 2008 by the 25th of February 2008. The Authority then studies these schedules to ensure that there was no breach of its general elections directive.

10.5 Ministerial Messages

No ministerial broadcasts were aired on TVM during 2008.

10.6 Anniversary Messages

There were two anniversary messages broadcast on TVM last year:

- a) 27th September 2008; World Tourism Day at 19.05hrs
- b) 3rd December 2008; Disabled Day at 18.35hrs.



11. INTERNATIONAL RELATIONS

11.1. European Platform of Regulatory Authorities

Between 29th and 31st October 2008, the Chairman and Secretary to the Board participated at the 28th EPRA Meeting held in Dublin, Ireland. During this meeting, various broadcasting regulation related topics were discussed which include the scope of the Audiovisual Media Services Directive, the role of regulators in the supervision of public service broadcasting activities, media and political pluralism, regulatory approaches to digital television and the implementation of self and co-regulatory schemes.

The Broadcasting Authority was also represented by its Chairman and Chief Executive at the 27th EPRA Meeting at Riga, Latvia which discussed media literacy and regulators, participation / call TV, prohibited forms of advertising, implementing the Audiovisual Media Services Directive and must-carry rules.

11.2. Mediterranean Network of Regulatory Authorities

The 10th meeting of the Mediterranean Network of Regulatory Authorities met at Reggio Calabria, between the 2nd and 3rd October, 2008. It discussed media pluralism and public service mission, managing analogue switch-over and transition to the digital era in the Mediterranean area; licensing Criteria for digital television, media literacy in a Mediterranean context, approved the Declaration on Audiovisual Content Regulation and discussed the Network's institutional structures such as amendments to the Network's Chapter, the composition of its permanent secretariat, candidates for new memberships and proposals for thematic workshops.

11.3 Declaration on Audiovisual Content Regulation

The Declaration on Audiovisual Content Regulation was adopted by Mediterranean Regulatory Authorities at the 10 Network meeting which took place in Reggio Calabria on 2nd and 3rd October, 2008.

The Declaration sets forth basic common principles such as Respect for Human Dignity, Protection of Children and adolescents, Accuracy of information and plurality of views with which Mediterranean Regulatory Authorities intend to ensure that audiovisual media service providers comply.

It also establishes common cooperation mechanisms in the regulation of content provided by audiovisual media service providers.



A copy of this Declaration is found at Appendix XI of this Report.

11.4 Meetings of the Contact Committee of the Audiovisual Media Services Directive

The Audiovisual Media Services Directive published in the EU Official Journal on 11th December 2007 empowered the EU Commission to set up a Contact committee composed of the representatives of the competent authorities of the Member States for the implementation of the Directive on the regulation of all forms of audiovisual services. These include both linear [analogue/digital terrestrial broadcasting through cable, satellite and similar broadcasting systems]; as well as those termed non-linear [i.e. TV-like audiovisual media services available on new media platforms, as Video-on-Demand through the Internet where the consumer's choice and interaction supersedes those of traditional broadcasting methods].

Article 23a (2) of the AVMS Directive details the role to the Contact Committee as:

2. The tasks of this committee shall be:

- (a) to facilitate effective implementation of this Directive through regular consultation on any practical problems arising from its application, and particularly from the application of Article 2, as well as on any other matters on which exchanges of views are deemed useful;*
- (b) to deliver own-initiative opinions or opinions requested by the Commission on the application by the Member States of the provisions of this Directive;*
- (c) to be the forum for an exchange of views on what matters should be dealt with in the reports which Member States must submit pursuant to Article 4 (3), on the methodology of these, on the terms of reference for the independent study referred to in Article 25a, on the evaluation of tenders for this and on the study itself;*
- (d) to discuss the outcome of regular consultations which the Commission holds with representatives of broadcasting organizations, producers, consumers, manufacturers, service providers and trade unions and the creative community;*
- (e) to facilitate the exchange of information between the Member States and the Commission on the situation and the development of regulatory activities regarding audiovisual media services, taking account of the Community's audiovisual policy, as well as relevant developments in the technical field;*
- (f) to examine any development arising in the sector on which an exchange of views appears useful.*

During 2008, four one-day meetings were held by the Contact Committee on: 19th February, 16th April, 18th June and 16th December, all at the *Centre de Conférence Albert Borschette*, Brussels; and on each occasion these meetings were attended by the Head of Research and Communications of the Broadcasting Authority. The items discussed at these meetings included: Subsidiary Jurisdiction criteria (Art. 2(4)); Self- and Co-regulation; Product Placement (Art. 3g); Events of major importance to



society (Art 3a); New obligations / on-demand services (Art 3i); Transparency requirements (Art 3a); Protection of minors (Art. 3h); Accessibility (Art. 3c); European works (Art. 3f); Co-regulation (Art. 3(7)); Television advertising (Chapter IV); Sponsoring (Art. 3f); Short reporting (Art. 3k); Cooperation between regulatory bodies (Art. 23b); and Accessibility of audiovisual media services for people with a visual or hearing disability (Art 3c AVMSD) among others.

The minutes of the 26th, 27th, 28th, and 29th meetings of the Contact Committee can be found at the website of the EU Audiovisual and Media Policies, Regulatory Framework² and in Appendix XII of this report.

During 2008 the EU Commission has also organised a workshop on the *Draft Final Report on a Study on the application of measures concerning the promotion of the distribution and production of European Works in audiovisual media services* on 18th November which is available from the website of the EU Audiovisual and Media Policies, Info Centre, Studies³.

² http://ec.europa.eu/avpolicy/reg/tvwf/contact_comm/index_en.htm

³ http://ec.europa.eu/avpolicy/info_centre/library/studies/index_en.htm

12. RADIO AND TELEVISION AUDIENCE ASSESSMENT

The Broadcasting Authority published the Audience Assessment for the last quarter of the broadcasting season of July-September 2008 and the aggregate results of the whole broadcasting season as from 1st October 2007. The number of interviews carried out on a daily basis was doubled when compared to that of the previous assessments having the desired target of 20 daily interviews; while the questions used for the previous audience assessment period of October 2006 to September 2007 were maintained.

The data collected by the National Statistics Office was each quarterly forwarded to the Broadcasting Authority. The finalized report for the last quarter of July-September 2008 and for the whole broadcasting period is available on the Authority's website at www.ba-malta.org.

12.1 Responses and Sample Profile.

A stratified random sample based on gender, age and population distribution by six geographical areas was selected by the National Statistics Office allowing for a 50% response rate. For the last assessment period, 1771 individuals [54.7% of contacted persons] accepted to participate in the survey and, on average, responses were evenly spread out during the whole period. Below is a breakdown of responses achieved during this period:

TABLE 1.1: SURVEY RESPONSE RATE

Response	Oct-Dec 2007			Jan-Mar 2008			Apr-Jun 2008			July-Sep 2008		
	No.	% Total	% Contact	No.	% Total	% Contact	No.	% Total	% Contact	No.	% Total	% Contact
Accepted	1811	49.2%	57.0%	1799	49.4%	55.9%	1790	49.2%	57.1%	1771	48.1%	54.7%
Refused	119	3.2%	3.7%	134	3.7%	4.2%	132	3.6%	4.2%	112	3.0%	3.5%
Non-Contact	626	17.0%	19.7%	615	16.9%	19.1%	584	16.0%	18.6%	568	15.4%	17.6%
Unreachable	619	16.8%	19.5%	670	18.4%	20.8%	629	17.3%	20.1%	785	21.3%	24.3%
	3175		100%	3218		100%	3135		100%	3236		100%
Not used	503	13.7%		422	11.6%		505	13.9%		444	12.1%	
Total	3680	100%		3640	100%		3640	100%		3680	100%	

Based on a population size of 359,000 and a 95% confidence level, the various samples had the following margin of errors for each quarter and for the whole sample from October 2007 to September 2008:

TABLE 1.2: MARGIN OF ERRORS BY TOTAL SAMPLE AND BY QUARTER

	Total Contacted	Accepted	Response Rate	Margin of Error
Oct-Dec 2007	3175	1811	57.04%	±2.27%
Jan-Mar 2008	3218	1799	55.90%	±2.29%
Apr-Jun 2008	3135	1790	57.10%	±2.29%
Jul-Sep 2008	3236	1771	54.73%	±2.31%
Oct 2007 – Sep 2008	12764	7171	56.18%	±1.14%



Data was collected continuously by means of telephone interviewing conducted by National Statistics Office interviewers during the period 1st October 2007 to 30th September 2008. NSO interviewers are instructed to make interviews between 04:00pm – 08:00pm on weekdays and between 09:00am – 1:00pm on weekends, and are instructed to call-back individuals up to 3 times before interviewing the next person in their list. This is mainly to avoid any bias that could be introduced among gender and age.

The differences by age groups, gender and region between the sample and the population as published by the National Statistics Office are as follows:

TABLE 1.3: COMPARISON BETWEEN SAMPLE AND POPULATION GROUPS – BY TOTAL AND BY QUARTER

Age	Pops N % ^a	Oct 2007 – Sep 2008		Oct-Dec 2007		Jan-Mar 2008		Apr-Jun 2008		Jul-Sep 2008	
		n%	+/-	n%	+/-	n%	+/-	n%	+/-	n%	+/-
12 - 14	4.4	4.4	0.1	5.0	0.7	4.4	0.1	4.2	-0.2	4.1	-0.2
15 - 24	16.1	15.1	-1.0	15.0	-1.1	14.0	-2.2	17.0	0.9	14.6	-1.6
25 - 29	8.5	6.3	-2.2	6.6	-1.9	6.2	-2.4	7.4	-1.1	5.1	-3.4
30 - 49	30.9	28.3	-2.6	26.5	-4.4	27.8	-3.1	29.2	-1.8	29.8	-1.1
50 - 64	24.3	27.4	3.1	28.5	4.2	28.7	4.4	25.7	1.4	26.7	2.4
65 - 79	12.2	14.7	2.5	14.9	2.7	15.4	3.2	13.1	0.9	15.5	3.3
80 +	3.6	3.6	0.0	3.4	-0.2	3.5	-0.1	3.4	-0.2	4.2	0.6
Gender	N %^a	n%	+/-	n%	+/-	n%	+/-	n%	+/-	n%	+/-
Males	49.5	44.1	-5.3	44.8	-4.8	42.0	-7.5	54.7	5.1	44.3	-5.2
Females	50.5	55.9	5.3	55.2	4.8	58.0	7.5	45.3	-5.1	55.7	5.2
Region	N %^b	n%	+/-	n%	+/-	n%	+/-	n%	+/-	n%	+/-
Southern Harbour	19.9	20.3	0.4	22.6	2.8	19.0	-0.9	19.9	0.1	19.5	-0.3
Northern Harbour	29.5	28.1	-1.4	27.8	-1.7	28.9	-0.6	28.0	-1.5	27.7	-1.8
South Eastern	14.7	14.8	0.1	13.6	-1.0	13.2	-1.4	15.3	0.6	16.9	2.3
Western	14.1	15.5	1.5	15.0	0.9	16.1	2.0	16.4	2.4	14.7	0.7
Northern	14.2	13.3	-1.0	13.0	-1.3	13.7	-0.6	13.5	-0.8	12.9	-1.3
Gozo and Comino	7.7	8.0	0.4	8.0	0.3	9.1	1.4	6.9	-0.7	8.2	0.5

^a Percentages based on the "Total population by Age and Gender" [excluding those under 12 years of age] as at 31st December 2007 and as listed in Table 1 of the N.S.O. News Release 125/008.

^b Percentages are based on Total Population by Region as listed in Table 9 of the Demographic Review 2006

The minimum age of respondents was 12 years old, while the oldest person interviewed was that of 96 years old during the period April-June 2008. Comparing the survey's age groups with the "Total population by sex and single years of age, 31st December 2007 – based

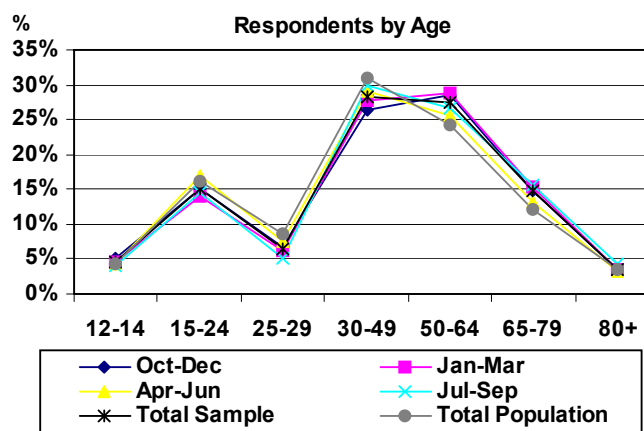


FIGURE 1.1: SAMPLE PROFILE AND CENSUS POPULATION BY AGE GROUP



on the November 2005 Census” as published in News Release 125/2008 by the National Statistics Office on 11th July 2008, the highest discrepancy at +3.11% lies in the 50-64 years old followed by those in the 30-49 years old at -2.5% - see Figure 1.1 right:

12.2 Radio and TV Reach

Broadcast media consumption depends on consumer preferences, attitudes and lifestyle. The first measure of media consumption is its reach; i.e. the number of consumers that broadcasters can attract to each particular media and station; albeit for a limited time. The parameters for the calculation of radio and TV reach is set as which radio and TV station each interviewee has tuned to the day before the interview.

12.2.1 Radio Reach

For the broadcasting season October 2007 to September 2008 the average total number of regular listeners has decreased by 1.3% over the previous broadcasting season of 2006-2007. Compared by yearly quarter, peak radio reach was achieved at 49.4% during July-September 2008 – an increase of 5.2% over the same period of the previous broadcasting season [from 44.2% in July-Sept 2007 to 49.4% in July-September 2008] – see Table 2.1 and Figure 2.1 below:

TABLE 2.1: RADIO REACH BY QUARTERS: OCT-DEC 2007 TO JUL-SEP 2008

	Do not Listen to Radio	No Particular Radio Station	Do not Remember	Radio Listeners
Jul-Sep 2008	46.8%	3.7%	0.1%	49.4%
Apr-Jun 2008	46.5%	7.2%	1.1%	45.2%
Jan-Mar 2008	44.1%	9.1%	1.4%	45.4%
Oct-Dec 2007	54.4%	4.7%	1.6%	43.3%
Average	48.0%	6.2%	1.1%	45.8%
<i>Jul-Sep 2007</i>	47.2%	7.7%	0.9%	44.2%
<i>Apr-Jun 2007</i>	44.5%	7.2%	0.8%	47.5%
<i>Jan-Mar 2007</i>	48.0%	5.9%	0.8%	45.3%
<i>Oct-Dec 2006</i>	44.0%	3.9%	0.9%	51.2%
<i>Average</i>	45.9%	6.2%	0.9%	47.1%

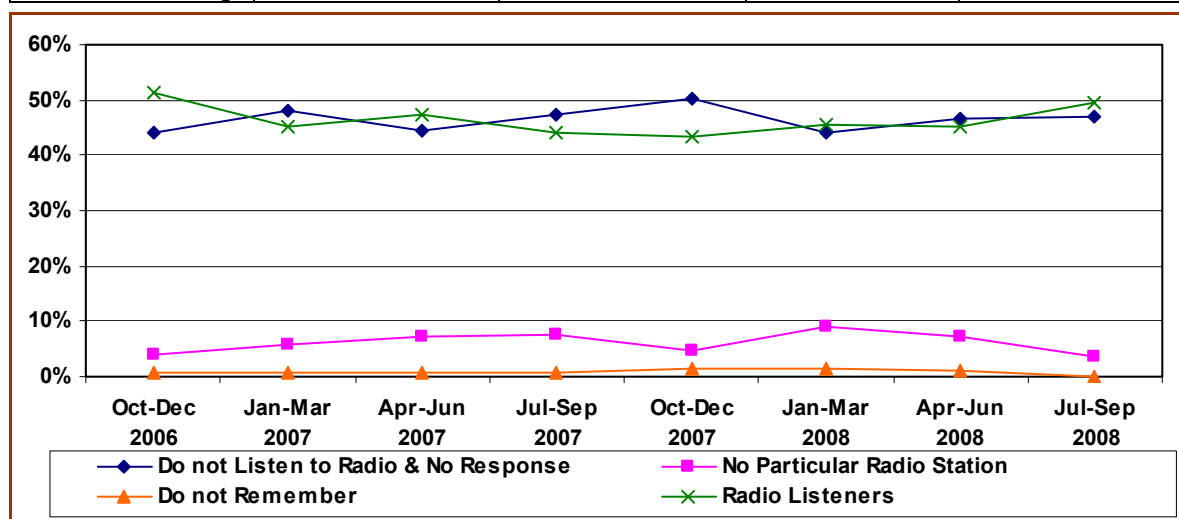


FIGURE 2.1: RADIO REACH BY QUARTERS: OCT-DEC 2007 TO JUL-SEP 2008



For each broadcasting quarter, the total net counts of listeners [i.e. the total number of interviewed persons excluding those who “do not listen to radio”; “did not remember”; “did not follow any particular radio station” – and without considering the amount of time followed by each listener] are given in Table 2.2 and Figure 2.2 below. This data gives the effective percentage reach of radio listeners that each radio broadcasting station has attracted. One Radio was the station most tuned to during the last three quarters of the broadcasting season from January to September 2008 while Bay Radio was the most tuned to radio frequency during the first quarter of the broadcasting season.

TABLE 2.2: RADIO REACH BY BROADCASTING STATION BY QUARTER – OCT-DEC 2007 TO JUL-SEP 2008

	Oct-Dec 2007	Jan-Mar 2008	Apr-Jun 2008	Jul-Sep 2008
Radju Malta	7.5	7.5	6.5	11.2
Radju Parlament 106.6	0.9	2.0	0.6	1.1
Magic Radio	7.2	5.5	5.5	5.4
Super One Radio	15.3	19.5	20.2	19.2
Radio 101	6.7	8.4	5.8	5.1
Bay Radio	15.5	16.2	17.1	14.8
Calypso Radio	10.0	10.3	11.6	11.6
RTK	9.4	8.6	8.1	8.8
Smash Radio	6.7	3.9	3.2	3.1
Radju Marija	7.1	7.0	6.2	7.8
Campus FM	2.0	1.1	1.0	0.5
Capital Radio	4.7	3.7	4.7	3.4
XFM	2.8	3.2	6.8	4.3
Community Stations	3.1	2.4	2.0	1.8
Foreign Radio Stations	1.1	0.9	0.7	1.8
	100.0	100.0	100.0	100.0

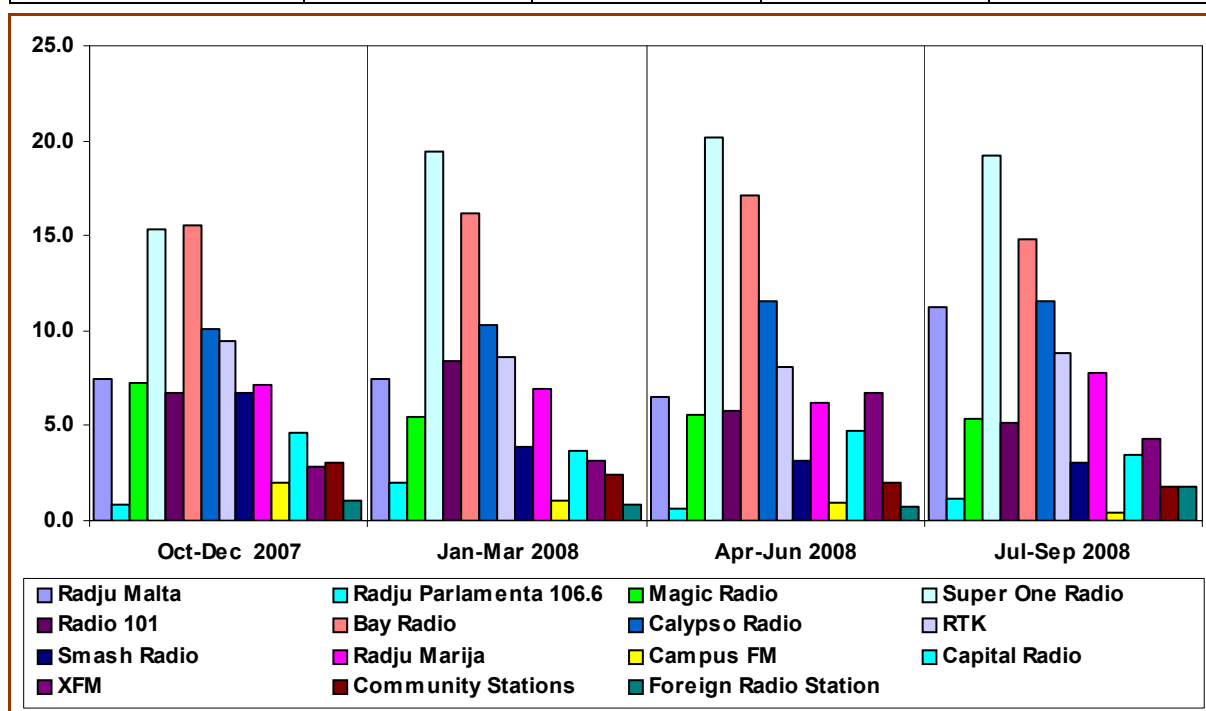


FIGURE 2.2 RADIO REACH BY BROADCASTING STATION BY QUARTER– OCT-DEC 2007 TO JUL-SEP 2008

Further investigation by demographics, by station and by quarter is available in the full publication.



12.2.2 TV Reach

For the broadcasting season October 2007 to September 2008 the average total number of regular TV viewers has decreased by 1.9% over the previous broadcasting season of 2006-2007. Compared by yearly quarter, peak TV reach was achieved at 60.6% during April-June 2008. While for the first two quarters of the broadcasting season under analysis [October 2007-March 2008] TV reach was lower compared to the same periods of October 2006-March 2007; TV reach following the General Elections of March 2008 was higher by 2.5% during April-June 2008 and 7.1% during July-September 2008 compared to the same months of the previous assessment period April-September 2007 – see Table 2.3 and Figure 2.3 below:

TABLE 2.3: TV REACH BY QUARTERS: OCT-DEC 2006 TO APR-JUN 2008

	Do not watch TV	No particular TV station	Do not remember	No TV Set	TV Viewers
Jul-Sep 2008	30.3%	10.6%	0.8%	0.5%	57.9%
Apr-Jun 2008	21.2%	17.2%	0.5%	0.4%	60.6%
Jan-Mar 2008	24.2%	22.1%	1.5%	0.3%	51.9%
Oct-Dec 2007	24.9%	14.9%	0.9%	0.5%	58.8%
Avg.	25.2%	16.2%	0.9%	0.4%	57.3%
Jul-Sep 2007	33.2%	14.1%	1.2%	0.7%	50.8%
Apr-Jun 2007	28.9%	11.3%	1.0%	0.7%	58.1%
Jan-Mar 2007	24.3%	12.4%	1.0%	0.7%	61.6%
Oct-Dec 2006	22.8%	9.2%	0.8%	0.8%	66.4%
Avg.	27.3%	11.8%	1.0%	0.7%	59.2%

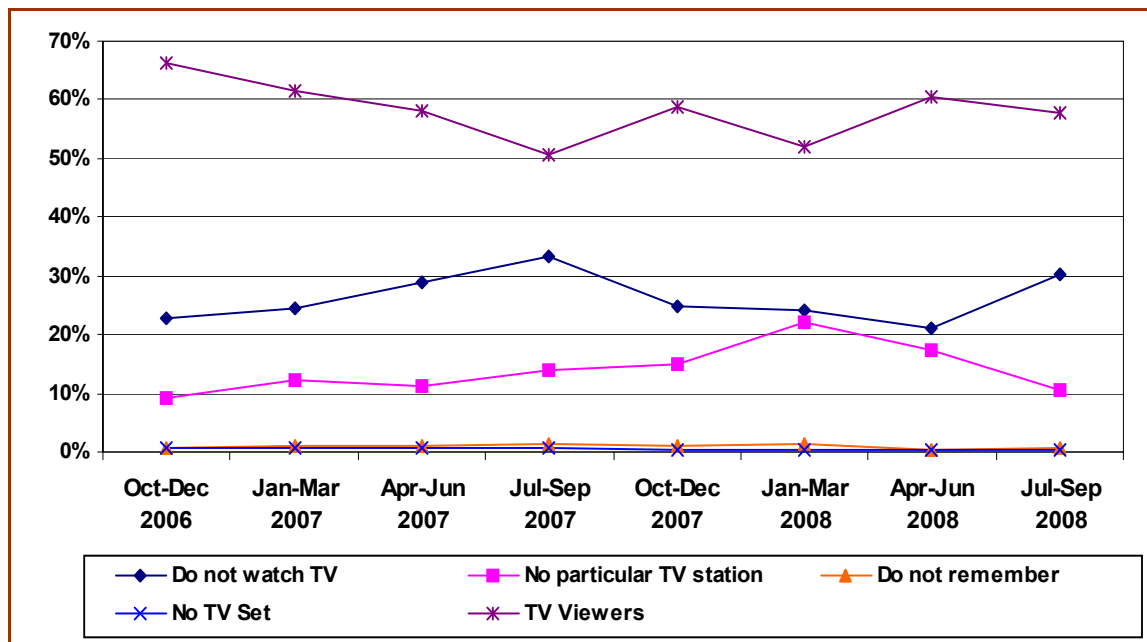


FIGURE 2.3: TV REACH BY QUARTER: OCT-DEC 2006 TO JUL-SEP 2008

The overall counts of effective respondents [excluding the amount of time followed by each viewer] are given in Table 2.4 and Figure 2.4 below. This data gives the effective percentage reach of TV viewers that each broadcasting station has attracted. TVM was the most tuned to station throughout the broadcasting season, being closely followed by One TV. Net TV was the third most tuned to station during January-March 2008.



TABLE 2.4: TV REACH BY BROADCASTING STATION –OCT-DEC 2007 TO JUL-SEP 2008

	Oct-Dec 2007	Jan-Mar 2008	Apr-Jun 2008	Jul-Sep 2008
TVM	[1] 26.8	[1] 26.9	[1] 33.0	[1] 23.9
One TV	[2] 20.7	[2] 21.0	[2] 15.1	[2] 20.6
Net TV	[4] 12.1	[3] 13.4	8.5	[4] 8.3
Smash TV	0.7	0.5	0.6	0.7
Education 22	0.1	0.1	0.2	0.0
ITV	0.0	0.0	0.1	0.1
Family TV	0.0	0.0	1.9	1.6
Rai 1	4.2	3.1	[3] 11.6	3.8
Rai 2	1.4	1.3	1.1	3.0
Rai 3	0.4	0.4	0.7	0.4
Rete 4	2.5	2.7	2.9	2.7
Canale 5	6.0	6.5	4.5	5.0
Italia 1	7.3	7.2	5.1	5.8
Discovery Channel	1.8	2.1	2.2	2.9
MTV	0.4	0.6	1.1	2.6
BBC Prime	1.3	1.3	1.0	2.2
BBC World	0.4	0.6	0.1	0.5
Other TV Stations	[3] 14.0	[4] 12.1	[4] 10.3	[3] 15.9
	100%	100%	100%	100%

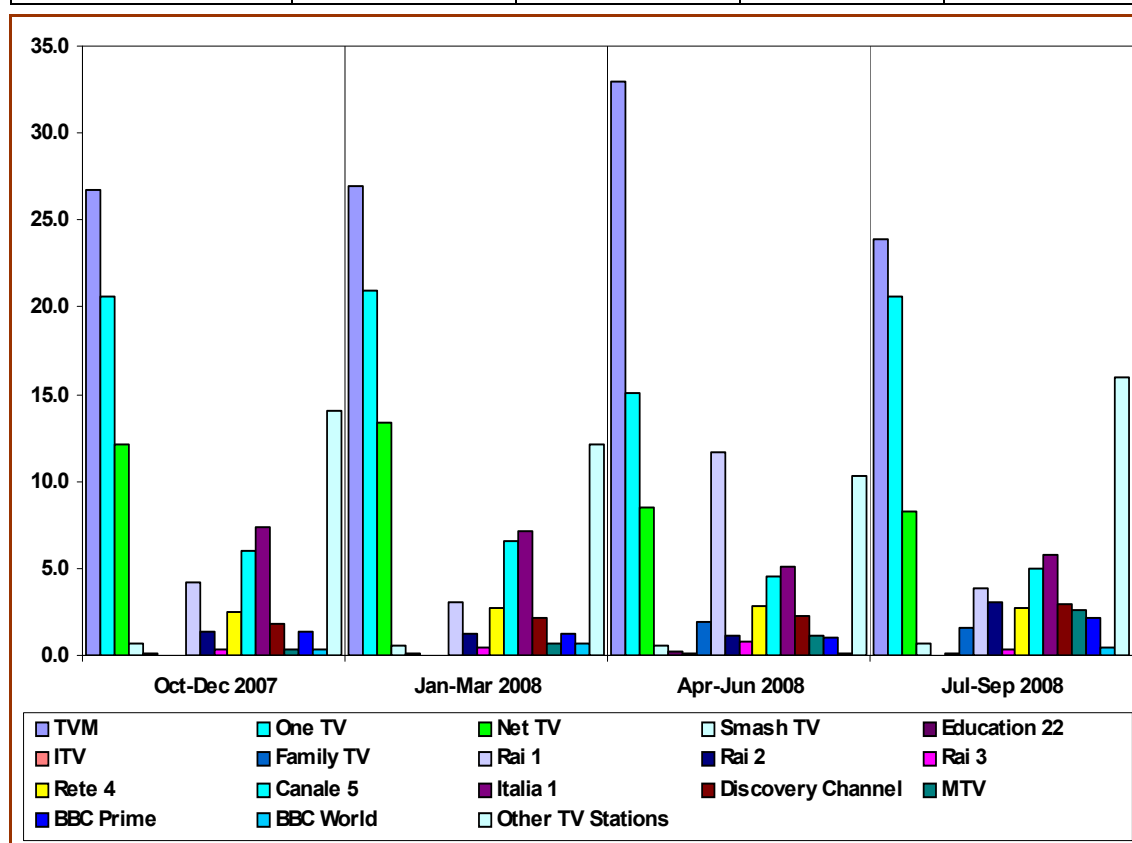


FIGURE 2.4 TV REACH BY BROADCASTING STATION –OCT-DEC 2007 TO JUL-SEP 2008

Further investigation by demographics, by station and by quarter is available in the full publication on the Authority's website.



12.3 Radio and TV Consumption

Calculating the average number of hours that radio listeners and television viewers spend on a daily basis with their reception media is another measure that indicates consumption based on the number of hours that consumers were captured by the respective broadcasting stations; or rather for how long did each broadcasting station manage to maintain, on average, its audiences.

Over a period of two years from October 2006 to September 2008 the average daily number of hours consumed by radio listeners has decreased by 1.14 hrs [1hr 23min approx.] from 4.41 hrs to 3.27 hrs. Spreading the data over the entire sample including those who do not listen to radio, the total average daily number of hours consumed has decreased by 1.16 hrs [1hr 27min approx.]. Of interest is the increase in radio consumption hours following the March 2008 General Elections where consumption has increased by 6.8% over the previous period – see Table 4.1 and Figure 4.1 below:

TABLE 3.1: RADIO AVERAGE HOURS CONSUMPTION BY QUARTER [Oct 2006 – Sep 2008]

	Oct-Dec 2006	Jan-Mar 2007	Apr-Jun 2007	Jul-Sep 2007	Oct-Dec 2007	Jan-Mar 2008	Apr-Jun 2008	Jul-Sep 2008
Radju Malta	3.50	4.05	4.24	3.11	3.63	3.20	3.28	3.08
Radju Parlament 106.6	4.00	2.00	3.14	3.45	3.86	3.22	1.90	2.60
Magic Radio	2.75	4.68	3.79	2.97	2.57	2.82	3.70	3.12
Super One Radio	5.78	5.80	4.85	5.69	4.13	4.39	4.60	3.83
Radio 101	3.82	3.57	3.75	2.40	3.54	3.12	3.66	2.97
Bay Radio	3.34	2.84	2.15	2.61	2.39	2.03	2.40	3.15
Calypso Radio	5.61	5.11	5.18	4.78	4.20	4.52	4.37	3.95
RTK	5.08	4.77	3.17	2.86	3.69	2.95	3.12	2.64
Smash Radio	4.17	2.61	4.39	3.44	3.20	3.61	2.73	3.67
Radju Marija	3.45	4.53	4.11	3.65	3.43	4.23	3.76	2.70
Campus FM	1.63	5.60	1.00	1.70	1.50	3.00	1.94	4.25
Capital Radio	2.83	3.86	3.52	2.19	4.03	3.05	5.04	2.85
XFM	4.68	4.21	3.15	3.85	2.39	2.79	3.05	2.80
Community Stations	4.88	8.00	3.50	4.89	5.00	3.53	4.53	3.94
Foreign Radio Station	3.17	2.67	2.00	3.13	2.22	2.29	1.79	2.94
Total Listeners [Hrs.]	4.41	4.42	3.90	3.65	3.42	3.40	3.63	3.27
Total Sample [Hrs.]	2.26	2.00	1.87	1.63	1.53	1.54	1.64	1.61

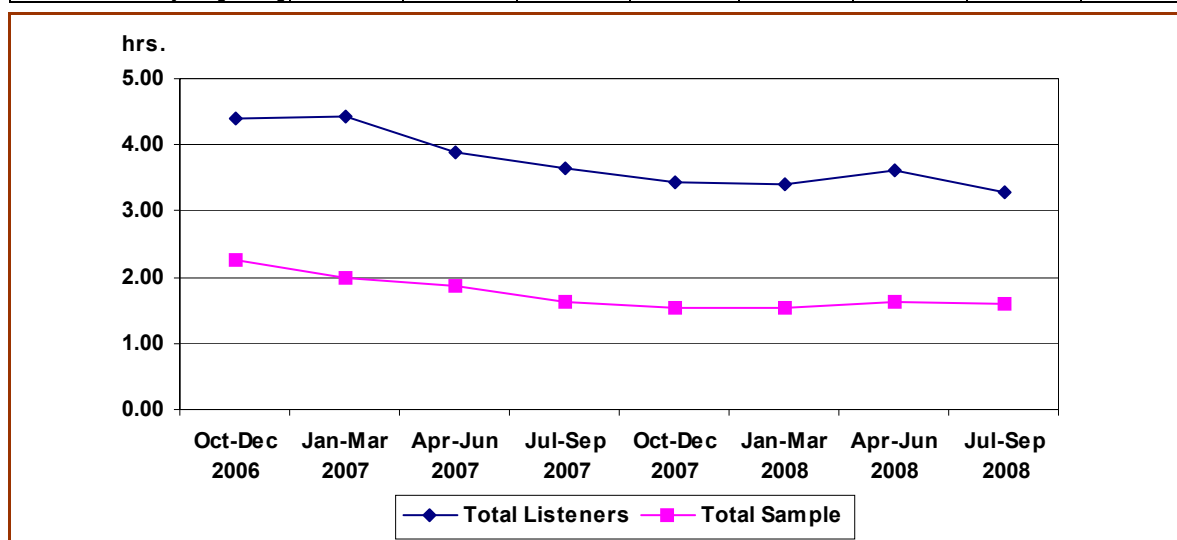


FIGURE 3.1: RADIO AVERAGE HOURS CONSUMPTION BY Quarter [Oct 2006 – Sep 2008]



Compared to radio consumption, the average hours spent by consumers watching their favorite TV station has maintained its level of 2 to 2½ hours daily. While radio consumption during the first quarter of post General Elections has slightly increased over the previous quarter [6.8%], TV consumption during the same period has however decreased by 46.9% - again reaching the minimum normal consumption of 2 hours plus in the last quarter of the broadcasting season – see Table 4.2 and Figure 3.2 below:

TABLE 3.2: TV AVERAGE HOURS CONSUMPTION BY Quarter [Oct 2006 – Sep 2008]

	Oct-Dec 2006	Jan-Mar 2007	Apr-Jun 2007	Jul-Sep 2007	Oct-Dec 2007	Jan-Mar 2008	Apr-Jun 2008	Jul-Sep 2008
TVM	2.12	2.28	2.06	1.81	1.93	1.83	2.02	1.44
One TV	3.18	3.40	3.24	2.76	3.01	2.97	2.43	2.10
Net TV	2.36	2.83	2.39	2.4	2.42	2.47	1.91	1.94
Smash TV	1.00	1.00	1.19	2	0.93	0.80	1.83	1.93
Education 22	2.75	-	-	-	1.00	0.50	2.63	-
ITV	-	-	-	1.5	-	-	3.00	0.50
Family TV							3.14	2.69
Rai 1	2.20	3.66	1.92	2.54	2.65	2.02	2.59	1.65
Rai 2	1.60	1.75	2.75	1.71	2.03	2.62	2.21	2.15
Rai 3	2.50	1.75	-	1.63	2.13	1.38	1.89	2.50
Rete 4	1.61	2.46	2.59	1.56	2.06	2.38	1.81	2.39
Canale 5	1.90	2.18	2.43	2.28	2.17	1.96	2.41	2.46
Italia 1	2.15	2.19	2.15	2.16	2.13	2.01	2.08	2.13
Discovery Channel	1.40	3.09	2.75	2.08	1.81	1.60	1.75	1.78
MTV	1.50	8.00	1.50	1.43	1.25	0.92	1.75	2.30
BBC Prime	2.07	3.89	1.83	1.79	2.71	1.58	1.64	1.93
BBC World	1.00	2.00	-	-	2.00	1.58	2.00	1.67
Other TV station	2.52	2.71	2.50	2.82	2.34	2.29	2.49	2.54
Total Viewers [Hrs.]	2.35	2.66	2.38	2.36	2.33	2.24	1.19	2.01
Total Sample [Hrs.]	1.57	1.68	1.40	1.21	1.38	1.16	0.72	1.16

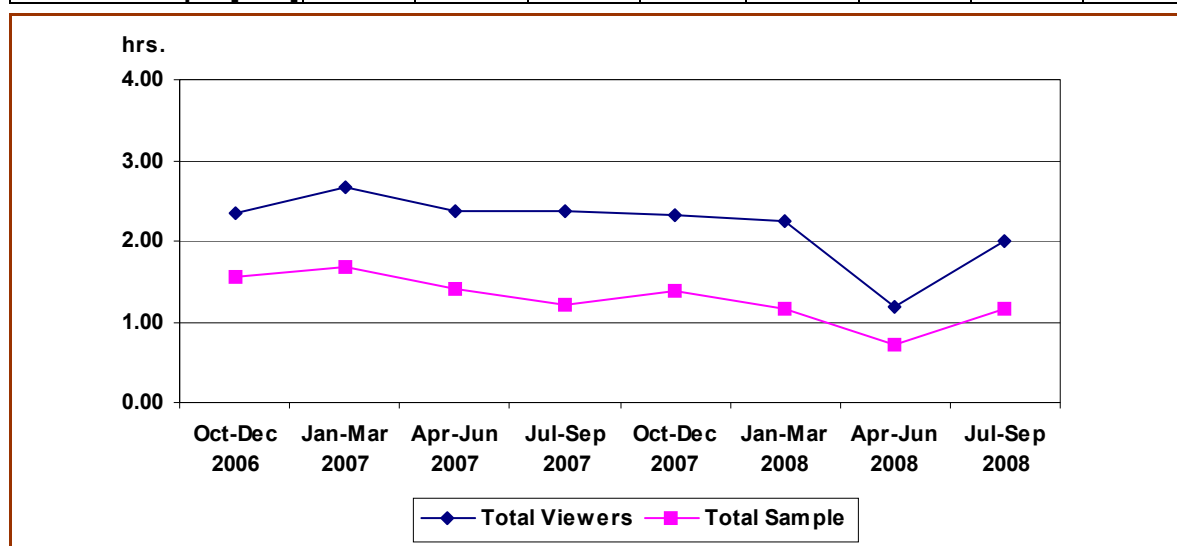


FIGURE 3.2: TV AVERAGE HOURS CONSUMPTION BY Quarter [Oct 2006 – Sep 2008]

The same time-brackets used in previous audience assessments was again used for this analysis: radio and TV consumption was analysed by such broad time-brackets to highlight consumption trends at different time periods of the 24-hour clock; data collected during the previous broadcasting season of Oct 2006 – Sep 2007 is again being represented.



While during the 2006/7 season, radio consumption by time-brackets has generally maintained its levels throughout the whole 12 months; during the 2007/8 broadcasting season radio consumption during late morning [9:00am – Noon] has increased at the expense of early afternoon listening [Noon – 5:00pm]. TV viewing, on the other hand, has followed similar viewing trends during both assessment periods with the exception of late-night viewing during 2007/8 where consumption during January-March 2008 doubled over the previous quarter.

In TV consumption, of note are the early afternoon percentages [Noon – 19:00hrs] which have increased by about 50% during July-September for both broadcasting seasons at the expense of late-night TV broadcasts [0:00pm – Midnight]. The same peak is evident during December 2007. For the General Elections run-up period of January-March 2008 late-night viewing is more than double that of the previous quarter [October-December 2007] and 50% higher than that of the following quarter of April-June 2008 [post-General Elections]; reaching its normal levels during July-September [see section 8.3 of the final report].

12.4 Teleshopping

Teleshopping programmes are aired on local broadcasting stations, generally during the off-peak hours during the day. There is only one channel completely dedicated to 24/7 Teleshopping. Respondents were asked whether they regularly watch teleshopping and on which channel such programmes are followed.

Of all the interviewees, only 9.6% stated that they regularly watched Teleshopping programmes. Of the effective teleshopping programme viewers, 10.6% stated that they did not know which teleshopping programme they had watched while the most followed teleshopping programme is that broadcast on Smash TV, followed by One TV. The teleshopping dedicated TV station, ITV, ranked third with 15.9% – see Table 4.1 and Figures 4.1.a-e below:

TABLE 4.1: TEleshopping BY TOTAL, BY QUARTER AND BY STATION [OCT 2007 – SEP 2008]

Teleshopping	Oct 2007 to Sep 2008	Oct-Dec 2007	Jan-Mar 2008	Apr-Jun 2008	Jul-Sep 2008
Yes	9.6	10.8	9.6	8.8	9.1
No	90.0	88.7	90.1	90.9	90.4
No TV set	0.4	0.5	0.3	0.3	0.5
	100%	100%	100%	100%	100%
Yes					
TVM	15.4	14.9	17.9	19.7	9.3
One TV	22.3	19.5	19.7	24.8	25.9
Net TV	9.5	9.2	11.6	8.3	8.6
Smash TV	26.2	26.2	24.3	23.6	30.9
Education 22	0.1	0.0	0.0	0.0	0.6
ITV	15.9	17.4	14.5	15.9	15.4
Do not know	10.6	12.8	12.1	7.6	9.3
	100%	100%	100%	100%	100%



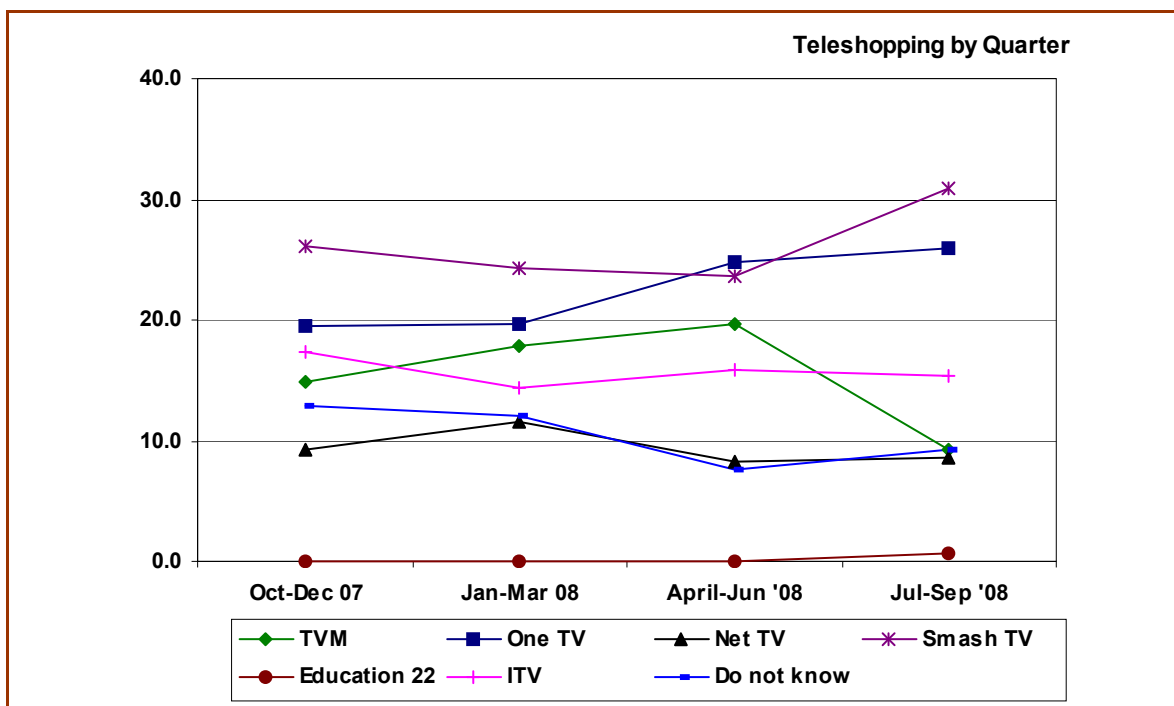


FIGURE 4.1: TEleshopping BY QUARTER AND BY BROADCASTING STATION [OCT 2007 – SEP 2008]

12.5 Media Reception Platform

During this broadcasting season, test transmissions of digital radio broadcasts started on the DAB+ platform on 1st July 2008 and by the end of the month the Authority had authorized the rebroadcasting of 36 foreign digital radio stations, the simulcasting of 12 nationwide analogue radio stations [XFM is the only nationwide radio station which has not yet requested the simulcasting of transmissions on the DAB+ platform]; simulcasting of a sole ownership Digital Radio Station; and the simulcasting of one community radio station which intends to start broadcasting as a nationwide radio station. By the time of writing this report, another digital radio station [Gozo Digital Radio] was approved by the Authority to start broadcasting on the DAB+ platform. On the other hand, digital television broadcasting is available through various platforms. With this in mind, respondents were asked to indicate on which broadcasting platform they receive their household television broadcasts; namely through roof-top aerial – both analogue and digital, cable system, satellite dish and through the Internet.

The data used in this analysis is derived only from persons living in the archipelago – no institutions, of whatever kind are contacted. It is therefore representative only of household reception platforms used and not of national digital uptake. Table 5.1 and Figure 5.1 to Figure 5.3 detail the percentages registered for the various broadcasting platforms by quarter from October-December 2006 to July-September 2008 and annually for Oct 2007-September 2008. Further data is available in Part 2 of this report.



TABLE 5.1: TV RECEPTION SYSTEM BY QUARTER – OCT-DEC 2006 TO JUL-SEP 2008

	Oct-Dec 2006	Jan-Mar 2007	Apr-Jun 2007	Jul-Sep 2007	Oct-Dec 2007	Jan-Mar 2008	Apr-Jun 2008	Jul-Sep 2008
Aerial (Analogue)	24.3%	21.7%	19.4%	16.4%	18.1%	16.0%	17.5%	17.1%
Cable (Analogue)	66.8%	65.3%	67.0%	70.9%	48.9%	44.5%	43.9%	43.8%
Satellite	6.3%	8.2%	8.7%	8.2%	7.3%	8.3%	7.2%	8.1%
Internet	0.1%		0.1%	0.2%	.1%	.1%	.3%	.2%
Digital Aerial/Cable	1.6%	4.0%	4.1%	3.6%	25.2%	31.0%	30.8%	30.4%
No TV set	0.8%	0.7%	0.7%	0.7%	.5%	.3%	.3%	.5%

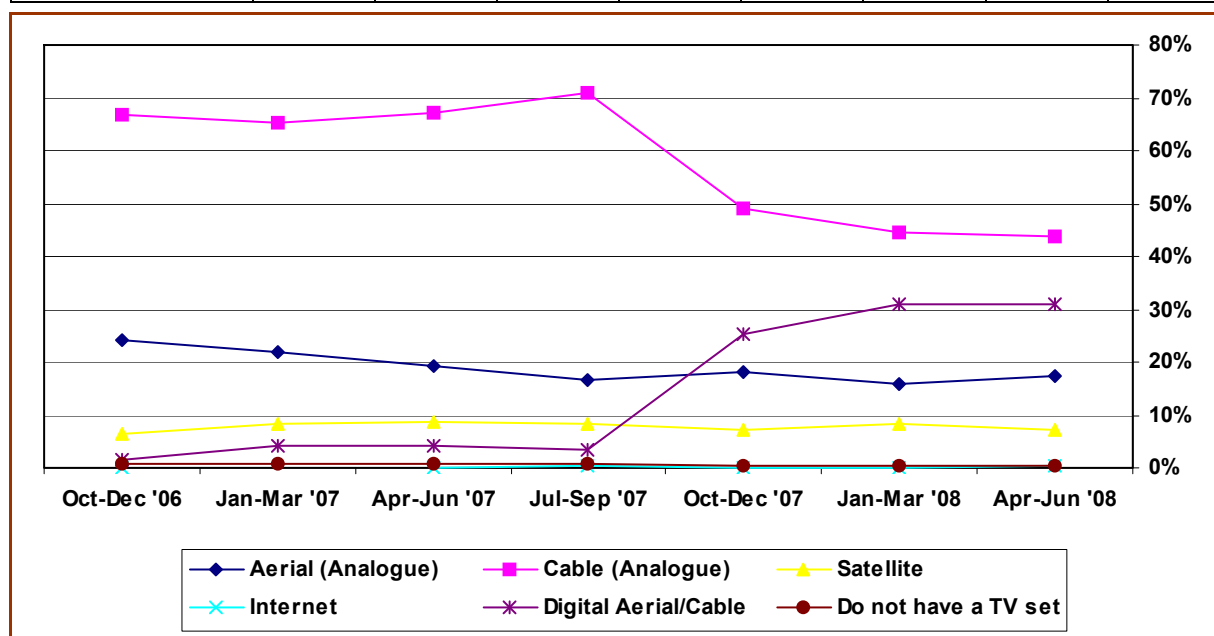


FIGURE 5.1: TV RECEPTION SYSTEM BY QUARTER – OCT-DEC 2006 TO JUL-SEP 2008

12.6 Radio and TV Daily Average Audiences [July – September 2008]

Participants were asked to indicate which radio and/or television station they had followed for at least 10 minutes and for how long, specifying the respective clock-hour or part thereof. All the replies were classified by half-hour clock slots and analyzed 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.

Overall, One Radio has attained the highest daily average [1.53%] with its highest average being on Wednesdays [2.36%]. This was followed by Bay Radio with the next highest daily average [0.94%] while reaching its highest on Fridays [1.67%]; and Calypso Radio [0.92%] reaching its highest also on Tuesdays [1.75%] – see Table 6.1 below:



TABLE 6.1: RADIO WEEKDAY-AVERAGE AUDIENCE SHARE [JULY-SEPTEMBER 2008]

	RADJU MALTA	R. PARLAMANT 106.6	MAGIC RADIO	SUPER ONE RADIO	RADIO 101	BAY RADIO	CALYPSO RADIO	RTK	SMASH RADIO	RADJU MARIJA	CAMPUS FM	CAPITAL RADIO	XFM	COMMUNITY STATIONS	FOREIGN STATIONS
Mon	0.65	0.19	0.50	1.12	0.34	0.60	0.72	0.62	0.20	0.37	0.00	0.11	0.17	0.22	0.12
Tue	0.79	0.00	0.36	2.14	0.38	0.71	1.75	0.54	0.41	0.46	0.00	0.06	0.08	0.07	0.03
Wed	0.72	0.08	0.38	2.36	0.24	0.74	0.89	0.23	0.16	0.58	0.06	0.15	0.34	0.19	0.15
Thu	0.68	0.03	0.20	1.35	0.08	1.61	0.69	0.69	0.43	0.84	0.21	0.48	0.12	0.06	0.34
Fri	0.58	0.03	0.29	1.16	0.36	1.67	0.63	0.70	0.22	0.29	0.00	0.12	0.38	0.21	0.08
Sat	0.85	0.08	0.35	1.23	0.53	0.58	0.90	0.21	0.13	0.09	0.00	0.27	0.49	0.28	0.02
Sun	0.67	0.01	0.29	1.23	0.23	0.72	0.78	0.35	0.05	0.46	0.00	0.21	0.17	0.00	0.02
Daily Average	0.71	0.06	0.34	1.53	0.31	0.94	0.92	0.48	0.23	0.44	0.04	0.20	0.25	0.15	0.11

For television audiences, overall [Monday to Sunday] from the local TV stations, One TV has attained the highest total daily average [1.18%] with its highest average being on Wednesdays [1.76%]. This was followed by TVM with the next highest total daily average [0.83%] and reaching its highest average on Mondays [1.23%]; and Net TV with its highest total daily average of 0.42%, reaching its highest average on Saturdays [0.62%]. From the foreign TV stations, "Other TV" has attained a higher total daily average than TVM; however this bracket includes more than one station the viewing of which is listed in Part Two of the full report. The foreign TV station with the highest total daily average for this period was Italia 1 [0.30%] reaching its highest on Wednesdays [0.42%] – see Table 6.2 below:

TABLE 6.2: TV WEEKDAY-AVERAGE AUDIENCE SHARE [JULY-SEPTEMBER 2008]

	TVM	ONE TV	NET TV	SMASH TV	ITV	FAMILY TV	RAI 1	RAI 2	RAI 3	RETE 4	CANALE 5	ITALIA 1	DISCOVERY CHANNEL	MTV	BBC PRIME	BBC WORLD	OTHER TV STATION
Mondays	1.23	0.93	0.44	0.01	0.00	0.19	0.24	0.21	0.03	0.09	0.39	0.26	0.33	0.12	0.10	0.10	1.39
Tuesdays	1.01	1.55	0.24	0.04	0.00	0.04	0.10	0.29	0.00	0.16	0.27	0.47	0.22	0.15	0.07	0.03	0.81
Wednesdays	0.81	1.76	0.30	0.00	0.01	0.05	0.23	0.15	0.00	0.38	0.23	0.42	0.06	0.21	0.27	0.00	0.75
Thursdays	0.74	1.08	0.53	0.08	0.00	0.08	0.20	0.20	0.00	0.15	0.31	0.30	0.10	0.19	0.10	0.02	0.74
Fridays	0.78	0.81	0.43	0.09	0.00	0.10	0.13	0.09	0.05	0.14	0.22	0.17	0.07	0.13	0.11	0.00	1.17
Saturdays	0.36	0.92	0.62	0.00	0.00	0.04	0.02	0.02	0.04	0.13	0.33	0.10	0.13	0.16	0.02	0.02	1.52
Sundays	0.88	1.13	0.41	0.00	0.00	0.25	0.15	0.13	0.05	0.06	0.30	0.35	0.03	0.06	0.04	0.00	0.69
Daily Average	0.83	1.18	0.42	0.03	0.00	0.11	0.15	0.16	0.02	0.16	0.29	0.30	0.14	0.14	0.10	0.02	1.00



12.7 Radio and TV Daily Peak Audiences [July – September 2008]

Another indication of a station's popularity with its audiences is the highest percentage of audience share obtained at any particular time for each week-day. The Weekday Peaks attained by each radio broadcasting station are summarized in Table 7.1 below:

TABLE 7.1: RADIO WEEKDAY PEAK AUDIENCES [JULY-SEPTEMBER 2008]

	RADJU MALTA	R. PARLAMENT 106.6	MAGIC RADIO	SUPER ONE RADIO	RADIO 101	BAY RADIO	CALYPSO RADIO	RTK	SMASH RADIO	RADJU MARIJA	CAMPUS FM	CAPITAL RADIO	XFM	COMMUNITY STATIONS	FOREIGN STATIONS
Mon	3.52	1.17	1.95	4.69	1.17	2.73	3.91	2.73	0.78	1.17	0.00	0.78	1.17	0.78	0.39
Tue	3.61	0.00	1.08	7.22	1.08	3.25	5.42	2.89	1.81	1.81	0.00	0.36	0.72	0.36	0.36
Wed	3.45	0.38	1.53	7.28	1.15	3.07	3.45	1.15	0.77	1.53	0.77	0.77	1.15	0.77	0.77
Thu	3.94	0.39	0.79	4.72	0.39	4.72	2.76	3.94	1.57	1.97	0.39	2.36	0.79	0.39	1.18
Fri	3.64	0.40	1.21	5.26	1.62	4.86	2.43	2.83	1.21	1.21	0.00	0.81	1.62	0.81	0.40
Sat	4.42	0.80	1.20	6.02	2.41	2.41	3.21	0.80	0.80	0.40	0.00	1.61	2.01	1.20	0.80
Sun	3.53	0.39	1.18	5.49	1.18	3.53	2.75	1.57	0.78	1.57	0.00	0.78	1.57	0.00	0.39
Highest Peak	4.42	1.17	1.95	7.28	2.41	4.86	5.42	3.94	1.81	1.97	0.77	2.36	2.01	1.20	1.18

The Weekday Peaks attained by each TV station are summarized in Table 7.2 below. Although it is not the intention of this report to analyse published programme schedules with audiences, it is however evident that main news programmes attained the highest audiences by weekday – TVM attained its highest audiences between 8:00pm and 8:30pm throughout:

TABLE 7.2: TV WEEKDAY PEAK AUDIENCES [JULY-SEPTEMBER 2008]

	TVM	ONE TV	NET TV	SMASH TV	ITV	FAMILY TV	RAI 1	RAI 2	RAI 3	RETE 4	CANALE 5	ITALIA 1	DISCOVERY CHANNEL	MTV	BBC PRIME	BBC WORLD	OTHER TV STATION
Mondays	12.50	8.98	3.52	0.39	0.00	0.78	1.95	1.17	0.39	0.78	1.95	1.17	1.95	0.78	0.78	0.39	4.69
Tuesdays	8.66	8.66	2.89	0.36	0.00	0.72	1.08	1.81	0.00	1.44	2.17	2.89	1.81	0.72	0.72	0.36	3.61
Wednesdays	9.96	8.05	2.30	0.00	0.38	0.38	2.30	0.77	0.00	1.15	1.53	3.07	0.77	0.77	1.92	0.00	2.68
Thursdays	9.49	7.51	5.53	0.40	0.00	0.40	1.58	1.19	0.00	0.79	1.98	2.37	0.79	0.79	0.40	0.40	2.77
Fridays	12.96	6.07	2.02	0.40	0.00	1.21	1.21	0.40	0.40	2.02	1.62	0.81	0.81	0.40	0.81	0.00	4.05
Saturdays	7.63	6.43	3.61	0.00	0.00	0.40	0.40	0.40	0.40	0.80	1.61	0.40	0.80	0.80	0.40	0.40	4.42
Sundays	10.20	9.80	2.75	0.00	0.00	1.18	1.18	0.78	0.39	0.78	2.75	1.18	0.39	0.39	0.39	0.00	2.75
Highest Peak	12.96	9.80	5.53	0.40	0.38	1.21	2.30	1.81	0.40	2.02	2.75	3.07	1.95	0.80	1.92	0.40	4.69



12.8 Daily Radio and TV Average Audience [July – September 2008]

Taking all the audiences for all the weekdays, the daily average radio audience share attained by each broadcasting station by quarter is shown in Table 8.1, for July-September 2008 in Figure 8.1 below, and further data is available in Part Two of the final report.

TABLE 8.1: RADIO TOTAL DAILY AVERAGE AUDIENCE BY QUARTER [OCT 2007-SEP 2008]

	RADJU MALTA	R. PARLAMENT 106.6	MAGIC RADIO	SUPER ONE RADIO	RADIO 101	BAY RADIO	CALYPSO RADIO	RTK	SMASH RADIO	RADJU MARIJA	CAMPUS FM	CAPITAL RADIO	XFM	COMMUNITY STATIONS	FOREIGN STATIONS
Jul-Sep 2008	10.6	0.9	5.1	22.8	4.6	14.1	13.8	7.1	3.4	6.6	0.6	3.0	3.7	2.2	1.6
Apr-Jun 2008	5.9	0.3	5.6	25.8	5.9	11.2	13.8	7.2	2.4	6.4	0.5	6.4	5.6	2.4	0.4
Jan-Mar 2008	5.9	0.3	5.6	25.8	5.9	11.2	13.8	7.2	2.4	6.4	0.5	6.4	5.6	2.4	0.4
Oct-Dec 2007	7.8	1.0	5.5	18.6	7.1	10.7	12.4	10.1	6.2	7.2	0.9	5.4	1.9	4.4	0.7

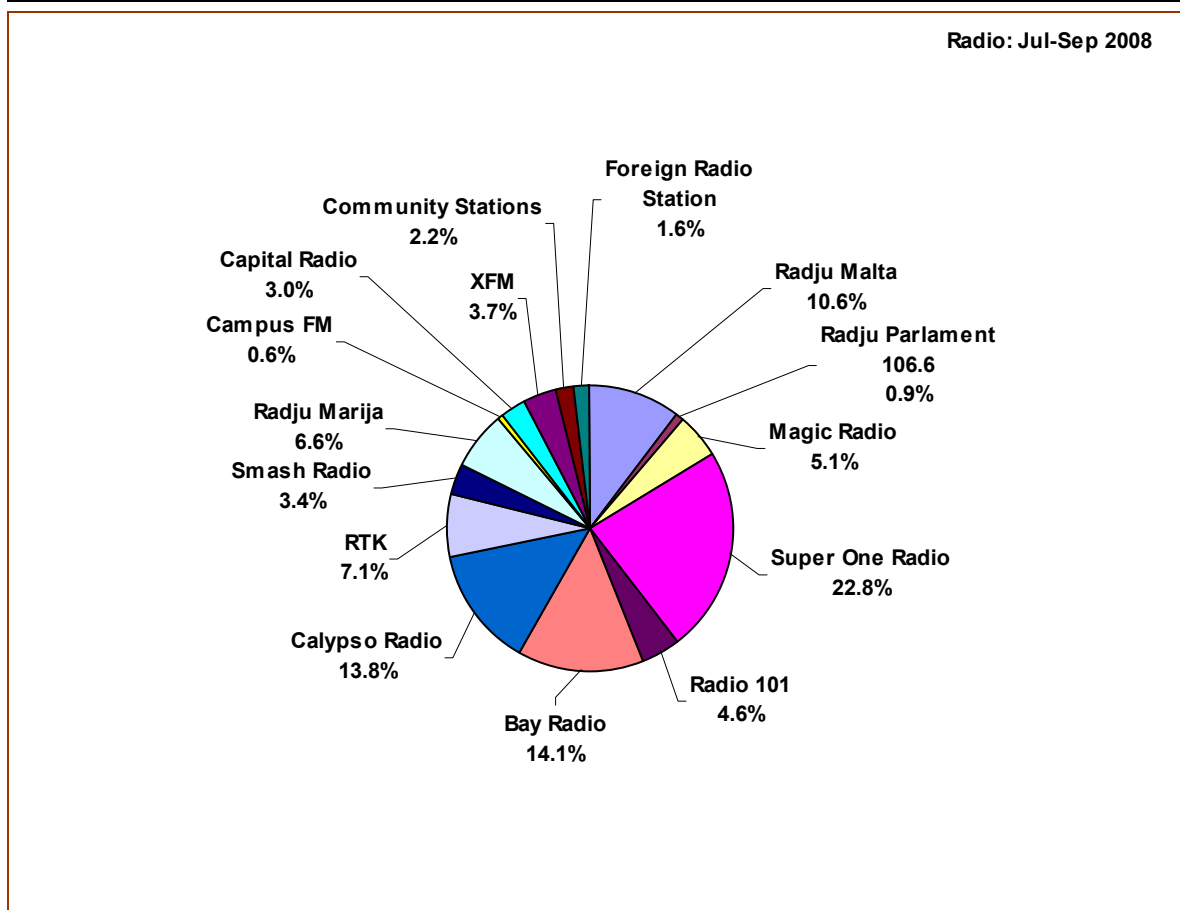


FIGURE 8.1: RADIO TOTAL DAILY AVERAGE AUDIENCE [JUL-SEP 2008]



Taking all the audiences for all the weekdays, the daily average TV audience share attained by each broadcasting station by quarter is show in Table 8.2; for July-September 2008 in Figure 8.2 below; and in Part Two of the report.

TABLE 8.2: TV TOTAL DAILY AVERAGE AUDIENCE BY QUARTER [OCT 2007-SEP 2008]

	TVM	ONE TV	NET TV	SMASH TV	EDUCATION 22	ITV	FAMILY TV	RAI 1	RAI 2	RAI 3	RETE 4	CANALE 5	ITALIA 1	DISCOVERY CHANNEL	MTV	BBC PRIME	BBC WORLD	OTHER TV STATIONS
Jul-Sep 2008	16.5	23.3	8.3	0.6	0.0	0.0	2.1	3.0	3.1	0.5	3.1	5.8	5.9	2.7	2.8	2.0	0.5	19.8
Apr-Jun 2008	29.3	17.5	7.5	0.4	0.2	0.1	2.7	13.3	1.1	0.7	2.3	5.0	4.6	1.7	0.9	0.7	0.2	11.8
Jan-Mar 2008	21.6	28.6	14.7	0.2	0.02	0.0	-	2.9	1.5	0.2	2.9	5.6	6.3	1.5	0.3	0.9	0.4	12.2
Oct-Dec 2007	22.2	26.8	12.4	0.2	0.04	0.0	-	5.0	1.1	0.3	2.1	5.5	6.9	1.5	0.2	1.5	0.3	13.8

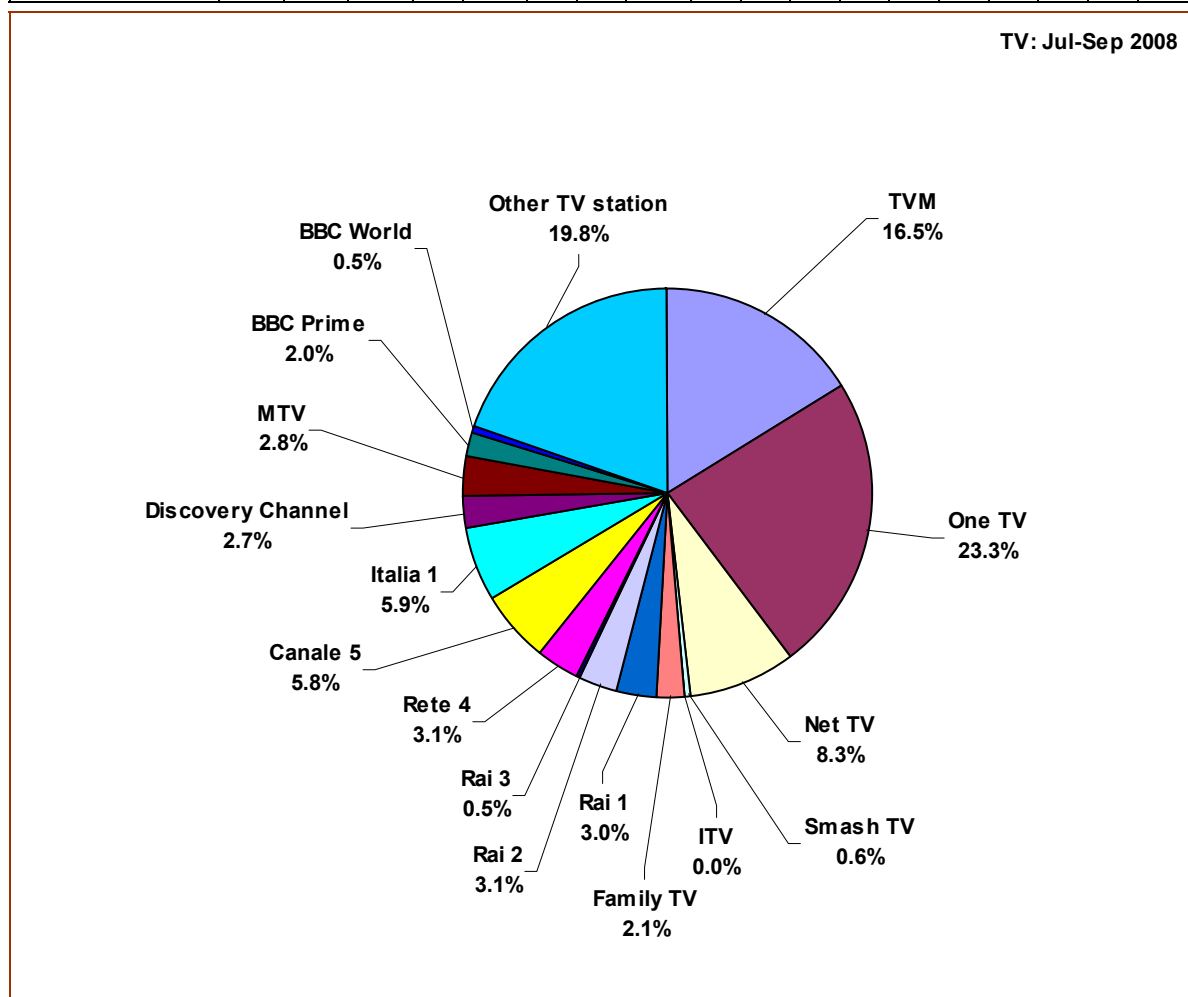


FIGURE 8.2: TV TOTAL DAILY TV AVERAGE AUDIENCE [JUL-SEP 2008]



12.8.1 Consumption by Broadcasting Station By Time Brackets – By Demographics

All the audiences for the period October 2007 to September 2008 were grouped together by time-brackets; analysed by gender, age-group, and by district; and categorized by broadcasting station. Two sets of data resulted from this analysis: consumption reach for the whole period and consumption audience. Consumption reach by broadcasting stations was analysed by quarter in previous sections and further such analysis on the whole broadcasting season would be superfluous.

However, analyzing consumption by demographics and by broadcasting station where each station's totals per demographic factor is given in relation to the distribution of that particular factor for the whole industry would give consumption preferences by station amongst the different demographic variables. This is of utmost importance to advertisers and consumer product promoters.

The total demographic consumption of each local radio broadcasting station were grouped by time brackets and are given in Table 8.3 and Figure 8.3 below while consumption by each radio broadcasting station and by time-bracket are given in Tables 8.7.a-o and Figures 8.10.a-o in the final report. It is important to note that the percentages given for each broadcasting station are in relation to the whole sample and not to each particular broadcasting station.

On the other hand, the total demographic consumption of each TV station is given in Table 8.4 and figure 8.4 below. It is also important to note that Family TV started regular broadcasts only during April 2008 and as such, analysis by demographics and by time-bracket for Family TV would be misleading. With such an issue, the data for Family TV was calculated as a percentage of all viewers for the last six months of this assessment period [April-September 2008]. The data for Family TV is therefore only indicative of 6-months broadcasts. The data for consumption by each TV broadcasting station is found in Tables 8.9.a-or and Figures 8.12.a-o in the final report.

The full report and tables are available for download from the Broadcasting Authority's website at www.ba-malta.org/audience.



TABLE AND FIGURE 8.3: RADIO CONSUMPTION BY DEMOGRAPHIC FACTORS – ALL STATIONS BY DEMOGRAPHIC TOTAL [OCT 2007 – SEP 2008]

	Gender		Age group							District					Gozo and Comino
	Male	Female	12-14	15-24	25-29	30-49	50-64	65-79	80+	Southern Harbour	Northern Harbour	South Eastern	Western	Northern	
Radio Malta Radio Parliament 106.6 Magic Radio Super One Radio Radio 101 Bay Radio Calypso Radio RTK Smash Radio Radio Marija	6.55	8.63	0.00	0.97	0.82	2.32	10.33	16.77	15.75	6.10	6.08	7.98	9.40	9.55	11.97
	0.88	1.06	2.55	0.89	1.06	2.31	0.43	0.07	0.00	1.12	0.91	1.54	0.74	1.25	0.00
	4.44	5.67	3.18	4.40	12.16	10.09	3.19	0.76	0.00	4.85	5.73	3.38	5.44	9.10	1.05
	21.49	24.09	8.60	3.00	5.47	15.51	33.23	35.74	17.29	30.24	14.78	35.43	20.96	18.58	20.62
	7.94	5.28	4.46	1.18	2.61	4.54	7.66	8.50	17.07	5.10	6.37	5.78	7.36	7.08	6.93
	16.00	8.48	43.31	53.55	33.55	9.88	1.91	0.43	0.00	10.12	14.40	8.60	12.86	9.97	9.15
	11.40	14.79	4.46	3.89	6.86	24.29	14.82	4.92	0.88	14.93	13.12	10.58	13.65	14.31	14.97
	4.89	9.88	0.00	0.93	1.63	2.57	8.51	18.51	22.65	6.05	10.23	6.81	5.95	8.19	10.75
	5.44	3.11	14.65	9.13	9.39	6.21	1.81	0.12	0.00	3.77	5.05	2.04	5.29	2.57	4.66
	3.46	9.71	5.41	0.25	1.14	2.60	10.60	10.94	24.07	7.62	7.56	5.30	8.45	6.46	8.15
Campus FM Capital Radio XFM Community Stations Foreign Radio Station	1.50	0.24	0.00	0.00	0.00	0.84	1.01	0.74	0.66	0.73	0.64	0.95	0.64	1.01	0.33
	6.06	3.57	5.10	5.58	13.55	10.20	0.66	0.29	0.00	3.53	5.78	4.55	4.78	4.06	3.05
	5.80	2.03	1.91	11.83	11.59	4.12	1.40	0.05	0.00	2.50	4.41	3.43	2.34	5.49	2.27
	2.70	3.00	4.46	3.34	0.16	3.48	3.76	1.39	0.22	2.86	4.57	2.74	1.09	0.73	4.49
	1.41	0.46	1.91	1.06	0.00	1.04	0.67	0.69	1.42	0.47	0.33	0.87	1.06	1.67	1.61
Total %	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

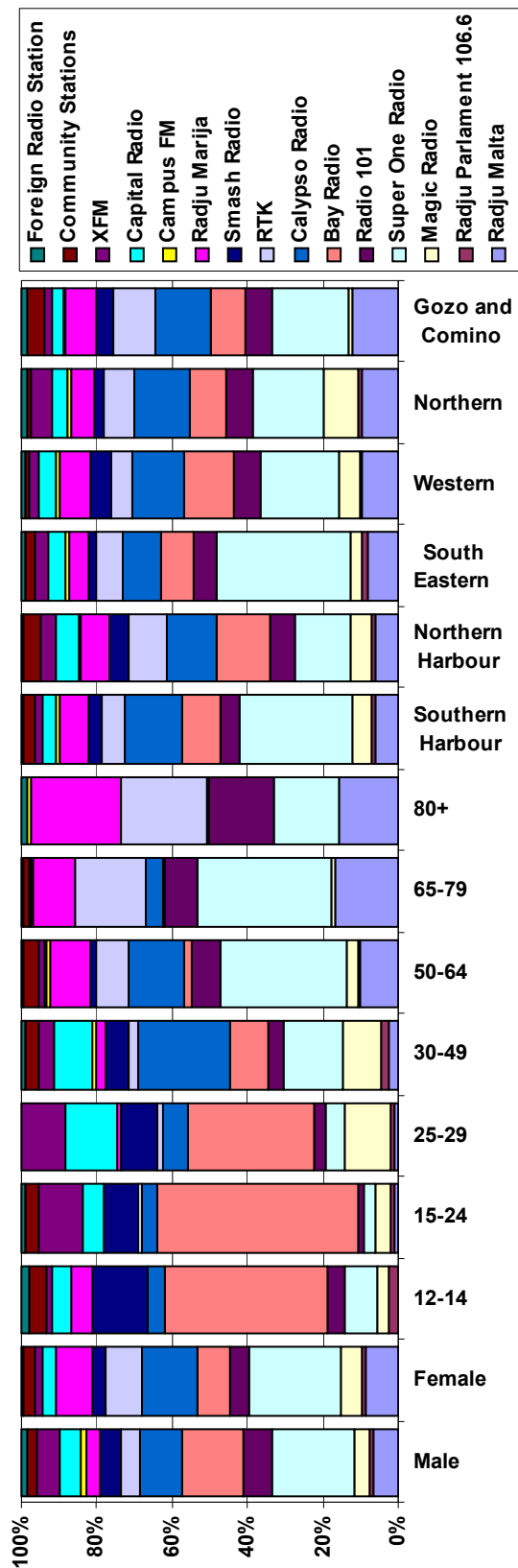


TABLE 8.4: TV CONSUMPTION BY DEMOGRAPHIC FACTORS – ALL STATIONS BY DEMOGRAPHIC TOTAL [OCT 2007 – SEP 2008]

	Gender		Age group							District						
	Male	Female	12-14	15-24	25-29	30-49	50-64	65-79	80+	Southern Harbour	Northern Harbour	South Eastern	Western	Northern	Gozo and Comino	
TV	19.98	24.65	20.57	14.71	25.34	24.13	22.14	26.91	25.37	18.98	21.59	20.99	24.76	27.16	29.55	
	21.38	25.92	11.32	13.74	16.36	19.92	32.62	30.95	21.23	32.42	18.62	33.06	19.80	17.30	21.98	
	8.83	12.09	4.68	5.76	5.03	7.90	13.23	16.36	24.54	8.67	11.41	8.20	11.69	13.75	12.42	
	0.44	0.32	0.44	0.16	0.34	0.39	0.37	0.22	1.66	0.48	0.39	0.51	0.20	0.34	0.07	
	0.03	0.11	0.00	0.20	0.00	0.04	0.00	0.22	0.00	0.02	0.00	0.14	0.07	0.00	0.46	
	0.08	0.01	0.00	0.00	0.50	0.02	0.00	0.00	0.00	0.00	0.00	0.24	0.00	0.00	0.00	
	0.35	0.99	1.96	1.81	0.00	0.86	0.48	0.16	0.14	0.48	0.52	0.99	1.22	0.85	0.53	
	8.88	4.50	2.72	5.96	6.38	6.90	6.44	6.77	3.98	6.26	8.15	5.01	6.59	4.82	4.05	
	2.46	1.12	3.16	0.89	2.68	2.57	1.31	0.93	0.00	1.13	2.12	1.78	1.99	1.31	1.26	
	0.68	0.27	0.00	0.60	0.34	0.39	0.58	0.26	0.66	0.36	0.37	0.55	1.15	0.00	0.00	
Radio	1.96	3.05	0.98	1.49	1.51	1.76	3.19	3.88	6.97	3.25	2.23	1.65	3.78	2.37	1.99	
	3.82	6.65	4.79	6.00	12.25	7.86	3.78	1.44	7.13	6.09	5.82	5.49	4.70	4.91	5.11	
	8.26	4.33	21.55	17.32	10.23	4.90	2.22	0.35	0.17	6.29	4.71	6.24	8.04	5.41	5.64	
	3.08	0.97	2.94	1.97	1.68	3.02	1.20	0.96	0.00	1.78	2.03	1.06	1.62	3.38	0.80	
	1.22	0.85	2.61	5.56	1.59	0.04	0.14	0.10	0.00	1.11	1.31	0.38	0.54	1.44	1.06	
	1.13	1.38	1.20	0.28	0.34	1.46	1.98	1.12	0.00	0.65	1.44	1.54	0.78	3.05	0.13	
	0.50	0.22	0.00	0.28	0.25	0.28	0.46	0.45	0.00	0.07	0.37	0.21	0.27	0.51	1.06	
	16.91	12.58	21.11	23.25	15.18	17.54	9.86	8.92	8.29	11.95	18.91	11.97	12.80	13.41	13.88	
	Total %	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

* The data for Family TV is that of six months [April to September 2008] as a percentage of all the broadcasting season [October 2007 – September 2008]; while the analysis by demographics and by time-bracket is based as a percentage of all consumers during the last six months of the broadcasting season [April to September 2008].



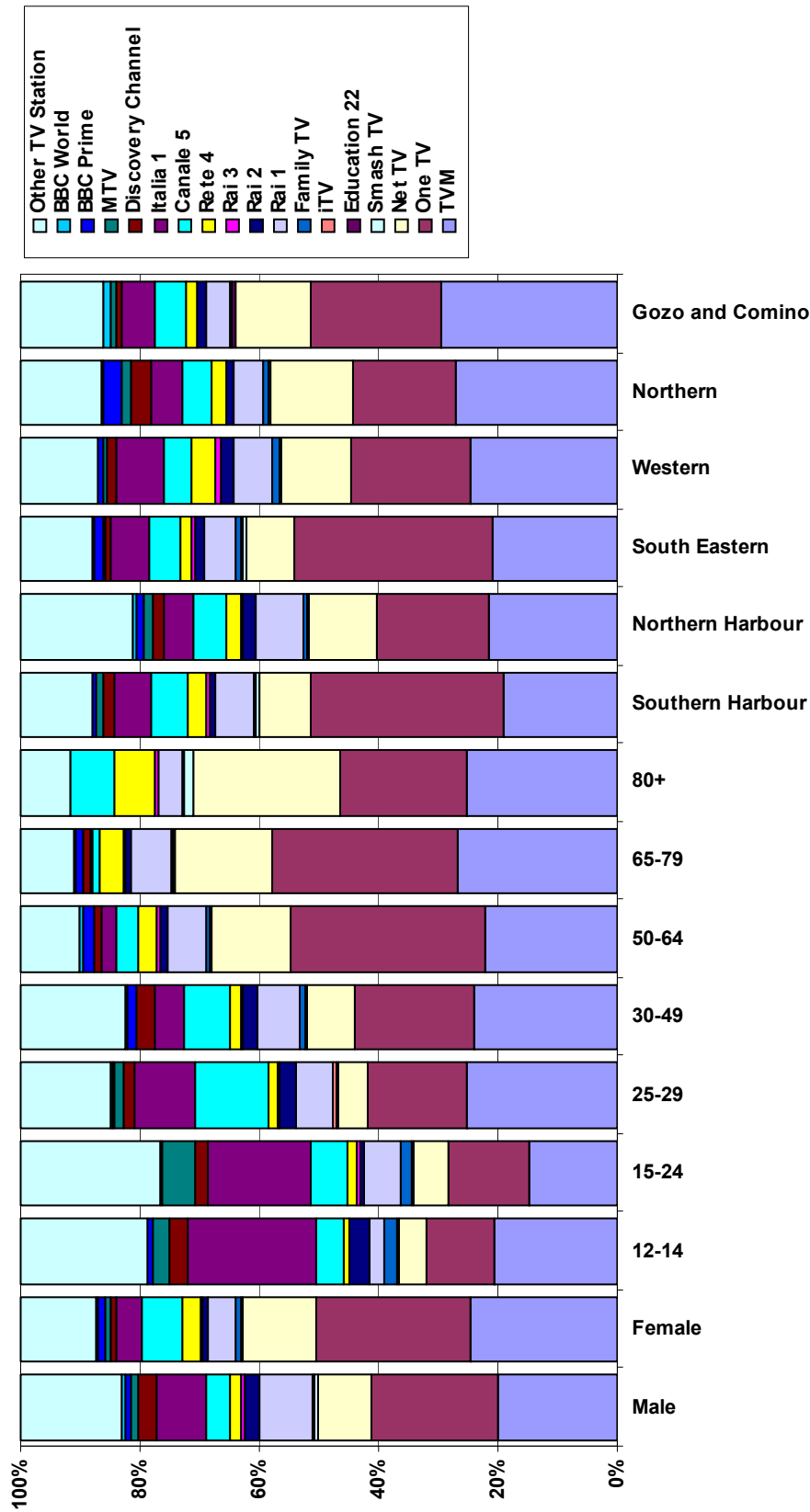


FIGURE 8.4: TV CONSUMPTION BY DEMOGRAPHIC FACTORS – ALL STATIONS BY DEMOGRAPHIC TOTAL [Oct-2007 – SEP 2008]

13. MALTESE LANGUAGE

13.1 New Rules Regulating Maltese Orthography

During 2008, the Authority brought to the attention of all broadcasters Government Notice 642 of 2008 which provides the text of the amendments to Maltese orthography as approved by the National Council for the Maltese language.

13.2 Seminar for BA Staff

A seminar for Broadcasting Authority staff was conducted by Mr Jean Pierre Caligari B.A. Hons., Monitoring Officer with the Programme Monitoring Department. More details on this seminar are given in paragraph 16.3 of this report.

13.3 Report of the Maltese Language in the Broadcasting Media

The Committee on the Maltese language concluded its report in December 2008. In its report the Maltese Language Committee made various recommendations concerning the use of the Maltese language in graphics (crawls, scrolls and other static writings), programme names, the role of various types of broadcasters vis-à-vis the Maltese language, studio guests, mission statements of broadcasting stations and their proposed emphasis on proper use of the Maltese language as well as a revision of the Code for the Correct Use of the Maltese Language in the Broadcasting Media. The Committee also made its recommendations on the Code's enforcement. The last proposal concerned linguistic resources. A copy of this report is found at Appendix I of this Report.

The Authority thanks the Committee for its report and will be discussing it with the National Council for the Maltese Language and with stakeholders with a view to implementation.

14: SEMINARS, TRAINING AND DEVELOPMENT

14.1 Seminar: Gender and Race Discrimination in the Media

The Broadcasting Authority, in collaboration with the National Commission for the Promotion of Equality, have teamed up together to organise a seminar addressing gender and race discrimination in the media. This seminar was open to those persons in broadcasting stations who were working in the Sales and Marketing Department and who are thus in contact with advertisers. In total, there were 35 participants from various broadcasting stations and monitoring staff of both the Broadcasting Authority, as well as staff of the NCPE.

The seminar was held on 5th June 2008 and was addressed by Dr Brenda Murphy and Dr Ruth Farrugia who are both authorities in their respective field. The programme consisted of an introduction by Ms Sina Bugeja, Executive Director, NCPE, who spoke on specific remit of NCPE and the monitoring of adverts, and Dr. Kevin Aquilina, Chief Executive Officer, Broadcasting Authority.

Presentations and interactive session were held by both speakers on Race Discrimination – The Media and Legal Aspect. A Plenary Session providing feedback on salient points from the participants followed Ms Sina Bugeja. In her conclusion, Ms Bugeja spoke about the NCPE Complaints Procedure – gender and race.

The papers presented at this seminar can be found in on the CD of this report.

14.2 Training for Broadcasters: Making Programmes for a Younger Audience

The Broadcasting Authority, the Ministry for Tourism and Culture, and the Commissioner for Children organised a specialized training course for broadcasters and producers of Children's Programmes. The training was conducted by Mr. Jeff Link and Ms Mhairi Campbell who trained local broadcasters on the making of programmes for a younger audience. The training course was organised from 15th to the 19th September 2008.

Participation in this training course was limited to 20 broadcasters/producers who represented a variety of television production companies and broadcasting stations. Preference was given to those producers with a track record in the production of children's programmes. A "hands-on approach" was used for this training course as participants were given one and a half days of training and presentations; following which the course participants were given personalized training sessions. For the latter part producers had to prepare past and/or present productions of children's programmes so that these could be discussed with the tutors. This second part of the training



course was very successful as programme producers had the facility to also bring other members of their own production teams for the personalized training sessions.

The above course was based on current thinking in children's broadcasting. The aim was to familiarise delegates with current theory and practice within multiplatform commissioning and production, together with analysing effective value for money approaches.

14.2.1 The Course:

'Programmes for a younger Audience' was a phased course - the initial stage took the form of a series of seminars and workshops which highlighted trends in children's broadcasting and production methodology. The areas covered were:

- Children's broadcasting in the 21st Century
- Writing for a Younger Audience
- Value for Money
- Perfect Pitching
- Advanced Project Management
- Editorial Guidelines
- The Ideas Workshop

The second phase, covering a three day period, took the form of targeted tutorials. The delegates discussed their programmes, their responsibilities to children, debated current issues surrounding production and used role play to build their negotiating skills and understanding of others' perspectives. There were also practical production exercises.

All participants were enthusiastic about making 'good' programmes for a local audience but their ambitions were sometimes challenged by a lack of resources and planning. Effective planning increases value for money. Maybe there is a tendency to rush into the actual production without spending a larger proportion of time thinking about storyboarding and scripting. When working in small teams, which many delegates do, such processes do not have to be time consuming, and may be quite informal, but will result in programmes which are innovative and distinctive.

The lack of pace and variety at the beginning of many of the programmes was discussed and solutions discussed. Workshop activities attempted to address this in a practical way, with suggestions for clearer signposting, tighter programme structure and closer curriculum links.

Participants know their audience and the practical 'persona' activities put this important process into focus. Adding extra value through support websites would allow interaction between programme makers and children in an expensive way and is vital to today's young audience.

Although many of the participants were aware of the Broadcasting Authority guidelines there did seem to be a problem of communication. Specifically the delegates were not accessing the guidelines on line and were rarely aware of any updates. Effective communication leads to both buy-in and compliance.

Discussion within the group of participants highlighted the need for working together more regularly. Working within a 'climate of feedback' would be beneficial to the efficiency of the team, and the stations as a whole. This would allow the dissemination of information and professional critique in both directions, creating a 360 degree environment.

Although there is natural competitive element to the various companies, it was generally agreed there was real value in the formation of a mechanism for sharing ideas, collective problem solving and good practice. Also partnerships within production houses, both in Malta and the EU, could make limited budgets stretch further and make efficient use of technical and creative resources.

The seminars and workshops were well attended. Those taking part were willing to share ideas as well as good practice, and the sessions engendered lively debate. As an awareness raising exercise the course appeared highly successful.

The following was the programme prepared while the hand-out notes to this training programme are available in Appendix XVI:

Monday – 15th September

- 1:45 – 2:00 Registration
- 2:00 – 2:30 WELCOME AND INTRODUCTIONS
- 2:30 – 3:30 THE 21st CENTURY AUDIENCE
 - Getting the message across in a multiplatform world
 - Producing engaging programmes for a younger audience
- 3:30 – 4:00 Coffee Break
- 4:00 – 5:00 VFM (Value for Money)
 - Economic production techniques for a multiplatform audience

Tuesday – 16th September

- 9:00 – 10:00 EDITORIAL GUIDELINES
 - Communicating with a younger audience
- 10:00 – 11:00 ADVANCED PROJECT MANAGEMENT
 - Useful techniques for streamlined production (including practical exercises)
- 11:00 – 11:30 Coffee Break
- 11:30 – 12:30 WRITING FOR A YOUNGER AUDIENCE
 - (Including News writing exercise for all platforms)
- 12:30 – 2:00 Lunch hosted by the Broadcasting Authority
- 2:00 – 3:00 PERFECT PITCHING
 - Where the rubber hits the road
 - Effective communication with a positive outcome
- 3:00 – 4:00 IDEAS WORKSHOP
 - Turning negatives to positives with Groundbreaking ideas
- 4:00 – 4:30 Coffee Break
- 4:30 – 5:30 MALTA PERSEPECTIVE
 - Fr Joe Borg leads a discussion on policy, local guidelines and media perspectives in Malta



Wednesday, 17th September**SUB-GROUP SESSIONS**

9:00 – 9:30 Directions on problem formulation by workgroups and formulation of 6 workgroups
Each group to be asked to put to paper the areas on which they would like to have specific training; problem formulation; setting up of TV programme content; etc.
For the next day and a half, each group will have a one and a half-hour session with the tutors including any other member/s of their own production team.

9:30 – 10:00 Group A

10:00 – 10:30 Group B

10:30 – 11:00 Group C

11:00 – 11:30 Group D

11:30 – 12:00 Group E

12:00 – 12:30 Group F

12:30 – 2:00 Lunch

2:00 – 3:30 Group A

3:30 – 4:00 Coffee Break

4:00 – 5:30 Group B

Thursday 18th September**SUB-GROUP SESSIONS**

9:00 – 10:30 Group C

10:30 – 11:00 Coffee Break

11:30 – 1:00 Group D

1:00 – 2:00 Lunch

2:00 – 3:30 Group E

3:30 – 4:00 Coffee Break

4:00 – 5:30 Group F

Friday 19th September**SUB-GROUP [Final] SESSIONS**

9:00 – 10:00 Group A

10:00 – 11:00 Group B

11:00 – 11:30 Coffee Break

11:30 – 12:00 Group C

12:00 – 1:30 Lunch

1:30 – 2:30 Group D

2:30 – 3:30 Group E

3:30 – 4:00 Coffee Break

4:00 – 5:00 Group F

14.2.2 Recommendations:

- That the participants work together to form some sort of forum for the interchange of information, creativity, problem solving and good practice.
- That there is clear dissemination of the Broadcasting Authority Editorial Guidelines to ALL those involved in programme making. A simple interactive course on the website would help to train new recruits and encourage discussion and compliance.
- Encourage more regular feedback from commissioners or editors regarding programme quality and good practice.
- Encourage more originality at the planning stages, both within teams and across the station, so that programmes are more innovative and distinctive, with clearer signposting and closer curriculum links.

These recommendations are being studied with a view to implementation.



14.3. In-House Training for Broadcasting Authority Staff

Following the publication in the Government Gazzette of the Amendments to the Maltese Orthography [GN 642 of 2008] on 25th July, the Authority organised an in-house one-day training session on Friday, 12th September on these amendments for all its staff. The training session was led by Mr Jean Pierre Galigari, B.A. Hons. and was divided in two sessions. The first session was about the orthographic forms set out in the official document which will remain valid temporarily for a period of three years, after which date they will be the only correct forms in Maltese orthography. The second session detailed the most important points of these orthographic amendments and was followed by practical training exercised for the Authority's staff.

The presentation made by Mr J. P. Caligari highlighting the orthographic forms and the salient points of Maltese orthography are found in the CD of this report.

14.4 Staff Training: University Courses

During 2008 the following members of staff were reading for the University courses listed hereunder:

Jean Pierre Caligari	Certificate in Maltese Proof Reading	University of Malta	Completion Date: January 2009
Jean Pierre Caligari	M.A. in Maltese	University of Malta	Completion Date: 2010
Elaine Galea	M.A. in Sociology	University of Malta	Completion Date: 2010
Joanna Spiteri	Ph.D. in Film and Media Studies	University of Stirling, Scotland	Completion Date: 2012

During 2009, Mr Robert Gatt, the Broadcasting Authority Information and Records Officer will be reading for a course related to archives and records management at the University of Malta, commencing in October 2009.

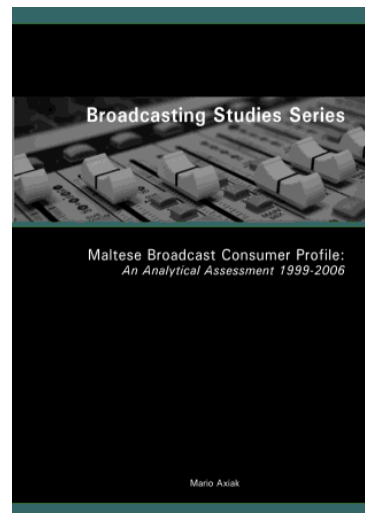


15: BROADCASTING AUTHORITY PUBLICATIONS

15.1 Broadcasting Studies Series Volume II

Maltese Broadcast Consumer Profile: An Analytical Assessment 1999-2006

The Broadcasting Authority launched on 3rd July 2008 the second volume in the “Broadcasting Studies Series”. The first volume in the series *Maltese Broadcasting Legislation: Salient Documentation* was co-authored by the Broadcasting Authority’s Chief Executive, Dr. Kevin Aquilina, and by the Authority’s Head of Research and Communications, Mario Axiak.



The second volume deals with a consumer profile of the viewer and listener of television and radio programmes based on data collected and previously published by the Broadcasting Authority during the broadcasting seasons 1999 to 2006, ending September 2007. The publication provides a summarized assessment of radio and television consumption throughout this period thus making it relevant to the Maltese broadcasting landscape not only for all those persons involved in the audio-visual sector, but also from the sociological aspect of local media consumption and influences.

The year 1999 is considered as the year during which there were no more available frequencies that could be licensed by the Broadcasting Authority, and as such, the broadcasting industry reached its stabilizing position following the liberalization of the market that was started in 1991. Thus, the overall objective of this volume was to construct a profile of the local broadcasting media consumer by analyzing all published audience audients and audiences assessments starting from the broadcasting season of 1999 and ending with that of 2006.

The publication starts with a definition of the local broadcasting scenario to make the reader conscious of media developments on this small island state especially due to the recent accession to the European Union. The primary documents taken into consideration for this consumer profile are in themselves quite extensive; however, they preclude other factors that may be recognizable only after the passage of time. The data for radio and television consumption was analyzed separately and treated independently for each media platform. Consumer profiling was made according to demographics and is made both separately and conjointly for both media platforms.

This publication studies fourteen separate television and radio audience surveys carried out on behalf of the Broadcasting Authority. It brings together in a more user friendly and readable fashion the salient conclusions of this wealth of audience ratings gathered during this seven year period. It does so by applying communications’ theories to statistical data and thus underpins the relevance



of these theories to actual statistical data. Indeed, the data, once compiled, has to be explained in a logical and coherent manner by applying the theoretical framework contained in chapter 3 of this study.

15.1.1. *About the Author*

Following a Diploma in Business Management, Mr Axiak started his working career with the Malta Development Corporation. Two years later, he continued his studies at the University of Malta where in 1983 he was conferred an honours degree in Business Management; during which time he was posted by the Malta Development Corporation at various parastatal industries. In 1999, he joined the Broadcasting Authority as Communications Officer, being appointed soon afterwards as Head of Research and Communications. He was involved in many projects undertaken by the Broadcasting Authority including public seminars; training workshops for broadcasters both locally and at RTÉ, the Irish Public Service Broadcaster; executive producer of the Broadcasting Authority's Annual Programme Awards, 1999-2003; as well as in various publications of the Broadcasting Authority. Mr Axiak has furthered his studies obtaining a Masters in Business Administration from the University of Maastricht in April 2007.



Mr Mario Axiak, Dip. B.M., B.A. Hons.
(Business Management), M.B.A.
(Maastricht), M.I.M.
*Head Research & Communications,
Broadcasting Authority*

15.1.2. *Maltese Broadcast Consumer Profile*

The analysis of Radio and Television consumption in the Maltese Islands does not continuously cover all the demographic categories discussed in Chapter 3 (Mass Media Theory) above. While some consumer characteristics as demographic factors and socio-cultural variables are consistent throughout the assessment period under review, other consumer characteristics as geographic features were only researched during 2004-2005; other combinations as psychological characteristics were not even considered.

Radio and Television consumption is primarily considered as being that of entertainment utilization. Use-related characteristics of radio and television were primarily based on the normative value of news and current affairs. However, the commercialization, globalization and fusion of media platforms have brought about not only changes in consumption patterns but also in the use-situation factors. The benefits sought from radio and television consumption include amongst others, information and education besides that of entertainment. However these are often being sacrificed for the commercialization of such services with the result that quality journalistic programmes are being lost to the trivialization of reality. A case in point is the documentary/film *Da Vinci Code* which is full of inaccurate historical assertions/assumptions and yet it has been



“believed” and discussed as being a re-writing of historical facts. And if that is true, then surely St. Paul’s re-visit to the Maltese Islands in today’s broadcasting scenario would make it to the top list of the latest reality shows being broadcast such as *Tista’ Tkun Int*, followed by incessant discussions/controversies on *Xarabank* and *Bondi Plus* and ending with a make-over on *Arani Issa*.

15.1.3 General Media Consumption

- *Media consumption is high.*

Although about 20% of the local population do not listen to radio and as much as another 30% are not regular radio consumers, the overall radio consumption spread of the Maltese population is about 75%. Television consumption, on the other hand, is much higher at 97%. These percentages and the number of broadcasting stations on such a small island state corroborate the **Medium Theory**. The vast diversity, especially in community channels, and the high viewing/listening of the local population point to only one conclusion: local broadcasting channels differ not only in their content but also in the way in which they manage to attract different social categories.

- *Media consumption slightly varies by yearly season and by medium.*

Radio is more followed during the summer months having a 5% increase over previous seasons; while TV viewing only decreases marginally during the same period, but reaching its highest, on average, during the start of the broadcasting season.

- *Media consumption during Election Periods is high.*

Use-related consumption of broadcast media can best be correlated to broadcasts during election periods. While radio consumption during election periods seems to be diminishing with the lowest rating being registered in the first quarter of 2005 (70% during Local Council elections), on the other hand, television consumption during election periods is marginally higher registering its highest during the second quarter of 2003 (99.4% during E.U Referendum and Local Council elections held simultaneously). This conforms to the **Dependency Theory** but inversely affects both broadcasting media. Although locally both media of radio and TV broadcast on a 24/7 basis, their usage is quite different – with social change in view radio consumers make new medium choice while television viewers become more dependent on the medium.

- *Different broadcasting mediums have different uses*

On average, 37% of radio listeners spend up to one hour of radio listening; 20% spend up to two hours; 12% spend up to three hours; while 31% spend four hours or more. While 19% of radio listeners do so from 6:00 to 9:00, 25% of radio consumption is done between 9:00 and noon; and another 24% between noon and 5:00p.m. On the other hand, 16% of consumers spend up to one hour of television viewing; 31% spend up to two hours; 24% spend up to three hours; while 29% spend four hours or more. Only 6% of consumers view TV

productions before noon. Afternoon TV programmes up till 7:00pm attract another 17%, while for the news bulletins 27% of the population reach for their TV-set controls. Programmes broadcast after 8:30pm to 10:00pm attract 36%. The rest, 14% watch TV programmes after 10:00pm and throughout night broadcasts.

- *Personal Radio vs. Communal Television.*

Radio consumption is mostly done at home (74%), while 32% of radio listening is done in the car travelling from home to work and back, while 18% of radio listening is done at work. TV consumption is mostly done at home – only 1.2% of the population follows TV programmes outside the home – and the most preferred place is the sitting room (48.7%), followed by the bedroom (25.5%), the kitchen (20.4%) and the dining room (4.3%). Radio listening has become a “personal” activity – the scenes from Orson Wells’ reproduction of “The War of the Worlds” in 1938 with a group of listeners grouped to a single radio-set is past.

- *Television gate-keeping is decreasing.*

A third of TV programme consumers have no difficulty in deciding on which broadcasting channel their TV-set is tuned on when viewing programmes with their family. For the rest of the consumers, the husbands (31%) and boys (7%) have a larger say over their counterparts – the wives (20%) and girls (5%). This decision process within each family also hints at the use-related characteristic of TV consumption – during election periods more family members exert pressure on the other members on which channel their TV-set is tuned, and following such periods, the percentage of those who have no difficulty in channel choice increases dramatically.

- *The Spiral of Silence is reversing.*

The informative characteristic of both media platforms is evident from the preferred source of news of those interviewed. The most preferred source (78%) is TV productions, followed by Radio at 11%. Print media in the form of newspapers is the most next preferred source for 7% of the population, while another 3% prefer second-hand sources. Broadcast media, both personal and communal, far exceeds the print media locally. Considering that both media can be consumed at leisure and at will, with channel-hopping fast becoming the norm, the indications are that there is a reversal of silence in local culture.

15.1.4 Programme Popularity Index

- *Different media have different outlooks to society.*

For Radio programmes, three generic preference bands have been identified: “below 30%”, “from 30% to 70%”, and “70% plus” preference brackets. With regard to TV programme genres, four preference bands have been identified: “below 30%”, “from 30% to 50%”, from “50% to 80%”, and “80% plus”. The benefits sought by media consumers are identifiable in the programme popularity index – the more the numbers of identifiable bands of programme



content the higher the conformity of consumers. And the higher the conformity of a programme genre, the greater the amount of regulation exerted – **Effects theory**.

- *Political stability has a high influence on programme preferences.*

Although programme choice depends on many personal demographic factors, the overall ranking of each programme genre also reflects consumers' use-related benefits derived at the moment of choice. Although Music programmes are the first preferred choice for Radio programmes, this choice became second to News and Current Affairs programmes during times of Elections.

- *Principal-ingredients-mix effects a programme's popularity index.*

Three generic use-related characteristics are identifiable in the programme preference index: **Entertainment**, **Information**, and **Educational** characteristics. Entertainment and Information rank highest in the preference index for Radio through Music and News programmes. A combination of either two or all of these characteristics is also identifiable in the programme genres index resulting in three other combination characteristics of:

- **Infotainment** – information and entertainment;
- **Info-edutainment** – information, education, and entertainment; and
- **Edutainment** – education and entertainment.

The more characteristics are identifiable in each programme, the higher the ranking of that programme genre in the general preference index. Discussion programmes, which usually have incorporated all the three basic characteristics of entertainment, information and education, rank higher than Current Affairs Programmes whose entertainment portion of programme content is generally lower.

- *Broadcast media as an educational platform is sparse.*

Educational content seems to be the least use-related characteristic that is sought by media consumers of both radio and television. In both media platforms, this characteristic is usually attributed to Children's programmes. In both instances Children's programmes rank lowest with Business and Finance Programmes which are not so much as "young age-group" programme preference.

It is clearly evident that the combination of the three principal attributes in each programme genre has a direct effect on each genre with regard to its overall ranking.

15.1.5 Media Consumption by Gender

- *Media consumption is gender sensitive – although there is near parity in volume, media platform and location.*

Males only marginally exceed females for the number of hours spent in media consumption – from one to two hours of media consumption every day in both radio and TV; while females exceed males in all the other number of hours spent. With regard to radio, males are more apt to have a preferred radio station than females while there is no gender difference which regard to location of radio listening: both genders have the same preference ranking: at home, in the car, and at work. The most preferred location for TV programme consumption is the sitting room for both genders; however the second overall preference for males is the bedroom especially during the second quarter of the year (April to June); while the second overall preference for females is the kitchen and for the same quarter. There is equal preference between gender for TV consumption in the dining room but males far exceed females for the consumption of TV outside the household.

- *Perceptions to gender equality in media usage differ between gender.*

TV-channel selection by any person within the household has been steadily decreasing over time and this is attributed to the increase in media platforms and media within each household. However, during election periods the husband's choice in programme selection is higher than at other periods. Analyzing each category's replies about other persons' TV-channel choice within the household, each gender (the husband and the wife) believe that they have more power of channel choice over that of the other gender. Similarly, both genders also believe that their "similar gender siblings" have more power in TV-channel choice over the other siblings.

- *Programme content is gender sensitive.*

The overall Radio programmes preference index is closely followed within the broad benchmarks by both genders with only a few exceptions:

- the preference for Sports by females rank with the lowest benchmark of <30% while the ranking for Sports for males is in the middle benchmark of >30%-<70%;
- Novels & Plays have gained preference by males where the genre's ranking was increased by one benchmark;
- Health/Beauty/Home/Law rank with the highest benchmark of 70%< for females.

- *Programme Preference Index differs between genders.*

The overall TV programmes preference index is also closely followed within the four broad benchmarks by both genders. However, males have less preferred programme genres than females; while "gender sensitive" programme genres as Sports and Serials/Soap Operas



have the same ranking pattern as for radio: Sport programmes are more preferred by males than by females while Serials/Soap Operas are more preferred by females than by males.

- *Depending on social stability, different media have different gender preferences.*

Although both genders have high preferences for News and Current Affairs programmes, television as the preferred source of news has increased more for males than for females. During election periods, females prefer more radio news than males.

15.1.6 Media Consumption by Age Group

- *Media consumption increase with age.*

The older the age group, the more consumers are willing to spend hours of radio listening with each age group's highest average being that of 2 hours of radio consumption. All age groups attain their highest average for TV consumption at 2-clock hours of viewing and like radio, the higher the age group, the more consumers are willing to spend hours of TV-viewing; however not to the same extent as radio. 18-30 year-olds lead in the first four clock-hours; while the 65 plus lead in six of the clock-hours from 6-hours to 20-hours of TV consumption.

- *Radio programme genre preferences increases with age.*

Preference for radio programmes increases with age. The only exception being for music programmes where preference for this genre decreases with age. 12-17 year-olds have the least number of preferred programmes but have the highest ranking for Music programmes; while the 65plus year-olds have the most preferred programme genres. And like Radio, the preference for different programme genres on television also increases with the higher age groups.

- *Mobility impairment increases media consumption.*

12-17 year-olds and those over 65 years prefer radio listening at home; while those in the 18-30 and 31-50 year-old brackets consume radio mostly while travelling to work in their car. The overall ranking of preferred location of TV-viewing (Sitting room; Bedroom; Dining room; Kitchen; Other place) is persistent amongst all the age groups. While the preference for Kitchen and Bedroom viewing by the different age groups is nearly equal for all the groups, 18-30 year-olds and 65 plus year-olds prefer more Bedroom TV-viewing than the rest of the age groups.

15.1.7 Media Consumption by Socio-Economic Group

For the Audience Audits 1999-2003 the status of the respondent or of the respondent's Head of Household where applicable such as when interviewing children, house persons, etc. who were not head of household, was measured by the interviewee on a 4-point conventional scale of AB, C1, C2, and DE.



- *The Knowledge Gap effects media consumption.*

For both radio and TV, the number of hours consumed when analysed by the socio-economic groups is similar to the patterns found under the previous classifications. However, the lower the social-economic class held by the respondent, the more they were willing to spend more hours listening and viewing their radio/TV reception sets. While the “AB” and “C1” classes ranked first and second respectively for the “one hour” and “two hours” of radio listening, the social-economic classes “C2” and “DE” ranked first and second in the rest of the clock-hours.

Radio consumption is mostly preferred at home by the “DE”, in the car by the “AB” and at work by the “C2”. With regard to location of TV consumption, the higher the social-economic class the lower the preference for each location (i.e. sitting room, bedroom, kitchen, dining room, and other); and the more stable their location of TV consumption.

With regard to preferred programme genres, the higher the social-economic class held by the respondent or head of household, the lesser the amount of preferred programme genres – and this holds true for both radio and television consumption.

- *Media perception by consumers depends on social standing – Reception Theory.*

With regard to the preferred source of news, the higher the social-economic position of the respondent, the lesser that radio and television are preferred as their main source of news while newspapers are the most preferred by the higher socio-economic groups.

15.1.8 Media Consumption by Economic Status

For the Continuous Audience Assessment 2004-2005, the above 4-point conventional scale of AB, C1, C2 and DE was replaced by a 7-point classification based on the respondent’s occupation. For the Continuous Audience Assessment 2006-2007 such a classification of respondents was not done.

The classification by Economic Status did away with the need of reclassifying certain members of the local community as “house persons” and “students” by the occupation of the Head of household in which they were living. This classification is more qualified to the location-related characteristics of media consumption – location vis-à-vis the consumer rather than to the location of media receiving equipment.

- *Cross-Cultural Consumer Characteristics – 4C’s?*

With regard to radio consumption, “House persons”, “pensioners” and those “unable to work due to sickness” have the highest preferences for more programme genres than the rest of this demographic classification. Under Young and Rubicam’s classification these would be the “Mainstream, Resigned, and Struggler” consumers of media – or those which are



security seekers while avoiding risk. “Students”, or “Explorers” have the least preference for most programme genres. Those who are “employed” [“Succeedors”], “self-employed” [“Aspirers”] and those “unemployed” [“Reformers”] follow the general programme preference index (<30%; >30% - <70%; >70%).

With regard to TV consumption, the same for radio applies with the exception of “pensioners” [“Resigned”] whose programme preference index is similar to the general preference index by the number of preferred programmes in each index group. The three industrial categories of “self/un/and employed” [“Aspirers/Reformers/Succeedors”], however, have less programme preferences than the general preference index but not to the extent as the preferences of “students” [“Explorers”] whose highest preference attain the second group of the preference index (>50% - <80%).

15.1.9 Media Consumption by Educational Level

Edutainment or education designed to educate as well as to amuse, is one of the use-related characteristics of media as it seeks either to tutor or to change behaviour by stimulating specific socio-cultural attitudes. Although this has long existed in the form of parables and fables, perhaps the most influential present-day practice that was started in the 1970's, is the use of telenovelas/soap operas to promote pro-health educational messages, family planning and literacy (or the effects of their negative realization).

The educational level attained by respondents as compared to their preferences of programme genres may well be an indication of either the effectiveness of edutainment in local productions, and/or the level of demand for edutainment by the different categories under this demographic grouping. Such a classification was done for the Continuous Audience Assessment of 2004/5 but was discontinued during 2006-2007.

- *The higher the educational level attained the more specific are consumers' programme genre preferences.*

For the Continuous Audience Assessment 2004-2005, the educational level attained by respondents was categorized under 5-point scale of those having attained “Primary level”, “Secondary Level”, “Post-Secondary Level”, “Tertiary Education”, and those who had no schooling whatsoever. With regard to both radio and TV programmes, it is evident that the higher the educational level attained by the respondents the less their preferences by programme genres. Although the programme genres at the top of each preference index are popular throughout the 5-point scale, the amount of programmes in the lower groups of each preference index goes up with the increase in the levels attained by the respondents.



15.1.10 Media Consumption by District

Geographic divide, or rather the phenomenon of cultural differences arising out of divergence in reactions, responses and perceptions of people exposed to multi-cultural situations, has lately assumed particular significance especially in the context of globalization and the dismantling of geographical barriers. Although the island state of Malta only has a surface area of 316 km² it has a geographic divide of a 5km sea-channel between Malta and Gozo. Cultural divides arising out of geographic distances are evident in other European countries. Some divides was expected but not in the extent that was found in such an analysis of a small island state.

- *Geographic divide and the level of urbanization effects Media consumption.*

For the Continuous Audience Assessment 2004-2005, respondents were classified by six distinct districts, one of which constitutes the two smaller islands of Gozo and Comino; and this was particularly done to research the effect of community radio stations the rise of which was discussed in section 5.3 above. The preference for community radio stations was highest during the second quarter of the year (April-June) when such stations would be launching their summer schedules; while the preference for community radio consumption ranked third in the overall ranking for radio consumption. But above all, the two smaller islands of Gozo and Comino had the highest preference for Community Radio stations far exceeding those of the other districts.

The preference for different radio and TV programme genres classified by district in general follow the overall General Preference Index with the exception of the Southern Harbour Area and Gozo & Comino. Those living in the Southern Harbour Area have a higher preference in all the programme genres both radio and TV; while those living in Gozo & Comino have shown greater preference for radio Children's programmes but have greatly reduced preference for radio Sport programmes than the other districts.

15.1.11 Conclusion and Recommendations

The local consumers at times seem unconscious of their rights to quality programme content – reality shows, soap operas and serials broadcast are based and consumed for their sensationalism aspects rather than for their educational improvement and updating to social situations.

The Broadcasting Authority's decision, ensuing out of financial constraints, to restructure its data collection methods and data analysis with regard to audience assessment, were considered as a "turnaround" by some media analysts, but proved a godsend: improper extrapolation by producers for advertising purposes was eliminated; station managers could employ the continuous audience assessment to promote continued quality programming, and those who did so maintained their programme ratings; while this also proves that it is not necessary to "re-invent the wheel" but it is more important to modify the use of economic factors for more effective purposes. The analysis done with regard to data comparison between the two methods do not prove otherwise.



In view of the above the following recommendations are being made:

- ***The Broadcasting Authority should place more emphasis on Quality Programming.***

The Broadcasting Authority should commission a study to survey the current quality content of programmes, to establish criteria how to gauge quality and to produce a manual for broadcasters and producers on how to improve quality programming in all programme genres.

- ***Media officials, whatever their rank and/or their service area should be more responsibly held for their actions.***

There are three kinds of lies: lies, damned lies and statistics which are a systematic method for getting the wrong conclusion with 95% confidence. Manipulation of data by the mass media is very dangerous. Nations have lost wars and opinions were swayed to extremes: during the Gulf War researchers have found that heavy TV watchers were more likely to support the war but then they were more likely to know less about its causes and consequences. The Gulf War Syndrome is such a case in point.

- ***Media education is a must.***

Access and training to media is empowerment. Media should create positive change in the lives of individuals, communities, groups and organisations. Media literacy is locally lacking: daily programmes all follow the same routines – a breakfast show followed by three hours of teleshopping, with programme repeats in the afternoon after prime-time. Consumer whistle-blowing and media consumer groups are unheard of locally. The local consumers' choice is channel hopping which is quite evident from the multitude of foreign broadcasts consumed.

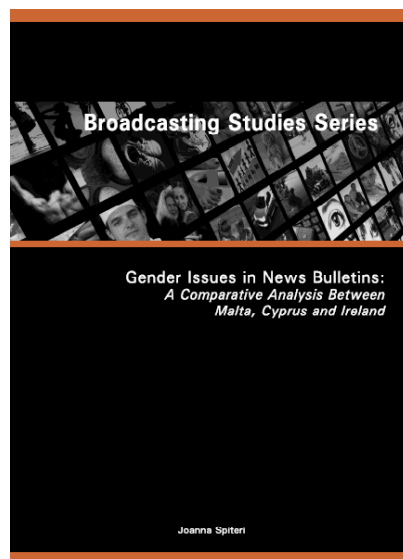
- ***Media research and assessments should be constant and more extensive.***

The focus of audience audits and audience assessments has always been that of broadcasting stations and their market share. Although this is important in itself for both broadcast producers and the economic community, quite often consumers' rights to quality programme content is put on a side-stream and quite forgotten, resulting in mediocre programme content.

15.2. Broadcasting Studies Series Volume III

Gender Issues in News Bulletins: A Comparative Analysis between Malta, Cyprus and Ireland

This is the third volume of the Broadcasting Studies Series published by the Broadcasting Authority at the end of 2008 and the focus of the third publication, *Gender Issues in News Bulletins: A Comparative Analysis between Malta, Cyprus and Ireland* by Joanna Spiteri, is on gender and the production of news and news content. It is an in-depth study of the portrayal and representation of women and men in news, its production, and in newsroom structures; not only at local Maltese broadcasting stations but also compared to two other Member States of the European Union: the public service broadcasters of Ireland and Cyprus.



15.2.1 About the Author



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In 1998 Ms Joanna Spiteri was conferred a BA (Hons) degree in Communication Studies by the University of Malta with her main dissertation focusing on the changes in Maltese print journalism since the eighties. After obtaining her first degree, she worked as a journalist at *Public Broadcasting Services Ltd.* newsroom producing local and foreign features for television and radio. She also covered Parliamentary sittings. During the two years at *PBS Ltd.* she presented and produced current affairs programmes on *TVM* and *Radju Malta*, two of which had won the Broadcasting Authority's Programme

Awards. She produced and presented a series of programmes on *Channel 12* focusing on the work done by voluntary organisations and adult learning. In 1999 she joined the Broadcasting Authority as a Supervisor in the Programme Monitoring Department. During the tenure of this post, she read for a Master's Degree in Arts at the University of Malta focusing her research on the portrayal of gender issues in news bulletins. Her interest in gender issues led the Authority to appoint her as a Chairperson of the Broadcasting Authority's Equality Committee in order to liaison gender issues at the workplace with the National Commission for the Promotion of Equality. In 2004 she drafted the *Broadcasting Authority Guidelines on Gender Equality and Gender Portrayal in the Media*. She was involved in a number of projects with regard to gender and the media including the co-ordination of an EU project known as "Portraying Politics: a Toolkit on Gender and Television" and co-ordinating the staff at the Broadcasting Authority to help the National Co-ordinator, Dr Brenda Murphy, in the Global Media Monitoring Project. In 2001 she attended a



workshop within the news department at the Irish Public Broadcasting Service, *RTÉ*. This work is the result of her research on news and gender issues.

She is currently reading for a Ph.D. with the University of Stirling in Scotland where she is currently studying news impartiality in the Maltese TV broadcasting scenario, the role of the public service broadcaster and the role of the Broadcasting Authority in achieving impartiality on the television broadcasting media.

15.2.2 Gender Issues in News Bulletins: A Comparative Analysis between Malta, Cyprus and Ireland

This research is unique in its structure as it examines the different public broadcasting services scenarios from contrasting locations: in northern Europe, at *RTÉ*, the Irish public service broadcaster, and in southern Europe at *CyBC*, the public service broadcaster in Cyprus, highlighting good gender practices but also considering complex cultural variables. Some interesting aspects around working practices in the newsrooms are identified documenting the invisibility of women in both the newsroom and in news prompting the importance of 'gender' in the preparation and production of news bulletins especially with regard to power relations, democracy, and social inclusion.

The study also explores any relationship between human resources and news content. Thus it investigates whether human resources in newsroom organisation effect the content of the news bulletins of the three countries documenting women's exclusion from or silencing in news bulletins while indicating how media images reinforce the notion of 'difference' in portrayal between the two genders. Gender presence in news bulletins can be of two types: gender in the news items content, and gender in the presentation and production of the news bulletins.

Chapter two describes the various feminist theories and the feminist schools of thought while it chronologically describes the work of the feminist movement. It mainly focuses on the theory and construction of news and the concept of gender issues. In chapter three reference is made to media theorists who devote their studies to the meaning and role of stereotypes with particular reference to the stereotypes around 'women'. Chapter three also describes how women are presented on television with regard to entertainment, soap operas and advertising; and examines whether women are portrayed in similar ways in all media – be it news, adverts or entertainment while also focusing on the objectification of women's bodies in media which has been a consistent theme in the analysis of women's representation.

Chapter four combines the literature review on the representation and portrayal of women in news, the role of women in news organisations and the thoughts and opinions voiced by journalists during the face-to-face interviews conducted for this study. This chapter gives an insight into whether the number of female journalists in a newsroom effects the news content and if so, in what ways. It



investigates the human resources through the methodology of participant observation where the author had the opportunity to observe the *RTÉ* newsroom. In September 2001 this author was on a training programme at *RTÉ* as part of the Leonardo mobility project funded by the European Union and organised by the Broadcasting Authority through its *Advisory Committee on Gender Issues in the Broadcasting Media*. The author was able to observe journalists on-the-job at *RTÉ* and also attended production meetings which were held three times daily. These meetings were aimed to plan the running order and the contents of the news items to be included in the news bulletin.

Since the research deals with gender content in news from a Maltese perspective, in chapter five the author focuses on the role of Maltese women in society and what changes have taken place in Maltese society with regard to the position of women. It is essential to clarify and position the struggles which Maltese women have had to surpass or overcome over time examining the position of women in the labour market, education, politics and the media throughout the years. Moreover as society is always changing, recent developments to promote women within Maltese society are also examined. The final part of this chapter gives an overview of Maltese women in the broadcasting media mainly as media producers and describes recent findings on women as producers and closing up on the gender roles in Maltese newsrooms.

Chapter six outlines the methodology used in the study and describes the advantages and the disadvantages of the different research methods used. The study uses a combination of qualitative and quantitative research. Qualitative research which consists of face-to-face interviews and participant observation were used to investigate human resources aspects in newsroom organization and the production of news as described by journalists as well as the news producers themselves. Face-to-face interviews consisted in tape recordings and transcriptions made from such recordings which were subsequently quantitatively analysed for the purpose of this study. Content analysis is used as a quantitative research method for the study. Through such method the actual content of the news bulletins is analysed and news scripts and news visuals are coded to analyse aspects of the portrayal of women and men.

Chapter seven consists of the data analysis and the results retrieved. The results can be divided into two broad divisions – the representation of gender in news bulletins through content and visuals and who is mostly selected; and the human resources in news organisations and how gender effects the production of news. Are the results what everyone expected, or is there something new with regard to gender portrayal and the news media? Finally the conclusions of the study are listed in chapter eight including suggestions and recommendations. This research introduces a new line of thought in the sense that gender must not be considered as solely comprising of feminist issues for such issues effect both women and men. Moreover, this study sheds light on how news bulletins can be improved in order to ensure a gender balanced portrayal.



The analysis illustrates the dominant role of men in a patriarchal society. The three countries analysed – Cyprus, Ireland and Malta – are all based on patriarchal social structures where the male figure is dominant over the female figure. This dominant role is conveyed in news bulletins by the large number of men that are portrayed in top positions within each society. This reinforces the argument that ideologies embedded in popular culture are reinforced in news media. For instance the subordinated position of women, which is evident in a culture, can also be evident in news media and in news organisations. However, media content is not necessarily a complete reflection of reality but that media is just a selective representation of reality.

News coverage centres on 'politics', 'government', 'crime' and 'legal issues', and 'business' and 'economy' where men are mostly found. The data reinforces the fact that media allows little space for women and this reflects the society where women are rarely found in public space. Women are mainly seen in 'light' stories and 'light' news subjects whereas men, being the most dominant group, are portrayed in political and administrative levels within society. Women are particularly reported in the news media on particular occasions such as International Women's Day. Such a study investigates whether the under representation of women in media is fact or fiction. Also it reveals whether there are any differences between the portrayal and representation of women and men in the news content, and in the newsroom structure. International organizations often launch awareness campaigns or projects in order to have a balanced picture in the media and encourage newsroom organisations to adopt a balanced policy with regard to their employees. Results of the GMMP 1995 led the author to investigate the position of women and men particularly in Cyprus, a Southern European country and Ireland, a Northern European country, and Malta.

This work does not exclusively concentrate on women; it focuses on both genders – males and females – to provide a balanced approach to the study. If the study had focused only on women, the immediate message would have been that women are the under privileged sex. This research focuses on the representation and portrayal of gender issues in news bulletins broadcast in Cyprus, Ireland and Malta. The news bulletins aired in 2004 spread over 14 days of transmission on *TVM*, *Super One TV* and *Net TV* (Malta), *RTÉ* (Ireland) and *CyBC* (Cyprus) were analysed. The newsroom structures of the above stations were investigated in order to learn the number and position of the employees within the newsroom structure and whether there is any correlation between the position they occupy and their gender; while data was gathered to show whether there is a difference in news reporting with regard to gender.

This study confirms that gender equality is still not being reflected in news bulletins not only in Malta but also two other member states of the European Union, Ireland and Cyprus (at the time of the study Malta and Cyprus were still not Member States but prospective candidates). The thesis acknowledges the skewed representation of women and men in the news media in Cyprus, Ireland and Malta. The under-representation of women's issues is outstanding. Women in business and women in family, the problems of childcare facilities and the position of single mothers are

completely absent from the news in the three countries analysed. Results found show that news gathering, news reporting and news portrayal reflect the people in power and traditionally power is linked to men.

This study confirms the differences in visibility of women and men in news bulletins. In the three countries analysed, women are treated as minority groups and are under-represented in news reports as well as in news visuals. Women are also rarely seen in interviews and in voice clips because they are rarely asked for their opinions as experts. However, women are often interviewed in *vox pops* when portrayed as consumers or as members of the general public. In other words, this study confirms that television news 'symbolically annihilates women' (Tuchman, 1981) and tells society that women are not so important in society. They are not the major newsmakers and are very rarely portrayed as 'leaders' or as 'experts'.

The study found that news bulletins confirm patriarchy and reinforce traditional and sex role stereotypes. As Gerbner⁴ argues that 'mass media cultivates attitudes and values which are already present in a culture'; the same can be said for the news bulletins analysed. Interesting to note is that while in Malta and in Cyprus women are invisible as political leaders, results for *RTÉ* news showed that there were a number of female politicians who were being reported. But if an overview for all the three countries is taken, women mainly appear in domestic settings and men in the public sphere. News bulletins continue to perpetuate a range of stereotyped images of women. Women are mainly reported as an appendage, i.e. the wife of ..., unlike men who are portrayed as the 'independent gender'. Women are mainly found in the less dominant news items which deal with traditional 'women's topics' such as social and health issues. The ways women are represented encourage limited expectations for women. Women are also portrayed as victims and are generally reported by their familial status, that is, as a mother.

As noted earlier women are under-represented in news visuals and when pictured, they are stereotyped. News images tend to define women within the narrow confines of their traditional domestic roles and sexual appeal to men. For instance, blonde women are filmed in close ups in the two Southern European countries – Cyprus and Malta. The age criteria are also significant in the portrayal of news bulletins. Young and pretty women are mostly pictured, but on *CyBC* it is interesting to note that old women are depicted in news items which deal with consumer-related news. It seems that the majority of consumers are pensioners and not young or middle aged people. This probably happened because the consumer-related news focused on the high prices of vegetables.

This study also investigated human resources in the newsrooms and the relationship between the news production team and the content itself. An interesting finding was that in many instances female reporters are not 'ghetto-ised' on women's issues and stories but women report a wider

⁴ In Chandler www.aber.ac.uk/media/Documents/shoret/cultiv.html



variety of issues. However, in some cases, women reporters still tend to be assigned 'soft' issues such as culture, arts and women's health, while men are assigned 'more important' issues like politics. Results show that very few women occupy the role of editors in the three countries analysed. According to a 1995 UNESCO study of gender patterns in media employment (Gallagher and von Euler, 1995, quoted in Frankson, 2000) "top jobs in media – director general, chief executive, president – are almost exclusively occupied by men" (p. 32). With regard to news organisations, it was observed that women do not occupy top posts and a few number of women are found in middle management such as desk officers in Malta and producers at RTÉ. There is vertical segregation because the higher up one looks at the ladder of news management, fewer women are found. Although there were quite a good number of female journalists, women constitute a minority in top or managerial posts.

This study does not give good empirical support to assume that a significant increase in female participation in news organisations would result in a change in the news and women would be more reported or portrayed (Van Zoonen, 1998, 1991 referred by McQuail, 1994). But journalists do not have enough autonomy and independence to decide for themselves as it is the management who has the last word of what should be in the news. The study indicates that a number of female journalists is a necessity, but not a sufficient condition, for changes in the portrayal of women and men in news. The findings, however, confirm what was discussed in *The Beijing Platform for Action* (BPFA) 1995; that the increase in the number of women in newsrooms does not translate into the increased access to power and decision making in media organisations. As was expected, with regard to news-casting female newscasters are the most popular throughout the three countries, though not necessarily young newscasters mainly for RTÉ (Ireland) and TVM (Malta). On the other hand, the majority of sportscasters are men. With regard to television sports news, this is built around men rather than women, in fact a lot of coverage of male sports players were reported in contrast to the lack of coverage of female sports players.

15.2.3 Recommendations

Presently media organisations demonstrate a great deal of commitment to gender issues. Although women's presence in the media has increased there are still many ways to implement equality in news employment and portrayal.

An obstacle for the portrayal of women is the lack of adequate media policy. This was also discussed in the report on the implementation of the *Beijing Platform for Action* (BPFA), *WomenAction 2000*. Portrayal of women and men is left to the newsroom management and the lack of codes and guidelines in media organisations is felt in the portrayal and content of news bulletins. Because of gender imbalance in news bulletins which is confirmed in this research, it is a good idea to develop a policy to guide media practitioners how to present both genders. Such policy can be self-regulatory codes or ethical guidelines for news workers. Such codes could also be part of government legislation. BPFA recommends to governments to increase the participation

of women in decision-making posts and promote a balanced and non-stereotyped portrayal of women.

As was found in this study, the images of women in news bulletins are the productions of the people working in the news organisation who approve them. Since there is a gender imbalance against women in decision-making positions this reflects the lack of women and how they are reported and portrayed. Also women are thought to be secondary to men in society; so women are biased along the culturally defined lines.

Effective equal opportunity policies in broadcasting should bring change not only in the workforce but also in programme content. If more women are employed behind the camera and the microphone, this diversity can attract more women to work in radio and television. This study showed that there is much more to be done to reach gender equality in the news media. Particularly in Malta, although women are increasing in the news media, a number of years have to pass for women to hold decision-making posts as was stressed by a number of journalists during the interviews.

When it comes to equality, the changing administrative procedures in media organisation and staff training can help. But the most important change that needs to be carried out with regard to attitudes is that while everyone understands that both genders are different, both genders can have equity between them. It is important that policy implementation should tackle gender equality so that women and men are given the same equal opportunities within the newsroom.

A number of recommendations are suggested which focus on training. Training has to aim to:

- Increase women's participation particularly in the portrayal of traditionally male-dominated areas of society linked to power (e.g. politics);
- Promote balanced and diverse media portrayals of women as persons who can be professionals, managers and mothers;
- Promote balanced and diverse media portrayals of men as persons who can be professionals, managers and fathers;
- Promote the use of non-sexist, gender sensitive language. Such journalistic training would insist that there are no differences between women and men writing.

Particularly in Malta, it can be argued that the lack of codes of ethics or self-regulatory policy results in the lack of exposure of women and the reinforcement of gender equality. The lack of media policies on women's portrayal is one of the obstacles for gender discrimination and bias in the media. Advocacy groups should open up a dialogue between journalists and news producers in order to address the imbalance in news content with regard to gender issues.



News organisations should implement gender-specific policies taking into account gender differentials, target women and men specifically, but leave the distribution of resources and responsibilities intact. There should be gender equity in access to the media, as well as participation and enjoyment of the benefits for both genders. There should be a structure, whose main objective is to look for talent within the news organization in order to identify women to be encouraged and supported to move into decision making positions.

And finally, well trained and licensed childcare facilities in news organizations, particularly in Malta are recommended. Though this seems to move away from the topic of gender and the news media, the lack of childcare facilities was mentioned as a hindrance by female journalists who were interviewed. Child upbringing is considered as an obstacle for female news workers who want to pursue higher jobs in their career.

15.2.4 Future Research

Although space and time constraints meant that this study is limited to what it is further research could be carried out on this issue. Firstly, other analyses could have been retrieved from the voluminous data gathered such as for instance, the actual time that women and men are exposed through interviews and voice clips; other interrogations on the type of occupations which women and men are portrayed in; the portrayal of both genders when they are reported as the central focus in news items; and interrogations on other news subjects reported and not tackled in this study *vis-à-vis* gender portrayal. These are all questions that could be asked and answered via the raw data collected.

The portrayal and representation of gender issues cannot only be studied through content analysis but also semiotically. It would be interesting if further research on this subject would focus on a textual analysis of news bulletins. This research would give results on different aspects of representation: who and in what ways women and men are reported and what type of women and men are portrayed in news bulletins. Further research could not only focus on the quantitative element, but it would also discuss what the common characteristics of the images of women and men portrayed in the news media in different cultures and societies consist of.

Furthermore, there is more to be analysed than just statistical appearance. Another important study would have been to investigate the use of technical devices such as camera angles, ways of editing, use of close ups and extreme close ups to portray women and men in the news. This study would indicate another perspective of women's and men's representation in news.

Other research could focus on the audience reception and investigates how audiences are influenced by the kinds of images they are exposed to in news bulletins. This research would study whether or not audiences are not passive recipients but in some way or another they are influenced by the news content.

This work should spark off further research. It would be interesting to explore the issue of masculinities in the media. Contrary to feminist studies, studies in masculinities are relatively new. Men are also subject to unrealistic representation and research can investigate men's silences in the media, particularly in the news media.

15.2.5. Conclusion

This work can be considered as a project on gender awareness which is still lacking in all societies particularly in our local society. It also shows that female participation has not grown enough and there remains more space in managerial posts to be filled with mixed appointments so that the balance between both genders is reflected. This study answers several questions particularly on the depiction and portrayal of women. It establishes how males and females are portrayed in a different way. It concludes that there are consequences in the proportion of female journalists in a newsroom to the content and production of journalistic items and coverage in news bulletins.

15.3. Staff Publications and Papers

The following is a list of publications and papers published and/or delivered at conferences by Authority staff:

Name	Title of Publication	Title of Journal/ Conference/Publisher	Date of Publication/ Conference
Dr. Kevin Aquilina, Chief Executive	Consultation Paper on Defining General Interest Objectives	IRIS: Legal Observations of the European Audiovisual Observatory	Issue 1, 2008, p. 17
Dr. Kevin Aquilina, Chief Executive	Recent Amendments to the Broadcasting Act	IRIS: Legal Observations of the European Audiovisual Observatory	Issue 2, 2008, p. 16
Dr. Kevin Aquilina, Chief Executive	Directive on Programmes and Advertisements Broadcast During the Electoral Period	IRIS: Legal Observations of the European Audiovisual Observatory	Issue 3, 2008, p. 16
Dr. Kevin Aquilina, Chief Executive	Civil Court Confirms the Independence of the Broadcasting Regulator	IRIS: Legal Observations of the European Audiovisual Observatory	Issue 4, 2008, p. 18
Dr. Kevin Aquilina, Chief Executive	Freedom of Expression vs. Protection of One's Honour	IRIS: Legal Observations of the European Audiovisual Observatory	Issue 5, 2008, pp. 15-16
Dr. Kevin Aquilina, Chief Executive	Judgment on Incitement to Racial Hatred	IRIS: Legal Observations of the European Audiovisual Observatory	Issue 6, 2008, p. 14
Dr. Kevin Aquilina, Chief Executive	Consultation Document Proposing Guidelines on Quality Programmes	IRIS: Legal Observations of the European Audiovisual Observatory	Issue 7, 2008, p. 18
Dr. Kevin Aquilina, Chief Executive	European Commission against Racism and Intolerance's Report	IRIS: Legal Observations of the European Audiovisual Observatory	Issue 8, 2008, p. 16
Dr. Kevin Aquilina, Chief Executive	Consultation Document on Media Concentration	IRIS: Legal Observations of the European Audiovisual Observatory	Issue 9, 2008, p. 17



Name	Title of Publication	Title of Journal/ Conference/Publisher	Date of Publication/ Conference
Dr. Kevin Aquilina, Chief Executive	Broadcasting Authority's Interpretation of the 20 Minute per Clock Hour of Advertising Rule' and Broadcasting Authority Interpretation of Surreptitious Advertising	IRIS: Legal Observations of the European Audiovisual Observatory	Issue 10, 2008, p. 16
Dr. Kevin Aquilina, Chief Executive	Transposition and Implementation of the Television Without Frontiers Directive: The Maltese Experience	Law and Practice, Part I	Issue 17, December 2007, pp. 26-33
Dr. Kevin Aquilina, Chief Executive	Transposition and Implementation of the Television Without Frontiers Directive: The Maltese Experience	Law and Practice, Part II	Issue 19, December 2008, pp. 20-26
Dr. Kevin Aquilina, Chief Executive	Television and Content Regulation: The Role of the Broadcasting Authority – A Local Perspective ⁵	A Malta-Commonwealth Third Country Training Programme: Legal Framework for Information and Communications Technologies	6 th June 2008
Dr. Kevin Aquilina, Chief Executive	Regolamentazzjoni tal-Midja: Kif Ihares Lejha Regolatur Prattikanti	Workshops for One Productions, <i>Kulhadd</i> and Maltastar organized by the Ethics Commission of the Malta Labour Party on a Code of Ethics for the Labour Party's Media ⁶	26 th and 27 th August 2008
Dr. Kevin Aquilina, Chief Executive	Forward in Mario Axiak's <i>Maltese Broadcast Consumer Profile: An Analytical Assessment 1999-2006</i>	Broadcasting Studies Series, Volume 2, Broadcasting Authority, Hamrun	January 2008, pp. ix-x
Mario Axiak	Radio and Television Audiences: October-December 2007	Broadcasting Authority, Hamrun	January 2008, pp. 1-88
Mario Axiak	Radio and Television Audiences: January-March 2008	Broadcasting Authority, Hamrun	May 2008, pp. 1- 92
Mario Axiak	Radio and Television Audiences: April-June 2007	Broadcasting Authority, Hamrun	August 2008, pp. 1- 102
Mario Axiak	Part 1: Radio and Television Audiences: October 2007-September 2008 Part 2: Tables	Broadcasting Authority, Hamrun	November 2008, Pt.1: pp. 1- 174 Pr. 2:pp. 1-154
Mario Axiak	Know Your Audience: Audience Survey, Audience Audit, and Continuous Audience Assessment	A Malta-Commonwealth Third Country Training Programme: Legal Framework for Information and Communications Technologies ⁷	11 th June 2008

⁵ Vide Appendix XVIII for text.

⁶ Vide Appendix XIX for text.

⁷ Vide Appendix XX for text.



15.4. Malta Broadcasting Country Reports

Mr. Edgar P. Cassar, Director Administration and Secretary to the Board, wrote two country reports on the latest developments in the Maltese broadcasting regulation landscape for the European Platform of Regulatory Authorities (EPRA) and another country report for the Mediterranean Network of Regulatory Authorities. He was very much active in the compilation of replies to various questionnaires submitted by the EPRA Secretariat and EPRA members.

15.5 Reports concerning EU Matters

The following two reports were compiled in connection with EU matters:

Name	Title of Publication	Title of Journal/ Conference/Publisher	Date of Publication/ Conference
Mario Axiak	Transmission of Major Events on Local Broadcasting TV Stations	Broadcasting Authority Hamrun	January 2008 pp. 1 - 94
Mario Axiak	Draft Final Report on a Study on the application of measures concerning the promotion of the distribution and production of European works in audio-visual media services	Workshop report presided by the EU Commission on the Study on Articles 3i, 4 and 5 of the AVMS Directive	24 th November 2008



16. GHARGHUR TRANSMITTING TOWER

The Authority continued to remain responsible for the Gharghur transmission station. During 2008, the Authority concluded the maintenance works on the tower, approved and awarded a tender for the strengthening of the tower, which works are estimated to be completed by end March 2009 and, in mid-December approved the issue of a tender for concrete paving and miscellaneous works at the Gharghur Transmission Station. It also upgraded its closed circuit television security system. The Authority is also discussing alternative energy measures at Gharghur.

17. REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2008

The Broadcasting Authority report and financial statements for the year ended 31st December 2008 are found in Appendix XXII of this Annual Report.

18. CONCLUSION

This is the last annual report which I will be writing as Chief Executive of the Broadcasting Authority. Since I joined the Authority on 11th January 1999 as Chief Executive Designate and as Chief Executive on 1st January 2000, I have authored 10 Authority annual reports together with various other reports for the Authority. Thus I would like to avail myself of this opportunity to thank all those persons who have assisted me in these years at the Broadcasting Authority. In particular, I thank the three chairmen with whom I have worked closely during the last ten years: Professor Joseph M. Pirota, Chief Justice Emeritus Dr Joseph Said Pullicino and Mr Joseph Scicluna; my predecessor in office, Mr Antoine J. Ellul to whom I remain grateful and indebted for his kind assistance and mentoring during the year I served as Chief Executive Designate; all the Members of the Broadcasting Authority; all chairpersons and members of Authority Advisory Committees; all members of staff; our advocate, Professor Ian Refalo; colleagues at the Office of the Prime Minister, the Malta Communications Authority, the Media Desk; friends at the European Platform of Regulatory Authorities and the Mediterranean Network of Regulatory Authorities; Ministers who approved subsidiary legislation I draw up for their approval; Members of Parliament who approved the amendments to the Broadcasting Act which I drafted; Dr Peter Grech, Mr Victor Cauchi LP and Ms Caroline Zerafa LP at the Office of the Attorney General who vetted draft bills and legal notices which I forwarded to them; all broadcasting stations, independent production houses and advertising agencies, the Malta Institute of Journalists and all those other persons who have been of assistance to me in the execution of my duties at the Broadcasting Authority. To all these I heartily say: thank you.

The Authority will now have a new Chief Executive, Mr Pierre Cassar, with effect from 1st March 2009 and I wish him much success in his future endeavours, and am convinced that he will rise to the innumerable and diverse challenges which face the office of the Chief Executive of the Broadcasting Authority in the years to come.

Dr Kevin Aquilina
Chief Executive
27th February 2009



APPENDICES





**RAPPORT TAL-KUMITAT FUQ IL-MALTI FIX-XANDIR
MAHTUR MILL-KUNSILL NAZZJONALI TAL-ILSIEN MALTI
U L-AWTORITA TAX-XANDIR**

Dr Ray Fabri
Dr Charles Briffa
Is-Sur Charles Flores
Is-Sur Trevor Żahra
Is-Sur Jean-Pierre Caligari

Il-5 ta' Jannar 2009

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L-EWWEL PARTI – INTRODUZZJONI

1. Il-kumitat

1.1 Dan ir-rapport kien imfhejji minn kumitat *ad hoc* (minn issa 'l quddiem imsejjaħ biss il-Kumitat) imwaqqaf mill-Kunsill Nazzjonali tal-Ilsien Malti (il-Kunsill) u l-Awtorità tax-Xandir (l-Awtorità) bil-għan li jistħarreg l-istat tal-Malti fix-xandir (ara t-termini ta' referenza għal dan il-Kumitat, f'taqsima 2). Il-membri tal-Kumitat huma Dr Ray Fabri (*chairperson*), Dr Charles Briffa, is-Sur Charles Flores, is-Sur Trevor Zahra, u s-Sur Jean Pierre Caligari (segretarju).

1.2 L-ewwel laqgħa tal-Kumitat saret nhar l-Erbgħa, l-20 ta' Awwissu 2008 u l-aħħar laqgħa nhar il-Ħamis, it-18 ta' Diċembru 2008. B'kollox il-Kumitat iltaqa' ħmistax-il darba. Erbgħa minn dawn il-laqgħat saru ma' rappreżentanti tax-xandir; laqgħa oħra saret mal-Istitut tal-Ġurnalisti Maltin, u oħra mad-Dipartiment tal-Komunikazzjoni (l-Università ta' Malta) skont kif jidher f'din l-iskeda:

Il-Ħamis 25 ta' Settembru	Media Link Communications (Net TV, Radio 101), Smash Radio & Television
Il-Ħamis 2 ta' Ottubru	Campus FM, Capital Radio, Radju Marija, Bay Radio
L-Erbgħa 15 ta' Ottubru	Radju BKR, Radju Hompesch, u Radju Xeberras
L-Erbgħa 22 ta' Ottubru	RTK, PBS (TVM, Radju Malta, u Magic FM), Favourite Channel, ITV Shopping Channel
Il-Ħamis 23 ta' Ottubru	L-Istitut tal-Ġurnalisti Maltin
It-Tnejn 15 ta' Diċembru	il-Kap tad-Dipartiment tal-Komunikazzjoni

Il-Kumitat huwa ddiżappuntat li, minkejja diversi avvizi, tliet stazzjonijiet nazzjonali tar-radju u tlieta tat-televiżjoni ma attendewx għal dawn il-laqgħat, u li minn 27 stazzjon tal-komunità attendew biss it-tlieta li jidhru hawn fuq.

2. It-termini ta' referenza

It-termini ta' referenza kienu dawn li ġejjin.

Il-Kumitat għandu:

- (1) Jidentifika l-problemi fl-użu tal-Malti f'taqsimiet differenti tax-xandir u jissuggerixxi miżuri kif dawn jistgħu jiġu megħluba fi żmien qasir li ma jiħux aktar minn erba' xhur. Eżempji ta' problemi tipiċi huma l-kitba fl-*scrolls*, il-pronunzja, u l-użu tan-numri. B'taqsimiet nifhmu, ngħidu aħna, it-taqsima tal-ħabbara/preżentaturi, tal-qarrejja tal-aħbarijiet, tal-ġurnalisti, tal-grafiċi, tad-*dj's*, u tal-aġenziji tar-riklar.
- (2) Jixpruna lill-kumitati tekniċi tal-Kunsill biex jaġġornaw iż-żewġ dokumenti tal-Linji Gwida li jitrattaw l-ismijiet tal-iblet u l-irħula, u t-terminoloġija tal-informatika.
- (3) Jidentifika u jikkuntattja korpi (il-Fondazzjoni Tumas Fenech għall-Edukazzjoni fil-Ġurnaliżmu u d-Dipartiment tal-Komunikazzjoni tal-Università ta' Malta) li jistgħu jkun ta' għajjuna professjonali u finanzjarja fit-tweġġ ta' dawn il-miżuri.
- (4) Jitkellem ma' rappreżentanti mill-qasam tal-mużika biex isib modi kif il-mużika bil-Malti tkun aktar preżenti fix-xandir.
- (5) Jitkellem ma' rappreżentanti mill-aġenziji tar-reklami biex jiżgura li jkun hemm konsistenza fl-użu tal-Malti fir-reklamar.
- (6) Jagħmel elenku tar-riżorsi li jistgħu jgħinu lix-xandara jħaddmu l-Malti tajjeb (ngħidu aħna, lista ta' kotba u kitbiet).
- (7) Jelenka problemi oħra li s-soluzzjoni tagħhom tista' tiegħu fit-tul; ngħidu aħna, jesplora x'jista' jsir biex studenti fid-Dipartiment tal-Komunikazzjoni fl-Università jkollhom preparazzjoni tajba fl-użu tal-ilsien Malti, u diskussjoni dwar kif għandu jinbidel il-Kodiċi tax-Xandir dwar l-Użu Tajjeb tal-Ilsien Malti.

3. It-terminu 'xandir'

3.1 Bit-terminu 'xandir' wieħed jifhem forma ta' telekomunikazzjoni unidirezzjonali li tixtered bir-radju, televiżjoni jew minn netwerk, u li jirċevuha numru kbir ta' persuni b'apparat apposta. Fi ftit kliem, ix-xandir jinkludi dik il-parti tal-midja li mhijiex stampata (bħal rivisti, gazzetti, eċċ.), jiġifieri prinċipalment ir-radju u t-televiżjoni. Però, il-Kumitat ikkonsidra wkoll l-internet, li fid-dinja tal-lum



huwa mezz li għandu element qawwi viżiv u awdjo, u li bl-istriming jinxtered ukoll fid-djar.

3.2 Bit-terminu 'xandara' il-Kumitat jifhem dawk in-nies li jaħdmu f'dan il-qasam f'pożizzjoni mhux teknika (inġiniera, tal-kamera, eċċ.), ngħidu aħna, ġurnalisti, preżentaturi u dġ's.

3.3 Speċifikament, dan ir-rapport jittratta l-użu tal-Malti fi programmi, aħbarijiet, reklami, telebejgħ u spots ta' informazzjoni bil-Malti li jidhru jew jinstemgħu fuq l-istazzjonijiet tar-radju u tat-televiżjoni li jxandru bil-Malti.

4. X'nifhmu b'Malti tajjeb

4.1 B'Malti tajjeb nifhmu Malti kurrenti u modern, li juża lessiku adattat għall-kuntest tad-diskors, bi pronunzja korretta u ċara, binja korretta tas-sentenza, u idjoma xierqa. Id-djaletti huma parti mill-lingwa Maltija u bihom ilsienna jistagħna. Għalhekk l-istazzjonijiet, b'mod partikolari dawk komunitarji, għandhom jinkuraġġixxu l-użu tad-djalett.

4.2 Biex niftehmu sew, ħa nagħtu xi eżempji ta' żbalji u nuqqasijiet tipiċi li smajniehom aħna jew qalulna fuqhom nies li huma midħla tax-xandir.

- a) Żbalji ortografiċi:
'baqaw' minflok 'baqgħu', 'xahar' minflok 'xagħar' (u bil-kontra), 'għall dawk' minflok 'għal dawk', 'għażel' minflok 'agħžel' (u bil-kontra)
- b) Nuqqas ta' tipi Maltin:
'għazzien' minflok 'għazzien', 'igahgahha' minflok 'igaħgaħha'
- ċ) Żbalji u nuqqasijiet fil-pronunzja (il-parentesi kwadri juru l-pronunzja)
 - i) Pronunzja iperkorretta
[ħamsin grad] minflok [ħamsi:n grat] għal 'ħamsin grad'
 - ii) Użu żejjed tal-ħoss li jikkorrispondi għall-ittra 'q' fil-bidu ta' kelma li tibda bil-ħoss ta' vokali
[qindiċi qu ve qaxra] għal 'indiċi UV għaxra'
- d) Ismijiet tal-irħula u l-ibliet żbaljati:
'Sliema' flok 'Tas-Sliema', 'Qormi' flok 'Ħal Qormi'
- e) L-użu żbaljat tal-idjoma:
'it-tuffieħa t'għajnejja' minflok 'il-mimmi t'għajnejja', 'poġġi ruħek fiż-żarbun tiegħu' minflok 'poġġi ruħek floku'
- f) Żbalji grammatikali
'ilbes qmis ġdid' minflok 'ilbes qmis ġdida', 'is-siġġu qiegħda hawn' minflok 'is-siġġu qiegħed hawn', 'erbgħa u għoxrin suldati' minflok 'erbgħa u għoxrin suldat'
- g) L-użu ta' kliem u frażijiet barranin (l-aktar bl-Ingliż) meta minflokhom jeżistu frażijiet u kliem bil-Malti:
xelta (għażla), tikkattja (tqasqas, taqta'), tippejstja (twaħħal, tinkolla), tibbojlja (tgħalli), Jerusalem (Ġerusalemm), iċ-China (Ċina), Japan (Ġappun), il-Lebanon (Libanu), [spinowla] (Spinola), [valetta] (il-Belt Valletta), Christmas (il-Milied), il-birthday/[il-berdej] (għeluq snieku), news (l-aħbarijiet), erba' euros (erba' ewro)

B'mod partikolari jaqa' f'din il-kategorija l-użu bl-Ingliż minflok bil-Malti tan-numri (tat-telefon, l-etajiet, qisien ta' ħwejjeġ, żraben eċċ.), il-flus u l-kuluri, fost oħrajn.
'euro' [jurow] minflok 'ewro', cent/s [sents] minflok ċenteżmu/i, 'jien nagħlaq five illum', 'ċemplu fuq two one four five zero seven two', 'int aktar jixraqlek ir-red mill-yellow'.
- h) Kollokazzjoni żbaljata:
'se jwassliha r-rapport tiegħu minn ġewwa l-Belt' minflok 'se jwassliha r-rapport tiegħu mill-Belt', 'jittratta dwar il-folklor' minflok 'jittratta l-folklor'.



F'din it-taqsimha sa nħarsu fid-dettall lejn x'inhuma l-problemi li identifika jna fl-użu tal-Malti fix-xandir u sa nagħmlu suġġerimenti kif wieħed jista' jgħleb dawn il-problemi.

1. Il-grafika

Hawnhekk ninkludu forum differenti ta' preżentazzjoni, bħalma huma:

- a) il-'crawls' (grafika mkarkra),
- b) l-'iscrolls' (grafika tielgħa u nieżla),
- c) forum oħrajn ta' kitba 'statika'.

Dawn il-forom ta' preżentazzjoni jintużaw biex tintwera informazzjoni li tkun ġejja minn għejun ta' komunikazzjoni differenti bħal *sms*'s, messaġġi elettronici, credits u ħajr, riċetti, informazzjoni tat-telebejgħ, kitba pubbliċitarja, slogans, spots ta' informazzjoni, promozzjoni, eċċ.

1.1 Wieħed irid jiddistingwi bejn informazzjoni li tkun (a) ippreparata minn qabel u (b) dik spontanja. Tal-ewwel m'għandhiex tkun problematika: m'għandux ikun hemm żbalji f'dan il-każ. It-testi għandhom ikunu ċekkati sew. Hija r-responsabbiltà ta' min jippreparahom li jiżgura li ma jkunx hemm żbalji, jekk ikun hemm bżonn wara li jitolb il-parir tal-konsulent (ara t-taqsimha 6.3).

Fil-każ (b), ta' informazzjoni spontanja:

- (i) jekk din issir 'live'/ diretta fl-istudjo, għandu jkun żgurat li min jipprezentaha jkun ippreparat u jaf jikkellu u jikteb sew.
- (ii) jekk il-kitba tiġi direttament mill-pubbliku (ngħidu aħna, messaġġi elettronici bħall-*sms*'s u l-*emails*), għandha xorta tkun dejjem korretta.

Biex dan ikun żgurat, qabel ma din l-informazzjoni tkun imxandra, għandu jkun hemm persuna responsabbli biex tiċċekkjahom. Ta' min wieħed jinnota li dan l-iċċekkjar diġà jsir biex jitwarrbu testi jew partijiet minn testi li jkunu vulgari jew libellużi; mela għandu jsir ukoll l-iċċekkjar tal-Malti. Naturalment, dan ifisser li n-nies li jgħarblu din il-kitba jridu jkunu midħla sew tal-Malti.

Jekk it-testi jidhru bl-Ingliż, għandhom ikunu tradotti għall-Malti jew m'għandhomx jintwerew. (Hekk jew b'hekk, sikwit il-messaġġi bl-Ingliż ikunu wkoll b'Ingliż żbaljati.)

1.2 F'kull kitba, għandhom dejjem jintużaw il-karattri u t-tipi Maltin. F'dan il-każ ukoll għandu jkun żgurat li l-kitba li tidher fil-pubbliku tkun korretta u magħmula mill-ittri tal-alfabett Malti. Dan huwa possibbli issa bl-istandardizzazzjoni tat-tipa skont is-sistema internazzjonali tal-Unicode.

1.3 It-terminoloġija tax-xandir għandha tkun kemm tista' bil-Malti u standardizzata bejn l-istazzjonijiet. Ngħidu aħna, minflok 'production director' għandu jintuża konsistentement it-terminu 'direttur tal-produzzjoni'. F'dawn il-każijiet, għandu jkun ikkonsultat il-kumitat tekniku tat-terminoloġija tal-Kunsill, li għandu r-responsabbiltà li jiżviluppa terminoloġiji adattati għal oqsma differenti. (Ara l-Appendiċi 2 għal xi eżempji oħrajn ta' terminoloġija tax-xandir.)

1.4 Għandu jkun hemm multi jekk jidhru żbalji tat-tip kif deskritt f'din it-taqsimha b'mod persistenti (ara t-taqsimha 7.2).

2. It-titli tal-programmi

Spiss qed jintużaw titli b'isla barranin għall-programmi bil-Malti, ngħidu aħna, 'Deal or no Deal', 'Big Bugs', 'Divided', 'Allegria', 'Donne'.

2.1 M'hemm l-ebda raġuni għalfejn it-titli m'għandhomx ikunu bil-Malti, anki jekk dawn huma 'msellfa' minn programmi barranin. Ngħidu aħna, it-Taljani ċerti programmi biddluhom u għamluhom bit-Taljan, bħal 'Grande Fratello' għal 'Big Brother' u 'Affari Tuoi' għal 'Deal or no Deal'.

2.2 Id-dirigenti għandhom ikunu konxji tal-ħtieġa li t-titli jkunu bil-Malti, ħlief f'dawk il-każijiet meta l-isem ikun rikonoxxut internazzjonalment jew ikun xi terminu tekniku (ngħidu aħna, 'Meander', 'Klikk', 'Spektrum').

2.3 L-għażla ta' titli bil-Malti tagħti lok għall-kreattività. Bħalma huwa importanti li titlu ta' film u ta'



ktieb jagħti idea tal-kontenut, hekk ukoll għandu jkun titlu ta' programm għar-radju u għat-telewizjoni. Li taqbad isem barrani u tħallih kif inhu juri nuqqas serju ta' kreattività, u ta' sforz u impenn artistiku. Ngħidu aħna, programm li jgħin lit-tfal żgħar (taħt il-ħames snin) biex jitgħallmu hwejjeg elementari (bħall-kuluri, numri, eċċ.) m'hemm xejn ħażin li jissejjaħ, ngħidu aħna, 'Għalina I-Vavi/Ż-Żgħar'. Ta' min wieħed jesperimenta bil-kliem tat-tfal, u forsi jerga' jagħti ħajja lill-kliem li qiegħed jintilef, bħal 'ċejċa', 'bambu', u 'tuttu'.

2.4 F'każijiet fejn ma tapplikax klawnsola (a) u għaldaqstant it-titlu seta' kien bil-Malti għandhom jingħataw il-multi (ara taqsima 7.2).

3. Ix-xandara

3.1 Ix-xandara (preżentaturi, ġurnalisti, kummentaturi, analisti, eċċ.) għandhom l-obbligu li jużaw Malti tajjeb. Għandhom ikunu ppreparati tajjeb. Ħafna drabi dan mhuwiex il-każ u wieħed sikwit jisma' xandara li jagħmlu ħafna żbalji jew li jhalltu bla bżonn l-Ingliż u l-Malti.

3.2 Jingħad li ħafna problemi bħal dawn jinholqu minħabba n-natura tax-xogħol li tkun titlob ħafna għaġla, speċjalment fi programmi diretti, ta' attwalità u tal-aħbarijiet. Il-kumitat iħoss li, jekk ix-xandar ikollu preparazzjoni tajba u l-għajnuna tal-konsulent u ta' riżorsi lingwistiċi, l-għaġla m'għandhiex tkun problema.

3.3 It-tħarriġ tax-xandara għandu jinkludi element qawwi ta' tħarriġ fl-ilsien Malti. Il-kumitat sema' ħafna lmenti minn nies responsabbli fix-xandir li qed isibuha bi tqila ħafna jsibu impjegati li huma tajbin fil-lingwa daqs kemm huma tajbin fl-għarfien tekniku u teoretiku. Saret kritika (ara l-Minuti tal-Kumitat) għall-Kors tal-Komunikazzjoni tal-Università ta' Malta għax inħass li mhuwiex qed jipprepara lill-istudenti biżżejjed fl-użu tajjeb tal-ilsien Malti, minkejja l-fatt li l-lingwa hija l-għodda prinċipali tax-xandar. Il-Kap tal-Kors tal-Komunikazzjoni informa l-Kumitat li kien hemm diversi tentattivi biex, bħala parti mill-kors, l-istudenti jkollhom taħriġ fil-Malti għall-ġurnaliżmu, u ntweriet irrieda li jittfasslu korsijiet ġodda biex jaqdu din il-ħtieġa.

3.4 Ġie nnutat minn xi stazzjonijiet li xi wħud mill-impjegati huma barranin u ma jafux bil-Malti. Il-Kumitat jidhirlu li l-impjegati barranin mal-istazzjonijiet li jridu jidhru quddiem kamera jew ikunu wara mikrofonu wkoll għandhom l-obbligu li jkunu jafu sew bil-Malti jekk jieħdu sehem fi programmi bil-Malti.

L-istazzjonijiet għandhom jipprovdu l-fondi sabiex l-impjegati kollha tagħhom li jkunu f'kontatt mal-pubbliku jitgħallmu u jtejbu l-Malti (mitkellem u miktub) permezz ta' taħriġ regolari li jkun jinkludi fih:

- korsijiet għax-xandara barranin biex jitgħallmu sew il-Malti
- korsijiet għax-xandara Maltin biex jaġġornaw ruħhom u jtejbu l-ħiliet lingwistiċi tagħhom minn żmien għal ieħor
- korsijiet speċjalizzati fil-lingwa għall-konsulenti tal-istazzjonijiet

3.5 Ix-xandara għandhom jaraw li l-mistednin Maltin tagħhom ukoll jużaw Malti tajjeb (ara taqsima 4).

4. Il-mistednin

4.1 Il-mistednin Maltin ukoll għandhom ikunu ppreparati sew fl-ilsien Malti, u jużaw lingwaġġ adattat, anki meta s-suġġett ikun tekniku ħafna. Il-preżentaturi għandhom jinsistu li l-mistednin tagħhom jittkellmu bil-Malti tajjeb u li ma joqogħdux jaqilbu minn lingwa għal oħra. F'każ li xi mistieden juża l-Ingliż jew xi lingwa oħra barranija, tibqa' r-responsabbiltà tal-preżentatur li jaqleb dak li jingħad f'Malti li jinftehem.

4.2 L-għażla tal-mistednin m'għandhiex tistrieħ biss fuq il-kompetenza tagħhom fis-suġġett imma wkoll fuq il-ħakma tagħhom tal-ilsien Malti. Iridu jkunu kapaċi jispjegaw ruħhom b'Malti ħafif li jinftehem minn kulħadd. Wara kolloxx dawn il-mistednin ikunu jew qed jithallsu tas-servizz tagħhom jew inkella jieħdu "reklam" b'xejn għall-ħidma u/jew azjenda tagħhom.

4.3 Il-preżentaturi għandhom iqassmu linji gwida, imħejjija minn qabel, fuq l-użu tal-Malti u t-terminoloġija speċifika għas-suġġett lill-mistednin tagħhom sew qabel il-programm biex dak li jkun



ikun jista' jipprepara ruħu tajjeb. Din il-gwida għandha ssir flimkien mal-konsulent tal-istazzjon. (Ara l-appendiċi 3 għal eżempju.)

5. Id-dikjarazzjoni tal-għanijiet

Fid-dikjarazzjoni tal-għanijiet tal-istazzjon (il-'mission statement'), għandu jkun hemm referenza ċara għall-politika lingwistika tal-istazzjon.

B'eżempju nagħtu din il-verżjoni:

Dikjarazzjoni tal-għanijiet: 'Dan l-istazzjon jintrabat li jiżgura li l-programmi bil-Malti jkunu tal-aqwa livell skont il-Kodiċi tax-Xandir Dwar l-Użu Tajjeb tal-Ilsien Malti fil-Mezzi tax-Xandir, u għaldaqstant jagħmel mill-aħjar sabiex imexxi 'l quddiem l-użu tajjeb tal-Malti.'

6. Il-Kodiċi

F'dan li ġej, nirreferu għall-Kodiċi tax-Xandir Dwar l-Użu Tajjeb tal-Ilsien Malti fil-Mezzi tax-Xandir fl-Att Dwar ix-Xandir, Kap. 350 (minn issa 'l quddiem imsejjaħ biss il-Kodiċi). Il-Kumitat iddiskuta dan il-Kodiċi u qed jissuġġerixxi li jsiru xi tibdiliet. F'Appendiċi 1 hemm żewġ verżjonijiet tal-Kodiċi: waħda turi l-Kodiċi kif kien mibdul mill-Kumitat u l-oħra turi eżatt, bl-użu ta' kuluri differenti, liema tibdiliet saru, biex il-qarrej ikun jista' jqabbal il-verżjoni l-ġdida mal-orijinal.

6.1 Ħafna minn dawk illi kellem il-Kumitat ma kinux jafu bl-eżistenza tal-Kodiċi, jew ma kinux jafu x'fih eżatt, ngħidu aħna, li f'kull skeda għandu jkun hemm programm li jippromwovi l-Malti bħala lingwa. Għandha tkun haġa ovvja li d-dirigenti tal-istazzjonijiet u l-impjegati jridu mhux biss ikunu jafu bil-Kodiċi imma jkunu wkoll jifhmu sewwa l-obbligi tagħhom skont dan il-Kodiċi, b'mod partikulari t-taqsimiet li għandhom x'jaqsmu mal-konsulent u mal-programmi li jippromwovu l-Malti f'kull skeda.

Il-programmaturi, kemm Maltin u kemm barranin, inkluzi dawk fil-livell maniġerjali, għandhom l-obbligu li jaraw li jintuża Malti tajjeb qabel ma programm ikun aċċettat għax-xandir fl-iskeda.

6.2 Programm li jippromwovi l-Malti: Il-Kodiċi jittlob li f'kull skeda tal-programmi jkun hemm programm li jippromwovi l-Malti. Dan il-programm għandu jippromwovi speċifikament il-lingwa Maltija, u mhux jitratta xi aspett, ikun liema jkun, tal-kultura Maltija. Il-kunċett tal-kultura huwa usa' minn dak tal-lingwa. Dan ifisser li la programmi fuq il-letteratura, il-folklor, l-istorja, il-mużika, l-arti, eċċ., u lanqas il-qari ta' rumanzi u novelli bil-Malti ma jidhru f'din il-kategorija. Ifisser li f'kull skeda għandu jkun hemm programm b'tagħrif fuq il-lingwa (ngħidu aħna, kif niktbu bil-Malti, il-grajja tal-Malti), u/jew fuq l-użu tal-lingwa (ngħidu aħna, id-djaletti, ir-registri, l-idjomi, l-espressjoni).

6.2.2 Dawk l-istazzjonijiet li jxandru biss mużika u pubbliċità, kif ukoll xi stazzjonijiet komunitarji, jistgħu wkoll iħejju spots qosra ta' informazzjoni fuq il-lingwa jew l-użu tagħha.

6.2.3 FI-ispirtu ta' dan ir-rapport, il-Kumitat iħoss li l-kanzunetti bil-Malti għandhom jingħataw aktar importanza fl-istazzjonijiet kollha. Hemm xi stazzjonijiet li diġà għandhom programmi ddedikati għall-kanzunetti Maltin, imma hemm oħrajn li f'tit li xejn jagħtuhom l-importanza li jistħoqqilhom. FI-iskeda tagħhom, l-istazzjonijiet għandhom jinkludu programm/i li jitrattaw il-kanzunetti bil-Malti. FI-istess ħin għandhom jinstemgħu aktar kanzunetti bil-Malti fil-programmi ddedikati lill-mużika generika u għandhom jintużaw aktar il-kanzunetti bil-Malti bħala sfond jew fil-ftuħ u l-għeluq tal-programmi.

6.3 Il-konsulent: Skont Artiklu 3 tal-Kodiċi kull stazzjon għandu jkollu mill-anqas konsulent wieħed fuq il-lingwa.

6.3.1 Il-konsulent għandu jkun gradwat fil-Malti jew ikollu esperjenza xierqa fil-lingwa u t-tħaddim tagħha. Il-konsulent mhux bilfors ikun impjegat regolari tal-istazzjon, imma għandu jkun lest li jagħti l-parir tiegħu meta jkun hemm bżonn, anki ta' malajr. Il-Kumitat jissuġġerixxi li l-Kunsill ikollu lista ta' persuni li jistgħu jaqdu l-funzjoni ta' konsulenti f'każ li stazzjon jittlob il-parir jew l-għajnuna tiegħu.

6.3.2 Il-konsulent għandu jżomm ruħu aġġornat u jkun f'kontatt kontinwu mal-Kunsill. Il-konsulenti tal-istazzjonijiet kollha għandhom jiltaqgħu flimkien regolarment (mill-inqas darbtejn f'sena) biex



jiddiskutu flimkien u jistabbilixxu uniformità fl-użu tal-lingwa, u biex jaġġornaw ruħhom mal-iżviluppi kollha. Laqgħat bħal dawn jissejtnu mill-Awtorità u mill-Kunsill, li jibagħtu rappreżentanti tagħhom għal dawn il-laqgħat.

6.3.3 Hareġ li f'xi każijiet l-edituri jaġġzlu li jinjoraw il-pariri tal-konsulent. Meta jinqala' xi konflitt fejn tidhli il-lingwa, hija l-kelma tal-konsulent li tiswa, wara diskussjoni mal-Kunsill jew mal-konsulenti tal-istazzjonijiet l-oħra. Il-konsulent għandu jkoll l-Awtorità jekk il-pariri tiegħu jkunu injorati mill-istazzjon.

7. L-Infurzar

Min-naħa tal-Awtorità, għandu jsir moniteragg regolari u kontinwu tal-programmi fuq l-istazzjonijiet sabiex ikun hemm infurzar tar-regolamenti tal-Kodiċi. Jekk stazzjon ma jimxix mal-Kodiċi, għandhom jidhru l-multi. Però, minbarra l-impożizzjoni bil-multi, il-Kumitat jirrakkomanda li għandu jkun hemm ukoll mezzi ta' inkoraġġiment għal dawk kollha li jużaw Malti tajjeb.

7.1 Il-moniteragg

S'issa jidher li kien hemm nuqqas ta' moniteragg u ta' infurzar konsistenti min-naħa tal-Awtorità. Intqal li dan kien prinċipalment għaliex, sa ftit ilu, ma kienx hemm min jimmoniterja l-programmi, ir-rikلامي u l-isports ta' informazzjoni. Bħalissa hemm uffiċjal tal-moniteragg li qed jaġmel dan ix-xogħol. Dan huwa s-Sur Jean Pierre Caligari, li huwa gradwat fil-Malti. Il-Kumitat jidhirlu, però, li persuna waħda għal dan ix-xogħol mhijiex biżżejjed. Għandu jkun hemm tim adegwat ta' persuni li jifflu l-programmi tal-istazzjonijiet, anki jekk dawn jaħdmu mid-dar u jirrapportaw lill-uffiċjal tal-moniteragg fl-Awtorità.

7.1.2 Apparti mill-moniteragg tal-istazzjonijiet min-naħa tal-uffiċjali tal-Awtorità, għandhom jingħataw widen ukoll il-kummenti tal-pubbliku, tal-għaqdiet tal-Malti u tal-kritiċi li jaslu permezz tal-ġurnali u l-mezzi l-oħra tal-informazzjoni jew direttament għand l-Awtorità jew għand il-Kunsill.

7.1.3 Ingħad li xi stazzjonijiet għandhom nies li jixtiequ jużaw Malti tajjeb imma qed isibu ċerti ostakli mis-settur maniġerjali, li bosta drabi la jkollu interess fil-Malti u lanqas ma jkun midhla tiegħu. Għalhekk intweriet ix-xewqa mix-xandara stess li jkun hemm impożizzjoni fuq l-istazzjonijiet.

7.2 Il-Multi

7.2.1 Il-Kumitat jaqbel mal-proċedura tal-għotja tal-multi kif inhi bħalissa, jiġifieri li l-ewwel ikun hemm twissija u mbagħad tingħata l-multi skont il-ligi. Hemm bżonn li tibqa' tintuża din il-proċedura u li jkun hemm aktar infurzar permezz tal-multi.

7.2.2 Mal-ewwel darba li jkun hemm żbalji jew nuqqasijiet, l-Awtorità tagħti twissija lill-istazzjon u tgħidli kif għandu jirrangahom. Meta l-uffiċjal tal-moniteragg jibgħat it-twissija lill-istazzjon, fl-istess ħin jinforma lill-konsulent ta' dak l-istazzjon fuq il-problema. F'każ ta' dubju, l-uffiċjal għandu jitolb l-għajnuna tal-Kunsill.

7.2.3 Jekk wara t-twissija, l-iżbalji jew nuqqasijiet ma jiġux irrangati (jiġifieri, jerġgħu jidhru jew jinstemgħu), dak ikun ifisser li l-iżbalji jew in-nuqqasijiet ikunu persistenti u l-istazzjon ikkonċernat jeħel multa. Din il-proċedura tintuża għal kull intervent ta' din ix-xorta li jsir mill-Awtorità. Bħalissa l-penali amministrattiva għal min jikser il-Kodiċi hi ta' 1,164 ewro.

7.2.4 F'każ li jkun hemm stazzjon li jibqa' jwebbes rasu u jeħel konsistentement il-multi mingħajr ma jirrangja l-użu tal-Malti, l-Awtorità għandha toħroġ stqarrija pubblika dwar il-każ biex b'hekk tesponi lill-istazzjon ikkonċernat għall-kritika pubblika u timxi skont is-saħħa li tagħtiha l-ligi.

7.2.5 Jista' jkun hemm il-ħtieġa li mat-twissija jkun hemm ukoll diskussjoni mal-konsulent tal-istazzjon. Din hija raġuni oħra għaliex il-kumitat qiegħed jissuggerixxi li jkun hemm tim ta' uffiċjali tal-moniteragg, biex b'hekk il-moniteragg tal-istazzjonijiet ikun aktar effiċjenti. L-Awtorità għandha tiżgura li l-moniteragg ikun konsistenti u dejjiemi.



7.3 L-inkoraġġiment

7.3.1 Premju għall-użu tal-Malti

Il-premju tal-Awtorità għall-aħjar użu tal-Malti ngħata darbtejn, fl-2002 u fl-2003, lill-FM Bronja. Mill-2004, l-Awtorità għażlet li tappoġġja l-kategorija tal-Ilsien Malti fil-premjijiet annwali li jingħataw mill-Istitut tal-Ġurnalisti Maltin (IGM). Il-Kumitat jissuġġerixxi li kemm il-Kunsill u kemm l-Awtorità jagħmlu l-istess fil-każ tal-premjijiet annwali fil-qasam televiżiv (il-Malta Television Awards) u fil-każ tar-radju, jekk jinħoloq premju bħal dak tat-televiżjoni.

L-Awtorità u l-Kunsill għandhom jieħdu fieseb li dawn il-premjijiet jew ċertifikati jingħataw pubbliċità xierqa fil-mezzi tal-komunikazzjoni.

7.3.2 Għajnuna għall-użu tal-Malti tajjeb

Il-kumitat jissuġġerixxi li l-Awtorità u l-Kunsill jorganizzaw seminars regolari fuq il-Malti għax-xandara kollha, għad-djar tal-produzzjoni, u l-aġenziji tar-reklamar. Dawn is-seminars tajjeb li jinkludu, fost oħrajn:

- It-traduzzjoni fix-xandir
- Il-kreattività fil-lingwa għax-xandir
- Stili differenti fl-espożizzjoni ta' suġġetti differenti
- Il-problemi tal-lingwa li jiltaqgħu magħhom l-istazzjonijiet
- L-istandardizzazzjoni tat-terminoloġija u tan-neoloġiżmi
- Diskussjoni fuq il-grammatika u l-lessiku tal-Malti
- L-użu tad-djaletti u varjanti oħra fix-xandir

8. Ir-riżorsi lingwistiċi

Ir-riżorsi lingwistiċi għandhom jinkludu kemm materjal stampat u kemm għejjun elettronici.

8.1 Kull stazzjon għandu jkollu mill-inqas dizżjunarju tal-Malti. Il-Kumitat jirrakkomanda illi idealment l-istazzjonijiet ikollhom għażla tajba ta' dizżjunarji Ingliż-Malti, Malti-Ingliż, Malti-Malti, u oħrajn speċjalizzati. Għandu jkollhom ukoll grammatika jew grammatiċi, il-pubblikazzjonijiet uffiċjali tal-Kunsill tal-Malti, kotba ta' qwiel, idjomi, u għajnuniet oħra li jinkludu publikazzjonijiet ta' kultura bħal letteratura, folklor, mużika, arti, industria, xjenza, kummerċ, teknoloġija, u divertiment. Għandu jkollhom ukoll ċekkjur elettroniku.

8.2 L-istazzjonijiet għandhom iżommu ruħhom aġġornati ma' kull żvilupp fil-lingwa u għaldaqstant tajjeb li jzommu kuntatt regolari mal-Kunsill. Il-Kunsill għandu jkollu lista ta' riżorsi fuq il-Malti li jagħtiha lill-istazzjonijiet li jitolbuh.

8.3 Kien hemm suġġeriment li l-istazzjonijiet għandu jkollhom librerija (jekk mhux diġà teżisti) li fiha jarkivjaw materjal originali bil-Malti u dwar il-Malti biex iservi ta' riżors lingwistiku u ta' għajnuna siewja fit-taħriġ u l-aġġornament tal-impjegati fl-istazzjonijiet. L-istazzjonijiet jistgħu jaqdbu sistema ta' tpartit ta' materjal bħal dan. Id-drittijiet kollha ta' dawn l-arkivi jibqgħu tal-istazzjon li pproduċiehom. Dan ir-rapport jissuġġerixxi li l-Kunsill jitlob il-katalgu ta' dawn l-arkivi mingħand l-istazzjonijiet. B'hekk il-Kunsill ikollu lista' sħiħa li tista' tidderiegi r-riċerka.

9. Konkluzjoni

9.1 L-għan ewlieni ta' dan il-Kumitat kien li jindaga/jesplora s-sitwazzjoni li jinsab fiha l-ilsien Malti fix-xandir biex b'hekk jidentifika l-problemi u jagħmel suġġerimenti biex dawn il-problemi jkunu megħluba. Kienu identifikati numru ta' problemi varji, u saru suġġerimenti prattiċi kif dawn jistgħu jkunu solvuti.

9.2 Il-Kumitat jixtieq jenfasizza l-fatt li x-xandir għandu l-obbligu u r-responsabbiltà li jservi ta' eżempju fl-użu tal-Malti bħala lsien nattiv tal-Maltin (ara Taqsima 2 tal-Kodiċi). Aktar ma n-nies ikunu esposti għall-Malti tajjeb, kemm miktub kif ukoll mitkellem, aktar ix-xandir iwettaq l-għanijiet tal-Kodiċi. Dan jgħodd b'mod speċjali għall-istazzjonijiet nazzjonali fi ndan il-PBS.

9.3 Il-Kumitat jirrikonoxxi l-herqa u r-rieda tajba li ntwerew mill-biċċa l-kbira tal-istazzjonijiet li attendew għal-laqqgħat li sejjaħ. Kienu lesti biex jiddiskutu u jagħmlu s-suġġerimenti tagħhom skont l-esperjenzi li għaddew jew għadhom għaddejjin minnhom. Dan jawgura tajjeb għall-ħolqien ta'



ambjent aħjar fil-qasam tax-xandir fejn jidhol il-Malti.

9.4 Fl-aħħar nett, il-Kumitat jissuġġerixxi li, sabiex ikun hemm kontinwità u konsistenza fil-politika tal-lingwa li jadottaw il-Kunsill u l-Awtorità, dawn għandhom jiżguraw li darba fis-sena, għall-ħabta ta' Settembru, jitlaqqa' kumitat apposta, magħżul minnhom, biex jara jekk kienx hemmx progress/titjib fis-sitwazzjoni tal-ilsien Malti fix-xandir, jindaga jekk ġewx segwiti r-rakkomandazzjonijiet li qed jagħmel dan ir-rapport, u, jekk ikun hemm bżonn, jagħmel suġġerimenti ġodda, skont il-bżonnijiet tal-mument.

Nifirġu lill-Awtorità u lill-Kunsill għall-inizjattiva siewja tagħhom li jaħtru dan il-Kumitat, u filwaqt li nesprimu x-xewqa li dan ma jkunx l-ewwel u l-aħħar kumitat ta' dan it-tip, niringrazzjawhom tal-fiduċja li wrew fil-membri tal-Kumitat.

(iffirmat) Dr Ray Fabri
Chairman

(iffirmat) Dr Charles Briffa, is-Sur Charles Flores u is-Sur Trevor Żahra
Membri

(iffirmat) Is-Sur Jean-Pierre Caligari
Segretarju

Appendiċi 1: Kodiċi

ATT DWAR IX-XANDIR (KAP. 350)

KODIĊI TAX-XANDIR DWAR L-UŻU TAJJEB TAL-ILSIEN MALTI FIL-MEZZI TAX-XANDIR

1. It-titlu ta' dan il-Kodiċi hu l-Kodiċi tax-Xandir dwar l-Użu Tajjeb tal-ilsien Malti fil-Mezzi tax-Xandir.

Titlu.

2. Ix-xandara għandhom id-dmir li jużaw l-ilsien Malti sew billi:

Dmirijiet li għandhom ix-xandara.

- (a) jifhmu r-responsabbiltà li għandhom li jharsu l-ilsien Malti;
- (b) jimxu ma' kull żvilupp li jseħh fl-ilsien Malti, sew jekk mithaddet sew jekk miktub, b'mod speċjali fil-każ tal-ġurnalisti;
- (c) jiżguraw li jsiru traduzzjonijiet u adattamenti xierqa bbażati fuq prinċipji fundamentali tat-traduzzjoni;
- (d) jgħinu lil kull min ikun qiegħed jieħu sehem f'xi programm kif ukoll iwaqqfu lil min jabbuża mill-ilsien użat;
- (e) jgħassu sew, b'mod speċjali fil-każ ta' programmi edukattivi, informattivi, jew tat-tfal;
- (f) jiżguraw li l-Malti li jintuża jithaddem sew f'dik li hi s-semantika, il-grammatika, il-lessiku, il-pronunzja, l-ortografija, u l-kontenut;
- (g) jkunu jafu jhaddmu sew kull aspekt tal-ilsien biex dak li jingħad juri għaqda, sħuħija u jkun jiftiehem sew;
- (h) jużaw b'għaqqal kull neoloġiżmu li jidhol fil-Malti u, fejn possibbli, jagħmlu dan skont il-morfoloġija tal-ilsien Malti;
- (i) jużaw tajjeb mingħajr ma jirrikorru għall-arkaizmi; u
- (j) jużaw kliem kemm jista' jkun ċar u li jiftiehem sew.

3. Hi r-responsabbiltà ta' kull stazzjon li:

Responsabbiltà tal-istazzjonijiet.

- (a) ikollu konsulent kwalifikat tiegħu fl-ilsien Malti u li jkun jaf x'inhu jiġri fil-qasam tax-xandir. Dan il-konsulent jiġi approvat mill-Awtorità tax-Xandir wara konsultazzjoni mal-Kunsill Nazzjonali tal-ilsien Malti. L-Awtorità tax-Xandir għandha wkoll tippubblika l-isem tal-konsulent fil-Gazzetta;
- (b) isegwi r-regoli u d-direttivi li joħroġ il-Kunsill Nazzjonali tal-ilsien Malti f'dak li hu t-tħaddim tal-ilsien Malti;
- (c) juża l-ilsien Malti sew f'kull xandira bil-Malti;
- (d) josserva kull kundizzjoni li jkun hemm fil-liċenzja tax-xandir u li tkun teħtieġ li l-ilsien Malti jithaddem b'mod xieraq; u
- (e) ixandar mill-anqas programm wieħed f'kull skeda ta' programmi biex igib 'il quddiem l-ilsien Malti. L-istazzjon għandu jinforma lill-Awtorità bid-data u l-ħin ta' dik ix-xandira u għandu jagħti lill-Awtorità tax-Xandir kopja elettronika tax-xandira mhux aktar tard minn sebat ijiem minn meta ssir ix-xandira.

4. Hi r-responsabbiltà tal-Awtorità tax-Xandir li:

Responsabbiltà tal-Awtorità tax-Xandir.

- (a) tiżgura li l-istazzjonijiet u x-xandara jimxu mal-obbligi tagħhom skont dan il-kodiċi u r-regoli u l-linji gwida għall-ħarsien u l-użu tajjeb tal-ilsien Malti billi;
- (b) tieħu ħsieb l-infurzar tar-regoli f'dan il-kodiċi b'mod sistematiku, regolari u konsistenti;
- (c) tistqarr fil-pubbliku l-politika tagħha fuq l-ilsien nazzjonali;
- (d) min żmien għal żmien tfejji u tippubblika rapporti fuq il-qagħda tal-ilsien



- Malti fil-mezzi tax-xandir;
- (e) tassisti għaqdiet rappreżentattivi mill-qasam tax-xandir sabiex jilħqu l-għanijiet tagħhom bil-ħsieb li jkunu jirregolaw lilhom infushom fejn tidhol il-lingwa;
 - (f) timpjega magħha uffiċjali tal-moniteraġġ, u tiżgura li dawn il-persuni jkollhom livell għoli tal-għarfien tal-ilsien Malti.

Appendiċi 2: Eżempju ta' Terminoloġija Standardizzata

Titli televiżivi

Preżentazzjoni/lppreżenta/t
 Ħajr
 Xagħar
 Irtokk
 Dwal
 Awdjo
 Mistieden/na/Mistednin speċjali
 Kamera
 Kontroll tal-kameras
 Grafika
 Titlu elettroniku
 Direzzjoni
 Produzzjoni
 Kitba
 Tekniċi/Ass. Tekniċi
 Inġiniera
 Kamera fuq il-post
 Muntaġġ

Appendiċi 3: Eżempju ta' Gwida għall-Mistednin: Programm tat-tisjir

Nitolbok biex kemm jista' jkun tuża kliem u espressjonijiet bil-Malti waqt il-programm. Hawn taht hawn xi eżempji ta' kliem u ta' espressjonijiet mill-qasam tat-tisjir. Grazzi.

L-ewwel nippreparaw kollox...

Għandkom bżonn: erba' grammi zokkor, ...

Aħsel il-ħaxix u poġġih fi skutella...

Daħħal kollox fil-forn li jkollu temperatura ta' mitejn u ħamsin grad...

Nagħmlu mod li l-preżentatur ikun jaf li l-kok li jkun ġej fil-programm tiegħu jkun se jagħti riċetta ta' "Apple Pie", allura javżah biex jipprepara l-kliem bil-Malti li jinftiehem. Ngħidu aħna,

Torta tat-tuffieħ (apple pie)

Tuffieħ tat-tisjir (tart apples)

Għaġina (pastry)

Meraq tal-lumi (juice of 1 lemon)

Ponta ta' kuċċarina noċemuskata mħakka friska (one-eighth level teaspoon freshly grated nutmeg)

Kannella (cinnamon)

Żbib (raisins)

eċċ.

CALL FOR APPLICATIONS FOR LONG-TERM COMMUNITY RADIO STATIONS FROM NON-PROFIT ORGANISATIONS ONLY

Following discussions with the Malta Communications Authority, the Broadcasting Authority has concluded a revision of its policy on long-term community radio stations. Hence with effect from Monday, 10th November 2008, the Broadcasting Authority will be receiving applications for long-term community radio stations, thereby lifting the moratorium which has existed on the issuing of licensing of community radio stations.

Conditions for the Issue of a Licence for a Long-Term Community Radio Station

In addition to the conditions listed in the Broadcasting Act, the following conditions shall also apply to the issue of long-term community radio stations:

Programme Content Conditions

1. Each new application form for a long-term community radio station has to be presented with:
 - a) at least three (3) letters of support from community organisations;
 - b) the proposed programme schedule;
 - c) the relative application and licence fees.
2. Letters of continuing community support are to be submitted on renewal.
3. The application fee and the licence fee have to be paid at the application stage and not when the licence is collected.
4. Any fees charged by the Malta Communications Authority during the tenure of the licence will also have to be paid for every inspection which the Authority might request the MCA to carry out on its behalf. These MCA fees will be invoiced to the licensee. In the eventuality that a new licence or a renewal licence is refused, the Authority will reimburse the licence fee and, if no tests have been carried out, the MCA fee.
5. Applications have to be accompanied by an application fee of € 116 and a licence fee of € 349. The licence fee is paid on a yearly basis. An MCA fee may also be charged at a later stage if the application is approved.
6. Community radio stations are to abide by their license conditions of obtaining adverts only from firms which are located within the boundaries of their respective community.
7. In the case of renewal applications, in order to sure that community radio stations are abiding by their license conditions, the Authority requests 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.
8. Once a licence is issued by the Authority, the information mentioned in paragraph 7 above has to be submitted to the Authority on a quarterly basis.
9. Failure to abide by the provisions of paragraphs 6 to 8 above will imply the imposition of an administrative penalty to the amount of four thousand, six hundred and sixty euro (€4660).
10. This call for applications is restricted to non-profit organizations (band clubs, football clubs, parish church organisations, etc.). Each application has to be signed by the President or Chairperson of the club or organisation applying for a community radio licence. Should a licence be issued, it will be issued on the name of the President of that organisation on behalf of the non-profit making organisation.



11. The Authority will determine whether an entity qualifies as a non-profit organisation on the basis of the following criteria:

- a) whether such organisation is one listed under the provisions of the Exemption on Philanthropic Work Notice, Subsidiary Legislation 123.24 made under the Income Tax Act, Chapter 123 of the Laws of Malta; or
- b) whether it is registered with the Commissioner for Voluntary Organisations in terms of the Voluntary Organisations Act, 2007, Chapter 492 of the Laws of Malta.

12. Preference shall be given to applicants for community radio stations which intend to broadcast to a locality which is not already served by a long-term community radio.

13. A long-term community radio licence is issued for a two-year term but may be renewed at the Authority's discretion.

Technical Conditions

1. The transmitter power for community radio stations cannot exceed a maximum erp of 12 Watts. The power actually granted in the relative licence will depend on the topographic features of the location of the transmitter equipment.

2. Restrictions to transmitting antenna heights and type of transmitting antenna will also be imposed in order to limit, as far as practically possible, the range of reception of community radio stations to their licensed area.

3. It is however to be pointed out that due to congestion of the VHF/FM band, it might not always be possible to identify a suitable frequency for new applications for community radio stations. The number of community radio stations will therefore continue to be limited, from a technical perspective, by the available frequencies and location of the licensed stations.

4. In addition to the above, the use of frequencies for community radio service is on a non-protection and non-interference basis, i.e. no harmful interference should be caused to other users of the band and that no claim may be made for protection from harmful interference received from other systems or services licensed to operate in this band.

Submission of Applications

The Broadcasting Authority is thus inviting applications for a licence for a long-term community radio station as per attached form. The closing date for submitting applications has been set for Friday 28th November, 2008. All applications are to be addressed as follows:

Chief Executive
Broadcasting Authority
7 Mile End Road
Hamrun HMR 1719.

The Authority reserves the right not to accept applications which do not conform with Broadcasting Law or this policy document or for whatever reasons it deems fit.

Dr Kevin Aquilina
Chief Executive

10th November, 2008
Ref 3/91

CONSULTATION DOCUMENT PROPOSING GUIDELINES ON QUALITY PROGRAMMING

1. A quality programme has interesting topics.

A good quality programme has an interesting topic. Whether the programme is a discussion programme or whether it is drama, a religious programme or any other genre, an interesting topic is what keeps audience glued to the television. Good topics are topics which are relevant to a person's life. An interesting programme caters for all strata of society.

2. A quality programme is informative and educational.

Good quality is normally equated with programmes that have interesting content, which are not considered to be a waste of time. It also assists in the formation of one's character. In all types of genres, but especially in discussion programmes, good quality is reflected in programmes that teach in both formal and informal ways.

3. A good programme is fair and balanced.

In all genres, but especially in political programmes, a good quality programme presents in a fair manner different points of view.

4. A quality programme can be humorous and witty.

Humour can be one of the characteristics of a good quality programme. Good satire is an example of good quality programming.

5. A quality programme is realistic.

When discussing drama, good quality is normally equated with realism. A good drama is one that deals with topics and issues that are faced by people in everyday life.

6. A quality programme has sound values.

Conversation in certain programmes can be mediocre and silly. Hence this has to be avoided. Poor values must not be portrayed.

7. A quality programme has a good script.

In all programmes, but especially in drama, a good scriptwriter and a good script is essential to a good quality programme.

8. A quality programme has a good presenter.

A programme is of quality when the presenter has good communication skills, is not afraid to tackle difficult topics and has the courage to ask inquisitive and probing questions. A good quality programme does not cut corners but delves into a topic and strives to give a true picture of reality. A good presenter gives people a chance to explain their point of view.

9. A quality programme has good camera work, light and sound.

Good lighting, sound and camera work are as important as good topics in a programme. Media aesthetics is what differentiates a good quality programme from a mediocre one. The set makes a difference. An empty room has to be avoided as this gives the impression of a mediocre product.



10. A good quality programme should not have any advertisements and should not be “stretched out”.

Some programmes tend to be over-lengthy. The reason for the excessive length is the advertising, both during the programme as well as the formal advertising between the different parts of the programme. Undoubtedly, advertising is important for the financial backing of the programme but there is a limit as to how much airtime can be allocated to advertising and the extent to which it can be allowed to dictate the development of the programme.

11. A good quality programme respects people.

Programmes must not be allowed to use people who have personal or social problems and make a show out of their misery especially where people’s privacy is invaded.

12. A good quality programme is original.

Copying of ideas from foreign stations tends to detract from a programme’s originality. It is acceptable to take ideas from other stations as long as they are adopted well to the local culture.

13. A good quality programme has an informed panel.

A programme is made more interesting when there is the participation of persons who, although not informed in an academic sense, still have an opinion to give. A quality programme should have a panel of experts and that what they have to say should be the core of the programme. The participation of others should be minimal.

REQUIREMENTS AS TO STANDARDS AND PRACTICE APPLICABLE TO NEWS BULLETINS AND CURRENT AFFAIRS PROGRAMMES

SUBSIDIARY LEGISLATION 350.14

REQUIREMENTS AS TO STANDARDS AND PRACTICE APPLICABLE TO NEWS BULLETINS AND CURRENT AFFAIRS PROGRAMMES

17th October, 2008

GOVERNMENT NOTICE 896 of 2008.

The title of these requirements is the Requirements as to Standards and Practice applicable to News Bulletins and Current Affairs Programmes. **Citation.**

SECTION 1

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 article 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.

1.6 These Requirements as to Standards and Practice have been made by the Broadcasting Authority in virtue of article 20(3) of the Broadcasting Act, Chapter 350 of the Laws of Malta.

SECTION 2

Definitions and Interpretations

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: timelines, proximity, prominence, magnitude, impact, conflict and oddity. As such, a news item which is essentially a repetition or simply constitutes a rehash of a news item already featured in a previous edition of a news bulletin cannot be justified for inclusion in a news bulletin.



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

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

2.2 Public Interest

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 about, 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 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. detecting or exposing crime or a serious misdemeanour;
- ii. protecting public health and safety;
- iii. preventing the public from being misled by some statement or action of an individual or organisation;
- iv. exposing significant incompetence in public office.

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 override the normally paramount interest of these persons.

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 Current Affairs

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

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 18.

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.

SECTION 3

Integrity and Responsibility of the Broadcaster

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 Officials in a political party should not be involved in news-gathering, production and presentation of news.

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.

SECTION 4

News Bulletins

4. Accuracy and Impartiality

4.1 Opinion should be clearly distinguished from fact. As such, opinions and comments on news items should only follow an accurate report on the facts and should respect the requirements listed in sub-paragraph 2.1.3 above.

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 organisation's propaganda machine.

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:

- i. news should be presented with accuracy and without bias;
- ii. news should not be editorial;
- iii. news should not be selected for the purpose of furthering or hindering either side of a controversial public issue; and
- iv. 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.

SECTION 5

Location Reporting

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 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.

SECTION 6

Reconstruction Material

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.

6.2 By reconstruction material is meant only those cases of dramatisation in the news or in a current affairs programme which depict in a dramatised fashion facts which would have actually occurred but it does not include allegations concerning anybody or hypothetical events. For instance, evidence tendered in court can be dramatised provided that it is factual as to the evidence tendered by the witness. Dramatisation in the news and in current affairs programmes which is not factual is prohibited.

6.3 When a programme is broadcast in the Maltese language the word 'Drammatizzazzjoni' should be screened whilst in the case of programmes broadcast in the English language the words 'Dramatised Reconstruction' should appear on screen.

SECTION 7

Media Releases

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.

SECTION 8

Rights of Respect and Privacy

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 reuse of news material in later and different programme contexts.

8.6 Then 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.

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

8.15. Broadcasting Rights of Reply

8.15.1 When broadcasting a right of reply, stations shall comply with the following mandatory requirements:

- i. a reply shall not normally exceed 180 seconds;
- ii. the reply shall be read as submitted without any station comments made within the actual text of the reply;
- iii. should the station wish to comment, it should do so after the entire right of reply is read out;
- iv. the station remains at liberty to edit the reply to ensure that it is not defamatory;
- v. the reply shall be broadcast within two days from its receipt and the same prominence should be given to it as that given to the original broadcast about which the reply has been requested;
- vi. the right of reply shall lapse after one month from the date of the original transmission.

8.15.2 Such requirements are without prejudice to article 21 of the Press Act.

SECTION 9

Violence in the News

9. Violence in the News

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

SECTION 10

Children's Rights

10. Children's Rights

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 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 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.

SECTION 11

Promotional material in the News

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.

SECTION 12

Current Affairs Programming

12. Current Affairs

12.1 Broadcasters should aim to present current affairs programmes:

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



As such, a series of current affairs programmes should be balanced with a diversity of topics, including topics of a social, cultural, educational, environmental, economic, industrial and political nature, as well as other subjects of general interest. Where the topics selected address issues of political or industrial controversy or of current public policy, the broadcaster is to ensure that, at least over a series of programmes, the selected topics adequately reflect the current debate affecting the whole political spectrum in the country.

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 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 The provisions of these Requirements which regulate News Bulletins shall apply also to current affairs programmes apart from section 7.

12.4 Apart from the matters specified in section 4.3 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 evenhandedly with divergent points of view to supplement or create a democratic debate amongst contrasting ideas.

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. Where the subject matter refers to an issue of political or industrial controversy or addresses public policy, this Requirement implies that participation in the programme should reflect a balanced and adequate representation of all the interested parties, political or otherwise. It also implies that the use of audiovisual material, including clips and features, in such programmes should reflect in a balanced manner the views of all the parties concerned. Where the programme involves the active participation of an audience, the audience selection process should, to the extent possible, ensure that the audience is composed of persons with different views.

SECTION 13

Interviews

13. Interviews

13.1 Interviews

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. The broadcaster shall retain that part of the interview where s/he has sought the consent of the interviewee to record the interview. A station has to retain a recording of that interview for a period of three months from the date that the interview or part thereof is recorded. During these three months the Broadcasting Authority Chief Executive shall have the right to request the station to submit to him the recordings so that they can be verified and, should it be the case, to take the necessary measures if there is a lack of



compliance with the Requirements mentioned above in this paragraph.

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 On occasion, proposed interviewees will be unable or unwilling to accept an invitation to participate in a programme. This 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 news gathering. 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 as 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 necessary captioned to show the date when the original interview was recorded.

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. The broadcaster shall air that part of the interview where s/he has sought the consent of the interviewee to record the interview.

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.

SECTION 14

Discussion Programmes

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

SECTION 15

Independent Productions

15. General Obligations of Independent Producers

15.1. Independent productions made for broadcasters 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.

SECTION 16

Contractual Obligation of Independent Producers

16. Contractual Obligation 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.

SECTION 17

The Public Service Broadcaster

17. Rules applicable to the Public Service Broadcaster

17.1 The rules in Sections 18 to 19 are not enforceable by the Broadcasting Authority but may be applied by the public service broadcaster.

SECTION 18

Impartiality of 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.



SECTION 19

Presenters and Reporters primarily associated with the Public Service Broadcaster

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 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:

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

SECTION 20

Application of these Standards and Practice Requirements

20. Applicability of these 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.

SECTION 21

Editor for the purposes of these Requirements

21. Editor for the purposes of these Requirements

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

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.

**REQUIREMENTS AS TO STANDARDS AND PRACTICE
APPLICABLE TO THE PRICE OF TELEPHONE CALLS AND
SMS'S IN THE BROADCASTING MEDIA**

SUBSIDIARY LEGISLATION 350.27

REQUIREMENTS AS TO STANDARDS AND
PRACTICE APPLICABLE TO THE PRICE OF
TELEPHONE CALLS AND SMS'S IN THE
BROADCASTING MEDIA

3rd June, 2008

GOVERNMENT NOTICE 484 of 2008

The title of these requirements is the Requirements as to Standards and Practice applicable to the Price of Telephone Calls and SMS's in the Broadcasting Media. **Citation.**

1. Purpose

These Requirements as to Standards and Practice have been made by the Broadcasting Authority in virtue of article 20(3) of the Broadcasting Act, Chapter 350 of the Laws of Malta.

2. Cost of Telephone Call and SMS to be made known

2.1 Where the cost of a telephone call or sms is higher than the normal published tariff, then the broadcaster has to inform the viewer or listener, as the case may be, of the price of that phone call or sms.

2.2 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.

2.3 In the case of a television programme, the information referred to in paragraphs 2.1 and 2.2 shall be given by means of a caption which shall comply with the Requirements as to Standards and Practice applicable to Crawls and Captions in Television Programmes.

2.4 These Requirements apply to any programme broadcast on radio and television.

3. Respect for caller's privacy during phone calls

3.1 Radio and television presenters should be careful when speaking to people over the phone during radio and television programmes in order to ensure that there is no undue invasion of the caller's privacy.

3.2 In particular, radio and television presenters should avoid asking questions which although at face value appear innocuous, could still constitute an infringement of one's privacy such as whether the caller is living alongwith other persons.



REQUIREMENTS AS TO STANDARDS AND PRACTICE AS TO ADVERTISEMENTS, METHODS OF ADVERTISING AND DIRECTIONS ON PUBLIC COLLECTIONS ON THE BROADCASTING MEDIA

SUBSIDIARY LEGISLATION 350.31

REQUIREMENTS AS TO STANDARDS AND PRACTICE AS TO ADVERTISEMENTS, METHODS OF ADVERTISING AND DIRECTIONS ON PUBLIC COLLECTIONS ON THE BROADCASTING MEDIA

12th December, 2008

GOVERNMENT NOTICE 1105 of 2008.

The title of these requirements is the Requirements as to Standards and Practice as to Advertisements, Methods of Advertising and Directions on Public Collections on the Broadcasting Media. **Citation.**

1. Background

1.1 These Requirements as to Standards and Practice as to Advertisements, Methods of Advertising and Directions have been made by the Broadcasting Authority in virtue of the powers conferred by articles 19(3) and (5) and 20(3) of the Broadcasting Act. **Cap. 350.**

1.2 Programmes and advertisements, dealing with or referring to public collections that are within the scope of these Requirements shall comply with all relevant Maltese legislation namely the Public Collections Act and the Voluntary Organisations Act. **Cap. 279. Cap. 492.**

2. Indication of the Permit number

2.1 All advertisements and notices dealing with or referring to a public collection shall contain wording whereby the permit number and the date of issue of such permit by the Commissioner of Police is read out on radio services and displayed on screen on television service, as the case may be. In the case of a television service a crawl has to be displayed during the advertisement containing the above-mentioned information.

2.2 Should a voluntary organisation be exempt from the provisions of the Public Collections Act in terms of a Certificate issued by the Commissioner for Voluntary Organisation, the certificate number and date of issue shall be read out on radio services and displayed on screen on television services, as the case may be. In the case of a television service a crawl has to be displayed during the advertisement containing the above mentioned information. **Cap. 279.**

2.3 In the case of a television programme in which mention is made of a public collection and such programme is one which is entirely devoted to a public collection a crawl providing the information mentioned in paragraphs 2.1 and 2.2 above should appear on the television screen at the beginning of the programme. In the case of a radio programme the information mentioned in paragraphs 2.1 and 2.2 above should be read out at the beginning of the programme.

2.4 In the case of a television programme in which mention is made of a public collection and such programme is one which is not entirely devoted to a public collection but which during such programme a reference is made to such collection, the information mentioned in paragraphs 2.1 and 2.2 above should appear on the television screen during that part of the programme where reference is made to the



public collection. In the case of a radio programme the information mentioned in paragraphs 2.1 and 2.2 above should be read out at the beginning of the programme.

3. Regulation of Crawls

3.1 Crawls mentioned in the preceding paragraphs of these Requirements shall **SL. 350.20** be regulated by the Requirements as to Standards and Applicable to Crawls and Captions in Television Programmes.



LIST OF MAJOR EVENTS

G.N. No. 951

BROADCASTING ACT
(CAP. 350)Broadcasting (Jurisdiction and EuropeanCo-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 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 final and semi-final games of the U.E.F.A. Cup and of the U.E.F.A. Champions League.
6. the opening ceremony, the opening game, the quarterfinals, the semi-finals, the game for third place and the final of the FIFA World Cup.
7. the opening ceremony, the opening game, the semi-finals and the final of the U.E.F.A. European Football Championship.
8. the opening ceremony and Maltese participation in the Summer Olympic games.
9. the opening ceremony and the finals taking place on the last day of the Games of the Small States of Europe.
10. the March and September regattas.

Coverage

1. In the case of the events listed above, coverage shall be direct and in full except in the following cases:
 - a) The Maltese national football team competitive home and away matches which could be aired on a deferred basis within 24 hours from the time that the match has ended.
 - b) 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.

Government Notice No. 86 of 2007 is hereby revoked.

7th November, 2008



REQUIREMENTS AS TO STANDARDS AND PRACTICE APPLICABLE TO THE CONDUCT OF COMPETITIONS AND THE AWARD OF PRIZES

SUBSIDIARY LEGISLATION 350.22

REQUIREMENTS AS TO STANDARDS AND PRACTICE APPLICABLE TO THE CONDUCT OF COMPETITIONS AND THE AWARD OF PRIZES

28th November, 2008

GOVERNMENT NOTICE 1051 of 2008.

The title of these requirements is the Requirements as to Standards and Practice applicable to the Conduct of Competitions and the Award of Prizes.

1. Purpose

1.1 These Requirements as to Standards and Practice have been made by the Broadcasting Authority in virtue of article 20(3) of the Broadcasting Act, Chapter 350 of the Laws of Malta.

1.2 The purpose of these Requirements is to provide for:

1.2.1 the general conduct of competitions held on the broadcasting media whether television or radio; and

1.2.2 the award of prizes to participants in those programmes carried on any means of broadcasting whereby such participants take part in competitions in any of the following ways:

- i. by televoting,
- ii. by phone-ins,
- iii. by being present for the programme as a member of the studio audience, or
- iv. by writing (including by e-mail or fax).

2. Definitions

2.1 "Participant" means any person who in any manner whatsoever participates in a competition held during the course of a programme on any means of broadcasting.

3. Conduct of Competition

3.1 Competitions should be conducted fairly and according to rules. Competition rules should be made known to participants and prizes should be described accurately.

3.2 The questions should preferably have a clear thematic connection with the programme in which they appear. If they refer to the products or services of the prize manufacturer or donor, they should be considered as an advertisement and the words "*Messaġġ Promozzjonali*" should appear on the screen in the case of television programmes, whilst in the case of radio programmes, the broadcaster should announce the competition with the words, "*Issa ngħaddu għall-kompetizzjoni li hi parti minn messaġġ promozzjonali*".

3.3 Where a prize includes the payment of a tax as is, for instance, the case of an airline ticket, it has also to be indicated that the payment of due taxes has to be



made.

4. Mention of brand or prize donor

4.1 Advertisers may donate prizes which may be their own products and/or services. Where editorially justified, there may be mention of the brand of the prize or prize donor, which may include brief factual and/or visual references no longer than 7 seconds. Descriptions should avoid promotional statements.

5. Responsibility of the Broadcaster

5.1 The broadcaster on whose station a programme is transmitted during which prizes are awarded, shall be directly responsible for the competition including for the award of the prizes to the winning participant.

5.2. The broadcaster shall ensure that prize-winners are announced during the next edition of the programme following the conclusion of the competition or, in the case of a competition concluded at the end of a programme schedule, during the final programme in that schedule. The prize shall be awarded to the prize-winner within one calendar month of the announcement of the prize-winner/s of the competition.

5.3 It shall be the responsibility of the broadcaster to ensure that the prizes as advertised during such a programme are duly delivered to the winning participant.

6. Award of vouchers as prizes

6.1 When the prize consists of a voucher, then the winner of that prize shall be entitled to the full value of that voucher without the need of incurring any extra expense to have benefit of the voucher.

6.2 When the prize consists of a voucher but is given in goods and/or services, the goods and/or services given shall be equivalent to the total value of the voucher.

6.3 No discount on the purchase of a produce or service is allowed.

7. Cost of telephone call and sms to be made known

7.1 Where the cost of a 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.

8. Confidentiality

8.1 The broadcaster shall ensure that there shall be no breach of confidentiality and no participant shall be given any advantage over other participants.

9. Long or complex rules

9.1 Competitions shall not feature long or complex rules.

10. What information must be provided

10.1 Promotional material about the competitions must clearly provide information which is likely to affect a decision to participate, and shall in any case include the following:

- i. Any closing date,
- ii. Any significant terms and conditions, including any restriction on the eligibility to participate,
- iii. An adequate and unequivocal description of prizes to be won,
- iv. How and when prize-winners will be informed.

11. Closing date

11.1 Competitions must have a closing date, except where there are instant



prize-winners.

12. Prohibition of employees etc.

12.1 Persons who are either employees of the broadcaster, advertising agents, the competition's sponsors, or people who are directly involved in the production or presentation of the programme in which the competition is carried, or who form part of the immediate family of such persons shall automatically be disqualified from participating in any competition carried on that station.

13. 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.



**DIRETTIVA TA' L-AWTORITA TAX-XANDIR
DWAR PROGRAMMI U REKLAMI MXANDRA
MATUL IL-PERIJODU
11 TA' FRAR SAT-8 TA' MARZU 2008**

**BROADCASTING AUTHORITY DIRECTIVE
ON PROGRAMMES AND ADVERTISEMENTS
BROADCAST DURING THE PERIOD
11TH FEBRUARY TO 8TH MARCH 2008**

BIS-saħħa tas-setgħat mogħtija lilha bl-artikli 15 u 23 ta' l-Att dwar ix-Xandir, l-Awtorità tax-Xandir qed toħroġ din id-direttiva għall-perijodu 11 ta' Frar sat-8 ta' Marzu 2008.

IN exercise of the powers conferred by articles 15 and 23 of the Broadcasting Act, the Broadcasting Authority is issuing the following directive for the period 11th February to 8th March 2008.

Isem u dħul fis-seħħ.

1.(1) Din id-Direttiva tissejjaħ id-Direttiva ta' l-Awtorità tax-Xandir dwar Programmi u Reklami mxandra matul il-perijodu 11 ta' Frar sat-8 ta' Marzu, 2008.

Citation and entry into force.

1.(1) The title of this Directive is the Broadcasting Authority Directive on Programmes and Advertisements broadcast during the period 11th February to 8th March 2008.

(2) Din id-Direttiva tibda sseħħ minn nhar it-Tnejn, 11 ta' Frar, 2008.

(2) This Directive shall come into force on Monday, 11th February 2008.

Tifsir.

2.(1) Għall-għanijiet ta' din id-Direttiva:

"l-Att" ifisser l-Att dwar ix-Xandir;

"l-Awtorità" tfisser l-Awtorità tax-Xandir imwaqqfa bl-artiklu 118 tal-Kostituzzjoni;

"Direttiva" tfisser id-Direttiva ta' l-Awtorità tax-Xandir dwar Programmi u Reklami mxandra matul il-perijodu 11 ta' Frar sat-8 ta' Marzu, 2008;

"elezzjonijiet" tfisser l-elezzjonijiet għall-Kamra tad-Deputati u l-elezzjonijiet għall-kunsilli lokali li se jinżammu nhar is-Sibt, 8 ta' Marzu, 2008 f'iz-żewġ każijiet;

"kandidat" tfisser kandidat għall-elezzjoni ġenerali tat-8 ta' Marzu, 2008 u tal-Kunsilli Lokali ta' l-istess data;

"programm" jinkludi *spots* sew jekk ikunu informativi sew jekk ikunu xort'oħra;

"reklam" tfisser reklam informativ jew reklam li jkollu kontenut ta' natura politika.

Interpretation.

2.(1) For the purposes of this Directive:

"the Act" means the Broadcasting Act;

"Authority" means the Broadcasting Authority established by article 118 of the Constitution;

"Directive" means the Broadcasting Authority Directive on Programmes and Advertisements broadcast during the period 11th February to 8th March 2008;

"elections" means the elections for the House of Representatives and the local council elections to be held on Saturday, 8th March, 2008 in both cases;

"candidate" means a candidate for the general elections of 8th March 2008 and for the Local Council elections of the same date;

"programme" includes spots whether informative or otherwise;

"advertisement" means an advertisement of an informative nature or an advertisement which contains political content.

(2) Il-kliem u l-frażijiet użati f'din id-Direttiva jfissru l-istess bħal dak li ngħatalhom fl-Att.

(2) Words and phrases used in this Directive shall have the same meaning as is assigned to them in the Act.

Għoti ta' Skedi ta' Programmi lill-Awtorità.

3.(1) Mhux aktar tard minn nofsinhar ta' nhar it-Tnejn, 11 ta' Frar, 2008, kull stazzjon tax-xandir irid jagħti lill-Awtorità skeda dettaljata tal-programmi u reklami biex tiġi approvata mill-Awtorità. Din l-iskeda trid tkopri l-perijodu 11 ta' Frar sat-8 ta' Marzu, 2008. Fejn l-istazzjon ikun

Provision of Programme Schedules to the Authority.

3.(1) Not later than noon of Monday, 11th February 2008, each broadcasting station shall provide the Authority with a detailed schedule of programmes and advertisements for the Authority's approval. This schedule shall cover the period 11th February to 8th March 2008.



bi f'isiebhu li jxandar programmi ta' grajjiet kurrenti, programmi ta' diskussjoni, programmi ta' ġurnalizmu investigattiv, programmi oħra li jinkludu mistiedna sabiex jagħtu opinjonijiet dwar grajjiet kurrenti u programmi ta' natura simili għal dawn waqt il-perijodu hawn fuq imsemmi, irid jibgħat lill-Awtorità s-suġġett ta' dak il-programm u dettalji dwar min ser jieħu sehem fih bid-dettalji kollha tal-preżentatur, parteċipanti u l-produttur biex l-Awtorità tkun tista' tagħti l-approvazzjoni tagħha. L-istess informazzjoni trid tintbagħat għall-programmi ta' generi oħra li fihom jipparteċipaw kandidati.

Where the broadcasting station intends to produce current affairs programmes, discussion programmes, investigative journalism programmes, other programmes which include guests who air opinions on current affairs and programmes of a similar nature during the aforesaid period, it shall forward the subject of that programme and details of the participants in that programme containing details of the presenter, participants and producer to the Authority for its approval. The said information shall be submitted for other programme genres in which candidates participate.

(2) Wara li l-Awtorità tapprova din l-iskeda ta' programmi, l-istazzjon tax-xandir ma jkunx jista' jagħmel bidliet fl-iskeda msemmija flief eċċezzjonalment, wara li jitlob għal dan bil-kitba u jagħti d-dettalji kollha meħtieġa u bl-approvazzjoni ta' l-Awtorità. Din it-talba għal tibdil fl-iskeda ta' programmi trid tasal għand l-Awtorità mhux anqas minn sebat ijiem utli qabel id-data tal-bidla proposta u trid issir skond il-formola annessa. L-Awtorità mhux fi f'isiebha tapprova tibdil għall-perijodu 3 ta' Marzu sas-6 ta' Marzu, 2008.

(2) Following the Authority's approval of this programme schedule, no changes may be made by a broadcasting station to the said schedule. Exceptionally, with the prior approval of the Authority and following a written detailed request by a broadcasting station to that effect, a broadcasting station may request the Authority's approval to change its programme schedule. Such request must reach the Authority by not later than seven working days prior to the date of the proposed change and shall be drawn up in terms of the attached form. The Authority will not approve changes for the period 3rd to 6th March 2008.

(3) Bla preġudizzju għas-subartikolu (7) ta' dan l-artikolu, l-ebda programm jew reklam b'xejra politika ma jista' jixxandar minn stazzjon tax-xandir qabel ma tingħata l-approvazzjoni msemmija fil-paragrafi (1) u (2) ta' dan l-artiklu sakemm dan ma jkunx parti fi skema approvata mill-Awtorità. Sakemm tiġi approvata l-bidla mitluba fl-iskeda ta' programmi mill-Awtorità, l-istazzjon tax-xandir m'għandux ixandar materjal promozzjonali dwar il-programmi li qed jiġu proposti li jixxandru mill-istazzjon in kwistjoni. L-ebda programm jew reklam ma jista' jinkoraġixxi lill-poplu li jivvota b'mod partikolari. Għandha tingħata attenzjoni biex jiġi żgurat illi l-programmi kollha u r-reklamar kollu ma jkunx fih materjal li jista' jiġi nterpretat li qed jiffavorixxi jew li qed jagħti *exposure* mhux f'waqtu lil xi partit politiku jew kandidat jew li jista' raġonevolment jitqies li huwa mmirat lejn għan politiku. Għalhekk, b'mod partikolari, ma jkunx aċċettabbli:

(3) Without prejudice to subarticle (7) of this article, until such approval as mentioned in paragraphs (1) and (2) of this article is obtained, no programme or advertisement with a political content may be broadcast by a broadcasting station unless it is within a scheme approved by the Authority. A broadcasting station shall not air any promotional material concerning programmes which the broadcasting station in question intends to air unless the Authority approves the requested change in the programme schedule. Nor may any such programme or advertisement encourage people to vote in a particular way. Care should be taken to ensure that all programmes and all advertisements are free of material, which could be interpreted as favouring or giving undue exposure to any political party or candidate, or which might be reasonably considered as being directed towards a political end. In particular, therefore, it shall not be permissible:

- (i) li fil-każ ta' reklami mtella' minn entitajiet pubbliċi jew entitajiet oħra, jidhru persuni li jkunu ressqi jew ikunu bi f'isiebhom iressqu l-kandidatura tagħhom għal dawn l-elezzjonijiet, anki meta l-istess reklam ma jkunx jitqis bħala reklam politiku għall-fini ta' l-Att dwar ix-Xandir;

- (i) in the case of advertisements commissioned by public entities or other entities, to allow persons who have submitted or intend to submit their candidature for these elections to appear in such advertisements, even when the said advertisement cannot be considered to be a political advertisement for the purposes of the Broadcasting Act;



- (ii) li programm imsemmi fis-subartikolu (1) ta' dan l-artikolu jiġi pprezentat minn persuna li tkun ressqet jew bi ħsiebha tressaq il-kandidatura tagħha għal dawn l-elezzjonijiet sakemm din il-persuna ma tkunx impjegata regolari ma' l-istazzjon li jkun qed ixandar il-programm;
- (iii) li persuna li tkun ressqet jew bi ħsiebha tressaq il-kandidatura tagħha għal dawn l-elezzjonijiet tipparteċipa b'mod regolari fl-istess programm matul dan il-perijodu. Għall-fini ta' dan il-paragrafu, kandidat m'għandux jitqisx li huwa pparteċipa b'mod regolari meta jidher f'anqas minn żewġ edizzjonijiet ta' l-istess programm fil-perijodu bejn il-11 ta' Frar sat-8 ta' Marzu 2008.
- (ii) that a programme mentioned in subarticle (1) of this article is presented by a person who has submitted or who intends to submit his or her candidature for these elections when such person is not a regular employee of the station broadcasting such programme;
- (iii) that the person who has submitted or intends to submit his or her candidature for these elections participates in a regular manner in the said programme during the said period. For the purposes of this paragraph, a candidate shall not be considered to have participated regularly when s/he participates in less than two editions of the same programme in the period between 11th February and 8th March 2008.
- (4) Kull programm li jkollu x'jaqsam ma' xi materja ta' kontroversja politika jew industrijali jew li jirreferi għall-*policy* pubblika kurrenti li jixxandar matul il-perijodu 11 ta' Frar sat-8 ta' Marzu 2008 jrid ikun bilanċjat. Fi programmi hekk jeħtieġ li jiddaħħlu l-opinjoni kollha differenti dwar is-suġġett li jkun qed jiġi diskuss u għalhekk għandhom jipparteċipaw f'dawn il-programmi rappreżentanti tal-Partit Nazzjonalista, tal-Partit Laburista, ta' l-Alternattiva Demokratika u ta' l-Azzjoni Nazzjonali.
- (4) All programmes which concern any aspect of a political or an industrial controversy or which refer to current public policy which are broadcast with effect from 11th February to 8th March 2008 have to be balanced. This requires that in such programmes all diverse opinions on the subject under consideration have to be included and, therefore, representatives of the Nationalist Party, the Malta Labour Party, Alternattiva Demokratika and Azzjoni Nazzjonali shall participate in these programmes.
- (5) Fil-każ tas-subartikolu (4) t'hawn fuq, l-Awtorità tista' tapprova skedi ta' programmi proposti minn stazzjonijiet tax-xandir wara li tkun sodisfatta li dan jaqbel ma' dak li hemm provdut f'artiklu 119 tal-Kostituzzjoni. L-Awtorità għandha tara, b'mod partikolari li, fejn għandu x'jaqsam ma' l-għażla tas-suġġetti u ta' dawk li jkunu ser jieħdu sehem, l-istazzjonijiet jimxu ma' dak li hemm maħsub fis-sub-artiklu msemmi.
- (5) In the case of sub-article (4) above, the Authority may approve programme schedules proposed by broadcasting stations after it is satisfied that the provisions of article 119 of the Constitution will be complied with. The Authority shall, in particular, ensure compliance with the said provision in so far as choice of subjects and participants are concerned.
- (6) Għall-fini ta' din id-direttiva "natura politika" jew "xejra politika" jfissru opinjoni kontroversjali marbuta fil-qofol tagħha mas-soċjetà moderna li tkun fil-qalba ta' dibattitu politiku u jinkludi wkoll il-kampanja għall-elezzjonijiet, kemm ġenerali, kemm għall-kunsilli lokali.
- (6) For the purposes of this directive "political nature" or "political content" mean a controversial opinion pertaining to modern society in general which lies at the heart of a political debate and includes campaigning for the general elections and local councils elections.
- (7) Waqt li l-Awtorità, b'konformità mal-liġi, tinsisti fuq iż-żamma ta' bilanċ u l-imparzjalità, l-Awtorità tifhem ukoll li jkun prattiku u fl-istess ħin konformi mal-liġi li l-kontenut tal-programmi skond l-iskedi sottomessi lilha fuq l-istazzjonijiet politiċi jitqies fid-dawl tad-disposizzjoni fakoltattiva mogħtija lill-Awtorità skond l-artikolu 13 (2)(f) ta' l-Att dwar ix-Xandir. Dan t'hawn fuq m'għandux jiġi interpretat bħala li l-istazzjonijiet
- (7) Whilst the Authority, in accordance with the law, insists on safeguarding balance and impartiality, it also recognises that it would be practical and at the same time in conformity with the law that the programme content in terms of the schedules submitted to it by the political stations is considered in the light of the optional provision which may be exercised by the Authority in terms of article 13(2)(f) of the



tal-partiti politiċi mhumiex marbuta li josservaw il-liġi. Għall-fini ta' dan is-sub-artikolu, l-istazzjonijiet tal-partiti politiċi huma: *One Radio*, *Radio 101*, *One TV* u *NET TV*.

Broadcasting Act. The above shall not be interpreted that political stations are not bound to observe the provisions of the law. For the purposes of this sub-article, the political stations are *One Radio*, *Radio 101*, *One TV* and *NET TV*.

Applikazzjoni tal-Kodiċi għall-Investigazzjoni u d-Determinazzjoni ta' l-Ilmenti.

4. Dawn it-tibdiliet għandhom japplikaw matul il-perijodu 11 ta' Frar sat-8 ta' Marzu 2008 għall-Kodiċi għall-Investigazzjoni u d-Determinazzjoni ta' l-Ilmenti:

- (i) l-ilmenti jkunu indirizzati lill-Awtorità u mhux lill-istazzjonijiet tax-xandir;
- (ii) l-Awtorità tista' titlob spjega mill-istazzjon tax-xandir dwar l-ilment imsemmi skond kemm tħoss hi li din tkun meħtieġa gall-każ;
- (iii) kull spjega jew tagħrif bħal dan irid jingħata lill-Awtorità mill-istazzjon tax-xandir mhux aktar tard minn nofsinhar ta' l-għada jew qabel, skond kif tordna l-Awtorità.

Application of the Code for the Investigation and Determination of Complaints.

4. The following modifications shall apply with effect from 11th February to 8th March 2008 to the Code for the Investigation and Determination of Complaints:

- (i) complaints shall be addressed directly to the Authority and not to broadcasting stations;
- (ii) in so far as the Authority may deem necessary, the Authority may require an explanation from the broadcasting station mentioned in the said complaint;
- (iii) any information or explanation required by the Authority as aforesaid shall be provided to the Authority by the broadcasting station not later than noon of the following day or earlier as the Authority may direct.

Regolamenti li l-istazzjonijiet tax-xandir iridu jobdu matul il-ġurnata qabel l-elezzjonijiet u dakinhar tal-votazzjoni.

5. (1) Matul il-jum qabel l-elezzjonijiet u dakinhar tal-votazzjoni (minn issa 'l quddiem magħruf bħala "il-kampanja ta' żmien is-skiet"), ma jista' jsir ebda xorta ta' xandir li b'xi mod jista' jinfluenza l-votanti.

Regulations to be observed by broadcasting stations during the day preceding the elections and on the actual day of polling.

5. (1) During the day preceding the elections and on the actual day of polling during the elections (hereinafter referred to as "the campaign silence period"), all forms of broadcasting which might influence voters shall be prohibited.

(2) Bla ebda preġudizzju għas-sub-artiklu (1) ta' dan l-artiklu, matul il-kampanja ta' żmien is-skiet ser jidhru fis-seħh dawn ir-regolamenti:

- (i) għandhom jiġu evitati sitwazzjonijiet minn stazzjonijiet tax-xandir li matul il-perijodu ta' żmien is-skiet ikunu trasmessi programmi li jistgħu raġonevolment jiġu interpretati li qed jixxandru bil-ħsieb li jinfluwenzaw il-votanti;
- (ii) trid tiegħi kull xorta ta' preżentazzjoni mix-xandir tal-partiti politiċi, kandidati u ta' movimenti u organizzazzjonijiet oħra li għandhom x'jaqsmu ma' l-elezzjonijiet;
- (iii) l-istazzjonijiet tax-xandir ma jxandru tagħrif, dikjarazzjonijiet, stqarrijiet tal-gvern lill-istampa u lix-xandir, kif ukoll dawġ ta' l-oppożizzjoni, tal-kandidati, tal-politiċi, tal-partiti politiċi u ta' organizzazzjonijiet u movimenti li għandhom x'jaqsmu ma' l-elezzjonijiet, u kull xorta ta' xandir ieħor li bil-miftuħ jew bil-moħbi għandu natura politika, għandu kontenut politiku jew li tista' b'xi mod tinfluenza d-deċiżjoni tal-votanti. Lanqas

(2) Without prejudice to sub-article (1) of this article, during the campaign silence period the following rules shall apply:

- (i) broadcasting stations shall avoid a situation where during the silence period they broadcast programmes which could be reasonably interpreted that they are broadcasting with a view to influence voters;
- (ii) all forms of presentation on the broadcasting media of political parties, candidates and other movements and organizations involved in the elections shall cease;
- (iii) broadcasting stations shall not broadcast information, statements, press and media releases issued by the government, the opposition, candidates, politicians, political parties and other movements and organisations involved in the elections, and other forms of broadcasting which are, openly or in a covert manner, of a political nature, have political content or which may influence the decisions of the voters. Nor may informative advertisements



ma jistgħu jixxandru reklami informattivi mtella' minn entitajiet pubbliċi, inkluż *Public Service Announcements*, sakemm dawn ma jkunux ta' interess ġenerali u ta' natura urġenti;

(iv) dan li ġej ma jistax isir:

- propaganda,
- tagħrif li għandu x'jaqsam mal-kampanja elettorali, u
- avvizi maħsuba għall-preżentazzjoni ta' programmi, *logos*, *mottos* u simboli ta' partit politiku u ta' kandidat;

(v) ma tistax issir kull xorta ta' preżentazzjoni fix-xandir li b'xi mod hi dwar il-kampanja elettorali (bħalma huma preżentazzjonijiet, propaganda politika, programmi ta' diskussjoni, intervisti, eċċ);

(vi) fir-rapporti dwar il-votazzjoni u attivitajiet oħra dwar l-elezzjonijiet, l-istazzjonijiet jithallew ixandru bil-prudenza kollha tagħrif dwar fatti li jkollhom valur ta' aħbar evidenti bħal ksur li seta' sar fil-proċeduri tal-votazzjoni kif ukoll dwar xi incidenti li jinqalgħu fil-post tal-votazzjoni jew barra u wkoll dikjarazzjonijiet uffiċjali dwar kifinhi sejra l-votazzjoni hekk kif dawn joħorgu minn ħin għall-ieħor mill-Kummissjoni Elettorali basta li ma tkunx aħbar maħruġa mill-partiti politiċi jew mill-kandidati nfushom jew aħbar ipprovokata jew ġenerata mill-partiti politiċi jew mill-kandidati jew għall-gwadann politiku.

commissioned by public entities, including public service announcements be broadcast unless these are of public interest and of an urgent nature;

(iv) the following shall be prohibited:

- agitation,
- information related to an electoral campaign, and
- announcements designed for presentation of programmes, logos, mottos and symbols of a political party and a candidate;

(v) all forms of media presentations concerning the electoral campaign (such as free presentations, political propaganda, discussion programmes, interviews, etc.) shall be prohibited;

(vi) it shall be allowed in the reporting on the voting and the other electoral activities for broadcasting stations to prudently report on facts of news value the possible violations of the voting procedures and on eventual incidents inside or out of the polling booths, and official statements on the voting process issued from time to time by the Electoral Commission provided that it shall not consist of a news item released by the political parties or by candidates or a news item provoked or brought about by political parties or candidates for political mileage.

(3) Jistgħu jixxandru, dikjarazzjonijiet u stqarrijiet dwar xi incidenti msemmija f'paragrafu (vi) ta' sub-artiklu (2) ta' dan l-artiklu li joħorgu matul il-kampanja ta' żmien is-skiet, meta jkunu għalqu l-postijiet kollha tal-votazzjoni.

(3) Statements and releases on the eventual incidents mentioned in paragraph (vi) of sub-article (2) of this article which are issued during the campaign silence period may only be broadcast after all the polling booths are closed.

(4) Għall-għan ta' dan l-artiklu:-
"propaganda" favur jew kontra, tfisser kull xorta ta' preżentazzjoni ta' xandir li għandha x'taqsam b'xi mod mal-kampanja elettorali. Propaganda tinkludi wkoll kull preżentazzjoni fuq il-mezzi kollha tax-xandir ta' kandidati, simboli, sinjali jew għaliem oħra u materjal propagandistiku ta' partiti politiċi u movimenti u organizzazzjonijiet li għandhom x'jaqsmu ma' l-elezzjonijiet;
"tagħrif li għandu x'jaqsam ma' kampanja elettorali" tfisser ġabriet ta' aħbarijiet u programmi oħra li jagħtu:

- tagħrif dwar kull xorta ta' ħidma ta' propaganda li saret qabel ma waslet biex tibda l-kampanja ta' żmien is-skiet;

(4) For the purposes of this article:-
"agitation", for and against, means all forms of media presentation related in any way to the electoral campaign. Agitation also includes all other on-air presentations of candidates, symbols, signs and other propaganda material of political parties and other organizations involved in the elections;

"information related to an electoral campaign" means news reports and other programmes which present:

- information on any form of campaign activities that took place before the deadline for the start of the campaign silence period;
- statements and releases of political





- dikjarazzjonijiet u stqarrijiet tal-partiti politiċi, kandidati u organizzazzjonijiet u movimenti li għandhom x'jaqsmu ma' l-elezzjonijiet;
 - tagħrif dwar x'jagħmlu dawk li għandhom funzjoni fl-uffiċji tal-Gvern u l-uffiċjali li għandhom x'jaqsmu mal-kampanja ta' l-elezzjonijiet (ftuħ ta' bini ġdid u affarijiet ta' l-infrastruttura, varar ta' proġetti, riżultati u kisbiet, jew bħala rapporti f'xandiriet regolari jew speċjali, eċċ.);
- "avviżi maħsuba biex jidhru fi programmi, *logos*, *mottos* u simboli/ġheliem ta' partit politiku, kandidat, moviment u organizzazzjoni oħra li għandhom x'jaqsmu ma' l-elezzjonijiet" tfisser kull xorta ta' propaganda politika (avviżi, stqarrijiet, reklamar politiku, rekordings jew siltiet minn xi rekordings ta' ġemgħat ta' nies u dehriet oħra fil-pubbliku ta' dawk li qed jieħdu sehem fil-kampanja ta' l-elezzjonijiet).

(5) Mingħajr preġudizzju għal dak li jingħad fis-subartikoli preċedenti ta' dan l-artikolu, l-ebda stazzjon m'għandu jxandar materjal dwar l-elezzjonijiet matul il-perijodu ta' żmien is-skiet. Dan japplika għal kull programm tat-televiżjoni u radju, inkluż l-aħbarijiet u japplika kemm għall-kontenut lokali u għall-kontenut barrani.

(6) F'jum il-votazzjoni hu permess li jixxandar dan li ġej:

- (i) l-andament tal-votazzjoni, jiġifieri informazzjoni dwar kemm ivvutaw nies u informazzjoni dwar x'ikun qed jiġri fil-postijiet tal-votazzjoni;
- (ii) kull meta jissemmev il-kandidati ta' l-elezzjonijiet, l-istazzjonijiet tal-partiti politiċi (NET TV, Radio 101, Super 1 Radio, u One TV) għandhom isemmu l-ewwel il-kandidati tal-partit rispettiv tagħhom, imbagħad jissemmev il-kumplement tal-kandidati skond il-polza tal-vot; u l-istazzjonijiet l-oħra kollha li jagħżlu li jsemmu l-kandidati ta' l-elezzjonijiet għandhom isemmuhom fl-ordni li jidhru fih fil-polza tal-vot;
- (iii) jistgħu jidhru biss fuq l-istazzjonijiet ir-rappreżentanti tal-partiti segwenti: MLP - Mexxej u Żewġ Deputati Mexxejja; PN - Kap, Viċi Kap u Segretarju Ġenerali; AD - Chairperson u Deputat Chairperson; AN - Kap u Viċi-Kap. Dawn iridu jidhru biss diegħin jivvutaw u jixhtu l-vot. Bl-ebda mod m'għandhom jixxandru kummenti tagħhom fuq il-mezzi tax-xandir sa l-egħluq tal-votazzjoni;

parties, candidates and other organisations and movements involved in the elections;

- information on the activities of the holders of Government offices and officials related to the electoral campaign (opening of new buildings and infrastructure objects, promotion of projects, results and achievements, either in the form of reports in regular or special broadcasts, etc.);

"announcements designed for presentation of programmes, logos, mottos and symbols of a political party, candidate and other movements or organizations involved in the elections" means all forms of political propaganda (announcements, releases, political advertisements, recordings or segments of recordings of rallies and other public appearances of the participants in the electoral campaign).

(5) Without prejudice to the foregoing provisions of this article, no station may broadcast any material concerning the elections during the silent period. This applies to all television and radio programmes, including news bulletins and applies both to local content and foreign content.

(6) On polling day it is permissible to broadcast only the following:

- (i) the process of voting, that is, information about the number of persons who have cast their vote and information as to what is happening in the polling booths;
- (ii) whenever election candidates are mentioned, stations owned by the political parties (NET TV, Radio 101, Super 1 Radio and One TV) shall first mention the candidates of their respective party and then they shall mention the rest of the candidates as they feature on the ballot paper; and all the other stations which opt to refer to election candidates shall mention them in the order as they appear on the ballot paper;
- (iii) only the following party representatives may appear on broadcasting stations: MLP - Leader and both Deputy Leaders; PN - Leader, Deputy Leader and Secretary General; Alternattiva Demokratika - Chairperson and Deputy Chairperson; AN - Leader and Deputy Leader. They should only be shown entering the polling booths and casting their vote. No comments of such persons may be broadcast on the

(iv) l-istazzjonijiet ma jistgħu jwasslu l-ebda messaġġ li jista' jwassal biex jinfluwenzaw il-votant. Barra minn hekk m'għandhomx l-anqas iħeġġu lin-nies biex imorru jivvutaw jew biex ma jmorru jivvutaw.

broadcasting media up till the closure of the polling stations;
(iv) stations cannot air any message intended to influence voters. Moreover, they shall not encourage people to vote or not to vote.

Stharriġ ta' l-Opinjoni Pubblika.

6. L-Awtorità tirreferi wkoll għal Htiġijiet dwar Standards u Prattika ta' l-2007 dwar id-Diversi Tipi ta' Stharriġ ta' l-Opinjoni Pubblika Mxandra fuq is-Servizzi ta' Radju u Televiżjoni li għandhom disposizzjonijiet relatati ma' l-elezzjonijiet. Kopja ta' dawn il-Htiġijiet hija meħmuża ma' din id-Direttiva.

Public Opinion Polls.

6. The Authority refers to the Requirements as to Standards and Practice Applicable to Various Types of Polls Broadcast on Radio and Television Services which contain provisions relating to elections. A copy of these Requirements is attached to this Directive.

Għoti ta' skeda għall-perijodu ta' żmien is-skiet.

7.(1) Mhux aktar tard minn nofsinhar ta' nhar it-Tnejn, 25 ta' Frar 2008, kull stazzjon tax-xandir irid jagħti lill-Awtorità skeda dettaljata tal-programmi u reklami għal matul il-perijodu ta' żmien is-skiet biex tiġi approvata mill-Awtorità. Suġġett għal dak li jingħad fis-subartikolu (6) ta' l-artikolu 5 ta' din id-Direttiva, f'dan il-perijodu m'għandhomx jixxandru programmi ta' grajjiet kurrenti, programmi ta' diskussjoni, programmi ta' ġurnalizmu investigattiv, u programmi ta' natura simili għal dawn ħlief dawk li jiġu approvati mill-Awtorità għal xandir f'dawn il-jumejn.

Provision of Programme Schedule during the Silence Period.

7.(1) Not later than noon of Monday, 25th February 2008, all broadcasting stations shall forward to the Authority a detailed schedule of programmes and advertisements to be broadcast during the silence period so that it may be approved by the Authority. Subject to the provisions of subarticle (6) of article 5 of this Directive, no current affairs programmes, discussion programmes, investigative journalism programmes or programmes of a similar nature may be broadcast except for those programmes which may be approved by the Authority to be aired during these two days.

(2) Wara li l-Awtorità tirċievi dawn l-iskedi hija tista', jekk thoss il-ħtieġa, iżżomm laqgħa mal-partiti politiċi biex tiżgura li l-iskedi ta' l-istazzjonijiet politiċi li jkunu ġew approvati mill-Awtorità jiġu rigorożament osservati mill-istazzjonijiet politiċi.

(2) After the Authority receives these schedules, the Authority may, should it so require, hold a meeting with political parties in order to ensure that the programme schedules of political stations which had been approved by the Authority are rigourously observed by political stations.

4 ta' Frar, 2008

4th February 2008

[Artikolu 3(2)]

FORMOLA TA' APPLIKAZZJONI MINN STAZZJON TAX-XANDIR GHALL-APPROVAZZJONI TA' L-AWTORITÀ TAX-XANDIR GHAL TIBDIL FL-ISKEDA TA' PROGRAMMI GHALL-PERJODU 11 TA' FRAR SAT-8 TA' MARZU 2008

BROADCASTING STATION'S APPLICATION FORM FOR THE BROADCASTING AUTHORITY'S APPROVAL FOR A CHANGE TO A PROGRAMME SCHEDULE DURING THE PERIOD 11TH FEBRUARY TO 8TH MARCH 2008

Isem ta' l-istazzjon tax-xandir <i>Name of Broadcasting Station</i>
Isem tal-programm li se jsir tiddil dwaru <i>Name of Programme which is proposed to be changed</i>
Data u ħin tat-trasmissjoni tal-programm oriġinali <i>Date and Time of Original Programme which is proposed to be changed</i>
Data u ħin tat-trasmissjoni tal-programm propost <i>Date and Time of Proposed Programme</i>
Raġuni dettaljata għat-tiddil <i>Detailed reason for change</i>
Isem tal-preżentatur tal-programm propost <i>Name of Presenter of Proposed Programme</i>
Isem tal-partiċipanti tal-programm propost <i>Name of Participants of Proposed Programme</i>
Suġġett tal-programm propost <i>Subject of Proposed Programme</i>
Format tal-programm propost <i>Format of Proposed Programme</i>
Tqassim fi slots tal-programm propost <i>Breakdown of Proposed Programme by Slots</i>

Jien hawn taħt niddikjara li l-istazzjon tax-xandir hawn fuq imsemmi qed jitlob tiddil fl-iskeda tal-programmi tiegħu skond id-dettalji t'hawn fuq.

I hereunder declare that the above mentioned broadcasting station is requesting a change in its programme schedule in terms of the above details.

B'dan qed ngħarraf lill-Awtorità bit-talba tiegħi għal tali tiddil fis-suġġett ta' programm sebat ijiem utli qabel id-data li fiha huwa propost li jsir it-tiddil. B'sebat ijiem utli qed nifhem li s-Sibtijiet, l-Idud, festi pubbliċi u festi nazzjonali mhumiex inkluzi.

By this application I am informing the Authority of my request for programme subject change seven working days before the date of intended change. By seven working days I understand that Saturdays, Sundays and public and national holidays are not included.

Firma tač-Chairman ta' l-Istazzjon tax-Xandir
Signature of Broadcasting Station's Chairman

Data/Date



XANDIRIET GĦALL-ELEZZJONI ĠENERALI U GĦALL-ELEZZJONI TAL-KUNSILLI LOKALI 2008

REGOLAMENTI

PROCEDURA ĠENERALI

1. L-iskema ta' Xandiriet għall-Elezzjoni Ġenerali u għall-Elezzjoni għall-Kunsilli Lokali tikkonsisti f'Konferenzi Stampa, Dibattiti, Produzzjonijiet mtella' mill-Partiti, u Spots Poliċi. It-tqassim ta' ħin u programmi huwa skond ma' jidher hawn taħt:

<i>Programmes</i>	PN	MLP	AD	AN
<i>Press Conferences</i>	3 x 60'	3 x 60'	1 x 60'	1 x 60'
<i>Debates</i>	3 x 60'	3 x 60' 1 x 60'	2 x 60'	2 x 60'
<i>Party Productions</i>	25'	25'	15'	10'
<i>Political Spots</i>	76'	76'	36'	20'

2. Il-programmi kollha f'din l-iskema qed jiġu trasmessi taħt l-awspiċi ta' l-Awtorità tax-Xandir (li żżomm d-dritt tal-*copyright*) u lkoll jixxandru fuq TVM u simultanjamment fuq Radju Malta.
3. Ix-Xandiriet għall-Elezzjoni jibdew nhar it-Tnejn, 11 ta' Frar 2008 u jintemmu nhar il-Ħamis, 6 ta' Marzu 2008. Ix-xandiriet jiġu trasmessi skond kif jidher fil-kalendarju f'Appendiċi I.
4. Jekk xi partit ma jagħmilx użu mill-programm allokat għalih fil-jum tat-trasmissjoni, jitlef id-dritt tal-programm u l-ħin allokat għalih. F'każ bħal dan l-Awtorità tinforma lill-pubbliku permezz ta' avviz li jixxandar fil-ħin li suppost kellu jkun trasmess il-programm.
5. Rappreżentanti tal-partiti, u dawk kollha li se jieħdu sehem f'din l-iskema għandhom joqogħdu għall-provedimenti tal-liġi dwar ix-Xandir, tal-liġi ta' l-Istampa, għar-regolamenti maħruġa mill-Awtorità tax-Xandir u għal kull direttiva mogħtija miċ-Chairperson li jkun inkarigat li jmexxi l-programm. Id-deċiżjoni ta' l-Awtorità fuq xi punti li jistgħu jinqalgħu b'konessjoni ma' dawn ix-xandiriet tkun finali.
6. Fejn mhux diġà indikat, tagħrif dwar il-partecipanti tal-programm u s-sugġetti għandhom jaslu għand l-Awtorità tliet ijiem qabel it-trasmissjoni tal-programm (esklużi Sibtijiet, Fdud u festi nazzjonali u pubbliċi).
7. Il-programmi jiġu trasmessi minn fuq TVM għall-ħabta tat-8.35p.m. u simultanjamment fuq Radju Malta.
8. L-ebda persuna li mhix awtorizzata, ma tifhalla tidfhol f'Television House waqt it-trasmissjoni tal-programmi. Dawk li jifhallow jidfhol - normalment mhux aktar minn tnejn minn kull partit - irid ikollhom permess minn qabel mill-Awtorità tax-Xandir.
9. Għal din l-iskema ta' Xandiriet għall-Elezzjoni ġew imfassla dawn l-arrangamenti:



KONFERENZI STAMPA

10. L-Awtorità qed talloka lill-Partit Laburista u lill-Partit Nazzjonalista tliet programmi ta' 60 minuta lil kull partit, programm wieħed ta' 60 minuta lill-Alternattiva Demokratika u programm wieħed ta' 60 minuta minn lill-Azzjoni Nazzjonali.

It-tqassim tal-ħin ser ikun hekk:

Introduzzjoni miċ-Chairperson	1 min
Ftuħ mill-Kelliemi	3 min
Mistoqsijiet u tweġibiet	50 min
Egħluq mill-Kelliemi	5 min
Konklużjoni miċ-Chairperson	1 min

11. Il-partiti jistgħu jhallu lill-ġurnalisti jressqu l-mistoqsijiet fuq liema suġġett iridu jew jagħzlu suġġett huma. F'kull każ l-Awtorità għandha tkun mgħarrfa sa mhux aktar tard minn tlett ijiem qabel it-trasmissjoni tal-programm (eskluzi s-Sibt, il-Ħadd u festi nazzjonali u pubbliċi) dwar is-suġġett magħżul.
12. Il-mistoqsijiet tal-ġurnalisti għandhom ikunu konċizi u relevanti u fejn hemm suġġett, relatati miegħu. Iċ-Chairperson għandu l-awtorità li jara li l-mistoqsijiet ikunu skond il-proċedura.
13. L-għażla tal-gazzetti inklużi dawk elettronici u stazzjonijiet tax-xandir għal dawn il-Konferenzi Stampa tkun regolata skond il-lista li tidher f'Appendiċi II. L-ordni li fiha jieħdu sehem il-ġurnalisti tkun kif jidher f'Appendiċi II.
14. Il-kelliema tal-partiti jistgħu jkunu akkumpanjati minn persuna oħra li wkoll tista' tindirizza l-Konferenza.

DIBATTITI

15. Matul din is-sensiela ta' programmi se jkun hemm seba' dibattiti li fihom jipparteċipaw il-Partit Laburista u l-Partit Nazzjonalista ta' 60 minuta l-wieħed mqassma hekk:
- Programmi li fih jieħdu sehem il-Kap tal-Partit Nazzjonalista u l-Kap tal-Partit Laburista; u
 - sitt programmi, b'suġġetti magħżula tlieta mill-Partit Laburista u tlieta mill-Partit Nazzjonalista. Skond id-deċiżjoni tal-partit li jkun imissu jgħażel is-suġġett, il-partiti jkunu rappreżentati jew minn kelliem wieħed jew minn żewġ kelliema għal kull partit.
16. It-tqassim tal-ħin għal dawn id-dibattiti se jkun hekk:

Dibattitu bejn il-Mexxejja tal-Partit Nazzjonalista u l-Partit Laburista

Ftuħ miċ-Chairperson	1 min
Partit Laburista	3 min
Partit Nazzjonalista	3 min
Partit Laburista	5 min
Partit Nazzjonalista	5 min
Partit Laburista	5 min
Partit Nazzjonalista	10 min
Partit Laburista	10 min
Partit Nazzjonalista	5 min
Partit Laburista	6 min
Partit Nazzjonalista	6 min
Għeluq miċ-Chairperson	1 min



Dibattiti oħra

Ftuħ miċ-Chairperson	1 min
Partit A	8 min
Partit B	7 min
Partit A	7 min
Partit B	7 min
Partit A	7 min
Partit B	7 min
Partit B	7 min
Partit A	8 min
Egħluq miċ-Chairperson	1 min

17. L-Alternattiva Demokratika jkollha żewġ dibattiti ta' 60 minuta kull wieħed. Is-sugġett jintagħżel minn Alternattiva Demokratika u fid-dibattitu jkun hemm rappreżentant ta' l-Alternattiva Demokratika, tal-Partit Nazzjonalista, tal-Partit Laburista u ta' l-Azzjoni Nazzjonali. It-tqassim tal-ħin għal dan id-dibattitu jkun hekk:

Introduzzjoni mic-Chairperson	1 min
Alternattiva Demokratika	8 min
Azzjoni Nazzjonali	5 min
Partit Nazzjonalista	5 min
Partit Laburista	5 min
Alternattiva Demokratika	3 min
Partit Nazzjonalista	3 min
Alternattiva Demokratika	3 min
Partit Laburista	3 min
Alternattiva Demokratika	3 min
Azzjoni Nazzjonali	3 min
Partit Laburista	3 min
Partit Nazzjonalista	3 min
Azzjoni Nazzjonali	3 min
Alternattiva Demokratika	8 min
Għeluq miċ-Chairperson	1 min

18. L-Azzjoni Nazzjonali jkollha żewġ dibattiti ta' 60 minuta kull wieħed. Is-sugġett jintagħżel minn Azzjoni Nazzjonali u fid-dibattitu jkun hemm rappreżentant ta' l-Azzjoni Nazzjonali, tal-Partit Nazzjonalista, tal-Partit Laburista u ta' l-Alternattiva Demokratika. It-tqassim tal-ħin għal dan id-dibattitu jkun hekk:

Introduzzjoni mic-Chairperson	1 min
Azzjoni Nazzjonali	8 min
Alternattiva Demokratika	5 min
Partit Nazzjonalista	5 min
Partit Laburista	5 min
Azzjoni Nazzjonali	3 min
Partit Nazzjonalista	3 min
Azzjoni Nazzjonali	3 min
Partit Laburista	3 min
Azzjoni Nazzjonali	3 min
Alternattiva Demokratika	3 min
Partit Nazzjonalista	3 min
Partit Laburista	3 min
Alternattiva Demokratika	3 min
Azzjoni Nazzjonali	8 min
Għeluq miċ-Chairperson	1 min



19. F'din is-serje ta' dibattiti jkun hemm ukoll dawn l-arrangamenti:
- i) Għad-dibattitu bejn il-mexxejja tal-Partit Nazzjonalista u tal-Partit Laburista ma jkunx hemm suġġett speċifiku;
 - ii) Għas-sitt dibattiti allokat lill-Partit Nazzjonalista u lill-Partit Laburista, il-partit li jiftaħ u jagħlaq il-programm għandu jagħzel ukoll is-suġġett filwaqt li għaž-żewġ dibattiti rispettivi ta' l-Alternattiva Demokratika u ta' l-Azzjoni Nazzjonali s-suġġett jintagħzel mill-partit li jiftaħ u jagħlaq il-programm;
 - iii) Hija fid-diskrezzjoni ta' kull partit jekk jinkludix materjal viżwali fuq is-suġġett magħżul għal dawn id-dibattiti. F'dan il-każ tista' tintuża *clip* waħda f'kull intervent ta' 2 minuti fejn l-intervent allokat ikun ta' 3 minuti u *clip* waħda f'kull intervent ta' 3 minuti f'fejn l-intervent allokat ikun aktar minn 5 minuti. M'għandux ikun hemm aktar minn żewġ *clips* ta' 2 minuti f'kull intervent ta' iktar minn 5 minuti. Fl-intervent ta' l-aħħar ma għandux jintuża materjal viżwali;
 - iv) Lc-Chairperson ma jkunx parteċipattiv.
20. Għar-rigward ta' tagħrif meħtieġ mill-Awtorità dwar parteċipanti u suġġetti tal-programmi japplika wkoll regolament numru 6.

PRODUZZJONIJIET TAL-PARTITI

21. L-Awtorità qed talloka 25 minuta oħra lill-Partit Nazzjonalista u 25 minuta oħra lill-Partit Laburista biex kull wieħed minnhom itella' produzzjonijiet tal-partit. Fil-każ ta' Alternattiva Demokratika, l-ammont allokat għal produzzjonijiet tal-partit huwa ta' 15-il minuta filwaqt li fil-każ ta' Azzjoni Nazzjonali l-ammont allokat għal produzzjonijiet tal-partit huwa ta' 10 minuti. Il-produzzjonijiet tal-partiti għandhom ikunu twal 5 minuti, 10 minuti jew 15-il minuta skond ma jagħzel il-partit.
22. Il-produzzjonijiet tal-partiti jixxandru fil-ġurnata u f'hin li jagħzlu huma.
23. Fil-jum tas-6 ta' Marzu 2008 ma tistax tixxandar produzzjoni tal-partit.
24. Din it-taqsimha ta' l-iskema tikkonsisti fi spots politiċi fejn hemm allokazżjoni ta' 76 minuta lill-Partit Laburista, 76 minuta lill-Partit Nazzjonalista, 36 minuta lill-Alternattiva Demokratika u 20-il minuta lill-Azzjoni Nazzjonali.
25. Kull spot ma jistax ikun iqsar minn nofs minuta u itwal minn minuta. L-ispots politiċi jixxandru minn nhar it-Tnejn, 11 ta' Frar sal-Ħamis, 6 ta' Marzu 2008. Il-Partit Nazzjonalista u l-Partit Laburista jistgħu jużaw sa 25 minuta ta' spots politiċi fil-ġimgħa, l-Alternattiva Demokratika tista' tuża sa 12-il minuta ta' spots fil-ġimgħa, u l-Azzjoni Nazzjonali tista' tuża sa 8 minuti ta' spots politiċi fil-ġimgħa b'dan illi fl-ebda lok il-partiti politiċi ma jistgħu jużaw kumplessivament aktar mill-allokazżjoni ta' spots politiċi msemmija fil-paragrafu 24 t'hawn fuq. L-erba' ġimgħat jinqasmu kif ġej:
- a) L-ewwel ġimgħa: Mit-Tnejn 11 ta' Frar sal-Ħadd 17 ta' Frar 2008
 - b) It-tieni ġimgħa: Mit-Tnejn 18 ta' Frar sal-Ħadd 24 ta' Frar 2008
 - c) It-tielet ġimgħa: Mit-Tnejn 25 ta' Frar sal-Ħadd 2 ta' Marzu 2008
 - d) Ir-raba' ġimgħa: Mit-Tnejn 3 ta' Marzu sal-Ħamis 6 ta' Marzu 2008.
26. L-ispots jistgħu jiġu skedati bejn nofs in-nhar u l-11.15 p.m., fil-*breaks* allokat għal reklamar mill-PBS, bejn jew matul il-programmi. Ma jista jixxandar ebda spot politiku fil-*mid-news break*.

SETGĦAT TA' L-AWTORITÀ TAX-XANDIR

27. Minkejja dak kollu li jingħad fil-paragrafi preċedenti ta' din l-iskema, l-Awtorità tirriserva d-dritt li tbiddel kull wieħed mill-paragrafi preċedenti u l-Appendiċi kollha f'din l-iskema ta' xandiriet għall-elezzjonijiet ġenerali f'kull stadju kif ukoll li żżid magħha permezz ta' direttiva li hija tista' toħroġ minn żmien għal żmien.



28. L-Awtorità qed tippermetti li jixxandru spots politiċi fuq Radio 101, NET TV, Super One Radio u One TV. Il-Partit Nazzjonalista ixandar l-ispots politiċi tiegħu fuq Radio 101 u NET TV u l-Partit Laburista jxandar l-ispots politiċi tiegħu fuq Super 1 Radio u One TV. Għandu jkun hemm sa massimu ta' 10 minuti ta' spots kuljum fuq kull wieħed minn dawn l-erba' stazzjonijiet fejn kull wieħed minn dawn l-ispots jiġu skedati mill-partit rispettiv f'hinijiet li jagħżel huwa matul il-ġurnata. Dawn l-ispots politiċi jkunu jridu jixxandru *f'batches* ta' reklami. F'każ li jixxandru fi programm ma jingħadux għal fini ta' dan il-paragrafu. Il-Partit Nazzjonalista u l-Partit Laburista għandhom jibagħtu kopja tal-bookings li huma jagħmlu lill-Awtorità tax-Xandir.

L-Awtorità qed tippermetti wkoll lill-Partit Nazzjonalista, lill-Partit Laburista, lill-Alternattiva Demokratika u lill-Azzjoni Nazzjonalil li jxandru spots politiċi fuq stazzjonijiet tat-televiżjoni u/jew tar-radju kummerċjali sa' massimu ta' 5 minuti kuljum fejn kull wieħed minn dawn l-ispots jiġu skedati mill-erba' partiti hawn fuq imsemmija fuq stazzjonijiet tat-televiżjoni u/jew tar-radju kummerċjali f'hinijiet li jagħżlu dawn l-erba' partiti matul il-ġurnata.

Għall-fini ta' dan il-paragrafu, 'stazzjonijiet tat-televiżjoni u/jew tar-radju kummerċjali' ma tinkludix lill-istazzjonijiet kollha tax-xandir pubbliku, Education 22 u Campus FM u lill-istazzjonijiet Radio 101, NET TV, Super One Radio u One TV.

F'każ li partit politiku jagħżel li jxandar spots politiċi fuq stazzjonijiet tat-televiżjoni u/jew tar-radju kummerċjali jkun irid jibgħat kopja tal-*booking* lill-Awtorità li għandha tapprova jew le dak il-*booking* u tikkonfermah ma' l-istazzjon relattiv li jkun se jgħorr l-ispots politiċi. F'kull każ l-ispot irid jiġi *vetted* mill-Awtorità u l-istazzjonijiet tat-televiżjoni u/jew tar-radju kummerċjali li jkunu se jxandru ikunu jridu jgħabbru qabel ma jixxandar li dak l-ispot politiku huwa parti minn skema ta' xandir ta' l-Awtorità tax-Xandir għall-elezzjoni ġenerali.

KONFERENZI STAMPA U DIBATTITI
2008

Tnejn	Tlieta	Erbgħa	Ħamis	Ġimgħa	Sibt	Ħadd
11 Konferenza Stampa PN <i>Martin Micallef</i>	12 Dibattitu Politiku PN <i>Mario Micallef</i>	13 Konferenza Stampa AN <i>Anna Bonanno</i>	14 Konferenza Stampa MLP <i>Paul Azzopardi</i>	15 Dibattitu MLP <i>Reno Bugeja</i>	16	17
18 Dibattitu Partiti MLP <i>Godfrey Grima</i>	19 Konferenza Stampa PN <i>Anna Bonanno</i>	20 Dibattitu Partiti AD <i>Godfrey Grima</i>	21 Dibattitu PN <i>Ruth Amaira</i>	22 Dibattitu Partiti PN <i>Kurt Sansone</i>	23	24
25 Dibattitu Partiti AD <i>Kurt Sansone</i>	26 Dibattitu Partiti AN <i>Mario Micallef</i>	27 Konferenza Stampa MLP <i>Martin Micallef</i>	28 Konferenza Stampa PN <i>Paul Azzopardi</i>	29 Dibattitu Partiti AN <i>Reno Bugeja</i>	1	2
3	4 Konfe renza Stam pa MLP <i>Anna Bona nno</i>	5 Konfe renza Stam pa PN <i>Paul Azzop ardi</i>	6 Dibattitu Partiti MLP <i>Ruth Amaira</i>	7 Dibattitu Għeluq Kap PN/ Kap MLP <i>Godfrey Grima</i>	8 Jum tas- silenzju	9 Jum is- Silenzju u Jum il- votazzjoni

L-iskema ta' Xandiriet għall-elezzjonijiet ġenerali tinkludi spots politiċi u produzzjonijiet tal-partiti.

Il-programmi (dibattiti u konferenzi stampa) jibdew għall-ħabta tat-8.35p.m. fuq TVM u Radju Malta.

Il-ħin allokat għal kull kandidat indipendenti huwa ta' ħames minuti.



Appendiċi II

XANDIRIET GĦALL-ELEZZJONIJIET ĠENERALI KONFERENZI STAMPA

Rappreżentanza tal-media fil-konferenzi stampa allokat lill-Partit Laburista

1. media.link Communications Co. Ltd.	Espresso.com.mt	RTK	Allied Newspapers	Standard Publications	Smash Communications Co. Ltd
2. media.link Communications Co. Ltd.	PBS	Bay Radio	Union Press	Malta Today	Capital Radio
3. Il-Gens	media.link Communications Co. Ltd.	Capital Radio	Ilum	PBS	www.azzjoninazzjonalali.org

Rappreżentanza tal-media fil-konferenzi stampa allokat lill-Partit Nazzjonalista

1. Kullhadd	PBS	Union Press	Standard Publications	Espresso.co m.mt	Xfm
2. Ilum	One Productions	Allied Newspapers	Il-Gens	Bay Radio	Smash Communications Co. Ltd
3. RTK	Malta Today	PBS	Sound Vision Print Ltd.	Capital Radio	www.azzjoninazzjonalali.org

Rappreżentanza tal-media fil-konferenza stampa allokata lill-Alternattiva Demokratika

One Productions	media.link Communications Co. Ltd.	Allied Newspapers	Standard Publications	PBS	Smash Communications Co. Ltd
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Rappreżentanza tal-media fil-konferenza stampa allokata lill-Azzjoni Nazzjonali.

Maltastar.com	media.link Communications Co. Ltd.	Allied Newspapers	Standard Publications	PBS	Espresso.com.mt
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Ġurnalisti li huma kandidati għall-elezzjonijiet ġenerali u għall-kunsill lokali ma jkunux jistgħu jipparteċipaw fil-konferenzi stampa.



Appendix III

FORM OF INDEMNITY IN CONNECTION WITH GENERAL ELECTION BROADCASTS

Today the _____ day of February 2008, each of the parties here undersigned taking part in the scheme of general election broadcasts organized by the Broadcasting Authority shall not knowingly include in any party production or political spot provided by them in any manner whatsoever and in particular whether by way of visual images, sounds, words, music, pictorial representations or actions any defamatory, seditious, libellous, offensive or any matter which constitutes an injurious falsehood or slander of title or any tort or of an infringement of any monopoly, copyright, trademark, patent or other similar criminal offence or contempt of court or breach or Parliamentary privilege or which violates the provisions of any law and shall at all times indemnify and keep the Authority, the carrier and the other parties participating in this scheme indemnified from and against all claims, costs, damages, penalties, expenses and proceedings occasioned to or incurred by the Authority and the parties in consequence of the inclusion (whether knowingly or not) in any party production or political spot provided by them of any such matter.

Provided that this indemnity is being limited to the extent that the Broadcasting Authority, the carrier and the other parties participating in this scheme may have as a result of the above been ordered to pay such claims, costs, damages, penalties, and expenses, judicial or otherwise, by a court of law in a final judgement.

Provided also that the Broadcasting Authority, the carrier and/or the other parties, as the case may be, shall not later than eight days after a claim is made inform the party concerned of the claim and/or judicial or other proceedings against them as aforesaid, and such party shall be entitled to assist and defend jointly with the Broadcasting Authority, the carrier and/or other party, the said claim.

For the purposes of this indemnity, "the carrier" means PBS Ltd.

For and on behalf of [add name of political party]

Secretary General

February 2008



CHAIRPERSONS

Anna Bonanno
Paul Azzopardi
Martin Micallef
Godfrey Grima
Reno Bugeja
Mario Micallef
Kurt Sansone
Victor Formosa
Ruth Amaira



RÉSEAU
DES INSTANCES
DE RÉGULATION
MÉDITERRANÉENNES



DECLARATION OF MEDITERRANEAN NETWORK OF REGULATORY AUTHORITIES ON AUDIOVISUAL CONTENT REGULATION

PREAMBLE

The member authorities of the Mediterranean Network of Regulatory Authorities thereafter referred to as Mediterranean Regulatory Authorities,

Fully aware of the humanistic contribution of the Mediterranean civilisation, their common heritage, and of the values of freedom, tolerance, mutual respect and diversity attached thereto,

Recalling the requirements set forth in particular by various international conventions and declarations relating to Human Rights and the protection of minors,

Considering that freedom of communication may only be exercised where principles such as the respect for human dignity, the rule of law, pluralism, the protection of minors, combating hatred and violence based on race, gender, culture, religion, nationality or any other basis for discrimination, are upheld

Highlighting the social and cultural impact of the audiovisual media beyond boundaries and the need for fundamental common principles to be set forth for audiovisual content while respecting national specificities,

Asserting that technological convergence and the cancellation of physical boundaries do not impinge in any way on the common values recognized in the countries and regions of the Mediterranean Regulatory Authorities,

Decide to hereby set forth common principles which the Mediterranean Regulatory Authorities in compliance with their specific competencies express their willingness to make audiovisual media service providers aware of, and which shall serve as additional reference for the regulation of audiovisual media content.

CHAPTER I: CONTENT REGULATION

Article 1:

Each Mediterranean Regulatory Authority intends to refer to the principles set forth in articles 2 to 5 in its regulation of audiovisual services, in the framework within its competencies granted by national Law, while complying with the national and international rules by which it is bound.

PART 1: COMPLIANCE WITH FUNDAMENTAL VALUES, PRINCIPLES AND RIGHTS

Article 2

Mediterranean Regulatory Authorities intend to ensure that audiovisual media service providers comply with the fundamental values, principles and rights associated with human dignity.



Article 2-1: Respecting human dignity

Each Mediterranean Regulatory Authority intends to ensure that audiovisual media service providers apply the following to all of their programmes,:

- respect human dignity;
- do not incite practices or behaviours inhumane or degrading;
- respect the dignity of persons in their treatment of information;
- respect the privacy, image, honour and reputation of persons,
- do not exploit the inexperience and credulity of vulnerable persons in particular children and adolescents;
- do not incite hatred, violence or discrimination on grounds of race, gender, culture, religion, nationality or any other basis for discrimination;
- do not encourage attitudes of rejection or xenophobia against certain communities or against nationals of other countries;
- respect and promote where applicable, the cultural diversity of Mediterranean societies in a spirit of tolerance and mutual understanding.

Article 2-2: Protecting the rule of law

Each Mediterranean Regulatory Authority intends to ensure that audiovisual media service providers apply the following to all of their programmes,:

- do not eulogize violence and terrorism
- do not broadcast audiovisual documents promoting the violation of the 3rd Geneva convention relative to prisoners of war;
- do not broadcast programmes likely to incite illegal practices.

PART 2: PROTECTION OF CHILDREN AND ADOLESCENTS

Article 3

Mediterranean Regulatory Authorities intend to ensure the protection of children and adolescents, keeping in mind the best interest of the child in accordance with the International Convention on the Rights of the Child.

Article 3-1: Protecting children from sexual content and violence

Mediterranean Regulatory Authorities specifically intend to ensure compliance with article 34 of the International Convention on the Rights of the Child under which "States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse".

Each regulatory authority intends to ensure that programmes of a pornographic and extremely or gratuitously violent nature shall not be accessible to the audience by means of a locking mechanism.

Article 3-2: Protecting the development of children and adolescents

Mediterranean Regulatory Authorities intend to ensure compliance with article 17 of the International Convention on the Rights of the Child the purpose of which is to protect the child against images that may be harmful to his or her well-being.

Each Mediterranean Regulatory Authority intends to ensure that audiovisual media service providers shall warn the public in the appropriate manner –that may be easily identified by deaf and people with hearing disabilities- when programmes, whatever their nature:

- contain images and/or sounds likely to upset the sensitivity of children and adolescents;
- or are likely to impair their development in particular when they are violent or difficult to watch/hear or where testimonies relating to particularly tragic events are being broadcast during news bulletins, news programs or other programs of similar nature.

Each regulatory authority intends to ensure that audiovisual media service providers do not broadcast programmes likely to, seriously impair the development of minors, endanger their physical integrity, in particular those highlighting the trivialization of consumption of tobacco, alcohol, and drugs, or incite them to behave in a violent manner.



Article 3-3: Promoting children's and adolescents' respect of human rights

Mediterranean Regulatory Authorities intend to ensure the implementation of article 29 of the International Convention on the Rights of the Child, when encouraging audiovisual media service providers to educate children to have respect for human rights and tolerance.

Each Mediterranean Regulatory Authority intends in particular to ensure that no programme addressed to children and adolescents violate articles 2-1 and 2-2 hereof.

PART 3: ACCURACY OF INFORMATION AND PLURALITY OF VIEWS

Article 4

The Mediterranean Regulatory Authorities are attached to freedom of information and expression as set forth in articles 18 and 19 of the Universal Declaration of Human Rights. They believe that freedom of information implies an obligation for accuracy of information and that freedom of expression implies respect for plurality of views and of fundamental rights.

Article 4-1: Accuracy of information

Mediterranean Regulatory Authorities intend to ensure that accuracy of information is applied to all programmes broadcast by audiovisual media service providers.

Each Mediterranean Regulatory Authority intends to ensure that audiovisual media service providers, in all of their programmes, shall take all necessary measures, at the right time, so that necessary corrections when information likely to be misleading has been aired. These rectifications must be made in conditions comparable to those in which the inaccurate information was diffused.

Article 4-2: Respecting the plurality of opinions

Mediterranean Regulatory Authorities are attached to pluralism and intend to ensure that audiovisual media service providers respect the diversity of opinions and expressions so as to foster each and everyone's liberty to form his or her own opinion. The expression of diverse opinions shall occur in conformity with the principles set forth in articles 2-1 and 2-2 hereof.

CHAPTER II: IMPLEMENTATION OF THE DECLARATION

PART 4: COOPERATION AND COMMON REGULATORY MECHANISMS

Article 5

The Mediterranean Regulatory Authorities hereby undertake to implement this Declaration by applying its principles in the regulation of audiovisual content by ensuring a concerted and effective international cooperation.

The Mediterranean Regulatory Authorities hereby undertake to exchange information and cooperate, within their respective legal competencies, in the regulation of content provided by audiovisual media service providers and received in countries or regions whose authority is a member of the network.

In the specific case of transfrontier audiovisual content the members of the network hereby commit to transparency and mutual exchange of information.

Done in Marrakech, the 30th November 2007 and adopted in Reggio Calabria, the 3rd October 2008.



MINUTES OF THE MEETINGS OF THE CONTACT COMMITTEE OF THE AUDIOVISUAL MEDIA SERVICES DIRECTIVE (2007/65/EC)

1. TRANSPOSITION AVMSD – SUBSIDIARY JURISDICTION CRITERIA (ART. 2(4))

19th February 2008: The UK (United Kingdom), FR (France) and LU (Luxembourg) delegations presented how the reversal of the subsidiary jurisdiction criteria in Art 2(4) AVMSD will affect the number of satellite broadcasters currently subject to their jurisdiction.

FR will keep jurisdiction for many of the 500 broadcasters not established in the Union but are distributed via Eutelsat. However, the reversal of the order of the jurisdiction criteria will mean that about 210 channels will move under the jurisdiction of the Member States where the up-link is situated. A minimum of 40 satellite channels that are now subject to FR jurisdiction will fall under UK jurisdiction.

LU will be less affected by these changes. ASTRA has notified all channels to the government and delivered information needed to identify the competent Member State. ASTRA almost exclusively transmits signals from broadcasters established in one of the Member States.

The Commission services stressed the importance of transparency requirements: Member States need to have available the necessary information with regard to satellite operators and uplinks, so that they can exercise their responsibility to ensure the application of the Directive. It flows from the principle that media service providers should be subject only to a single jurisdiction that an anteriority rule needs to be applied: The Member State where the uplink is used first keeps jurisdiction, even if the same signal is also up-linked later - for other bouquets - from another Member State. Delegations agreed that cooperation between the regulatory authorities in the different Member States will be essential to ensure a smooth transition between TVwF and AVMSD and the full ongoing application of the Directive.

The Commission services also recalled the cooperation and the circumvention procedure as provided for in Art 3(2) and (4) AVMSD. Though it is not binding to involve and inform the Commission in the cooperation procedure, it seems advisable to do so, because it will facilitate a swift Commission decision in a possible consecutive circumvention procedure. Discussions in the Contact Committee will not prolong the two months deadline provided for in Art 3(2) AVMSD.

The criteria for the Commission decision according to Art 3(3) on the compatibility of notified measures with Community Law in cases of circumvention will be deduced from ECJ case law. The Commission decision itself is subject to full judicial review by the ECJ and cannot be limited to manifest errors by Member States. The measures to be taken by Member States in practical terms will have to be such that can be enforced within the respective Member State.

16th December 2008: The Commission presented a working document outlining the procedure to ensure the smooth transition from TVwF to AVMSD to Member States with regard to the change in jurisdiction over broadcasters after the entry into force of the subsidiary jurisdiction criteria. This concerns the issue of satellite transmissions to and from Member States. Any change of jurisdiction criteria over satellite transmissions should be communicated to the Member States concerned before summer of 2009. Member States with satellite capacity have up till 31st May 2009 to identify the services that they think will change jurisdiction while Member States with a claimed up-link have up till 31st August 2009 to declare whether they accept jurisdiction. The period October to November 2009 has been reserved for tri-lateral meetings in cases of disagreement while by 18th December 2009 the coordinated entry into force of national measures implementing Art 2(4) AVMSD should take place.

A working document [Doc CC TVSF (2008) 8] on the implementation of the reversal of subsidiary jurisdiction criteria was presented by the Commission and can be seen in Annex A; while an example of the required steps detailed in the paragraph above for the smooth transition is detailed in the following table:





Change of jurisdiction due to reversal of subsidiary criteria in Art 2(4) AVMSD							
Jurisdiction	Satellite Provider	Satellites	Media Service	Future Jurisdiction/ Uplink location	Jurisdiction confirmed? (2nd step)	Contact Uplink Provider	Contact Media Service Provider (if available)
France Hungary Luxembourg Spain Greece The Netherlands Sweden Norway	Eutelsat Spacecom (Israel?) SES Astra Hispasat Hellas Sat S.A. SES New Skies, B.V. SES Sirius AB Telenor	Hotbird, Eurobird, Sesat, W Amos Astra Hispasat Hellas Sat NSS Sirius Thor					
Example							
France	Eutelsat	Hotbird 8	X Stream	Belgium	?	Belgacom SA Boulevard du Roi Albert II, 27B 1030 Brussels Belgium	c/o ZIZZ Development SA Calle San Jose 22 Panama City Panama

2. TRANSPOSITION AVMSD - SELF- AND CO-REGULATION

19th February 2008: The German delegation presented the German regulatory model for the protection of minors ("regulierte Selbstkontrolle").

The Commission services highlighted the differences between Art 3(7) and Art 3e(2) AVMSD as regards the addressees, the scope and the specific obligations. In the discussion the Commission services confirmed that with regard to Art 3(7) AVMSD there is no obligation to set up co- or self regulatory regimes. However Member States are expected to assess the possibility of such instruments, consult with stakeholders and provide reasons, if they came to the conclusion that these instruments were not appropriate for a given field. With regard to Art 3(7) AVMSD this is a single reporting obligation after the end of the transposition period, whereas the results of the transposition of Art 3e(2) AVMSD will be subject to a regular reporting obligation (Art 26 AVMSD).

18th June 2008: The UK delegation gave an overview of the intended role of co-regulation as a means of transposition, building on existing self-regulatory practices. The main issues raised concerned (i) the allocation of powers, including the relationship between the regulator, existing self-regulatory and possible co-regulatory bodies; (ii) the number of co-regulators and their financing; and (iii) membership rules for media-service providers in relation to such bodies. In the ensuing discussion, the Commission services confirmed that co-regulation can be a appropriate instrument to meet obligations under the Directive that require Member States to ensure the attainment of particular objectives, whereas self-regulatory measures cannot be used towards that end.

3. TRANSPOSITION AVMSD - PRODUCT PLACEMENT (ART. 3G)

19th February 2008: The Commission services launched the discussion with a short presentation. The discussion between delegations focused on the notions of undue prominence, editorial independence and significant value as well as the distinction between sponsorship and product placement. AT (Austria) reported about the Austrian rules that are in place since 7 years and agreed to deliver a more detailed presentation on its regulatory experience at the next Contact Committee meeting.

On this and other issues a number of delegations asked for Commission guidelines concerning the transposition of AVMSD. The Commission agreed to consider these requests but stressed the risks of freezing the discussion at this early stage and in general that detailed guidelines might lead to detailed regulation, which might run against the Commission's intention to have a light touch implementation of the Directive.

16th April 2008: The AT delegation presented, in the light of its domestic experience, some reflections on the requirements of Art 3g AVMSD, addressing (i) the concept of significant value with respect to product placement; (ii) the relationship between product placement and sponsoring; and (iii) the relationship between product placement and (surreptitious) advertising/commercial communication.

The Commission services reiterated that the objective of the provision is to ensure that consumers/viewers are informed when payments are involved in the placement of a certain product and explained that the concept of significant value in Recital 61 only refers to the "provision of goods and services free of charge". It was emphasized that the Directive makes no differentiation in the treatment of product placement between linear and on-demand AVMS. The presentation of production props of non-significant value would not be considered as product placement, but remains subject to the general rules on audiovisual commercial communications. The discussions among delegations showed that Member States will have to examine carefully which administrative rules (burden of proof, transparency rules) need to be put in place to ensure an effective implementation of the Directive. The Commission also referred to earlier studies that show how the value of product placement is and can be calculated.⁸1

4. REVISION OF THE CONTACT COMMITTEE WORKING DOCUMENT ON ART 3A TVWF (EVENTS OF MAJOR IMPORTANCE TO SOCIETY)

19th February 2008: The Commission to present a revised *working document on events of major importance to society* to the Contact Committee as soon as the ECJ has adopted its judgment in case

⁸ Study on the development of new advertising techniques,
http://ec.europa.eu/avpolicy/info_centre/library/studies/index_en.htm#finalised



C-125/06.

16th December 2008: It was reported by the Commission that to-date there were three cases before the Courts of Justice.

5. TRANSPOSITION AVMSD - DEFINITIONS (ART. 1)

16th April 2008: The Commission introduced the point with an overview of definitional issues, focusing on the notion of audiovisual media services and the distinction between linear and on-demand services. It was reiterated that the transmission of audiovisual content via electronic networks as defined in Art 1(a) AVMSD is a service. The fact that users might create physical products like DVDs from this downloads does not change this fact.

With respect to the question of how the mass media character of services should be assessed, the Commission underlined that the actual size of the audience is not decisive for the qualification of an audiovisual service as a media service. An important criterion however is whether the recipients are individually identified or identifiable; if this is the case, e.g. when messages sent to individual addressees constitute private correspondence or services can be received only by the customers of companies providing goods or services other than audiovisual media service (e.g. train operators), the service will not be considered a mass media/an audiovisual media service. In this context the issue of determining the boundary between public and private space (trains stations, shopping malls etc) may arise. This question needs to be resolved with regard to the Member States' domestic legal orders.

Where a service provider does not exercise editorial control, the requirements of Art 1(a) and 1(d) AVMSD ("media service provider") are not fulfilled and such services are not "audiovisual media services"; removing objectionable content to comply with an administrative order or general rights clearance does not by itself constitute the active decision-making that would be necessary to meet this criterion. This is the case for hosting providers and operators of platforms featuring user-generated content (e.g., YouTube).

It was also discussed how the notion of service should be interpreted. It appears that a number of elements should be taken into account: how will the user perceive the service (independent or not), own branding, separate use possible etc. Within a given service the contribution of the audiovisual offers to the overall revenues will be an important element to take into account when deciding whether the audiovisual elements are ancillary or the principal purpose of the service.

6. TRANSPOSITION AVMSD - COMMERCIAL COMMUNICATION

16th April 2008: The discussion was prefaced by an introductory presentation by the Commission services. There was a discussion on the differences between Art 3e(f) and Art 14 AVMSD. The latter ban for teleshopping only concerns medicinal products which are subject to a marketing authorisation (Dir 65/65/EEC). Where measures for on-demand audiovisual media services stricter than those foreseen by the Directive are envisaged in the course of transposition, they have to be notified to the Commission pursuant to the Article 8 procedure of Directive 98/34/EC.

7. TRANSPOSITION AVMSD - NEW OBLIGATIONS / ON-DEMAND SERVICES (ART 3i)

16th April 2008: The Commission introduced the provision relating to the promotion of European works in on-demand services. Following requests for guidance on the implementation of this provision by several delegations, the Commission services clarified that stricter rules to promote national minority and regional languages remained possible, subject to the usual proportionality test. Such a stricter provision would be subject to the notification requirement under the Article 8 procedure of Directive 98/34/EC.

Regarding the use of actual consumption figures as a measure of the effectiveness of Member State actions to promote on-demand services, the Commission services emphasized that this is one among several indicators mentioned in Recital 48 that needs to be taken into account within the framework of the reporting obligations set out in the Directive.

The chair explained with regard to co-operation agreements the state of play and indicated that these developments had also been discussed at the meeting of the Cinema expert group.



8. TRANSPOSITION AVMSD - TRANSPARENCY REQUIREMENTS (ART 3A)

16th April 2008: With respect to the transparency requirement imposed by Article 3a AVMSD there was a generally shared sentiment that effective implementation may pose bigger challenges with respect to linear than for on-demand services.

Irrespective of the source of information, a reference to a physical entity to which users of the service can address themselves must be available. However, a reference to a website alone is not sufficient. It was also discussed whether a reference to a national register could ensure an appropriate information of viewers.

9. TRANSPOSITION AVMSD - PROTECTION OF MINORS (ART. 3H)

16th April 2008: The discussion centred on how delegations intend to achieve adequate protection of minors in on-demand services, and notably the use of self- and co-regulatory measures. Greece has launched a consultation on the topic, while the UK seeks to adopt co-regulatory measures. Spain intends to flag appropriate as well as inappropriate content in the catalogues of on-demand service providers and related access services to enhance user control. The EEA secretariat raised the question to which extent national access systems could become barriers to communitywide services - a concern shared by the Commission services.

10. TRANSPOSITION AVMSD - ACCESSIBILITY (ART. 3C)

16th April 2008: Delegations were invited to share their thoughts on how to encourage media service providers to make their services available to people with visual or hearing disabilities.

Concerns were voiced over the need to provide additional funding for public service broadcasters to increase service provision in this area and its compatibility with state aid rules. Some delegations indicated that legislative measures would be needed to induce substantive progress. The UK delegation agreed to verify that all media service provider under UK jurisdiction comply with adequate, non-discriminatory obligations in this respect.

11. TRANSPOSITION AVMSD - EUROPEAN WORKS (ART. 3F)

18th June 2008: The FR (French) delegation introduced the topic with a presentation on the national approach to promoting European works in on-demand services. Future legislative measures will take into account existing measures applied to linear services. They will support the development of on-demand services, as is shown by the will to apply to these services a reduced VAT rate. The answers to the public consultation considered all possible measures: financial contributions to European production, catalogue quotas and an attractive presentation of European works. It would seem that financial contributions are favoured by most stakeholders. The BE (Belgium) and ES (Spain) delegations indicated that they would also likely apply a financing requirement, whereas AT (Austria) plans to rely primarily on the attractive presentation of European works in catalogues to achieve the objective of Art 3f AVMSD.

12. TRANSPOSITION AVMSD - TELEVISION ADVERTISING (CHAPTER IV)

18th June 2008: The Commission services recalled how the AVMSD changes the rules on television advertising. The AT (Austria), ES (Spain), FR (France) and UK (United Kingdom) delegations outlined their intended transposition strategies developed against the backdrop of national consultation exercises.

On the definition of spot advertising the last sentence in Recital 59 of Directive 2007/65/EC says that the *"notion of a television advertising spot should be understood as television advertising ... having a duration of not more than 12 minutes"*. The Commission understands that this is a clarification with regard to the maximum duration of a spot. To make a distinction between short and long forms of advertising the case-law of the European Court of Justice and the indicators outlined by the Court remain relevant. Longer forms of advertising *"require more time than spot advertisements on account of their method of presentation"*⁹. The Directive provides for specific rules with regard to "long forms"

⁹ See the judgment in case C-320/94 RTI v Ministero delle Poste e Telecomunicazioni, ECR [1996] I-6471



of teleshopping = "teleshopping windows" which have to have a minimum duration of 15 minutes [Art 18a AVMSD]. As a result teleshopping either should be a spot of a duration of not more than 12 minutes or a window of at least 15 minutes.

The Commission confirmed that merely informative announcements by the broadcaster concerning its own programmes should be treated as programmes and not as advertising at all. Self promotional announcements are to be considered as advertising. However, Article 18(2) exempts "*announcements made by the broadcaster in connection with its own programmes*" from the application of Article 18.

With regard to Art 10(1) AVMSD the Commission explained that any form of audiovisual commercial communication shall be readily recognisable [Art 3e (1) a) AVMSD]. Product placement is a form of audiovisual commercial communication [Art 1(h) AVMSD] but not a form of television advertising. Television advertising and teleshopping, like any form of audiovisual commercial communication, have to be readily recognisable, but Art 10 (1) AVMSD provides that these forms of commercial communication in addition have to be "*distinguishable from editorial content*". In the view of the Commission this qualification, which was added in the co-decision procedure, stresses the difference between product placement, which is part of the storyline, and television advertising, which has to be distinguishable from editorial content, but does not add additional requirements with regard to the current wording of Art 10 (1) of the Television without Frontiers Directive.

The Commission reiterated that according to Art 11(2) AVMSD children's programmes may only be interrupted by television advertising and/or teleshopping if the programme has a scheduled duration greater than 30 minutes.

13. TRANSPOSITION AVMSD - SPONSORING (ART. 3F)

18th June 2008: In response to Member State queries, the Commission clarified that Art 3f (1) c AVMSD requires that "sponsored programmes shall be clearly identified as such by the name, logo and/or any other symbol of the sponsor such as a reference to its product(s) or service(s) or a distinctive sign thereof": This means identification can be achieved by reference to the sponsoring company or one of its brands. The discussion also touched upon the distinction between sponsored programmes and services, with an emphasis on how to ascertain the editorial independence of individual programmes forming part of a sponsored service.

14. TRANSPOSITION AVMSD - SHORT REPORTING (ART. 3k AVMSD)

18th June 2008: A Commission presentation outlined the scope of the provision, and during the discussion, the ES and UK delegations outlined their plans for its transposition. It was emphasized that, despite resemblances in the subject matters dealt with, events of public interest are not synonymous to events of major importance to society. The freedom of information issues that would arise if Member States were to define which events could be of "high interest" were flagged. The Directive provides for a right to access to events "which are transmitted" on an exclusive basis, but does not deal with the acquisition of exclusive rights.

Member State have the obligation to put in place a system that works effectively but they are, within the usual limits of Community Law, free to choose the appropriate means. This is particularly true with regard to issues not touched upon by the Directive, like how exactly the source has to be identified, or how exactly the right can be exercised (signal quality, time elapsed between event and broadcast, etc.).

15. TRANSPOSITION AVMSD - COOPERATION BETWEEN REGULATORY BODIES (ART. 23B)

18th June 2008: By way of introduction, the Commission services stressed the recognition given for the first time to functionally independent national regulatory authorities under the AVMSD. The Council of Europe delegate pointed in this respect to a recent declaration of the Committee of Ministers, which provides guidance on how this may be achieved.² Concerning cooperation, the Commission services confirmed that existing administrative arrangements may suffice, whereas legislative measures can become necessary in areas that currently may not have an adequate legal framework to support cooperation, e.g., in the data protection field.



16. TRANSPOSITION AVMSD - COMMUNICATION OF MAIN IMPLEMENTING PROVISIONS

18th June 2008: The Commission clarified the distinction between the notification requirement (applicable to actions taken to comply with AVMSD obligations) and the correlation table (intended to give a complete overview of all implementing measures irrespective of their date of origin). Assuming the agreement of the Member States, the information provided in the correlation tables will be made available on the Commission's website. This will not prejudice any other measures taken by the Member States to publicize this information.

17. TRANSPOSITION AVMSD – SHORT REPORTING

16th December 2008: Presentation by the FI (Finland) Delegation: "*The right to short reporting*". A working group was appointed early 2008 and the proposal is that Article 3k be implemented solely by the amendment of the Copyright Act and that a broadcaster in Finland may use short news report also on its on-demand services. The value criteria used is the value of the news item as a piece of news; the preamble of the 90 seconds limit has been adopted; exceptions to exclusive rights have been interpreted restrictively with a shorter limit not exceeding 5 seconds while the party using the extracts requires the permission of the original broadcaster even if there is no payment envisaged to the rights holder. Extracts cannot be used in live or near-live context and may be used as long as they have news value which usually is 24 hours. Since the sports rights market in Finland is very small, nationally broadcast rights of only hockey and football leagues are being paid for. There are very little sports with events where exclusive rights are paid. The Finnish football association has its own recordings made of lead football matches which they sell to broadcasting stations; including another product which includes the highlight goals of lead games for a whole week and which is sold separately.

18. TRANSPOSITION AVMSD – TELEVISION ADVERTISING – QUANTITATIVE LIMITATIONS

16th December 2008: The Commission made a presentation on advertising, self promotion and quantitative limits; and on sponsoring messages outside the broadcast time of the sponsored programmes. The Commission noted that self promotion in itself amounts to television advertising and that there are dissimilarities between "self-promotion" and "announcements" of programmes in the context of Article 18 AVMSD. Besides, do sponsoring messages outside the broadcast time of the sponsored programmes fall under advertising rules or under sponsorship rules?

Article 1(i) states that "*television advertising*" means any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertaking or natural person in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations, in return for payment. This includes the promotion of products relating to a programme, the brand of the channel or other economically related channels; and the promotion of programmes of all economically linked channels including channels with the same editorial responsibility.

The Commission noted Article 1(b) which states that: "*programme*" means a set of moving images with or without sound constituting an individual item within a schedule or a catalogue established by a media service provider and whose form and content is comparable to the form and content of television broadcasting. Examples of programmes include feature-length films, sports events, situation comedies, documentaries, children's programmes and original drama.

What should be counted as self-promotion with regard to the 12-minute rule [Art. 18(1)] therefore vests with the assessment made by the national regulator on a case-by-case basis and this should be based on whether the promotion is of the brand of the broadcaster and whether the promotion is on products in/directly derived from programmes. To this, there is the derogation through Art. 18(2) for the promotional announcement of programmes under the editorial responsibility of the same broadcaster and announcements in respects of ancillary products directly derived from these programmes. The objective of these articles is to limit the amount of advertising on the viewer; so in the case of station promotion this may be considered as part of advertising with regard to the 12-minute rule, while in the case of on-demand services this would be considered as information and as part of programme listings.



19. GUIDELINES ON THE IMPLEMENTATION OF ART 4 AND 5 AVMSD

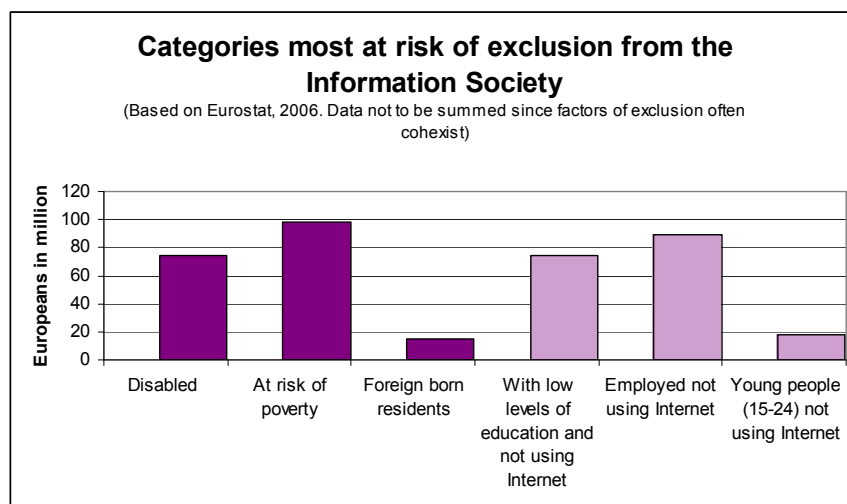
16th December 2008: The Commission initiated a discussion of options concerning possible future guidelines with regard to AVMSD rules on European and independent productions:

- Given the multiplication of channels, performance in achieving Article 4 and 5 proportions could be calculated per broadcaster and not per channel. In the same vein, the reporting requirement for Article 3i would apply to a single media service provider for several on-demand services, and not separately to every service.
- The reporting system to the Commission could be simplified through introduction of an online tool where Member States would introduce their reported data and comments.
- Following the results of the study presented in the 18th November workshop, the best ways to monitor Article 3i would include:
 - Data on titles in the catalogue that are European works
 - Data on hours in the catalogue that are European works
 - Financial data on spend on new programmes
 - Measures undertaken to promote prominence of European content
 - Voluntary information on the actual consumption

Articles 4 and 5 of the TVwF Directive dealt with the measures at Community level to promote programme making and programme distribution placing requirements on Member States to ensure that broadcasters under their jurisdiction devote a majority of transmission time (or programme budget) to European Independent productions. The amendments adopted in the new AVMS Directive maintain Articles 4 and 5 besides also introducing Article 3i which requires that Member States ensure that non-linear service providers under their jurisdiction promote the production of and access to European works. In this regard, the Commission tendered a study on the application of Articles 3i, 4 and 5. This was commissioned to Attentional Ltd and a report was compiled and presented on 18th November.

20. ACCESSIBILITY OF AUDIOVISUAL MEDIA SERVICES FOR PEOPLE WITH A VISUAL OR HEARING DISABILITY (ART 3c)

16th December 2008: The Commission invited Ms Katarzyna Balucka-Debska from the ICT for Inclusion, EU Commission, for a presentation on accessible digital television. Recital 64 emphasizes “the right of persons with a disability and of the elderly to participate and be integrated in the social and cultural life of the Community is



inextricably linked to the provision of accessible audiovisual media services. The means to achieve accessibility should include, but need not be limited to sign language, subtitling, audio-description and easily understandable menu navigation” while Article 3c states that “Member States shall encourage media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability.”

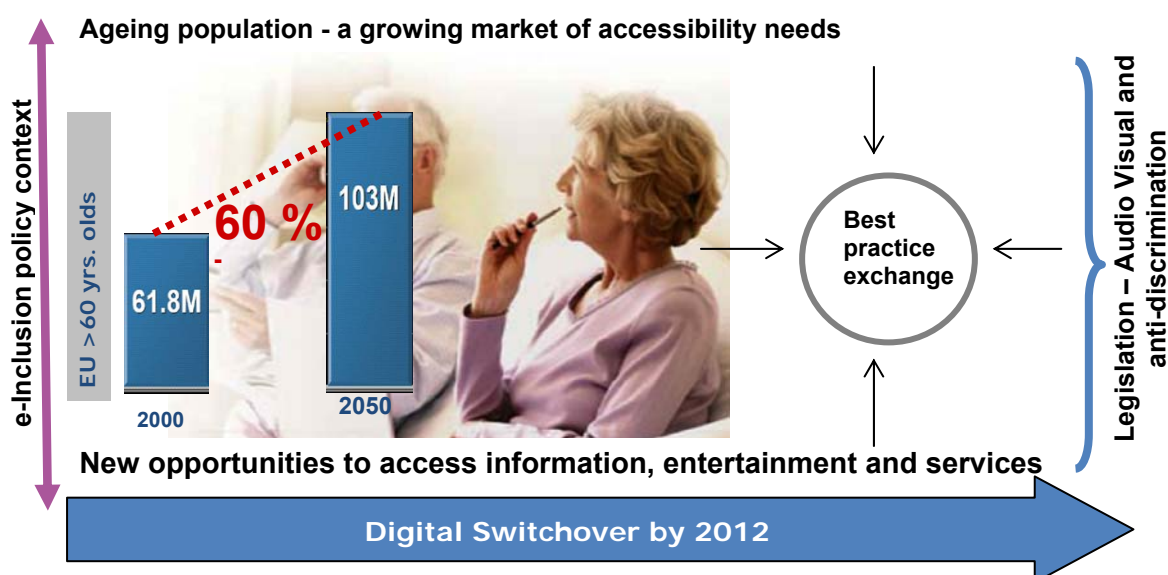
Based on Eurostat 2006 Ms Balucka-Debska accentuated that it is shocking to realise that “more than one in three Europeans are still being left behind in the information society. Nearly 200 million people are failing to see any real benefit. More worryingly is that for many of them, the prospects of improvement remain bleak unless we act decisively and act now. ICT is the major factor of productivity growth for those that are inside the information society. But not for those that are outside the information society, whether that is due to low levels of education or income, disability, cultural differences, being older, living in a rural area or any combination of these. As individuals, they are missing out on the benefits so many of us take for granted. Collectively all of us are



missing out on the benefits that they could bring with the help of ICT to economy and society as a whole. Our estimates indicate that by achieving the Riga targets, we could see economic gains of between 35 and 85 billion euros over 5 years.

Anyone wishing to join the information society must have the possibility of doing so, regardless of their social or personal limitations."

Broadcasting activities are moving from analogue to digital technologies with the latest platform being defined as high-definition television (HDTV) delivering better quality, more consumer choices and the possibility of enhanced accessibility features. Digital TV switchover has already started and it is to be completed by 2012 for all the Member States of the European Union. For people with disability and older watchers, digital TV offers a number of new features/channels which present opportunities as well as challenges/barriers that need to be overcome in concert with government, manufacturers and broadcasters.



Programmes and TV sets with accessibility features allow anyone, regardless of their abilities, to enjoy TV with everyone else. For accessibility services and a better viewing experience, programmes need to offer audio description (i.e. narrative describing action on the screen which is necessary for those with visual impairment) and subtitling and sign language interpretation (for hearing impaired persons and non-native speakers). On the other hand, accessible navigation in TV sets requires on-screen menus, channel information services as text to speech for people with sight, intellectual or reading disabilities, and for all concerned.

The e-Inclusion Policy of the European Union can be found under *Ageing Well COM 2007*; *e-Inclusion COM 2007*; and *e-Accessibility COM 2005 and 2008*; while for legislative purposes these have been incorporated by the European Union under Article 3c of the AVMSD - Access for the sight- and/or hearing impaired; a revision of the e-Communications Directives; and under the Anti-discrimination Directive 2000/43/EC

The switch-off of analogue television in Europe by 2012 represents both a challenge and an opportunity for access services. Many people who have had no problems accessing analogue television will experience some difficulty in accessing digital television and the extent of this is that approximately 15% of Europeans would have difficulties in accessing digital television for reasons such as hearing and visual impairments; difficult to use remote controls; and extra-extended electronic programmes guides¹⁰. National Governments and the European Commission have a role in the policy making; regulation; awareness raising; and switchover help schemes which may be made available. And for this reason a project funded by the European Commission, under the CIP ICT Policy Support Programme, to facilitate the provision of access services on digital television across the European Union has been initiated – Digital Television for All [DTV4All].



¹⁰ see <http://www.psp-dtv4all.org/>



21. MEDIA LITERACY

16th December 2008: The DG Information Society and Media and the Directorate A - Audiovisual, Media, Internet made a presentation on (a) the inter-institutional life of the Media Literacy Communication and (b) the study on assessment criteria for media literacy. Recital 37 of the AVMSD defines media literacy as referring to *“skills, knowledge and understanding that allow consumers to use media effectively and safely. Media-literate people are able to exercise informed choices, understand the nature of content and services and take advantage of the full range of opportunities offered by new communications technologies. They are better able to protect themselves and their families from harmful or offensive material. Therefore the development of media literacy in all sections of society should be promoted and its progress followed closely”*; while Article 26 of the AVMS Directive requires the Commission to submit a report on the application of the Directive and, if necessary, make further proposals in particular in the light of levels of media literacy in all Member States. Media literacy is the ability of the consumer to access; to understand and critically evaluate; and the ability to create and communicate between content providers and consumers. It relates to all forms of media; the rights and democracy of citizenship; audiovisual and cultural identity of Member States; and the empowerment of citizens.

And for this purpose a study has been launched by the Commission with the aim of investigating criteria to assess media literacy levels. Work on this project started on 1st October 2008 and the Interim Report is expected in February 2009 while the Final Report is expected in July 2009. The report will focus on quantitative and qualitative approaches to media literacy assessment; the level of consumer “critical” skills; consumers’ ability to autonomous programme creation/selection through informed choices; consumers’ efficient and safe use of media; and consumers’ ability to protection including empowerment models.

22. Cultural cooperation protocols in new trade agreements

16th December 2008: Presentation by the Commission on ad-hoc protocols within the framework of the implementation of the UNESCO Convention on Cultural Diversity.

23. Representation in the newsroom and on-screen of ethnic, racial and national minorities - Actions against Racism and Xenophobia

16th December 2008: To promote closer cooperation between Member States for the exchange of best practices and experiences of media pluralism and the fight against racism and xenophobia, the Commission submitted a questionnaire to the delegates of the "Television without Frontiers" Directive's Contact Committee in order to obtain a first understanding of the diverse situations among the Member States.

The report (Annex B) presents the main conclusions that can be drawn from the replies received from the Member States. It describes the wide extent of the concerns expressed and the broad scope of the issues surveyed (Part I). It also summarises the wide-ranging policy lines that certain Member States have implemented (Part II). The final part (Part III) explores the difficulty of measuring and correlating the phenomenon and finding appropriate indicators.



24. "Al Manar"¹¹ ban by Germany

16th December 2008: The case on incitement to hatred by Germany against Al Manar started in 2005. The ban by Germany covers all the assets not only of Al Manar in Germany but also to those assets of third parties who provide/d services to Al Manar. This actually means the reception, broadcasting and viewing of the station; and production and distribution of cassettes or other forms of media. The EU Commission would like to know whether Member States envisage measures similar to those taken by the German authorities against Al-Manar TV or other broadcasts from third countries.

¹¹ see: http://en.wikipedia.org/wiki/Al-Manar#cite_note-CNN-0: *Al-Manar the satellite television station of Hezbollah¹¹, broadcasting from Beirut, Lebanon and offering a "rich menu" of high production news, commentary, and entertainment in the service of what Hezbollah believes is Islamic unity. Currently, programming is geared towards coverage of the Palestinian cause, and the US coalition's occupation of Iraq. After the U.S. Department of State placed Al-Manar on the Terrorist Exclusion List on 17th December 2004, transmissions to North America via Intelsat's satellites were blocked. The Dutch Media Authority has ordered New Skies Satellites from carrying Al-Manar, because the channel did not have the required Dutch licence. The Spanish authorities banned the retransmission of Al-Manar by Hispasat on Wednesday, 30 June 2005. The lack of transmission from Intelsat had the effect of making Al-Manar unavailable in Canada, which some have interpreted as a "ban". While Al-Manar is not approved for distribution in Canada, there is no record of application for approval having been made.*



IMPLEMENTATION OF THE REVERSAL OF SUBSIDIARY JURISDICTION CRITERIA [Doc CC TVSF (2008) 8]

Introduction

Directive 2007/65/EC amended the Television without Frontiers Directive which became the Audiovisual Media Services Directive (AVMSD). The number and order of the subsidiary jurisdiction criteria in Art 2(4) AVMSD was changed.

TVwF Directive (Directive 89/552/EEC as amended by Directive 97/36/EC)	AVMS Directive (Directive 89/552/EEC as amended by Directive 97/36/EC and by Directive 2007/65/EC)
<p>4. Broadcasters to whom the provisions of paragraph 3 are not applicable shall be deemed to be under the jurisdiction of a Member State in the following cases:</p> <p>(a) they use a frequency granted by that Member State;</p> <p>(b) although they do not use a frequency granted by a Member State they do use a satellite capacity appertaining to that Member State;</p> <p>(c) although they use neither a frequency granted by a Member State nor a satellite capacity appertaining to a Member State they do use a satellite up-link situated in that Member State.</p>	<p>4. Media service providers to whom the provisions of paragraph 3 are not applicable shall be deemed to be under the jurisdiction of a Member State in the following cases:</p> <p>(a) they use a satellite up-link situated in that Member State;</p> <p>(b) although they do not use a satellite up-link situated in that Member State, they use satellite capacity appertaining to that Member State.</p>

This will change jurisdiction for a number of audiovisual media services not established in the EU but transmitted via a satellite provider using satellite capacity appertaining to a Member State. A non-coordinated approach of Member States implementing the Directive during the transposition period could lead to cases of double jurisdiction or a situation where no Member State claims jurisdiction.

This working document intends (1) to further detail the solution found following discussions at the Contact Committee, and (2) to propose a one off exercise to identify the media services that need special attention at the moment of entry into force of national implementing measures which will change jurisdiction.

Coordinated Implementation of Art 2(4) AVMSD

The reversal of subsidiary jurisdiction criteria could lead to either double jurisdiction by two Member States or a situation where no Member State claims jurisdiction, because one Member State still applies the rules of the TVwF Directive whereas the other Member State already applies the rules of the AVMSD. This situation can arise under the following conditions:

- a) The media service provider is not established in a Member State according to Art 2(3) AVMSD, and
- b) The satellite up-link is situated in a Member State different from the one to which the satellite capacity appertains, and
- c) The two Member States potentially having jurisdiction transpose the AVMSD at a different point in time (within the transposition period).

The discussions at the Contact Committee showed that a coordinated entry into force of national measures implementing this provision of the AVMSD at the end of the transposition period, i.e. 18/12/2009, would be the best solution. If all Member States have the new provisions concerning



the reversal of subsidiary jurisdiction criteria entered into force at the same point in time conflicts should be excluded. This coordinated approach is necessary only with regard to the transposition of Art 2(4) AVMSD. It is without prejudice to the transposition of other provisions of the AVMSD.

Identification of the media services changing jurisdiction

To effectively implement the Directive Member States have to know where audiovisual media services using satellite capacity appertaining to them are established or where their satellite up-link is situated. Member States can only refuse jurisdiction for an audiovisual media service provider using their satellite capacity if they can demonstrate that the media service provider is established in another Member State or that the up-link is situated in another Member State.

The specific issues related to the change of the subsidiary jurisdiction criteria only highlight a more general need for cooperation and regular exchange of information between national regulators. The existing structures of the European Commission's Regulators group and especially the European Platform of regulatory authorities - EPRA seem best suited to accomplish these tasks on a permanent basis.

However, with regard to the specific situation at the end of the transposition period it might be appropriate that the Contact Committee in a singular exercise cooperates to identify the audiovisual media services which change jurisdiction at the end of the transposition period. There are only a few Member States where satellite operators are established, i.e. when a satellite capacity appertains to them. And only a limited number of services is concerned as services which are transmitted over these satellites and which are established in another Member State according to Art 2(3) AVMSD will not change jurisdiction. Similarly services whose up-link is not situated in the EU won't change jurisdiction either. Only for those services whose up-link is situated in another Member State jurisdiction will pass at the end of the transposition period to that Member State. To ensure transparency and identify the audiovisual media services that are prone to change jurisdiction we suggest the following procedure:

- a)** Member States with satellite capacity appertaining to them identify the services that they think will change jurisdiction and for which they intend to refuse responsibility under the amended rules. They should do so by providing the necessary information to determine which Member State has jurisdiction (e.g. up-link in Member State X) by 31 May 2009. They should provide, as a minimum, details of the media service provider and of the operator of the up-link and how to contact them.
- b)** The Member States concerned, where an up-link is claimed, declare by 31 August 2009 whether they accept jurisdiction or provide evidence why they are not to be held responsible.
- c)** In cases of disagreement as to which Member State should have jurisdiction the Commission would have to follow up and take a preliminary position. To prepare that position the Commission will invite the parties concerned to tri-lateral meetings in the course of October and November 2009.

This would leave enough time for verification and would also be close enough to the end of the transposition period to produce valid results. However, this procedure is not meant to replace close cooperation between regulators, who should do the utmost to agree on the status of a given audiovisual media service.

Date	Action
Until 31 May 2009	Member States with satellite capacity identify the services that they think will change jurisdiction
Until 31 August 2009	Member States with a claimed up-link declare whether they accept jurisdiction
October and November 2009	Tri-lateral meetings in cases of disagreement
18 December 2009	Coordinated entry into force of national measures implementing Art 2 (4) AVMSD



**REPRESENTATION IN THE NEWSROOM AND ON-SCREEN OF ETHNIC,
RACIAL AND NATIONAL MINORITIES
- ACTIONS AGAINST RACISM AND XENOPHOBIA -
Report on the replies of the Member States to the questionnaire**

Introduction

The EU Institutions and the Member States are conscious that European societies are multicultural and multi-ethnic, and are convinced that this diversity is a positive and enriching factor and not a threat for the democracy. In this respect, one issue to consider is how far racial, ethnic or national diversity in the media could both reinforce freedom of expression, diversity of points of view and more generally, media pluralism as well as the fight against racism and xenophobia.

Indeed, besides the media pluralism aspect, the potential racial, ethnic or national diversity within the audiovisual media – including "on-screen" diversity - could be an important tool at our disposal to fight racism and xenophobia. In this context - the diversity of our societies - European audiovisual media could play a significant role in the integration of all kinds of minorities into a European society.

It is therefore within the twofold framework of the reinforcement of the media pluralism and the fight against racism and xenophobia that this present report is to be considered.

Mass media, especially TV, has played and will continue to play a crucial role in the way people from Europe perceive non-indigenous citizens. TV also contributes to building the self-image of minorities. As a result of the overwhelming media focus on terrorism, crime, drug use, gang violence and the other forms of anti-social behaviour among ethnic minorities, the media could contribute to a distorted public perception of these minorities, in both minority and majority audiences. After 9/11 and the Danish "cartoon affairs", many groups, especially Muslims, turned away from the national mainstream media of their country of residence - whatever their nationalities - protesting at what they saw as unfair representation.

Conversely, mainstream audiences sometimes see their own opinions and prejudices reinforced by their national media. News stories often focus on the negative issues related to migration and minorities, but they are too rarely balanced by positive stories of social, cultural and economic successes. Minorities are hardly ever covered as consumers, employers, employees, parents, students, viewers, etc. Stereotyping and simplification of the cultural variety of a group of people are easy ways for communicating information quickly to a large audience, giving them a common, albeit superficial and potentially misleading understanding of a group of people. Repeated stereotypes can easily become the reality for mainstream viewers. Moreover, globalisation and technological changes increase competition between media and can lead to a shortage of resources and less investment in editorial content and training. This makes it more difficult for media to commit in deep research, to double check information, and to provide with balanced views in identifying appropriate spokespersons.

All this leads to a situation in which migrants, refugees and more generally non-indigenous European citizens, increasingly receive information via satellite and internet from outside their Member States and are therefore less integrated into the democratic life of their country of residence or the nation they belong to.

The European Parliament has often stressed the need to promote an atmosphere of non-discrimination and cultural diversity in the EU and to create the conditions for mutual understanding and intercultural communication. This was done notably in the European Parliament Resolution on the protection of minorities and anti-discrimination policies in an enlarged Europe (2005/2008(INI)). The Commission via its Group of Commissioners on Fundamental Rights, Anti-Discrimination and Equal Opportunities formed an interservice group on "Racism and Xenophobia" to initiate a discussion on several issues related to human rights. In this context, it was considered that TV channels have an important responsibility in serving both as a platform of intercultural dialogue,



including all citizens, whatever their origins, and as a news and information output fully trusted by all members of the multicultural society.

This is the reason why the Commission would like to promote **closer cooperation between Member States for the exchange of best practices and experiences**. For that purpose, a questionnaire was submitted to the delegates of the "Television without Frontiers" Directive's Contact Committee in order to obtain a first understanding of the diverse situations among the Member States.

This report presents the main conclusions that can be drawn from the replies received from the Member States. It describes the wide extent of the concerns expressed and the broad scope of the issues surveyed (Part I). It also summarises the wide-ranging policy lines that certain Member States have implemented (Part II). The final part (Part III) explores the difficulty of measuring and correlating the phenomenon and finding appropriate indicators.

The present report cannot be regarded as a report gathering experts' opinions and only reflects the contributions made by the delegates of the "Television without Frontiers" Directive's Contact Committee.

A CONCERN FOR A MAJORITY OF MEMBER STATES

C.1. An overview of the replies

Twenty-nine questionnaires were sent out. Only two Member States did not reply and one reply was not substantiated enough to be included in this report. Among the twenty-six useable replies received, eighteen Member States expressed the view that minority issues constitute a tangible political concern in their country. Within these twenty-six replies, not all assertions made are fully substantiated. Because of the different level of details provided, the report may reflect the situation in one country more than in another one. Only ten Member States state clearly that the presence of ethnic, racial and national minorities in editorial departments and on screen is a debate that affects the national audiovisual landscape. Thus, for sixteen Member States this is not currently a public debate.

Even if the representation of ethnic, racial and national minorities in editorial departments or on screen is not a public debate as such in a majority of Member States, the question related to the conditions of minorities within the European societies is a constant one.

The fact that there are no public debates does not mean that no debate exists but rather that this issue is being raised in other contexts or other fora (academic, civil society).

In the Czech Republic, Finland, Norway and Spain, the debate can emerge as a civic or academic debate and occasionally becomes topical in the media. In Finland, when the debate takes place amongst experts, the discussions are usually triggered in the aftermath of national or international crises, such as 9/11, or by the arrival of a large number of immigrants. In France and Finland, the civic debate is often initiated by civil society and focuses on the general mistrust that new citizens have towards mainstream, national media. Ethnic minorities have the feeling that they are represented in a discriminatory and biased way. In Finland, the academic debate focuses on issues concerning trans-national communication flows, representational issues and the media use of ethnic minorities. In this respect, the under-representation of minority professionals in the newsroom is noted in quite a few academic studies. Within this Finnish debate, audiovisual media is both seen as an instrument for empowering minority groups (i.e. for giving them voice and visibility) and a forum where complex processes of identity formation are constantly negotiated (i.e. who belongs with "us" and who does not?).

As the European population ages, immigration is an increasing phenomenon in all countries. Certain Member States have switched from emigrant to immigrant countries. In this respect, **a clear difference can be observed between European countries with a long history of immigration and the others which started to confront this phenomenon only recently**. This means that for certain Member States, the question of minority representation is not a recent one and has been addressed for a long time.



Lately, in the United Kingdom, this debate has intensified and evolved from the question as to whether there is adequate representation of ethnic minorities on-screen to focus on whether there is a tendency to (over)represent radical positions or to stigmatise minorities with negative news stories.

It can also be observed that Member States which have recently joined the EU face new obligations regarding the equitable treatment of minorities.

Actually, the exact terms in which the problems are presented vary a lot from one Member State to another according to national history and culture.

C.2 The perception of the problem affecting the audiovisual landscape

The majority of Member States do not face a real and tangible problem concerning the representation of racial, ethnic and national minorities in newsrooms or on-screen. The United Kingdom contends that the presence of minority ethnic groups in staff employed by the media reflects, in broad terms, the level of their representation among the national population. Also in Greece, national TV channels give the image that minorities are equal and their culture is enriching. However, Germany and the Czech Republic specify that the question of representation of journalists with a minority background is often not directly a racial, ethnic nor national minority related problem but rather a question of professional skills, which can be related to racial, ethnic or national background. Despite the fact that there is no empirical study on this issue, it seems that well-educated journalists with a migrant background are scarce in most labour markets. This is mainly due to a lack of equal opportunities policy, although public service broadcasters (PSB) and private broadcasters are taking remedial measures including increased on-screen representation in order to improve the situation.

Whatever the nature of the public debate, ethnic minorities' lack of visibility on screen is a real problem in Finland, Hungary, France, the Nederland and Sweden. For Spain, it is likely to become a real and tangible problem in future due to increased immigration. Finland and Hungary specify that this is particularly apparent in "hard news" areas like economics, internal affairs and international politics. Indeed, the issue of the representation is less significant when it comes to "soft news" like arts, sports and entertainment. Civic and academic discussions focus on under-representation of minority professionals in newsrooms and less on screen¹². In Hungary, the representation of the Roma people in newsrooms and on-screen is a real problem. Indeed, the problem is not just a question of Roma representation but also a question of voices not being heard. This means that different points of view are not represented whatever the degree of the representation of the minorities.

France puts the discussion about representation in a wider context and does not limit it to the single issue of the representation of the minorities. It makes the link with the fight against all forms of discrimination and promotion of equal opportunities. In France as in Hungary, the discussion is then clearly placed within the broader objective of better social cohesion linked to measures intended to promote integration, assimilation or positive discrimination, or designed to fight against discrimination in the audiovisual sector. In France for instance, representation is considered as an action to ensure social cohesion and the promotion of the value of fraternity and mutual respect.

In the United Kingdom, a country with a longer track record in this area, the issue of on-screen representation of ethnic minorities was a subject of debate for several years. It is now placed in a wider context, namely the need for fair representation throughout the structure of the audiovisual industry, whether within broadcasters, production companies or other professional activities.

No response suggests that the debate should be widened to the written press while experience suggests that one instrument that promotes greater diversity across all media is the training of journalists.

C.3 The distinction between newsrooms and on-screen appearances

For a minority of Member States, the distinction between newsrooms and on-screen appearances is relevant.

¹²Academic works and a recently published report in Sweden about structural discrimination in relation to journalists and media triggered a highly controversial public discussion.



For Finland, the distinction makes sense for the purpose of clarifying the argumentation. Indeed, diversity in the newsroom includes automatically diversity at all levels of management. When considering on-screen representation, Finland distinguishes between different media genres because there can be a significant difference in the accessibility of ethnic minority voices and faces in “hard” news - i.e. state politics, foreign policy, EU-affairs etc - and “soft issues” like entertainment and TV-fiction, fashion, music, science etc.

In France, a difference is made between recruitment policy and representation of the minorities on screen and in the programmes. As far as recruitment policy is concerned, laws and self-regulation exist in order to apply certain legal principles beyond the mere representation of minorities on screen.

In the United Kingdom, the distinction is clearly made. On one side, the PSBs - BBC and Channel 4 - are responsible for the promotion of equality of opportunity and good relations between persons of different racial groups. These duties relate principally to the employment and working environment rather than to on-screen representation. On-screen representation is subject to the Office of Communications (Ofcom) code because a duty to promote equality of opportunity in editorial material would be an undue interference in editorial independence.

In Hungary the distinction between newsrooms and on-screen appearances is relevant insofar as the development of the television broadcasting culture still has not reached the level where Roma are entirely accepted on the screen, where they often appear portrayed as stereotypes. In Hungary, minorities appear to a limited extent but so far the public perception is favourable.

In Germany, as both factors have relevance, a corresponding presence in newsrooms or on-screen, in both non-fiction and in fictional programmes - is considered to be in the interest of the broadcasters themselves. There is both a need that all segments of the population be represented and that the background of journalists themselves helps that minority-specific reporting is more accurate. Germany points out that representation of minorities and news content often overlap but discrepancies between on-screen presence and presence in newsrooms are hard to measure.

In Sweden, the PSB considers the matter to be relevant and takes into account both aspects because equality in relation to ethnicity is impossible if the internal organisation of different broadcasters does not reflect diversity.

Conversely, for Austria, the distinction between newsrooms and on-screen representation is irrelevant in the sense that the primary concern of ethnic group members is that the quality of the programme content of the PSB broadcasters does justice to the strict criteria of the public broadcasting mandate.

C.4 An overview of the communities susceptible to being stereotyped

Almost all Member States consider that there is at least one minority in their country which would or could be stigmatised in the audiovisual media. Yet, more than half of Member States believe that stigmatisation of minority groups in the media is absent or only an occasional occurrence, whether intentional or accidental.

Germany contends that stigmatising of minorities does not take place in the German audiovisual landscape and that in any case the public is already highly sensitive to any programme that would stigmatise minorities. This statement is based on the fact that PSBs must respect strict rules and should not convey any stereotypes, a line taken also by Ireland, the Czech Republic, Greece and Latvia. The United Kingdom takes a different view stressing that generally victims are best placed to judge the treatment of their own communities by the audiovisual media. In this respect, France notes that the existence of stereotypes is often denounced by representatives from local and national immigrants' organisations. As far as commercial broadcasters are concerned, only Bulgaria indicates that certain negative attitudes towards Roma and Turks are prevalent in certain private media operators.

Conversely, for almost half of Member States, minorities are often presented as a problem - crime, integration difficulties, etc - rather than as a positive resource. The Netherlands and Spain explain that since 9/11, Muslims are frequently stereotyped in the media of both these Member States.





Finland, Hungary and France specify that the presence in the audiovisual media of minorities is very often limited to entertainment and sports programming and much less to fields with higher public value. This also constitutes a form of stereotyping. The Belgian French community gives examples which illustrate the fact that people from minorities rarely participate as experts, researchers or even simple guests invited to express themselves on topics other than minority issues or entertainment. In Lithuania or in Cyprus, people from the minorities are stereotyped in comedy programmes or in local soap operas.

As stated by Finland, stereotyping of ethnic minorities by broadcasters is rarely intentional. When it occurs, the problem arises more from busy workflow - routines, pressure, demanding news prioritisation - and a general lack of knowledge on issues concerning ethnic minority communities.

Spain is more precise and states that around 75% of the news on immigrants is negative and controversial. 25% relates to illegal immigration and to the process of regularisation in a very negative way. 25% relates to arrests of immigrants and another 25% treats crimes perpetrated by people from minorities.

As shown below, certain Member States are more precise about the communities stereotyped in their audiovisual media.

Finland reports that stigmatisation varies from one minority to another. Minorities such as Russians, Estonians or Roma could be stigmatised through the attempt to distort the historical record or by linking them to crimes. The Somali minority was misrepresented in the early 90s when Somalis arrived as refugees. Only recently, Somalis have been used as experts and journalists in news reporting on the growing crisis in Somalia. Sami are stigmatised in the sense that they are almost invisible. Jews and Muslims are stigmatised by foreign reporting which has a significant impact by conveying stereotypes of the various minorities living in Finland.

Latvia reports that the Russian speaking community, non-white people including those from the Caucasus, and the gay and lesbian community could face negative portrayal in the audiovisual media and written. National minorities such as Poles, Georgians, Armenians, and Ukrainians are often irritated by the fact that they tend to be bundled into what is called "the Russian speaking community" for media purposes. However, on the other hand a Russian language radio station was overtly hostile towards indigenous national people. The PSB is objective and non-discriminatory in its reporting.

In the Netherlands, mostly Moroccans but also Turks are stigmatised in a broader sense when Islam is the subject of debate, often due to negative news such as criminality, fundamentalism and non-integration. The debate is characterised by a certain polarisation, directed at the non-integration of the Islamic group. The debate intensified after 9/11 and the murder of the Dutch filmmaker Theo Van Gogh in 2004.

In France, the question is more related to the lack of ethnic diversity in the audiovisual media than the stigmatisation of minorities.

The United Kingdom considers that there is a wide range of communities which might feel vulnerable to stigmatisation.

Hungary reports a change in attitude over time. As Roma were stigmatised in the early 90s, the media now pay more attention to their daily and political problems, conflicts, crimes and some cultural themes. Although criminal offenders are no longer identified as Roma, they can still be identified as such from time to time on the screen. However, the number of news items about discrimination affecting Roma is increasing.

A WIDE RANGE OF ANSWERS

C.5 Legislation, codes of conduct and case law

As far as international laws are concerned, most EU countries have ratified and transposed international legal instruments into national law, such as the Framework Convention of the Council

of Europe on the protection of national minorities and the European Charter of Regional or Minority Languages. Moreover, at the EU level, it is worth adding that two legal instruments are relevant. The Framework Decision on Racism and Xenophobia prohibits intentional conduct publicly inciting people to violence or hatred directed against minorities. The new Audiovisual Media Services Directive - like its predecessor - requires broadcasters to fight against any incitement to hatred on grounds of race, sex, religion or nationality. Germany cites its transposition of EU anti-discrimination directives into national law.

At national level, the type of legislation and codes of conduct which have an impact on the representation of minorities in the newsroom and on-screen can be found in all Member States but they do vary a great deal between Member States. Provisions against racial hatred are found in criminal codes and the question of minorities' representation is often put into the wider context of the fight against discrimination and racism. Besides Constitutional provisions or those in general law prohibiting discrimination on grounds of race or ethnic origin, many Member States¹³ have more specific audiovisual legislation or codes promoting programmes in languages of ethnic groups, guaranteeing free expression and the respect of human dignity, fundamental rights and non-discrimination.

For instance, in Poland, the law on the Protection of National and Ethnic Minorities and on Regional Languages of 2005 imposes special obligations on PSBs to consider minority needs and transmit programmes in their languages. This law also amended the Broadcasting law to take different minorities into account when appointing editorial boards of PSBs. In Spain, a recent specific law on radio and television regulates pluralism and right of access ensuring the expression of the pluralistic society within programmes. In the Netherlands, minority representation is required within PSBs via the Media Act. This stipulates that PSBs shall provide a balanced picture of society and of peoples' current interests and views pertaining to society, culture, religion and belief and shall contribute to the development and dissemination of the socio-cultural diversity of the Netherlands. Equivalent provisions can be found in France, Spain, the Czech Republic and Bulgaria. Czech legislation expressly states that such provisions also apply to private service broadcasters. Austria has met its international law obligations by taking a number of specific measures applicable to the public audiovisual sector but it is specified that parallel regulations exist for private broadcasters too. Moreover, the cooperation between PSB and private broadcasters in Austria has increased the programming in minority languages.

Besides legislation, the majority of countries have codes of conduct, guidelines or ethical principles for media professionals against intolerance, violence, discrimination or racism. These codes can be drawn up by broadcasters or journalists.

In the United Kingdom, there is no specific law but Ofcom has a duty to promote training and equal opportunities in employment between men and women, people of different racial groups and people with disabilities. Ofcom issued formal guidance - effective from 1 January 2007 - for all qualifying broadcasters suggesting minimum standards and recommending that broadcasters develop written equal opportunities or diversity policy statements and collect statistics to monitor employment in the workforce against disability, race and gender criteria. Ofcom must draw up a code for television and radio standards in programmes and that code prohibits discriminatory treatment or language on the grounds of amongst other things, race, religion or beliefs. The BBC and Channel 4 - the other public bodies in the UK - have duties to eliminate unlawful discrimination in employment and promote equality of opportunity and good relations between persons of different racial groups in respect of their public functions.

In the Netherlands, the PSBs have drawn up a code of conduct stating that the diversity of employees of a broadcaster should be representative of all components of the Dutch population, so all ages, male, female, indigenous people and migrants.

In Spain, most self-regulatory norms - *libros de estilo* - of the media consist of guidance on what must be avoided, what must not be done. They are a kind of negative self-control. In Hungary, besides legislative norms, a cooperation agreement between MTV the PSB and the local "governments of minorities" exists. This agreement *inter alia* obliges MTV to transmit in the mother

¹³ Austria, Belgium, Bulgaria, the Czech Republic, France, Hungary, Latvia, Luxembourg, the Netherlands, Norway, Poland, Spain, Slovenia, the UK



tongue of a minority, to report on national holidays (Slovenia, Roma, Croatia etc.) and to guarantee that all minorities can speak in their mother tongue in every programme accompanied by Hungarian subtitles.

According to its public service contract the public Danish Broadcasting Corporation (DR)¹⁴ is obliged to promote further integration. DR has also adopted self-regulatory measures, according to which DR - among other things - shall aim to depict ethnic minorities in a broad range of functions in society so as to counteract prejudice against ethnic and other minorities.

Finland mentions that the European Broadcasting Union (EBU) - through the EBU's Eurovision Intercultural and Diversity Group - explicitly requires balanced programming for all sections of the population including for minority interests.

Voluntary actions to foster integration of minorities exist, such as the commitment to a Cultural Diversity Network and cooperation in United Kingdom. Britain's leading television broadcasters joined forces to launch the Cultural Diversity Network in order to change the face of television, ensuring fair representation of Britain's ethnic population on screen and behind the camera. Most broadcasters now have targets for employment of ethnically diverse staff and there are formal portrayal monitoring systems in place within several of the major television companies. Drama output has become increasingly diverse, in both casting and production; as has news presentation and production, which is also more sensitive now to the needs of diverse communities.

The Dutch PSB (NOS) uses the Monitor, which charts television output by means of a quantitative analysis of the representation of different groups - including ethnicity - as an instrument of policy-making.

Ireland mentions that PSB seeks all opportunities to reflect accurately the ethnic, religious and social character of its audience. Its recruitment policy, however, is based on equal opportunities rather than on positive discrimination. The Czech Republic and Poland mention that national minorities are represented in the editorial board of the PBS which produce programmes addressed specifically to them.

The vast majority of EU countries do not have any case law from national or regional jurisdictions on possible racial, ethnic or national stereotypes. Germany states that its criminal law protects ethnic and religious minorities as well as providing civil law protection through the right to privacy. However, there is no jurisdiction concerning the description of stereotypes. The Netherlands also mentions criminal law as protecting legislation and cites several cases prosecuted by the public prosecutor. These cases concern freedom of expression in relation to freedom of religion. However, Bulgaria, Cyprus, Hungary, Malta, and Sweden have addressed cases concerning racist remarks and ethnic intolerance before the competent audiovisual authority under the terms of national audiovisual legislation. These authorities can convict TV channels for having published racist and insulting words in a TV programme (Sweden); issue penal decrees against audiovisual operators (Bulgaria); or impose sanctions, such as a formal warning (Cyprus), or fines (Cyprus, Sweden, United Kingdom); or temporarily suspend station operations (Cyprus) and programmes (Hungary).

C.6 Incentives and initiatives

All Member States - except Cyprus, the Czech Republic, Estonia, Malta, Finland - judge that national legislation, including the Constitution and other provisions - such as guidelines or codes of practice concerning the freedom of the press and institutional or legal protection of journalists - provide sufficient incentives for racial, ethnic or national diversity in the media. All Member States who made motivated responses contend that an independent press, free from state intervention, is fundamental. Germany and Greece reiterate that national legislation guarantees extensive editorial independence and that, from an ethical point of view, responsibility falls on the person in charge of mass media.

This satisfaction with the current legal and non-legal framework contradicts certain statements which suggest that the current situation is unsatisfactory in terms of media diversity. In this respect,

¹⁴ DR (Danish Broadcasting Corporation) is Denmark's oldest and largest electronic media enterprise. The corporation was founded in 1925 as a public service organisation. DR is an independent, licence financed public institution.



only Finland explicitly describes the gap between the theory set out in provisions ensuring diversity provided by national legislation and the results in practice, generally less favourable. In the same spirit, the Belgian Flemish community describes freedom of the press and the institutional and legal protection of journalists as insufficient to encourage wider diversity in the media, drawing attention to the low number of journalists of immigrant descent.

At the international level, Germany mentions, in the framework of EBU's Eurovision Intercultural and Diversity Group, an ambitious reflection on the representation of minorities that has been initiated among PSBs. Several conferences took place (Essen in 2006, Paris in 2007) and an Ethnic Diversity Toolkit is being developed by a partnership led by Sweden, supported by Finland and Ireland. The toolkit, supported by the European Social Fund, is designed for editors and journalists. It will initiate a sustainable community of practice for diversity in media with the participation of broadcasters. It will contain guidance on avoiding stereotypes and portraying minorities in a variety of roles and situations and the acceptance of on-screen diversity. Above all, the toolkit should extract and review and validate experience and knowledge from diversity management and disseminate information. It will finally stimulate cross-sectorial dialogue on diversity between media, other industries and EU institutions.

Several Member States¹⁵ have set specific objectives or taken specific actions to integrate and increase personnel with immigrant or minority backgrounds. Greece states that all media are actively engaged in increasing racial, ethnic and national diversity and even refers to the UN international day against racial discrimination. France's PSB France Television has adopted an action plan for positive integration and each year all PSBs and private broadcasters file a diversity report with the CSA, the audiovisual authority. These reports serve as a basis for the recently published report by the CSA on diversity of origin and cultures. In Norway, the Norwegian Broadcasting Corporation adopted an objective to increase recruitment of employees with a minority background so that programmes better reflect the multicultural society.

As far as journalism is concerned, there are many initiatives. Germany signals that well-educated journalists with migrant backgrounds are rarely available but PSBs and private broadcasters seek to improve the situation through educational measures. In Norway, a project initiated by journalists' organisations aims at recruiting young people with minority backgrounds to become journalists. In the Czech Republic, representation of the members of minorities on editorial boards and their presentation on the screen is not a diversity issue, but an issue of their professional skills. Media-related educational courses are organised by the Roma minority, aimed at preparing Roma people for various activities, including appearing on screen. The effectiveness of this action cannot be accurately measured in the short term; however, the initiative as such is perceived positively by representatives of minorities and the majority alike. Training programmes in Hungary are also organised by both the PSB and private broadcasters for journalists with minority backgrounds.

Cooperation among PSBs, between PSBs and private broadcasters, but also between broadcasters and newspapers contributes to diversity and integration of multiculturalism into programmes. In Austria, for example, the law permits cooperation between the PSBs and private broadcasters on this issue. Thanks to this cooperation, the range of programmes featuring minority languages has evolved favourably, notably in respect of Slovenian. Cooperation between the Portuguese PSB and PSBs from several non-EU countries but belonging to the same language family has led to the co-production of a specific channel which aims at presenting reciprocal exchange of entertainment and news programmes between the different capitals. Germany indicates that PSBs, through their mandates, are obliged to make an appropriate diversity commitment. Commercial broadcasters must mirror Germany's multicultural society; so they also support racial, ethnic and national diversity. The Netherlands distinguishes between PSB and private broadcasters. While increasing racial, ethnic and national diversity is part of the planning and programming of PSBs, private broadcasters do not have special tasks in this field.

In Austria, specific tools such as teletext pages or internet portals have been established. An on-line platform has been developed with an extensive, multilingual internet portal; this provides the most important information for all ethnic groups on a daily basis. The teletext services offer

¹⁵ The Czech Republic, Germany, France, Hungary, Ireland, Norway, Portugal, United Kingdom

information about the daily programming of all national radio and TV channels specific to ethnic groups as well as daily updated information about events relevant for different ethnic group.

Controversial discussions about the introduction of a quota for securing ethnic and cultural diversity in the newsroom and the management board take place. Bulgaria includes a quota system in its licensing conditions, requiring the transmission of programmes devoted to minorities in the respective minority languages. The Bulgarian PSB voluntarily sets even higher standards to reflect cultural and language diversity. Austria has a specific law on press promotion providing state funds for the promotion of media diversity.

CORRELATION BETWEEN THE DEGREE OF REPRESENTATION AND STEREOTYPING MEASUREMENT AND INDICATORS

It is common ground among many Member States that the presence of minorities in programmes helps to counteract prejudices vis-à-vis minorities. As Germany reports, employees originating from groups of immigrants provide important added value for an inclusive programme policy. Additionally, the increasing number of foreigners and people with migrant backgrounds influences media offerings. As consumers, they will counteract the diffusion of stereotypes. In the United Kingdom, the Netherlands, the Czech Republic, Germany, Hungary, Portugal and Sweden fair representation throughout the sector, at all levels, is an important way of ensuring plurality of view and on-screen diversity. It could even help broadcasters engage most effectively with all their audience. A nuance is brought by the Czech Republic that in general, the media tend to overlook those minorities that do not represent a desirable advertising market.

However, the connection between the presence of racial, ethnic or national minorities in the audiovisual media and the decline of stereotypes is hard to quantify and therefore not proven. It is difficult to develop any correlation and there is no research regarding this matter¹⁶.

Bulgaria has never regarded the representation of minorities as an efficient instrument for guaranteeing content diversity. In this case, the emphasis is rather put on the extension of the non-discriminatory treatment of each author, journalist, producer or employee, than on legal provisions for the representation of the various communities in the media.

It is worth noting that in more than half of Member States no systematic or regular public or private instruments measuring representation in newsroom or on-screen of ethnic, racial and national minorities exist. Only France underlines that national legislation even prohibits collection of data based on racial or ethnic origin as this is against the principle of equality as laid down in its constitution. Therefore, no policy based on an ethnic origin quota is applied, even if a reform, still very controversial, is underway and could influence the assessment of diversity in the audiovisual media. However, some measurement of diversity takes place anyway.

In Germany and Malta, even if there are no systematic and regular instruments, individual, private studies on the media and immigration/migration by academics are presented from time to time. Bulgaria, Norway, Poland and Sweden mention the licensing system for operators; this promotes access of minorities to the media and includes the obligation for operators to report to regulators about programmes broadcast in minority languages. In Norway, annual reports submitted by the Media Authority on broadcasters' fulfilment of licensing requirements include programmes for ethnic minorities. Several initiatives on gender and ethnic representation stipulated by the broadcasting licence system have been taken by broadcasters in Sweden. Germany reports also that governing boards of PSB have the opportunity to launch appropriate surveys concerning representation. Finland reports that there are no systematic and regular measures taken by private companies or civil society but some ethnic minority representatives follow the media and give feedback to journalists.

¹⁶ In Hungary, the results of a sociological research project have clearly shown that the media has a decisive role in forming stereotypes regarding the Roma population. The United Kingdom figures show that the number of people from minority ethnic groups working in the media roughly reflects their level of representation in the population even if there are significant regional differences; their presence across functional areas of the industry also appears to be relatively even.



Public instruments exist in Finland, Hungary, the Netherlands, Portugal and Sweden. In the Netherlands, three reports were recently published showing that on-screen participation of minorities is increasing, but not all minorities are equally represented. A report on the visibility of people in PSB in Belgian Flemish community was recently published and shows that only a few people of colour are shown on-screen. In Portugal, special public bodies monitor the programming directed at minorities. A recent Portuguese study shows the positive evolution of national media's approach to immigration and ethnic minorities themes. Integration and social exclusion have become the most prevalent immigration topic. In Slovenia, this monitoring is undertaken by non-governmental bodies.

The vast majority of Member States do not have any indicators measuring how far representation in newsroom and on-screen of ethnic, racial and national minorities is a real problem affecting the audiovisual landscape. This is because either the issue is considered not relevant or problematic (Denmark, Estonia) or it would be too difficult from a methodological point of view (Belgian French community, the Czech Republic, Norway).

However, for Finland, the main indicators are the expression of mistrust towards audiovisual content presented by people with a migrant background and the increasing interest of the media to debate this issue and to formulate new multicultural strategies. Hungary sees the opinion of the minority as a key indicator while Lithuania prefers the quantity of broadcasting in minority languages. In addition, for Germany the popularity of individual programmes transmitted by private broadcasters with immigrants is also an indicator.

CONCLUSION

As stated above, certain Member States indicate that the presence of minorities in newsrooms and on-screen helps to counteract prejudices vis-à-vis minorities. **Accordingly, the question is how to encourage the audiovisual media to reflect the diversity of European societies better, while respecting freedom of expression and editorial independence.**

A majority of Member States¹⁷ are in favour of the EU providing a forum for long term exchange of good practices and issues they have in common. According to these Member States, the EU should continue to promote the debate and might play an important role in gathering information, filling the knowledge gap and benchmarking within Europe. Sharing of experience and distributing examples of good practice is recommended. A media landscape that better reflects the cultural diversity of European societies will not only promote equality, but also help to facilitate integration and support greater social cohesion. Media, public authorities, audience and organised civil society all have a role to play in ensuring that the media depicts minorities in an inclusive way. The Netherlands and the Belgian Flemish community explain that whatever activities the EU undertakes, overlaps with the activities of the Council of Europe should be avoided. The United Kingdom would be concerned at proposals for formal EU-level intervention, but can see merit in the EU providing a forum for sharing best practice. Germany cannot identify any legal basis which would permit any EU intervention.

Although all the regulatory and industry-led initiatives that take place in the EU can certainly improve the situation, more even and sustainable improvement across the whole Union could be stimulated by periodic surveys and exchanges of best practice at the level of the Union.

¹⁷ Denmark, Estonia, Germany and Poland are opposed.

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Gender Discrimination: The Legal Aspect, Dr Ruth Farrugia

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TELEVISION AND CONTENT REGULATION: THE ROLE OF THE BROADCASTING AUTHORITY- A LOCAL PERSPECTIVE

By
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6th June 2008

A Malta – Commonwealth Third Country Training Programme
Legal Framework for Information and Communication Technologies
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1. Introduction to the Broadcasting Authority

I will open this presentation by first discussing the Broadcasting Authority (BA), its history, composition and method of removal, problems which this composition brings about, its functions, its financing and the new challenges for the Authority in so far as institutional convergence is concerned.

2. History

The Broadcasting Authority was established on 29th September 1961 under the Broadcasting Ordinance. When Malta became an independent state in September 1964, the Broadcasting Authority was established by the Constitution of Malta.

3. Composition

The Authority is composed of a Chairman and four members. All members are appointed by the President of Malta on the advice of the Prime Minister after he has consulted the Leader of the Opposition.

In practice this has worked out as follows: the Prime Minister chooses two members; the Leader of the Opposition chooses another two; whilst the Chairman is agreed to between the Prime Minister and the Leader of the Opposition. If no agreement is reached, then it is up to the Prime Minister to advise the President on the nomination of the Authority.

4. Removal

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

5. Problems with this Procedure

It is not the first time that the discussions between the Prime Minister and the Leader of the Opposition as to the choice of the Members of the Authority take more time than is expected. This means that the appointment of the incumbent Members would have to be renewed beyond the lapse of the term of office or else no such extension takes place and the Authority is left unconstituted for a couple of weeks not to say months as well. For instance, in 2005, the Authority was not in office for roughly six months, even if the appointments - when made - were backdated.

6. Financing

The Authority is mainly financed through two sources:

- a) an annual subvention which is appropriated by Parliament and which can never be less than Lm 250,000 (around €600,000) per year; and
- b) broadcasting fees and administrative penalties which it keeps for its own purposes.

Should the Authority require additional money to carry out its Constitutional function but does not have any revenue for that purpose, it is authorised by law to incur such expenditure.



7. Institutional Convergence

In Malta there are two separate authorities which regulate broadcasting: the Broadcasting Authority which regulates programming content on radio and television and the Malta Communications Authority which regulates the technical side of broadcasting. Both Authorities are independent of each other even if there is a healthy working relationship between the two.

At the present moment in time there has been no discussion on the part of Government of converging both authorities. Although convergence in the communications field seems to be the trend in the world, Malta has not yet taken any initiatives in this sense. Moreover, even if this discussion were to take place, there are certain factors which might make convergence more complicated. I have in mind the fact that the Broadcasting Authority – contrary to the Malta Communications Authority which is established by ordinary law – is established by the Constitution of Malta which is the supreme law of the land and the provisions of the Constitution dealing with the Broadcasting Authority require a two-thirds majority of the members of the House of Representatives – of M.P.s – to amend those provisions. Further, in Malta the two main political parties represented in Parliament – that is, the Government (Nationalist Party) and the Opposition (Malta Labour Party) – have their own radio and television stations and hence they would want in all probability to preserve the status quo which is in their interest. So for convergence at the institutional level to take place it is necessary to have both Government and Opposition in agreement as to the new institutional set up.

8. Functions

The Authority was originally established in 1961 both as a broadcaster and as a regulator.

9 BA as a Broadcaster

Since 1991 it can be stated that the Authority is primarily a regulator and very marginally a broadcaster. The only case where the Authority is a broadcaster is in the case of schemes of political broadcasts. Indeed, the Authority organises the following schemes of political broadcasts:-

- a) General election broadcasts held normally every five years;
- b) Local council election broadcasts held every February-March of each year;
- c) European Union Parliamentary election broadcasts held every five years; and
- d) Referenda broadcasts held every time a referendum is called (the last one was held in 2003 so that the people could decide whether Malta should join or not the European Union).

10. BA as a Regulator

As a regulator, the BA has a twofold function:

- a) a Constitutional function;
- b) a Legal function.

11. The Constitutional Function

The constitutional function is set out in article 119 of the Constitution and provides as follows:

‘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.’

12. The Legal Function

The Constitution further provides that the constitutional function of the Broadcasting Authority is without prejudice to such other functions and duties as may be conferred upon it by any law for the time being in force in Malta. The main legal function of the Authority is set out in the Broadcasting Act. Essentially this function can be subdivided into the following categories:

- a) Licensing of Radio and Television;
- b) Regulation of Programme Content;
- c) Developing broadcasting standards;
- d) Carrying out Research;
- e) Enforcing the provisions of the law;
- f) Other miscellaneous functions (training of staff and broadcasters, reporting to Parliament, etc.).



13. Licensing of Radio and Television

The Authority licences the following:

- a) Community Radios – Analogue;
- b) Nationwide Radio Stations – Analogue and Digital; and
- c) Nationwide Television Stations – Analogue and Digital.

The Authority has been delegated by Government on an *ad hoc* basis to licence Satellite Broadcasting.

Cable broadcasting is licensed by the Malta Communications Authority but the BA supervises programme content on the cable network.

The MCA has also licensed a digital radio platform and the BA has drawn up regulations to be able to licence programme content on this network.

Apart from traditional radio and television broadcasts, the BA does not yet monitor other media which might contain broadcasting content such as mobile telephony, the internet, etc. For the time being such content is not being monitored at all in Malta but the law has been amended in December 2007 (although it is still in the process to being brought into force) to licence broadcasting content on all electronic communications networks.

14. Media Concentration

In order to avoid media concentration, the Broadcasting Act establishes the following rules:

- a) Government can provide broadcasting services only through a company which provides public service broadcasting and Government may not, through any of its other companies, own voting shares in a company providing any broadcasting services;
- b) no organisation, person or company may own, control or be editorially responsible for more than
 - (i) one terrestrial or cable, radio broadcasting service, and
 - (ii) one terrestrial or cable, television broadcasting service, and
 - (iii) one terrestrial or cable, radio or television broadcasting service devoted exclusively to teleshopping

15. The Current Broadcasting Landscape

In Malta the current broadcasting scenario is divided as follows:

- a) seven nationwide television stations, four of which are free-to-air, one is carried both by the cable operator and the digital terrestrial operator, another station which is carried only by the cable operator and another station which is carried only by the digital terrestrial operator;
- b) thirteen nationwide analogue radio stations;
- c) twenty-seven permanent analogue community radio stations;
- d) around twenty-two short-term analogue community radio stations;
- e) a digital cable system which carries 85 television channels and 61 radio channels and an analogue cable system which carries 55 television stations;
- f) a digital terrestrial television network which carries 48 television stations;
- g) a digital radio network which will commence test transmissions in a week's time and will be fully operational by 1st October 2008.

Malta has not yet licensed any satellite channel.

There is also one teleshopping television station which is available only on the cable system.

16. Analogue Switch off Date

No date has been established for analogue radio switch off. On the other hand, the Government has established 2010 as the year for switch off for analogue television.

17. Regulation of Programme Content

Programme content is regulated through European and Maltese Law.

In so far as European law is concerned, this is divided into two:



- a) the Council of Europe's European Convention on Transfrontier Television; and
- b) the European Union's Television Without Frontiers Directive.

European law applies only to television broadcasts; radio broadcasts are not covered by the legislation of the Council of Europe and the European Union.

As to Maltese Law, the main provisions governing the regulation of programme content are found in:

- a) the Constitution of Malta – article 119(1);
- b) the Broadcasting Act; and
- c) the subsidiary legislation made under the Broadcasting Act (Regulations, Codes, Requirements, Directives)

18. Advertising, Sponsorship and Teleshopping

The rules regulating Advertising, Sponsorship and Teleshopping are found:

- a) in the Third Schedule of the Broadcasting Act; and
- b) in Requirements adopted by the Broadcasting Authority.

The Third Schedule – in so far as television is concerned faithfully transposes the European Union Television Without Frontiers Directive. The regulation of advertising and sponsorship on radio services is also contained in this Third Schedule but does not reflect European Union law on the subject as there are no such rules regulating radio broadcasts at EU (or Council of Europe) level.

19. Protection of Minors

The Authority plays an important role in the protection of minors from harmful broadcasting content. Such content can be found in programmes and in advertisements. In so far as advertising and teleshopping content are concerned the Authority has developed a Broadcasting Code For The Protection of Minors.

As to other programming, the Authority has produced Requirements as to Standards and Practice applicable to Family Viewing and Listening, 2007, and the Television Programmes (Classification Certificates) Regulations in terms of which cinematographic works and any creative audiovisual work are classified.

20. Correct Use of the Maltese Language

The Authority has adopted a Broadcasting Code on the Correct Use of the Maltese Language on the Broadcasting Media. In terms of this Code, broadcasters have to safeguard the Maltese language, stop persons who abuse the Maltese language on their media from participating, and ensure that spoken Maltese is clear and easy to understand apart from being properly used as to diction, semantics, grammar, syntax, morphology and content.

21. Programme Complaints

Although the BA has its own in-house Programme Monitoring Department, it is not possible bearing in mind the above described audiovisual landscape to be in a position to monitor all broadcasts locally originating in Malta let alone foreign rebroadcasts. Hence the Programme Monitoring Department has to randomly monitor programmes and to prioritise what is to be monitored and what not.

For this purpose the BA has adopted a policy in terms of which all news bulletins and all current affairs programmes are monitored whilst in the case of all other programming at least one episode of each programme is monitored and an appraisal made as to whether that programme would require continuous or random monitoring.

This procedure is supplemented by a Complaints procedure. For this purpose the Authority has in place a Code For The Investigation and Determination of Complaints in terms of which members of the public can first complain to a broadcasting station in writing with a copy to the BA and if the complaint is not solved by the station then the complainant can bring his or her case before the BA for its decision.



A complaint has to fall within the parameters of article 34 of the Broadcasting Act, that is, the complainant must be subjected to unjust and unfair treatment or there must have been an infringement of his or her privacy. In other cases, it is up to the Programme Monitoring Department to take action if the complaint does not fall under article 34 of the Broadcasting Act but under any other provision in terms of which the Chief Executive of the BA may issue a charge against a broadcasting station.

22. Programme Schedules

All radio and television stations have to provide the Authority with their programme schedules. As a rule the Authority does not approve these schedules except those of the public service broadcaster. However, when a general election is called, following the publication of the writ by the President of Malta calling a general election and the actual date of the elections – usually a five week period – the Authority would approve all programme schedules in order to ensure that all programming is impartial. The Authority also would approve any changes to programme schedules during this five-week period.

23. European Union Television Without Frontiers Directive

The European Union's Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting services, otherwise known as the Television Without Frontiers Directive, was amended in 1997 through Directive 97/36/EC of 30 June 1997 and in 2007 through Directive 2007/65/EC of 11 December 2007..

This Directive contains provisions which deal with major events, quotas, advertising, sponsorship and teleshopping, protection of minors, the right of reply, jurisdictional matters and other aspects relevant to broadcasting. Hereunder I will address a few of these issues.

24. Major Events

Malta's first list of major events dates back to 2001. This list has been revised in 2007 and provides a list of designated events, both Maltese and foreign, which the BA considers to be of major importance for Maltese society. Essentially this list consists in cultural and sports events which vary from the Malta Carnival to the World Cup, from the Malta Song for Europe to the Games of the Small States of Europe. The new list now contains 3 cultural events and 10 sports events.

25. Short News Reporting

Although the EU TWF Directive is silent on the point of short news reporting, the Prime Minister has made regulations under the Broadcasting Act so that short news reporting is regulated in Malta.

26. Jurisdiction

Although the TWF Directive deals with jurisdictional issues in its articles 2 and 3 and applies the country of origin principle, it cannot be said that there have been any cases in Malta where this provision has had to be applied. This is mainly due to the fact that Maltese television and radio does not produce a transboundary effect: its range is limited to the Maltese islands.

27. Quotas: European Works and Independent Productions

The TWF Directive does oblige Malta to report to the EU Commission as to the compilation of statistics concerning European works and independent productions. Indeed, the TWF Directive requires Member States to ensure that at least 51% of their programming is European in origin and that 10% of a station's programming derives from independent production houses.

28. Developing standards

The Authority has been in the business of developing standards for broadcasting stations for quite some time. For instance, it has recently approved guidelines as to gender portrayal in the broadcasting media and will next week be discussing quality programming standards in broadcasting. These standards are found in the following documentation.

29. Requirements as to Standards and Practice

The Authority has issued Requirements as to Standards and Practice on various aspects in order to regulate programming content on the broadcasting media. These standards apply to:



- a) GN 257 of 2007 - Requirements as to Standards and Practice applicable to News Bulletins and Current Affairs Programmes, 2007;
- b) GN 258 of 2007 - Requirements as to Standards and Practice applicable to Participation in Media Programmes of Vulnerable Persons, 2007;
- c) GN 259 of 2007 - Requirements as to Standards and Practice applicable to the Coverage of Tragedies in Broadcasting, 2007;
- d) GN 260 of 2007 - Requirements as to Standards and Practice applicable to Disability and its Portrayal in the Broadcasting Media;
- e) GN 261 of 2007 - Requirements as to Standards and Practice applicable to the Family Viewing and Listening, 2007;
- f) GN 262 of 2007 - Requirements as to Standards and Practice applicable to Phone-ins in Programmes aired on the Broadcasting Media, 2007;
- g) GN 263 of 2007 - Requirements as to Standards and Practice applicable to Crawls and Captions in Television Programmes, 2007;
- h) GN 264 of 2007 - Requirements as to Standards and Practice applicable to various types of Polls broadcast on Radio and Television Services, 2007;
- i) GN 265 of 2007 - Requirements as to Standards and Practice applicable to the Conduct of competitions and the award of prizes, 2007;
- j) GN 266 of 2007 - Requirements as to Advertisements, Methods of Advertising and Directions applicable to Tattoo Advertising, 2007;
- k) GN 267 of 2007 - Requirements as to Advertisements, Methods of Advertising and Directions applicable to Alcoholic Drink Advertising, Sponsorship and Teleshopping, 2007;
- l) GN 407 of 2007 - Requirements as to Advertisements. Methods of Advertising and Directions applicable to Gambling Advertisements, 2007;
- m) GN 413 of 2007 - Requirements as to Standards and Practice on the Promotion of Racial Equality, 2007;
- n) GN 458 of 2007 - Requirements as to Standards and Practice applicable to the Price of Telephone Calls and SMS's in the Broadcasting Media, 2007;
- o) GN 88 of 2008 – Requirements as to Standards and Practice on Programmes Involving the Participation of Certain Health Care Professionals in the Broadcasting Media and Requirements as to Advertisements, Methods of Advertising and Directions Applicable to Medicinal Products and Treatments.

30. Directives

The Authority issues, from time to time, directives to broadcasting stations. These are usually issued in connection with

- a) general elections;
- b) local council elections;
- c) European Union Parliamentary elections; and
- d) referenda.

31. Guidelines

The Authority also publishes guidelines in order to assist broadcasting stations in ameliorating the quality of their programming. Guidelines exist on:

- a) audio-visual programme content created for children;
- b) advertising of financial services and products
- c) programme participants speaking a foreign language in news bulletins
- d) reporting of news and the production of programmes on the commission of offences, their investigation and court proceedings
- e) technical words translated into Maltese (IT terminology)
- g) gender equality and gender portrayal in the broadcasting media.

32. Circulars

The Authority issues circulars to broadcasting stations in terms of which it informs them of how it is interpreting certain provisions of the law. In this way all stations would be aware of what is allowed or not on their broadcasting media. Recently, the Authority has issued two such interpretations dealing with programmes on motor vehicles and programmes on immovable property.

33. Research

The Authority is entrusted by law for carrying out research of a quantitative and qualitative nature. However, on this point, my colleague Mr. Mario Axiak, the Authority's Head of Research and Communications, will give you a separate presentation on this subject.

34. Enforcement

Up till 2000, any infringement of the Broadcasting Act constituted a criminal offence. However, since July 2000, the vast majority of the offences committed under the Broadcasting Act have now been depenalised and are thus punishable through an administrative sanction.

Article 41 of the Broadcasting Act authorises the Chief Executive of the Broadcasting Authority to issue a charge against a broadcasting station who is allegedly in breach of the Broadcasting Act. If the station admits the charge it pays a reduced penalty which is established in the Fifth Schedule to the Broadcasting Act. If the station elects to contest the charge, then it will have to attend a BA meeting and put its case before the Authority after the BA Chief Executive would have read out and explained the charge. If the station is not found guilty, it is acquitted; if it is found guilty, depending on the seriousness of the case, the Authority may award any one or more of the following administrative measures:-

- a) a warning (usually administered for first time offenders);
- b) a penalty which cannot exceed Lm 15,000 (around € 36,000);
- c) a suspended penalty which cannot exceed Lm 15,000 (around € 36,000);
- d) putting off the station for such time as the Authority might determine.

In addition to the above, for more serious offences, the Authority can suspend a broadcasting licence or even revoke it.

35. Judicial Review

Where the Authority inflicts an administrative measure as per paragraphs (a) to (d) above, the station can seek judicial review of that decision first before the Civil Court and, if unsuccessful, then before the Court of Appeal.

36. Appeal

Where the Authority suspends or revokes a broadcasting licence, the station can appeal that decision directly to the Court of Appeal.

37. Other Miscellaneous Functions

Other miscellaneous functions of the Authority include the following:

- a) Training
- b) Reporting to Parliament
- c) Giving evidence in Court.

38. Training

The Authority organises training both for its staff as well as for broadcasters. Just to give a few examples. Currently the Authority is organising a short course for its staff on 'Environmental Studies for Broadcasters'. Last year we had a course on 'Economics for Broadcasters' and another course on 'Environmental Awareness for Broadcasters'.

Apart from these courses the Authority organises seminars on topics which are of more direct relevance to broadcasters such as on the Broadcasting Law and several of its aspects such as Advertising, Sponsorship and Teleshopping; Protection of Minors, etc. Only yesterday we held a training course for employees of sales and marketing departments on *Race and Gender Discrimination*.

39. Reporting to Parliament

As the Authority is a creature of Parliament, the Authority has on a yearly basis to draw up a report and submit it to Parliament. This report is then discussed by the Public Accounts Committee which is one of the six standing committees of the House of Representatives.



40. Giving Evidence in Court

As the Authority records all local nationwide radio and television programmes, Authority staff have to call at the Courts in order to exhibit an authentic copy of the recordings of those programmes subject to court proceedings.

41. Compact Disc

The compact disk which my colleague Mr. Mario Axiak has developed provides the text of all the laws, requirements, directives and guidelines I have referred to in this presentation. More information is available on our website www.ba-malta.org.

REGOLAMENTAZZJONI TAL-MIDJA: KIF IHARES LEJHA REGOLATUR PRATTIKANTI

Dr. Kevin Aquilina, Kap Esekuttiv, Awtorità tax-Xandir

Kummissjoni Etika
Kodiċi ta' Etika għall-Midja tal-Partit Laburista:
Workshops għal One Productions, Kulhadd u Maltastar
The Halland, Ta' L-Ibraġġ
Is-26 u s-27 t'Awwissu 2008

1. Il-Mistoqsijiet

L-organizzaturi ta' dan il-workshop talbuni nindirizza erba' mistoqsijiet. Dawn huma:

- a) X'inhu x-xogħol tal-Awtorità tax-Xandir bħala regolatur;
- b) Min se jirregola fl-era diġitali?
- c) X'mudelli ta' *self-regulation* huma pprattikati f'pajjiżi oħra ta' l-Unjoni Ewropea, li jistgħu japplikaw ukoll għalina?
- d) Xi drittijiet għandhom il-qarrejja/konsumaturi/udjenzi wara ksur ta' etika mill-midja?

2. Mistoqsija Numru 1: X'inhu x-Xogħol tal-Awtorità tax-Xandir bħala Regolatur?

Ir-risposta għall-ewwel domanda hi li l-Awtorità tax-Xandir għandha bħala l-funzjoni ewlenija tagħha, dik li tiżgura li l-ligijiet tal-pajjiż li jirregolaw ix-xandir jiġu rispettati. Meta ngħid 'xandir' qed nirreferi għar-radjiijiet (nazzjonali u tal-komunità; fuq l-FM u diġitali) u għat-televiżjonijiet (fuq il-pjattaformi tal-cable u tat-televiżjoni diġitali terrestri, fuq il-satelliti u dawk terrestri). 'Il quddiem huwa maħsub li l-Awtorità jkollha ġurisdizzjoni aktar wiesa' biex tinkludi r-regolamentazzjoni tal-kontenut fuq kull *network* ta' komunikazzjoni elettroniku bħalma huma t-televiżjoni fuq l-internet, it-televiżjoni fuq il-*mobiles* u sistemi oħra ta' komunikazzjoni elettronika. Apparti minn din il-funzjoni ewlenija, l-Awtorità għandha funzjonijiet oħra sussidjarji. Fosthom hemm dik fejn l-Awtorità thejji htigijiet dwar standards u prattika ta' pprogrammar u ta' reklamar, telebejgħ u *sponsorship*.

L-Awtorità twaqqfet fil-1961 u originarjament kellha funzjoni aktar ta' xandar milli ta' regolatur. Mal-mogħdija taż-żmien, il-funzjoni tagħha bdiet tinbidel għal waħda aktar ta' regolatur milli ta' xandar: illum l-Awtorità tipproduċi programmi biss fejn jidhru xandir politiku konness mal-elezzjonijiet: ġenerali, tal-kunsilli lokali u dawk għall-Parlament Ewropew u forsi xi referendum ukoll meta jkun il-każ. Din il-funzjoni hija mogħtija lill-Awtorità bl-Att dwar ix-Xandir.

Marbut mas-sugġett tal-bullettini tal-aħbarijiet u tal-programmi ta' ġrajjet kurrenti, l-Awtorità żviluppat *Htigiet dwar Standards u Prattika li Japplikaw għal Bullettini ta' l-Aħbarijiet u l-Programmi ta' Ġrajjet Kurrenti*¹⁸ (hawn iżjed 'il quddiem imsejha 'l-Htigiet dwar l-Aħbarijiet u l-Ġrajjet Kurrenti'). Dan sar wara eżercizzju wiesa' ħafna magħmul minn Kumitat Konsultattiv li kien tqabblad għal ta' l-apposta mill-Awtorità biex iħejji dokument dwar il-Bullettini tal-Aħbarijiet u l-Programmi ta' Ġrajjet Kurrenti. Il-ħsieb wara dan id-dokument dejjem kien li jkun wieħed esegwibbli mill-Awtorità. Iżda dan id-dokument ġie approvat mill-Awtorità fl-2004 bħala Linji Gwida. Bejn l-2004 u l-2007 dan id-dokument żamm dan l-status ta' Linji Gwida. Wara ġie deċiż li dawn il-Linji Gwida jsiru esegwibbli. Kien fis-sena 2007 li l-Awtorità bdiet tbiddel taqsimiet minn dan id-dokument minn Linji Gwida għal Htigiet. Dan sar wara li l-Awtorità ppubblikat dokument konsultattiv. It-Taqsimiet tad-dokument li sal-lum il-ġurnata huma esegwibbli fuq ix-xandara huma dawn li ġejjin:-

¹⁸ Ligi Sussidjarja 350.14. Ara Notifikazzjoni tal-Gvern 257 tal-2007 ippubblikata fil-Gazzetta tal-Gvern tat-22 ta' Marzu 2007. Kopja tagħha tinsab fi <http://docs.justice.gov.mt/lom/Legislation/Maltese/SubLeg/350/14.pdf>



Taqsima 6 – Materjal Rikostitwit
 Taqsima 8 – Jeddijiet għal Gieħ u l-Privatezza u d-Drittijiet għar-Risposta
 Taqsima 9 – Il-Vjolenza fl-Aħbarijiet
 Taqsima 10 – Jeddijiet it-Tfal
 Taqsima 11 – Materjal Promozzjonali fl-Aħbarijiet
 Taqsima 13 - Intervisti
 Taqsima 14 – Programmi ta' Diskussjoni
 Taqsima 15 – Produzzjonijiet Indipendenti
 Taqsima 16 – Obbligazzjonijiet Kontrattwali ta' Produtturi Indipendenti.

Waqt l-implimentazzjoni tat-taqsimiet obligatorji kien hemm xi dispozzjonijiet fihom li kellhom bżonn jiġu cċarati aktar u wara li kien sar seminar għall-istazzjonijiet, kien saru xi kjarifiki li ġew ippubblikati f'verżjoni riveduta tal-*Htiġiet fil-Gazzetta tal-Gvern*. Essenzjalment, il-partijiet tal-*Htiġiet* li saru esegwibbli huma dawk li jirregolaw l-etika tal-ġurnalisti aktar milli dawk li jirregolaw il-bilanċ, l-imparzjalità u l-akkuratezza.

It-tieni fażi biex it-taqsimiet ta' dawn il-*Htiġiet* isiru esegwibbli bdiet fil-11 t'Awwissu 2008 permezz ta' Ċirkulari numru 33 tal-2008 lill-istazzjonijiet tax-xandir. L-Awtorità nediet proċess ta' konsultazzjoni biex it-taqsimiet l-oħra kollha tal-*Htiġiet* – ħlief dawk li jitrattaw dwar ix-xandir pubbliku¹⁹ - jitwettqu wkoll. Il-proċess ta' konsultazzjoni huwa mistenni li jagħlaq fit-12 ta' Settembru 2008. It-taqsimiet li l-Awtorità qed tippromponi li għandhom ukoll ikunu esegwibbli fil-futur viċin huma:

Taqsima 1 - Introduzzjoni
 Taqsima 2 – Tifsir u Tfehim
 Taqsima 3 – L-Integrità u r-Responsabilità tax-Xandar
 Taqsima 4 – Rapporti ta' l-Aħbarijiet
 Taqsima 5 – Rapporti Minn Fuq il-Post
 Taqsima 7 – Stqarrijiet għall-Midja
 Taqsima 12 – Programmar dwar Ġrajjet Kurrenti.

Nifhem ukoll li l-Awtorità tkun trid tiddeċiedi x'se tagħmel bit-tliet taqsimiet ta' dawn il-*Htiġiet* li ma jkunux saru esegwibbli dwar ix-xandir pubbliku fi stadju ieħor.

3. MISTOQSIJA NUMRU 2: MIN SE JIRREGOLA FL-ERA DIGITALI?

Naturalment, min ifformula din id-domanda fehem sew l-implikazzjonijiet tat-tibdil teknoloġiku li bħalissa jinsab għaddej fid-dinja kollha u li bla dubju ta' xejn qed iħalli impatt fuq il-mezzi tax-xandir u midja oħra ukoll. Iżda qabel ma nwieġeb id-domanda ppermettuli nagħmel din id-distinzjoni li ġejja.

3.1. Ir-Regolamentazzjoni, il-Ko-Regolamentazzjoni u l-Awto-Regolamentazzjoni

Nixtieq niddistingwi bejn ir-regolamentazzjoni, il-ko-regolamentazzjoni u l-awto-regolamentazzjoni. Kull wieħed minn dawn it-tliet mekkaniżmi – bħal kull haġa oħra fid-dinja - għandu t-tajjeb u l-ħażin tiegħu. Biex nantiċipa ftit u mmur dritt għar-risposta, is-soluzzjoni kif naraha jien hija l-ko-regolamentazzjoni. Fl-era diġitali fejn ix-xandir huwa aktar kompleks minħabba l-konvergenza teknoloġika, wieħed irid juża l-għodda kollha li għandu: ir-regolatur (għalkemm ir-rwol tiegħu għandu jonqos), strutturi ta' ko-regolamentazzjoni (fejn ir-regolatur u l-awto-regolaturi jaħdmu id fid) u strutturi ta' awto-regolamentazzjoni.

3.2. Ir-Regolamentazzjoni

Ir-regolamentazzjoni għandha t-tendenza li ġġib magħha regoli kontra regoli tant li r-regolatur jispicca jirregola kollox sa l-iċken dettal. Meta ma jagħmilx dan issib ħafna artikolisti fil-gazzetti li jikkritikaw lir-regolatur li jinsab rieked, li qed iħalli kollox għaddej u li mhu qed jagħmel xejn. Is-soluzzjoni għal dan il-fenomeno huwa l-*better regulation* jew id-*deregulation*. Mill-banda l-oħra sistema ta' regolamentazzjoni għandha l-vantaġġ li tkun aktar effettiva u *all embracing* fil-materji li tirregola.

¹⁹ Dawn huma Taqsimiet 17 sa 19 tal-*Htiġiet*.

3.3. L-Awto-Regolamentazzjoni

L-Istitut tal-Ġurnalisti ta' Malta huwa awto-regolatur fih innifsu peress li huma l-ġurnalisti membri ta' dan l-Istitut li jirregolaw lilhom infushom permezz ta' *Kodiċi ta' Etika Ġurnalistika* li huma stess japprovaw minn żmien għal żmien. Dan il-Kodiċi, kuntrarjament għal *Ħtiġiet ta' l-Awtorità*, mhux impost fuqhom minn fuq imma – għall-kuntrarju – jorigina u jiffassal mill-*grass roots*. X'għandu jagħmel il-ġurnalist jiddeċidih huwa stess f'Kodiċi magħmul u approvat minnu stess. Meta qed nirreferi għal persuni fil-maskil f'din il-preżentazzjoni inkun qed nirreferi għal persuni wkoll tas-sess femminil. F'każ li xi ġurnalist jikser dak il-Kodiċi hemm proċedura kif wieħed jista' jressaq ilment kontra dak il-ġurnalist konċernat quddiem il-*Press Ethics Commission*, li hija Kummissjoni mwaqqfa mill-istess Istitut tal-Ġurnalisti. Din il-Kummissjoni ngħatat il-poter mill-istess ġurnalisti li tisma' ilmenti li jitressqu kontri hom jew minnhom stess kontra kollegi tagħhom stess jekk allegatament dawn ikun ksur l-Kodiċi tagħhom stess. Il-Kummissjoni tisma' l-partijiet u tagħti d-deċizzjoni tagħha dwar ksur ta' etika ġurnalistika. Is-sanzjoni li tingħata tkun fi forma ta' *name and shame* u ta' twiddiba meta l-ġurnalist konċernat jinsab ħati ta' dak il-ksur.

Naturalment, ġurnalist ta' l-affari tiegħu ma jkunx jixtieq jispiċċa b'litanija bla tmiem ta' twiddibiet mill-*Press Ethics Commission* u *employer* ta' l-affari tiegħu wkoll ma jkunx irid ikollu fl-impieg tiegħu ġurnalisti li jkunu ġew għal numru ta' drabi misjuba ħatja mill-*Press Ethics Commission* ta' ksur tal-Kodiċi ta' l-Etika Ġurnalistika. Imma kemm l-Istitut tal-Ġurnalisti ta' Malta u l-*Press Ethics Commission* mhumie x imwaqqfin bil-liġi – kuntrarjament għall-Awtorità tax-Xandir – u l-poteri tagħhom mhumie x mogħtija lilhom mill-Istat imma mill-Membri tagħhom stess. Terġa', jekk ġurnalist ma jridx jissieħeb fl-Istitut tal-Ġurnalisti ta' Malta allura s-sistema ta' awto-regolamentazzjoni tigi ma tfigher xejn għax dak il-ġurnalist jibqa' jikser il-Kodiċi ta' Etika Ġurnalistika u ħadd ma jista' jtellgħu quddiem il-*Press Ethics Commission* jekk huwa ma jaċċettax dak il-forum. Dan ma jfissirx li l-ilment ma jkunx jista' jinstema' imma proċeduri *in absentia* f'it li xejn jirrispettaw id-dritt għal smiġħ xieraq. Is-soluzzjoni trid tinstab fi fora oħra bħall-qradi, l-Awtorità tax-Xandir, id-Data Protection Commissioner, eċċ. Il-ko-regolamentazzjoni, kif se naraw aktar 'l isfel, tista' tkun soluzzjoni effettiva wkoll.

L-Istitut tal-Ġurnalisti essenzjalment huwa mezz ta' awto-regolamentazzjoni tal-ġurnalisti; il-Kodiċi tal-Etika tal-Ġurnalisti m'għandux is-saħħa ta' liġi kuntrarjament għall-*Ħtiġiet ta' l-Awtorità tax-Xandir* li – kif rajna – taqsimiet minnhom huma liġi u taqsimiet oħra hemm il-ħsieb li dalwaqt isiru eseguibbli wkoll. Il-vantaġġ tas-saħħa tal-liġi huwa li tista' timponi sanzjoni fuq kull min jikser il-*Ħtiġiet* jew il-liġi in kwistjoni, sanzjoni li tista' - jekk ikun hemm bżonn - tmur lil hinn minn sempliċi twiddiba. Fil-każ ta' regolatur il-liġi tipprovdu pluralità ta' sanzjonijiet li jista' jagħzel minnhom skont iċ-ċirkustanzi tal-każ. Jista' jkun hemm liġijiet, bħall-Att dwar ix-Xandir, li jippermettu lir-regolatur japplika aktar minn sanzjoni waħda amministrattiva fl-istess ħin. Is-sanzjonijiet amministrattivi iwarjaw ħafna. Insibu t-twiddiba, il-penali amministrattiva li tista' titla' sa €34,940; il-penali amministrattiva sospiża li wkoll tista' titla' sa €34,940; is-sospensjoni tal-liċenzja tax-xandir għal dak iż-żmien li l-Awtorità jogħġobha tiddeċiedi; ir-revoka tal-liċenzja tax-xandir; u anke ordni lill-istazzjon biex programm ma jkomplix jixxandar jew li puntata minnu ma tixxandarx.

Naturalment, l-Awtorità rari ħafna li twaqqaf programm milli jixxandar għalkemm naf b'każ wieħed fejn programm partikolari kien instab ħati regolarment bi ksur repetut tar-regolamenti dwar ir-reklamar u l-Awtorità fid-deċizzjoni tagħha għamlitha ċara illi jekk dak il-programm jerġa' jinsab ħati darb'oħra ta' l-istess ksur hija kienet se tikkunsidra serjament li twaqqfu milli jkompli jixxandar. Mill-1991 sal-lum ma naf bl-ebda każ fejn l-Awtorità qatt irrevokat xi liċenzja tax-xandir għalkemm naf b'każ wieħed biss fejn l-Awtorità ssospendiet liċenzja tax-xandir: l-istazzjon kien ħa l-każ tiegħu l-Qorti ta' l-Appell iżda tilef il-każ.

Ta' min jgħid li l-aħħar tliet tipi ta' sanzjonijiet (it-twaqqif ta' programm; is-sospensjoni ta' liċenzja; u r-revoka ta' liċenzja) huma ta' natura eċċezzjonali u mhux ta' b'xejn li f'it li xejn jintuzaw. Mill-banda l-oħra, l-aktar sanzjonijiet amministrattivi li jintuzaw huma t-twiddiba, il-penali amministrattiva u l-penali amministrattiva sospiża. Ngħid ukoll li rari ħafna li l-Awtorità tagħti penali li taqbeż l-ammont li hemm preskritt fil-*Ħames Skeda* ta' l-Att dwar ix-Xandir. Din l-Iskeda tistabbilixxi kemm hija l-penali amministrattiva b'dan li l-Awtorità tista' jekk jidhrilha xieraq tgħolli dak l-ammont sa massimu ta' €34,940. L-uniku każ li naf bih fejn l-Awtorità kienet għolliet penali mill-ammont dak iż-żmien ta' Lm 1,200 kif preskritt fil-*Ħames Skeda* għal somma akbar ta' Lm 3,000 kien fil-każ ta' PBS Ltd. meta TVM kien irrifjuta li jagħti rimedju li l-Awtorità kienet ordnat favur il-Partit Laburista biex dan ikun jista' jxandar spots b'risposta għal dawk tal-M.I.C. Peress li PBS Ltd. kien naqas milli



jimplimenta direttiva tal-Awtorità, wara akkuża kontra TVM, l-istazzjon seta' wehel Lm 1,200. Izda peress li dik id-direttiva ngħatat skond il-Kostituzzjoni ta' Malta biex tiradizza zbilanċ fil-mezzi tax-xandir tal-istat, l-Awtorità deherilha li minħabba l-gravità tal-każ penali amministrattiva ta' Lm 3,000 kienet aktar xierqa f'dak il-każ partikolari. TVM minnufih obda d-direttiva ta' l-Awtorità iżda kien ressaq il-każ quddiem il-Prim'Awla tal-Qorti Civili. PBS Ltd. kien tilef il-kawża quddiem il-Prim'Awla tal-Qorti Civili u, għakemm appella mis-sentenza, l-appell kien ġie dikjarat dezert (*abandoned*) peress li l-istazzjon naqas li jhallas fiż-żmien stipulat mil-liġi l-ispejjeż tal-appell (il-kawtela) skont il-liġi.

3.4. Il-Ko-Regolamentazzjoni

It-tielet mekkaniżmu – li fil-fehma tiegħi huwa t-tweġiba għad-domanda minn se jirregola fl-era diġitali – huwa l-ko-regolamentazzjoni. Fil-ko-regolamentazzjoni jkollok kemm ir-regolatur u kemm l-awto-regolatur jaħdmu id f'id biex il-liġijiet u l-kodiċijiet ta' etika jiġu rispettati. Jekk nerġa' niehu l-eżempju ta' l-Istitut tal-Ġurnalisti, jekk l-Awtorità tax-Xandir ikollha tasal fi ftehim mal-Istitut tal-Ġurnalisti biex il-*Press Ethics Commission* tiegħu tibda tittratta l-ilmenti dwar il-Ħtiġiet ta' l-Awtorità dwar l-Aħbarijiet u l-Ġrajjet Kurrenti, dan ikun ifisser li għandek sistema ta' ko-regolamentazzjoni. Għaliex? Għax ir-regolatur joqgħod pass lura milli jaġixxi u jhalli lill-Istitut tal-Ġurnalisti permezz tal-*Press Ethics Commission* li jittratta l-ilmenti li l-Awtorità tirċievi dwar il-Ħtiġiet hawn fuq imsemmija. L-Awtorità tgħaddi l-ilmenti lill-*Press Ethics Commission* u dan jaġti d-deċiżjoni tiegħu dwarhom. Jekk jirriżulta li wara li ġurnalista ikun ingħata twiddiba mill-*Press Ethics Commission* dan jerga' jirrepeti ksur ieħor, hawnhekk ikollu jintervjeni l-Istitut tal-Ġurnalisti mal-*management* ta' dak l-istazzjoni biex jiżgura li ma jergax ikun hemm dak il-ksur. Jekk xorta waħda jibqa' jkun hemm ksur ġdid mill-istess ġurnalista allura l-każ jitressaq quddiem l-Awtorità tax-Xandir u din, wara li tiżgura li jkun hemm deċiżjoni ta' ħtiġa mill-*Press Ethics Commission* u l-Istitut tal-Ġurnalisti jkun aġixxa ta' medjatur bejn min ikun ressaq l-ilment u l-ġurnalista konċernat iżda bla ebda riżultat favorevoli, l-Awtorità tgħaddi biex timponi s-sanzjoni hi. Dan huwa l-mudell tal-ko-regolamentazzjoni fejn ir-regolatur joqgħod pass lura, iħalli l-industrija tiżgura li l-membri tagħha jimxu mal-liġijiet u l-kodiċijiet u jekk l-awto-regolatur ma jasalx għax l-ġurnalista in kwistjoni jkun qed ikun kappriċċuż, allura mbagħad l-uniku soluzzjoni li jkun għad fadal tkun l-id tal-liġi li f'dan il-każ tkun sanzjoni amministrattiva da parti tal-Awtorità tax-Xandir. Biex inkun għedt kollox, jista' jkun hemm f'ċerti każijiet anke sanzjoni kriminali mill-qrati, iżda dan jiddependi liema liġi tkun qed tiġi nfurzata. Madankollu, jien ma naqbilx mas-sanzjoni kriminali u nħoss li din m'għandhiex tintuża ħlief b'mod eċċezzjonali meta jkollok ksur, ngħidu ahna, tal-Kodiċi Kriminali bħal fil-każ ta' stazzjon li jkun qed ixerred il-mibegħda razzjali jew ixandar ta' pedofelija. Naturalment biex dan kollu jkun jista' jsir – li telimina s-sanzjoni kriminali u tippermetti lir-regolatur jaħdem id f'id mal-awto-regolatur - ikun jeħtieġ tibdil fil-liġi.

4. Mistoqsija Numru 3: 'X'mudelli ta' self-regulation huma pprattikati f'pajjiżi oħra tal-Unjoni Ewropea, li jistgħu japplikaw ukoll għalina?

It-tielet domanda li saritli hija 'X'mudelli ta' self-regulation huma pprattikati f'pajjiżi oħra tal-Unjoni Ewropea, li jistgħu japplikaw ukoll għaliha?' Barra minn Malta hemm ħafna eżempji ta' awto-regolamentazzjoni f'bosta oqsma tal-midja. Ngħidu aħna jeżistu mekkaniżmu dwar awto-regolamentazzjoni tal-internet, tal-istampa, tax-xandir, tal-industrija tal-logħob elettroniku, tal-industrija tal-films, tal-industrija tas-servizzi ta' l-internet fuq il-*mobiles*, eċċ. Izda qabel ma nitkellem aktar dwar l-awto-regolamentazzjoni barra minn Malta rrid ngħid kelmejn dwar l-awto-regolamentazzjoni f'pajjiżi, dejjem marbut mal-media. F'Malta jeżistu wkoll eżempji ta' awto-regolamentazzjoni tal-media. Madankollu, ix-xenarju Malti huwa limitat u frammentat. M'hemmx awto-regolatur wieħed li jirregola l-media kollha. Is-sitwazzjoni tagħna hija li għandek numru ta' mekkaniżmi awto-regolatorji. Dawn jinkludu l-*Code of Journalistic Ethics* imħejji mill-*Institute of Journalists*, il-*Code of Practice for Internet Service Providers* imħejji mill-*Internet Service Providers Sub-section* tal-Kamra tal-Kummerċ u l-*Code of Conduct For Electronic Content Provision by Electronic Communications Undertakings in Malta* imħejji mill-industrija tal-komunikazzjoni elettronika.

Niġi issa biex inwieġeb it-tielet domanda. Nistqarr li mhix faċli għaliha biex inwigibha f'dawn il-ftit minuti li baqgħali. Dan peress li barra minn Malta jeżistu għexieren ta' awto-regolamentaturi fil-qasam tal-media. Allura li se nagħmel huwa li nillimita l-intervent tiegħi dwar it-tielet mistoqsija għal żewġ osservazzjonijiet.

L-ewwelnett, apparti mekkaniżmi ta' awto-regolamentazzjoni nazzjonali, jeżistu wkoll mekkaniżmi ta' awto-regolamentazzjoni Ewropej. Pereżempju, fejn jidhul ir-reklamar fil-media, teżisti l-*European Advertising Standards Alliance* li tiġbor fiha 32 għaqdiet ta' awto-regolamentazzjoni fil-kamp tar-reklamar minn varji pajjiżi tal-Ewropa (b'kolloxx hemm 26) u hemm xi wħud oħrajn iżda minn reġjuni barra mill-Ewropa. Aktar informazzjoni dwar kull waħda minn dawn l-għaqdiet tista' tinkiseb mill-websajt tal-EASA u mill-websajts tal-istrutturi nazzjonali awto-regolamentatorji.

It-tieni, naħseb li jkun utli hawnhekk li niffoka fis-sens ta' *case study* fuq waħda mill-membri tal-EASA, u cjoe' l-*Advertising Standards Authority* tar-Renju Unit. Din l-Awtorità awto-regolatriċi twaqqfet fil-1962 u bejn l-1962 u l-2004 kienet tirregola r-reklamar kollu flief għar-reklami għax-xandir. Mill-2004 'il quddiem hija bdiet tirregola r-reklamar għax-xandir ukoll wara li l-Ofcom – ir-regolatur tar-Renju Unit tal-komunikazzjoni – daħal fi ftehim ta' ko-regolamentazzjoni mal-*Advertising Standards Authority*. Dan l-eżempju li qed nagħti huwa fil-qasam tar-reklamar iżda m'hemm xejn xi jzomm lill-industrija tal-midja Maltija li tingħaqad kollha flimkien u titlob lill-istat li jgħinha biex tawto-regolamenta lillha nnifsha. Fejn jidhul ix-xandir dan jista' jsir billi l-Awtorità tislef lill-istaff tagħha lill-awto-regolatur li jkun irid jitwaqqaf filwaqt li tkompli tħallsilhom is-salarji tagħhom iżda dawn ikunu qed jaħdmu mal-awto-regolatur li jkun kollaboratur mill-qrib ta' l-Awtorità tax-Xandir. Qed insemmi dan l-eżempju sabiex nuri li mhux neċessarjament għandu jkun hemm intoppi finanzjarji kbar biex twaqqaf strutturi ta' awto-regolamentazzjoni peress li l-Istat jista' – permezz tal-istituzzjonijiet tiegħu – jgħin lill-awto-regolatur jaqdi l-funzjonijiet tiegħu. Bħalma dan jista' jsir fis-settur tar-reklamar awdjoviżiv jista' jsir ukoll fejn jidhul l-aħbarijiet u l-grajjiet kurrenti flimkien mal-Istitut tal-Ġurnalisti u ma' entitajiet ta' awto-regolamentazzjoni li jistgħu jitwaqqfu minn żmien għal żmien biex ikopru s-settur tal-midja kollu: tal-karta stampata, tax-xandir, tal-mezzi elettronici, eċċ.

5. Mistoqsija Numru 4: 'Xi drittijiet għandhom il-qarrejja/konsumaturi/udjenzi wara ksur ta' etika mill-media?'

Ir-risposta hija din. Fejn jidhul ix-xandir wieħed jista' jkollu rimedju:-

- quddiem il-qrati (eżempju fejn jidhul ksur ta' l-Att dwar l-Istampa, l-Att dwar id-Drittijiet tal-Awtur, eċċ.)
- quddiem l-Awtorità tax-Xandir (eżempju fejn jidhul ksur tal-privatezza tal-persuna, fejn xi hadd ikun ingħata trattament ingust jew mhux xieraq u fejn jidhul ksur tal-Ftigiet kollha tal-Awtorità u l-Att dwar ix-Xandir)
- quddiem entitajiet oħra ta' l-istat bħad-*Data Protection Commissioner* u ma ndumux ukoll ma jkollna l-*Freedom of Information Commissioner*
- u, fejn jeżistu, quddiem strutturi awto-regolamentatorji (eżempju l-*Press Ethics Commission* tal-Istitut tal-Ġurnalisti u oħrajn).

6. Egħluq

Jekk jitwaqqfu strutturi awto-regolamentatorji, huwa essenzjali li dawn ikollhom il-fiduċja ta' l-Istat Malti (Gvern u entitajiet tal-Gvern u tal-Parlament), tal-industrija konċernata, tas-soċjetà ċivili u tal-pubbliku.

L-istrutturi ta' awto-regolamentazzjoni – biex jirnexxu - iridu jkunu **serji u effettivi** u m'għandhomx jitwaqqfu biss biex inkunu nistgħu ngħidu li anke f'Malta għandna mekkaniżmi ta' awto-regolamentazzjoni. Aktar ma jkollhom il-fiduċja ta' kulhadd aktar jista' jonqos l-involvement tar-regolatur f'dawk il-kampi li l-mekkanizmi awto-regolatorji jirregolaw; anqas ma jkollhom il-fiduċja ta' kulhadd aktar u aktar jinfirx ir-rwol tar-regolatur.

L-awto-regolamentazzjoni, bħal kull haġa oħra fis-soċjetà, taħdem skont kemm min ikun responsabbli għat-tħaddim tagħha jagħmilha taħdem. Jekk il-Gvern jagħti s-sehem tiegħu billi jinkoraġġixxi mekkaniżmi ta' awto-regolamentazzjoni, jekk l-industrija toħodhom bis-serjetà u tirrispettahom, jekk il-protagonisti ewlenin li jridu jimxu mal-liġijiet u mal-kodicijiet tal-etika (xandara, ġurnalisti, produttori, *management* tal-midja, persuni involuti fir-reklamar, eċċ.) jagħrfu jhaddmu dawn l-istrutturi kif xieraq u mixtieq u b'suċċess, allura iva anke f'Malta - bħal f'pajjiżi oħra tal-Ewropa - jista' jkollna sistema ta' awto-regolamentazzjoni li minnha jibbenefika l-konsumatur u l-industrija stess tiġi garantita *a level playing field* fejn l-operaturi kollha konċernati jhaddmu b'suċċess dan il-mekkanizmu tagħhom stess b'mod ġust u ekwu.



**KNOW YOUR AUDIENCE –
AUDIENCE SURVEY, AUDIENCE AUDIT,
CONTINUOUS AUDIENCE ASSESSMENT**

By
Mario Axiak, Head Research and Communications, Broadcasting Authority
7th June 2008

**A Malta – Commonwealth Third Country Training Programme
Legal Framework for Information and Communication Technologies
2nd – 11th June 2008
The Victoria Hotel, Sliema**

This paper tries to explore the various forms of audience research available; strategic planning of audience research; stakeholder analyses and the relationship between media and politics; and how the local audience assessment has developed since the liberalisation of the local media market. Three management tools are examined: social trend assessment [PESTEL analysis], audience environment assessment [Five Forces analysis] and media environment assessment [SWOT analysis].

[6th June 2008]

Forward

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FORWARD

Since the enactment of the Broadcasting Act in 1991, audience assessment has been one of the prerogatives of the Broadcasting Authority beside content regulation and licensing. Although the Authority was set up in 1961, audiences for television viewing and radio listening were not undertaken on a regular basis. Prior to 1991, the broadcasting industry was still monopolised and the research concerned such issues as news transmissions, Party Political broadcasts and Parliamentary Debates, radio and TV set ownership, and viewing preferences.

However, with the liberalisation of the market in 1991 and the enactment of a new Broadcasting Act, (Chapter 350), article 30(2) of this act obliges the Authority to provide the House of Representatives with an annual report which would include the results of independent audience research ascertaining:

- (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.

These set out the basic methods of research that has to be captured by the Authority: **qualitative** and **quantitative** research. Although the four requisites as set out by the Broadcasting Act can be ad hoc divided between these two main types of research, the underlying requisites for each research method are both entwined and separate at the same time. While qualitative research rejects the idea that social sciences can be studied with the same methods as the natural or physical sciences, quantitative researchers argue that both the natural and social sciences strive for testable and confirmable theories by attempting to tightly control the variable in question to see how other variables are influenced.

1. THE QUALITATIVE/QUANTITATIVE DEBATE

In Miles and Huberman's 1994 book *Qualitative Data Analysis*, quantitative researcher Fred Kerlinger is quoted as saying, "There's no such thing as qualitative data. Everything is either 1 or 0" (p. 40). To this another researcher, D. T. Campbell, asserts, "All research ultimately has a qualitative grounding" (p. 40).

These two research methods need each other more often than not. But, because qualitative data typically involves words and quantitative data involves numbers, some researchers feel that one is better (more scientific) than the other.

Another major difference is that in quantitative research, the researcher is ideally an object observer who neither participates in nor influences what is being studied, while in qualitative research, the researcher can learn the most by participating and/or being immersed in a research situation.

For these reasons the Authority has embarked on two types of research. With regard to qualitative research, the Authority has commissioned the publication of three separate research assignments:

- "Young people and the Broadcasting Media", Dr. Joe Gixti, 2000;
- "Broadcasting Pluralism in Malta – A Qualitative Perspective", Ms Marika Fsadni, 2003;
- "Broadcasting and the Young Adult Consumer", Dr. Joe Gixti, 2004.

With regard to quantitative research, the Authority has commissioned a research assignment on a yearly basis since 1990 up until 1999 when two annual audience audits were performed every year. In 2004 the Authority had to change the format of the Audience Audit due to financial restrictions.

Although there are clear differences between qualitative and quantitative approaches, some researchers maintain that the choice between using qualitative or quantitative approaches actually has less to do with methodologies than it does with positioning oneself within a particular discipline or research tradition. The difficulty in choosing a method is compounded by the fact that research is



often affiliated with universities and other institutions. The findings of research projects often guide important decisions about specific practices and policies. Choices about which approach to use may reflect the interests of those conducting or benefiting from the research and the purposes for which the findings will be applied. Decisions about which kind of research method to use may also be based on the researcher's own experience and preference, the population being researched, the proposed audience for findings, time, money and other resources available (Hathaway, 1995).

Some researchers believe that qualitative and quantitative methodologies cannot be combined because the assumptions underlying each tradition are so vastly different. Other researchers think they can be used in combination only by alternating between methods; qualitative research is appropriate to answer certain kinds of questions in certain conditions and quantitative is right for others. And some researchers think that both qualitative and quantitative methods can be used simultaneously to answer a research question.

To a certain extent, researchers on all sides of the debate are correct; each approach has its drawbacks. Quantitative research often "forces" responses or people into categories that might not "fit" in order to make meaning. Qualitative research, on the other hand, sometimes focuses too closely on individual results and fails to make connections to larger situations or possible causes of the results. Rather than discounting either approach for its drawbacks, researchers should find the most effective ways to incorporate elements of both to ensure that their studies are as accurate and thorough as possible.

2. AUDIENCE RESEARCH – NEED FOR, METHODS AND APPLICATION

If you have an audience, and you do not do audience research, this is equivalent to walking with your eyes shut. But many organisations [even those with audiences] survive without doing audience research. How do they survive?

- Even if an organisation does not do systematic audience research, it usually has some informal method of collecting feedback, and sometimes these informal methods seem to work well.
- When funding is guaranteed, regardless of audience size, broadcasters can survive without audiences – governments fund them out of national pride.
- Organisations that rely on revenue from their audiences often use the amount of revenue as a substitute for audience research – this applies to most small businesses. As long as they keep making money they feel no need for audience research. But when the flow of money unexpectedly declines, the businesses often feel the need for market research. Income flow tells "what" is happening but not "why".

If you want to know "why" audiences react as they do, you need audience research. In larger organisations, where information about revenue is often delayed, or is complicated by other factors, regular audience research can often provide an early indication of a change in the habits of the audience.

Radio and television have special need of audience research. Audience research is the systematic and accurate way of finding out characteristics audiences, namely:

1. estimated audience sizes if proper sampling procedures are used, and
2. audience preferences to programmes.

The broadcasting industry is the only industry that cannot accurately count its audience. A factory can always count the number of products it sells, a newspaper will (or could) always know its paid circulation, while an organisation that provides a service is able to accurately count the number of people who walk through its doors. But radio and television programmes are given away free to their audiences and there is no way of measuring how many people tune into a programme without audience research.

For this reason, audience research was one of the first forms of market research both locally and abroad. When broadcasting depends on commercial revenue, audience surveys are done to find out how many people would hear a particular advertisement. When broadcasting is the prerogative of the public broadcaster, audience research tends to concentrate on the type of medium used ["Do you listen on a crystal set or a valve set?"], their diffusion, and consumer attitudes to programmes ["Do you dance to broadcast dance music?"].

Audience research is crucial to the sustainability of any broadcasting station as it obtains feedback from audiences that help to:

- increase community participation in the stations;
- inform better programming;
- enhance the development agenda of the station;
- feed into successful marketing strategies'

The most common method of audience research is the sample survey: a group of people is selected, they are all asked the same questions, and their answers are counted. Audience Census has never been done as it involves the monitoring of the whole population at the same time for a period of time. More than likely, you cannot interview every person in the target population, so you will need to interview a smaller sub-group of respondents, known as sample.

The sample size, the sampling methodology, and survey goals all impact on the budget, time and available resources.

2.1 Research Methods

There are many types of surveys from which to choose:

Personal Interview: These are highly recommended when the desired sample consists of respondents in a very specific target population. For example, if you are interested in surveying respondents about a film they have just viewed, it would be significantly easier to find them outside a movie theatre than by mail. In addition, interviewers have the ability to extensively probe respondents on their impressions of a service or product, observe individual or group behaviour, and this method allows for the exchange of material and/or information between respondent and interviewer.

Advantages of this method include: response rates are very good, longer interviews are sometimes tolerated and attitudinal behaviour can be best observed with this method. However, this method is very expensive, can be time-consuming if travelling is involved and a non-representative sample can result if the respondents from the location where the interviewing takes place does not match the desired target population.

Seven Day Diary: The seven day self-recording diary method is used commonly to estimate audiences. The main difference between a diary method and any other method is that they monitor actual behaviour rather than recall of past behaviour. Respondents are requested to record their listening for each station they have listened to, by quarter hour – recall errors and the effects of memory decay is reduced. Because the respondents have to fill in the diary themselves, it is essential that diary keepers should be literate. The lack of literacy can be overcome by using either a literate household or a neighbour to assist the diary respondent in completing the diary. Because respondents provide information for a seven-day period, weekly cumulative audience and weekly reach and frequency can be calculated. Besides, separate and comparable information is available for each day of the week, i.e. Monday through Sunday.

The researcher however relies on the co-operation of the respondents to enter their listening correctly and promptly. In practice, however, it is a known fact that late entries and forgetting to enter data does occur. And to reduce this impact on audience levels, it is advisable to balance the fieldwork across a number of weeks – at least six weeks.

Telephone interviewing: Next to diaries, it is the most commonly used method, but it has certain limitations – where penetration of telephone is low it cannot be used for the entire population. This is the best method for gathering information quickly. Interviewers can explain questions that are not understood and depending on the respondent's answers, they can skip some questions or probe further on others. Telephone interviewing allows for greater sample control. Interviewers can ask to speak to respondents with the desired characteristics, or even by name. Response rates tend to be higher than with postal questionnaires. Telephone interviewing relies on recall and it is not advisable to expect from the respondents accurate recall for more than one day (yesterday). Telephone interviews are cheaper than personal interviewing but seven interviews are required to obtain seven day information as can be done with one diary. Telephone interviews should not exceed 15



minutes and it is advisable that in cases of a large number of stations prompted recall by the researcher is a more reliable method.

Mail / Postal surveys: This research method entails mailing questionnaires to a sample of 'potential' respondents. It is relatively inexpensive assuming a sufficient response rate is obtained. Respondents may give more honest answers to more personal questions on a postal questionnaire than to an unknown interviewer in person or over the phone since there is no interviewer to bias the respondent's answer. However, postal questionnaires are not very flexible: they require simple and clearly worded questions and it is limited to the respondents with a reasonable degree of literacy. Mail surveys usually take longer to complete and the response rate is often very low. The researcher often has little control over the postal questionnaire sample – even with a good mailing list, it is often hard to control who at the mailing address fills out the questionnaire.

Focus Groups: Focus groups are made up from a number of selected respondents based together in the same room. Highly experienced researchers work with the focus group to gather in depth qualitative feedback. Groups tend to be made up from 10 to 18 participants. Discussion, opinion, and beliefs are encouraged, and the research will probe into specific areas that are of interest to the company commissioning the research.

Internet Audience Survey: Surveying via the Web is rapidly gaining popularity for data collection efforts focusing on segments of the Internet user population. Its advantages include faster speed of responses, substantially reduced costs and increased respondent flexibility. However they typically do not reflect the general population; respondent completion rates are lower for longer surveys; and random respondents – outside of your target population – may reply if the survey appears on a Web page without password protection or other means of controlling access.

“Audimeters” / “People-meters”:

This consists in having an audimeter [a little black box] linked to a TV set in a sample of households, representative of the whole population [a population with at least one TV set]. The audimeter measures with extended accuracy up to “a second” basis the state of radio and/or TV [on and off] while identifying the channel. Technically the information was stored inside its memory and transferred overnight through telephone lines to the processing centre. There are mainly two advantages by using this system:

- data is available the following day and therefore the channels could adapt their programming faster when a programme did poor results; and
- since data consisted of minute by minute ratings, complementary analysis for both channels and advertisers could be made [when to broadcast advertising spots and on which channels].

Although the audimeter/people-meter measurement system is acknowledged as the state-of-the-art technology to measure audience accurately and in a short lap of time, many improvements have began to take place to ensure more reliable data including specific watching such as VCR, VCD and now even DVD, accuracy on “Who” is watching, and above all qualitative information such as “satisfaction brought by a programme” or “degree of attention the viewers have in front of a programme”.

2.2 Methods which are Not Acceptable

Reference is often made to the number of competition entrants, telephone calls or letters received, or people who made financial or other contributions. All these results are based on self selected sample and cannot be grossed up or generalised.

Such samples are statistically known as non probability samples and conclusion can only be made for that sample. For example, it is valid to conclude that people who entered for a competition were listening when the competition was announced. Whether they were listening at other times and on other days cannot be deduced from the fact that they have entered for the competition. The same applies for people who phoned or wrote to the station.

Even for more qualitative purposes such as views expressed regarding the quality or like of programmes, the results cannot be generalised and such sources as the above invalidate the research. It is again the views of some listeners, while others may not agree. At best, letters, phone calls, and competitions can be used to assist in the design of research.

Another source of concern is that audience estimates are sometimes based on unproven, unrelated or unclear assumptions. One such example is to obtain information about the population demographics and then assume that a percentage would listen to a station.

2.3 Secondary Research

Secondary (or desk) research uses data that has been collected for other objectives than your own i.e. it already exists. There are a number of such sources available and the following list is by no means conclusive:

Trade associations

- National and local press Industry magazines
- National/ international governments
- Web sites
- Informal contacts
- Trade directories
- Published company accounts
- Business libraries
- Professional institutes and organisations
- Omnibus surveys [clients share the costs of research by pooling questions]
- Previously gathered marketing research
- Census data
- Public records

2.4 What do you already know or wish to know about your audience?

It is worthwhile to keep a list of some basic facts about your audience. I have compiled a set of basic questions which cover some aspects of audience research. A well-informed broadcaster should know most of the answers to these questions.

1. How large is the audience – both as an average, and as the reach [number of different people]?
2. What kind of people make up the audience? How do they differ from the whole population – e.g. in terms of age group, gender, occupation, etc?
3. Where is your audience? In each part of your coverage area, what percentage of the population are members of your audience?
4. When does your audience tune into your station – what time of day, what day of week, etc?
5. How do your audience members spend their time? How much of their time is spent being part of your audience? And how much with your competitors?
6. What type of programme content interests your audience most – and least?
7. What styles of presentation do your audience prefer, and what styles do they dislike?
8. Which activities, attitudes, and other effects do your broadcasts cause among your audience?
9. How will your audience react to a new kind of programme that you might introduce?
10. How can you increase your audience? Is it best to try to find new listeners? Or to bring lapsed listeners back? Or to persuade existing listeners to spend more time with your broadcasts?
11. What percentages of the population in your area know about your station – and how much do they know about it?
12. What is preventing people from using your service as much as they might?

Most audience research is directed towards answering the above general questions. Some of them are more than one question. In fact, some of these questions can be divided into hundreds of more precise questions. Most research projects will cover more than one of the general questions, but it is almost impossible to cover all questions with a single project – you will have to ask thousands of questions and most respondents would not have enough patience to answer so many questions accurately.



3. ORGANISATION ASSESSMENT

It is very important for any organisation to consider its environment before beginning any new process. In fact “environment” analysis should be continuous and feed all aspects of planning. This environment includes [a] *the internal environment*, e.g. staff, office technology, wages and finance, etc; [b] *the micro-environment*, e.g. customers, agents and distributors, suppliers, and competitors; and [c] *the macro-environment*, e.g. political and economic forces.

For this assessment the basic question is “What are the major trends now happening and expected to continue over the next few years?”

Situation assessment is a useful exercise to do when planning any project. This is a systematic way of considering all factors that might affect the organisation as a whole as well as for the direction of a particular type of program. This often forms a part of a strategic planning exercise and, most often, part of a marketing plan.

Three main factors that affect broadcasting stations and audiences are:

- Broad social trends which can be generally categorised into six factors – political, economic, socio-cultural, technological, environmental, and legal factors [PESTEL analysis];
- Audience environment which include all those factors that influence a stations’ audience from the bargaining power of advertisers and listeners to the threats of new stations as well as those from competing/substitute stations [Five Forces Analysis];
- Media environment that the station/broadcaster is working in taking into consideration their strengths, weaknesses, opportunities and threats [SWOT Analysis] including those of the stakeholders.

3.1 PESTEL Analysis

A scan of the external macro-environment in which the broadcaster operates can be expressed in terms of the following factors:

Political Factors: The political arena has a huge influence upon the regulation of businesses and the spending power of advertisers and other businesses. Issues that have to be considered include:

- How stable is the political environment?
- Will government policy influence laws that regulate the broadcaster?
- Does the government have a view on culture and religion?
- Is government involved in trade agreements involving broadcasting [transfrontier television, convergence of media and its regulation and policy]?

Economic Factors: Broadcasters need to consider the state of the trading economy in the short and long term. This is especially true when planning for international broadcasting. Such factors include interest rates, the level of inflation, employment levels, and long-term prospects for the economy.

Socio-cultural Factors: The social and cultural influences on broadcasting vary from country to country. It is very important that such factors are considered, and these include:

- What is the dominant religion?
- What are the attitudes to foreign broadcasts and broadcasting services?
- Does language impact upon the diffusion of broadcasts?
- How much time do consumers have for leisure?
- What are the roles of men and women within society?
- How long are the population living? Are the older generations wealthy?
- What is the level of desire for freedom among teenagers?
- Does the population have a strong/weak opinion on green issues?
- What is the trend for people living on farms?
- What is the literacy trend?
- What percentage of the population has no electricity at home?
- What is the level of respect for the elderly?



Technological factors: Technology is vital for competitive advantage and is a major driver of globalisation. Consider the following points:

- Does technology allow for broadcasting services to be made more cheaply and to a better standard of quality?
- Do the technologies offer consumers and broadcasters more innovative products and services?
- How has the distribution of broadcasting services changed by new technologies?
- Does technology offer broadcasters a new way to communicate with consumers? [convergence of media products, markets, platforms]

Environmental factors: environmental factors include the weather and climate change. Changes in temperature can impact on many industries including farming, tourism and insurance. With major climate changes occurring due to global warming and with greater environmental awareness this external factor is becoming a significant issue for firms to consider. The growing desire to protect the environment is having an impact on many industries such as the travel and transportation industries (for example, more taxes being placed on air travel and the success of hybrid cars) and the general move towards more environmentally friendly products and processes is affecting demand patterns and creating business opportunities.

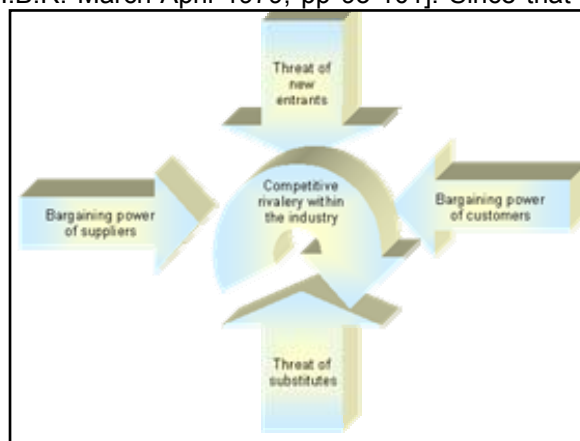
Legal Factors: these are related to the legal environment in which firms operate. In recent years in the UK there have been many significant legal changes that have affected firms' behaviour. The introduction of age discrimination and disability discrimination legislation, an increase in the minimum wage and greater requirements for firms to recycle are examples of relatively recent laws that affect an organisation's actions. Legal changes can affect a firm's costs (e.g. if new systems and procedures have to be developed) and demand (e.g. if the law affects the likelihood of customers buying the good or using the service).

For each factor, identify aspects that are growing and others that are declining. Most of this may have to be based on opinion rather than fact. A good reason for doing audience research is to convert the opinions into facts. Even if you are not sure exactly what the trends are, it is useful to discuss these with other broadcasters and/or colleagues. Some of the factors may fall into several of the categories while others, like environmental trends, may not always be relevant to radio and TV audiences. But then, it is worthwhile to think about them – and they always provide good material for programmes.

3.2 Audience Environment [Five Forces Analysis]

The model of the Five Competitive Forces was first developed by Michael E. Porter in his article "How competitive forces shape strategy" [H.B.R. March-April 1979, pp 93-101]. Since that time it has become an important tool for analyzing an organizations' industry structure in strategic processes.

Porter has identified five competitive forces that shape every industry and every market. These forces determine the intensity of competition and hence the profitability and attractiveness of an industry. Based on the information derived from the Five Forces Analysis, management and broadcasters can decide how to influence or to exploit particular characteristics of their industry



The Five Competitive Forces are typically described as follows:

1. **Bargaining power of suppliers:** The term 'suppliers' comprises all sources for inputs that are needed in order to provide goods or services. Determinants of Supplier Power in the broadcasting industry would include:
 - differentiation of inputs [the amount of out-sourcing used];
 - importance of volume to supplier;



- threats of forward integration relative to threat of backward integration by firms in the industry especially due to convergence;
 - presence of substitute inputs, and programme supplier concentration.
2. **Bargaining power of customers:** Similarly the bargaining power of customers [air-time purchasers] determines how much customers can impose pressure on profit margins and volumes. Customers bargaining power is likely to be high when:
 - switching to an alternative broadcasting station is relatively simple and is not related to high costs;
 - they can buy large volumes of air-time;
 - when the industry comprises a large number of small service providers;
 - when the broadcasting industry operates with high fixed costs.
 3. **Threat of New Entrants:** The higher the competition in an industry, the easier it is for other companies to enter this industry. In such a situation, new entrants could change major determinants of the market environment [e.g. market prices, customer loyalty] at any time. There is always a latent pressure for reaction and adjustment from existing players in the industry. The threat of new entries depends on the extent to which there are barriers to entry. These are typically:
 - economies of scale;
 - switching costs to new media technologies/convergence;
 - capital requirements;
 - proprietary learning curve;
 - government policy;
 - expected retaliation.
 4. **Threat of Substitutes:** A threat from substitutes exists if there are alternative and/or complementary products with lower prices of better performance parameters for the same purpose. They could potentially attract a significant proportion of market volume and hence reduce the potential sales volume for existing players. Similarly to the threats of new entrants, the threat of substitutes is determined by factors like:
 - station loyalty by air-time customers;
 - close customer relationships;
 - switching costs for customers from one broadcasting medium to another;
 - the relative prices for substitute media;
 - current trends for convergence.
 5. **Competitive Rivalry between Existing Players:** This force describes the intensity of competition between existing industry broadcasters. High competitive pressure results in pressure on prices, margins, and hence on profitability for every single company in the industry. Competition between existing players is likely to be high when":
 - there are many players of about the same size;
 - players have similar strategies [especially evident in broadcast programme schedules];
 - there is not much differentiation between players and their products, hence, there is much price competition;
 - low market growth rates [growth of a particular company is possible only at the expense of a competitor];
 - barriers to exit are high [expensive and highly specialised equipment].

The Five Forces Analysis allows determining the attractiveness of an industry. It provides insights on profitability. Thus, it supports decisions about entry to or exit from any industry or a market segment. Moreover the model can be used to compare the impact of competitive forces on the own organisation with their impact on competitors. Competitors may have different options to react to changes in competitive forces from their different resources and competences. This may influence the structure of the whole industry.

In combination with a PEST-Analysis, which reveals drivers for change in an industry, Five Forces Analysis can reveal insights about the potential attractiveness of the industry. Expected political, economical, socio-demographical and technological changes can influence the five competitive forces and thus have impact on industry structures.

3.3 Media Environment – SWOT Analysis

SWOT analysis is a tool for auditing an organisation and its environment. SWOT stands for Strengths, Weaknesses, Opportunities, and Threats. This is done by answering four basic questions either by a single person or by a group. A single person will probably not think of all the strengths, weaknesses, threats, and opportunities. If a number of your staff meet and spend a few hours discussing these four questions, many more factors will be included. It is also best to include some outsiders – even well-informed audience members – because sometimes they can see things that a station's staff does not notice.

SWOT analysis is done by considering each of the four factors in turn: S, W, O, T. But it is better to go S, W, T, O – the natural flow is to move from problems towards solutions. Strengths and Weaknesses are internal factors that influence broadcasting organisations while Threats and Opportunities are external factors. These can be analysed thus:

Strengths:

What are our particular strengths? What can we do better than any other broadcasting station? These could be:

- your specialist marketing expertise
- a new innovative programme or service
- location of the broadcasting station
- quality processes and procedures
- any other aspect of your business that adds value to your product or service.

Weaknesses:

What are our weaknesses? What things do we not do as well as other broadcasters? These could involve:

- lack of marketing expertise to attract new advertisers
- undifferentiated programmes – is the station a follower in programming or a leader in innovative scheduling
- poor quality productions
- damaged station reputation

Opportunities:

What opportunities could we seize? What aren't our competitors doing, that our audience would like? (Opportunities come and go quickly: if another radio station foolishly changes its format and loses most of its listeners, perhaps your station could gain them if it acts quickly.) These could involve:

- a new or developing market involving other services
- mergers, joint ventures or strategic alliances
- moving into new market segments that offer improved profits
- a market vacated by an ineffective competitor

Threats:

What are the threats to our organisation? What might come along that would make us irrelevant, or take away most of our audience? These could be:

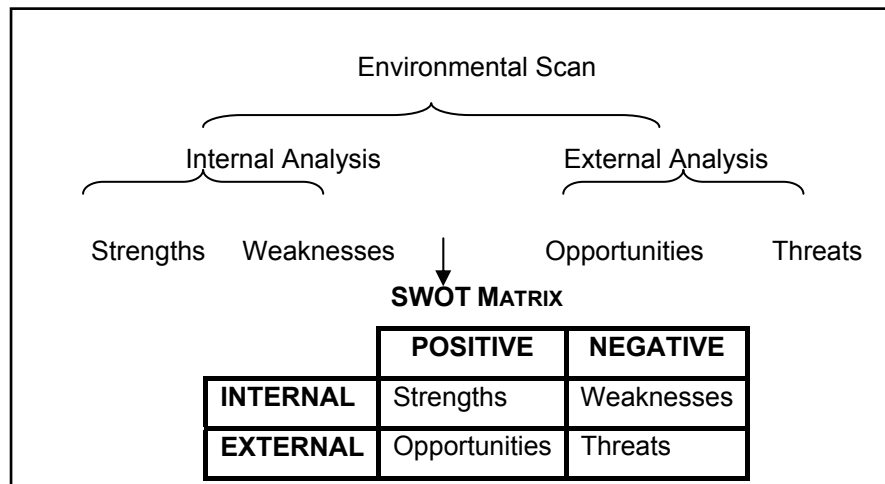
- a new broadcasting station in the home market
- price wars with competing stations for advertising revenue
- new innovative product or service by a competing broadcasting station
- superior access by competing stations
- new regulation to media excess

A word of caution, SWOT [SWTO and TOWS – similar but looking at negative factors first to turn them into positive one] analysis can be very subjective. So use it as a guide and not as a prescription. For successful SWOT analysis be realistic about the strengths and weaknesses of



your organisation; analysis should distinguish between where your organisation is today and where it could be in the near future; be specific and avoid grey areas; always analyse in relation to your competition, i.e. better than or worse than your competition; and keep your SWOT analysis short and simple, avoiding complexity and over analysis.

SWOT ANALYSIS FRAMEWORK



4 STAKEHOLDER ANALYSES

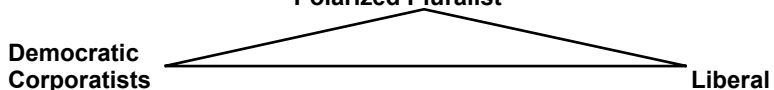
Stakeholders are the types of people who have an interest in what you are doing, and these will include:

- audience [your listeners]
- advertisers
- local organisations which depend on you for information [probably including local government]
- staff/employees, outside contributors and volunteers
- owners or shareholders
- suppliers
- neighbours
- competitors, and
- every type of person who would be affected by any action your organisation might take.

The first step in stakeholder analysis is to work out who the stakeholders are and for each group you should consider what they expect from you; how they would react if you stopped existing or greatly increased in size; and any other issue that you think is important for your stakeholders. You will probably find that you do not have all this information for each type of stakeholder. It is helpful to guess but distinguish between what you know for sure, what you have good reason to suspect and what you are guessing at. If some controversial action is being planned, it is useful to consider each type of stakeholder in turn assessing their likely reaction to the proposed changes.

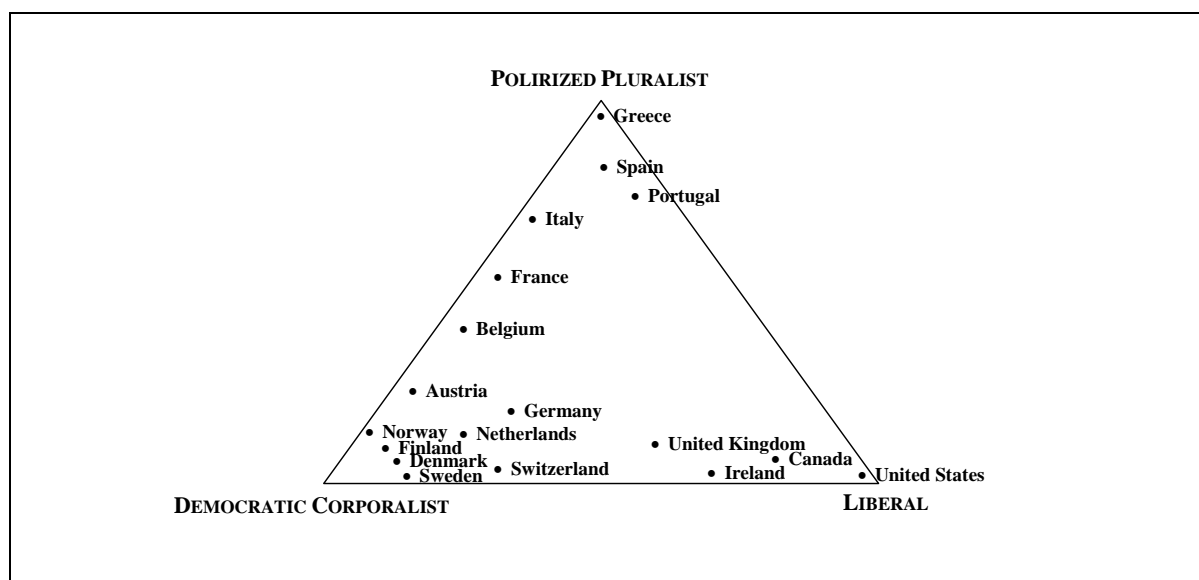
Mass media do not operate in a void. It is a generally accepted assertion that there is a relationship between mass media and politics. The first well-known attempt to clarify this association was introduced by Frederick S. Siebert et al, in 1963 presented in the "Four Theories of the Press" – (the authoritarian, the libertarian, the Soviet, and the social responsibility). This work remains remarkably influential around the world as an attempt to lay out a broad media framework.



1963, Siebert et al	Authoritarian
1984, Altschull	Market (Capitalist Model)
1994, Stevenson	Western
2004, Hallin & Mancini	<div style="text-align: center;"> Polarized Pluralist  </div>

The models advocated during the last fifty years all trace their origins almost exclusively to three countries: the U.S (the libertarian and social responsibility theories), Britain (the authoritarian and the libertarian theories along the U.S), and the Soviet Union. Basing their research on eighteen media systems of West European and North American democracies, Daniel C. Hallin and Paolo Mancini (2004) have identified three major political systems: majority (government) rule in Southern Europe; Corporative Systems (proportionality rule) in Central Europe; and autonomy/professional “ideas” systems in Northern Europe and the UK. To these they identify three major models of media systems: the Polarized Pluralist (Mediterranean Region), the Democratic Corporatist (North/Central Europe) and the Liberal model (North Atlantic). This provides a key theoretical statement about the relation between media and political systems.

In their paper “Americanization, Globalization and Secularization” for “Political Communication in Comparative Perspective”, Hallin and Mancini emphasize the mass media’s role in political change being a significant and independent factor. They attribute modernization/ americanization and secularization as being the driving forces for political change aided by increased journalistic educational levels; increased size of news organizations; increased internal journalistic codes and standards of practice; and new information processing technologies. In this paper, Hallin and Mancini envisage the homogenization and globalization of mass media with commercialization being the driving factor across media systems and involving the diffusion of cultural and social practices from one country to another, and specifically from America to Europe.



5. REASONS FOR RESEARCH

When you have completed a situation assessment using the above four tools you will probably realise that there are some important questions that you do not know the answers to. And this is why a “situation assessment” leads to audience research.

Depending on which reason applies in a particular situation, a different type of research should be chosen. Four of the most common reasons are:

1. to help in decision making – arising from the need to make a decision based on audience data. Only a few very specific questions need to be asked, or one main topic area covered. Use a survey if you are clear about exactly what you want to know and need a numerical answer; use consensus groups if you are uncertain about the exact questions that should be asked.
2. to understand the audience – the questions often asked by management are along the lines of “What type of people tune in to our station? What interests them most? How do they spend their time?”
3. to demonstrate facts to outsiders – commercial broadcasters want to convince manufacturers and retailers to advertise on their station. For this, it helps to have data showing the size, demographics, and interests of their audience. This type of information is more convincing if it comes from a survey, conducted very thoroughly by an impartial third party. Such as an industry-wide body or market research company. If your organisation does the survey itself, the results will have less credibility to outsiders, no matter how accurately you do the work.
4. to provide material for programmes – most media organizations can use research methods to gather data about audiences, and make programmes based on this data. Audiences like to hear about public opinion, and general reaction of issues of the day, and programmes created from (or supported by) research data always seem to be popular. For this purpose, all research methods are suitable, including surveys, consensus groups, and informal interviews.

6. Audience Assessment – local background

As already stated, the Broadcasting Authority has been conducting Audience research since 1990. Up until 2004 this research was conducted using the interviewed sampling method. Sampling sizes ranged from 540 (1990) to 1001 (2004) and the sample was taken from the latest electoral register published for persons of 18 years and over using a two-stage probability sampling techniques. For persons from 16 to 17 years of age [later on from 12 to 17 years], the interviewees were asked to interview a number of persons within that same age bracket from each different area.

The items first researched by the Authority (1990) included news broadcasting services, party political broadcasts and transmission of Parliamentary debates on TVM and Xandir Malta [Radju Malta 1 and 2] and the overall objective for the study was the collection of information on:

- News Bulletins – the extent of viewership of News on the various media; the evaluation of viewers on content and presentation; the existence of any bias in the presentation of news;
- Party Political Broadcasts – the extent of viewership; type and frequency of viewership in terms of age, sex, etc.; viewers’ preferences by type of broadcast;
- Parliamentary Debates – extent of viewership; viewers’ satisfaction with such transmissions; viewers’ preferences for transmission types and medium.

By 1992, the liberalisation of the market started to take effect with regards to radio stations and the audience research published during that year included the audiences for four radio stations [Radju Malta 1, Radju Malta 2, Radio Super 1, and Radio 101]; while for television only the source of news was researched as compared to four different sources: from newspapers, from television, from radio, and from other sources.



Today's media scenario involves thirteen nationwide radio stations, twenty-six community radio stations transmitting on a continuous basis, a similar number of community stations transmitting for a short period of time annually, and eight local television broadcasting stations.

Not all stations are commercial [three TV stations] but include party-political stations, church stations and educational channels and public funded channels.

By 1999 it was decided that the audience research would be done twice a year. The main driving force behind this decision was that it was being felt that the audience research being done were all conducted during the middle of the television broadcasting season [January to March]. Since the broadcasting season starts at the last quarter of the year [September/October] and since it was felt that during the summer period, audiences were prone to favour more radio listening than television viewing, the decision was taken to increase the number of audience audits taken by the Authority to highlight more seasonal fluctuations in listening and viewing patterns.

Besides, advertising drives made by television broadcasting stations are more acute during the start of the season, promoting new programme schedules and genres, than during the rest of the year. On the other hand, advertising promotions by radio stations were more intense during the second quarter of the year prior to the summer season.

The Authority felt that the audience research done was being manipulated in the sense that although the research was a one-week's audit during a particular quarter of the year, the results of that audit were being carried by the broadcasting stations, in their advertising campaigns, during the rest of the broadcasting season. Not only that, but it became evident to the Authority that each and every broadcasting station was advertising itself as being the "best station" even if this success was limited only to a particular analysed item – they ended up all being the best station on the island.

Besides, the Authority was also confronted by two major issues, namely when a station is broadcasting on a particular medium [on cable only], or to a particular market segment [broadcast music that is not more than twenty years old], the ratings for that station did not reflect that station's market penetration in its particular market. And secondly, since most broadcasting stations are not bi-lingual, transmitting only in one language, when it came to those stations broadcasting in a foreign language, the population considered should also include non-resident foreigners [tourists] who, during the summer period, totalled more than twice that the local population.

From 1999 to 2003 three audience research studies were concluded during the first quarter of the year [January/March 1999 – 2001], two during the second quarter of the year [April/June 2002–2003], while five audience audits were done during the fourth quarter [October/December 1999 – 2003].

These audience audits culminated with those for October/December 2003 when certain broadcasters were reported announcing their live audience that the "audience survey is being conducted by the Broadcasting Authority and should any one contact you about the audience survey, tell them that you are listening to our station".

For 2004 the Broadcasting Authority, like all other government departments and other public corporations was faced with a budget reduction and as a result did not appoint any advisory committees, no internal staff vacant posts were filled, no annual programme awards, and all the Authority's operations were placed under rigorous scrutiny. To this effect, the audience audit was re-designed.

6.1 Best research technique.

No single research technique is best, but each technique is appropriate for a particular kind of situation. There is an old saying, common among researchers, and still true, which states that "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.

So if you only want to get an approximate idea of your audience, it is possible to do research quickly and cheaply, and still have it accurate enough. The more you already know about your audience, the more expensive it becomes to increase that knowledge.

Based on a draft questionnaire prepared beforehand, a number of quotations were received from prospective researchers each with stark differences in cost and in data compilation namely:

- Random Telephone Directory calls [3 quotations] one specifying that these will be done during normal office hours
- Respondents randomly selected and the resulting sample to be weighted by age and gender in order to be representative of the Maltese population.
- Random selection of respondents and weighted to represent the geographic distribution of the population based on three regions – Southern, Central and Northern (including Gozo).
- Multi-stage stratified sample based on participant age, gender, and geographic location divided in six areas: Southern Harbour, Northern Harbour, South Eastern, Western, Northern, Gozo & Comino. The contender suggested a twice-a-year survey giving a 10% discount but requiring a 40% deposit on confirmation.
- Data collection only on an ongoing basis spread over the whole year [2000 questionnaires] with questions referring to the previous day and which is representative of the whole population. Additional processing like editing, and analysis to be quoted separately upon request. Other inherent costs were involved and included the purchase of one-user licence for computer analysis purposes (SPSS).

The range of prices received ranged from Lm200 to Lm8,000 - and this was a 43% cost saving over the previous annual audience costs compared to the highest bidder. The most advantageous to the Authority was the last option above: data collection only on an ongoing basis spread over the whole year. Beside the savings in cost [at one-seventh of the original yearly expenditure] this proposal offered various other advantages previously unavailable to the Authority, namely:

1. Overall the sample size was twice that previously collected by the researcher;
2. The sample is spread over a whole year period which would cover all broadcasting periods and, over time, seasonal and cyclical analysis can be made;
3. Availability of demographics – for previous audits the latest published electoral register was used for sample selection, while for population estimates the statistics of the Population Census published in 1995 were always referred to. The contractor, being the National Statistics Office, had updated demographics always available;
4. Proper selection of respondents – the contractor was also linked to various other government departments holding updated lists of Maltese residents aged 12 years and over living within private households. Respondents would be randomly selected from these databases and only the selected respondent would be eligible for interview and no other member in that family. Since the NSO was also conducting surveys in other areas on a 24-hour basis, every effort would be made until that respondent is reached even if this required multiple phone calls;
5. Complete elimination of programme producer speculations;
6. Availability of raw data for further analysis – under previous arrangements a report was presented to the Authority and if new analysis were required the Authority had to resort to the original researcher.

But this came at a price [including hidden costs]:



1. Only raw data is supplied to the Authority. Compilation and analysis of the quarterly/bi-annually and/or annual report on the audience assessment has to be made internally. And with an already stretched budget, this analysis would have to take priority over other assignments.
2. As already referred to above, some data that was being considered prior to 2004 could not continue to be investigated any more. This included such items as preferred source for local and foreign news; where respondents listen to their radio [at home, at work, and in their car]; where TV is watched [sitting room, bedroom, kitchen, dining room, or any other part of the house]; whether respondents have cable and satellite TV facilities; who decides on which channel television is switched on; extent of interest in political broadcasts; and suggestions for new radio and TV programmes. However, on the other hand, it has to be acknowledged that the outcome of the answers given by respondents over the years tended to be the same in certain cases and hence, at this stage, it was felt by the Authority that it should no longer continue asking these questions once a constant pattern had been achieved over time whereby the same answers were brought provided by the interviewees.

Considering the pros and cons of streamlining the audience research, the Authority opted for a “Continuous Audience Assessment” and data collection started on 1st June 2004. By the end of October 2004 the Authority presented the first findings for the period June-September, while by the end of February 2005, a conglomerated report for June 2004-2005 was rendered public. This process was stopped during the period July 2005 to September 2006 when the National Statistics Office was reserving all its resources for the National Census. In October 2006 this process was recommenced with double the amount of respondents; and again redoubled starting October 2007.

7. CONCLUDING REMARKS

The Authority’s audience assessment is not conclusive on its own – it never was and never will be especially with regard to decisions pertaining to programme scheduling and analysis – should repeats be made during dead-hour broadcasting, should there be dead-hour broadcasting or should the station completely shut down transmissions; which programmes should be rejuvenated and which should be discontinued. There are various strategic methods to use for effective programme portfolio planning and scheduling. However, the starting point to all this is always an audience assessment taking into consideration macro/micro and internal factors affecting our audiences.

The local consumers at times seem unconscious of their rights to quality programme content – reality shows, soap operas and serials broadcast are based and consumed for their sensationalism aspects rather than for their educational improvement and updating to social situations.

The Broadcasting Authority’s decision, ensuing out of financial constraints, to restructure its data collection methods and data analysis with regard to audience assessment, were considered as a “turnaround” by some media analysts, but proved a godsend: improper extrapolation by producers for advertising purposes was eliminated; station managers could employ the continuous audience assessment to promote continued quality programming, and those who did so maintained their programme ratings; while this also proves that it is not necessary to “re-invent the wheel” but it is more important to modify the use of economic factors for more effective purposes.

There are three kinds of lies: lies, damned lies and statistics which are a systematic method for getting the wrong conclusion with 95% confidence. Manipulation of data by the mass media is very dangerous. Nations have lost wars and opinions were swayed to extremes: during the Gulf War researchers have found that heavy TV watchers were more likely to support the war but then they were more likely to know less about its causes and consequences. The Gulf War Syndrome is such a case in point.

Access and training to media is empowerment. Media should create positive change in the lives of individuals, communities, groups and organisations. Media literacy is locally lacking: daily programmes all follow the same routines – a breakfast show followed by three hours of teleshopping, with programme repeats after prime-time. Consumer whistle-blowing and media consumer groups are unheard of locally.



The focus of audience audits and audience assessments has always been that of broadcasting stations and their market share. Although this is important in itself for both broadcast producers and the economic community, quite often consumers' rights to quality programme content is put on a side-stream and quite forgotten, resulting in mediocre programme content.

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**BROADCASTING AUTHORITY
REPORT AND FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31ST DECEMBER 2008**

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Statement of the Authority's Responsibilities

The Broadcasting Act, 1991 requires the board members to prepare financial statements for each financial period which give a true and fair view of the state of affairs of the Authority at the end of the financial period and of the income and expenditure for that period.

In preparing the financial statements, the board members are required to:-

- adopt the going concern basis, unless it is inappropriate to presume that the company 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 assets 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, the financial position of the Authority and to ensure that the financial statements have been properly prepared in accordance with the Broadcasting Act, 1991. The Authority is also responsible for safeguarding the assets of the company and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.



Auditors' Report

We have audited the financial statements of the Broadcasting Authority on pages 229 to 239 which comprise the Authority's balance sheet as at 31 December 2008 and the profit and loss account, statement of changes in equity and cash flow statement for the year then ended and a summary of significant accounting policies and other explanatory notes.

Directors' Responsibility for the Financial Statements

The Authority's members are responsible for the preparation and fair presentation of these financial statements in accordance with International Financial Reporting Standards and the requirements of the Maltese Broadcasting Act, 1991. As described in the statement of the Authority's responsibilities on page 226, this responsibility includes designing, implementing and maintaining internal control relevant to the preparation and fair presentation of financial statements that are free of material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

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. Those Standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.



Opinion

In our opinion, the financial statements give a true and fair view of the financial position of the Authority as at 31 December 2008, and of its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards and have been properly prepared in accordance with the requirements of the Maltese Broadcasting Act, 1991.

John Abela (Partner) for and on behalf of

Horwath Malta

Audit, Tax and Business Advisory Services

10 March 2009




INCOME AND EXPENDITURE ACCOUNT
YEAR ENDED 31 DECEMBER 2008

	Note	2008 €	2007 €
Income (Schedule 1)	4	1,051,342	1,000,077
Expenditure (Schedule 1)		<u>(1,088,677)</u>	<u>(943,400)</u>
Surplus/(deficit) for the year	8	<u>(37,335)</u>	<u>56,677</u>


BALANCE SHEET
31 DECEMBER 2008

	Note	2008 €	2007 €
ASSETS			
Non-current Assets			
Property, Plant and equipment	9	2,062,849	2,065,455
Current Assets			
Receivables	10	140,802	150,911
Cash at bank and in hand		704,024	726,858
		<u>844,826</u>	<u>877,769</u>
Total Assets		<u><u>2,907,675</u></u>	<u><u>2,943,224</u></u>
CAPITAL AND LIABILITIES			
Capital and Reserves			
Capital fund	11	2,572,737	2,572,737
Reserve Fund	11	37,270	37,270
Revaluation reserve	12	293,699	293,699
Accumulated reserve		<u>(156,322)</u>	<u>(118,987)</u>
		2,747,384	2,784,719
Current Liabilities			
Payables	13	160,291	158,505
Total Capital and Liabilities		<u><u>2,907,675</u></u>	<u><u>2,943,224</u></u>

The financial statements on pages 229 to 239 were approved by the members on 10 March 2009 and were signed on their behalf by:



Mr. Joseph Scicluna
Chairman



Mr. Pierre Cassar
Chief Executive



STATEMENT OF CHANGES IN EQUITY
YEAR ENDED 31 DECEMBER 2008

	Capital Fund €	Reserve Fund €	Revaluation Reserve €	Accumulated Reserve €	Total €
Balance at 01 January 2007	2,572,737	37,270	293,699	(175,664)	2,728,042
Surplus for the year	-	-	-	56,677	56,677
Balance at 31 December 2007	<u>2,572,737</u>	<u>37,270</u>	<u>293,699</u>	<u>(118,987)</u>	<u>2,784,719</u>
Balance at 01 January 2008			293,699	(118,987)	2,784,719
Deficit for the year	-	-	-	(37,335)	(37,335)
Balance at 31 December 2008	<u>2,572,737</u>	<u>37,270</u>	<u>293,699</u>	<u>(156,322)</u>	<u>2,747,384</u>



CASH FLOW STATEMENT
YEAR ENDED 31 DECEMBER 2008

	Note	2008 €	2007 €
Cash flows from Operating Activities			
Surplus for the year		(37,335)	56,677
<i>Adjustment for:</i>			
Profit/loss on disposal of property, plant and equipment		511	(694)
Depreciation charge		83,028	76,427
Bank interest receivable		<u>(18,878)</u>	<u>(17,285)</u>
Operating surplus before working capital changes		27,326	115,125
<i>Working capital changes:</i>			
Increase)/decrease in receivables		10,109	(64,454)
Increase in payables		<u>2,042</u>	<u>1,805</u>
Cash generated from operations		39,477	52,476
Bank interest received		<u>18,619</u>	<u>16,844</u>
Net Cash from Operating Activities		<u>58,096</u>	<u>69,320</u>
Investing Activities			
Proceeds from sale of property, plant and equipment		-	808
Payments to acquire property, plant and equipment		<u>(80,930)</u>	<u>(50,990)</u>
Net cash used in Investing Activities		<u>(80,930)</u>	<u>(50,182)</u>
Net movement in Cash and Cash Equivalents		(22,834)	19,138
Cash and cash equivalents at beginning of year		<u>726,858</u>	<u>707,720</u>
Cash and Cash Equivalents at End of Year	14	<u><u>704,024</u></u>	<u><u>726,858</u></u>



NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED 31 DECEMBER 2008

1. Basis of Preparation

The financial statements have been prepared in accordance with the requirements of International Financial Reporting Standards (IFRSs) and their interpretations adopted by the International Accounting Standards Board (IASB) and in compliance with the provisions of the Broadcasting Act, 1991.

The preparation of financial statements in conformity with IFRSs requires the use of certain accounting estimates. It also requires management to exercise its judgement in the process of applying the Authority's accounting policies (refer to note 3).

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.

Revenue Recognition

Income from Government 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.

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.



Financial Instruments

Financial assets and financial liabilities are recognised when the Authority becomes a party to the contractual provisions of the instrument. Financial assets and financial liabilities are initially recognised at their fair value plus directly attributable transaction costs for all financial assets or financial liabilities not classified at fair value through profit or loss.

Financial assets and financial liabilities are offset and the net amount presented in the balance sheet when the Authority has a legally enforceable right to set off the recognised amounts and intends either to settle on a net basis or to realise the asset and settle the liability simultaneously.

Financial assets are derecognised when the contractual rights to the cash flows from the financial assets expire or when the entity transfers the financial asset and the transfer qualifies for derecognition.

Financial liabilities are derecognised when they are extinguished. This occurs when the obligation specified in the contract is discharged, cancelled or expires.

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.

Trade debtors

Trade debtors are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment. A provision for impairment of trade debtors is established when there is objective evidence that the Authority will not be able to collect all amounts due according to the original terms of debts.



The amount of the provision is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted at the effective interest rate. The amount of the provision is recognized in the profit and loss account.

Trade Creditors

Trade creditors are carried at cost which is the fair value of the consideration to be paid in the future for goods and services received, billed to the Authority.

Cash and Cash Equivalents

Cash and cash equivalents comprise cash in hand, fixed and demand deposits.

3. Critical Accounting Estimates and Judgments.

Estimates and judgments are continually evaluated and based on historical experience and other factors including expectations of future events that are believed to be reasonable under the circumstances.

In the opinion of the board members, the accounting estimates and judgments made in the course of preparing these financial statements are not difficult, subjective or complex to a degree which would warrant their description as critical in terms of the requirements of IAS 1 (revised).

4. Income

Income represents the amount receivable from the Government of Malta as subvention and contributions from broadcasting organisations and other income as follows:

	2008 €	2007 €
Government of Malta subventions	606,000	605,638
Contributions from broadcasting organisations	353,982	310,505
Other income	91,360	83,934
	<u>1,051,342</u>	<u>1,000,077</u>

5. Information Relating to Compensation of Key Management Personnel

	2008 €	2007 €
<i>Board members' compensation:</i>		
Board members honoraria	70,640	60,580
Board secretary's salary	30,633	27,948
	101,273	88,528
Social security contributions	1,661	2,020
<i>Total key management personnel compensation</i>	<u>102,934</u>	<u>90,548</u>



6. Board and Staff Costs and Employee Information

	2008 €	2007 €
<i>Staff costs:</i>		
Wages and salaries	687,481	596,848
Social security costs	<u>44,230</u>	<u>41,419</u>
	<u>731,711</u>	<u>638,267</u>

The average number of persons employed during the year, including board members, was made up as follows:

	2008 No.	2007 No.
Board members	5	5
Operations	<u>33</u>	<u>29</u>
	<u>38</u>	<u>34</u>

7. Investment Income

	2008 €	2007 €
Interest on bank deposits	<u>18,878</u>	<u>17,285</u>

8. Surplus for the Year

	2008 €	2007 €
<i>This is stated after charging:</i>		
Auditors' remuneration	1,400	1,374
Depreciation	<u>83,028</u>	<u>76,427</u>



9. Property, Plant and Equipment

	Freehold Land €	Building & Improvements €	Fixtures & Equipment €	Technical Equipment €	Studio Equipment €	Motor Vehicles €	Transmitting Antenna €	Total €
Cost								
At 01 January 2008	160,270	1,855,712	439,822	135,469	186,576	55,346	533,505	3,366,700
Additions	-	-	26,773	35,097	5,552	-	13,508	80,930
Disposals	-	-	(63,935)	(6,066)	-	-	-	(70,001)
At 31 December 2008	160,270	1,855,712	402,660	164,500	192,128	55,346	547,013	3,377,629
Depreciation								
At 01 January 2008	-	225,971	395,798	122,528	182,029	55,344	319,572	1,301,242
Charge for year	-	18,557	19,355	13,587	3,385	-	28,144	83,028
Released on disposal	-	-	(63,424)	(6,066)	-	-	-	(69,490)
At 31 December 2008	-	244,528	351,729	130,049	185,414	55,344	347,716	1,314,780
Net Book Value								
At 31 December 2008	160,270	1,611,184	50,931	34,451	6,714	2	199,297	2,062,849
At 31 December 2007	160,270	1,629,735	44,025	12,951	4,547	2	213,925	2,065,455



9. Property, Plant and Equipment (continued)

- 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:

	2008 €	2007 €
Gharghur land, buildings and transmitting antenna	<u>1,526</u>	<u>1,526</u>

- ii) Fully depreciated fixed assets still in use at the balance sheet date amounted to:

	2008 €	2007 €
Motor vehicles	55,346	55,346
Fixtures, fittings and equipment	296,985	347,519
Studio equipment	175,201	175,201
Technical equipment	111,482	116,226
Transmitting Antenna	<u>94,400</u>	<u>-</u>
	<u>733,414</u>	<u>694,292</u>

10. Receivables

	2008 €	2007 €
Licences receivable	81,866	100,163
Other debtors	49,886	23,473
Prepayments and accrued income	<u>9,050</u>	<u>27,275</u>
	<u>140,802</u>	<u>150,911</u>

11. Capital Fund and Reserve Fund

These funds have been set up in accordance with Section 26 of the Broadcasting Act, 1991.

12. Revaluation Reserve

The revaluation reserve has arisen from a valuation carried out on property in 1991.



13. Payables

	2008 €	2007 €
Capital creditors	10,519	21,039
Other creditors	207	604
Accruals and deferred income	149,565	136,862
	<u>160,291</u>	<u>158,505</u>

14. Cash and Cash Equivalents

Cash and cash equivalents included in the cash flow statement comprise:

	2008 €	2007 €
Cash at bank and in hand	<u>704,024</u>	<u>726,858</u>

15. Financial Instruments

Financial assets include debtors and cash held at bank and in hand. Financial liabilities include creditors. At 31 December 2008, 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 2008, the fair values of financial assets and liabilities were not materially different from their carrying amounts.

16. Capital Commitments

The Authority has entered into a contract for the strengthening of the Gharghur Transmitting Station which will give rise to a capital expenditure of € 119,951.

Another two capital projects have been committed for but are not contracted for by 31 December 2008. These are:

- a) Contract for concrete paving and miscellaneous work at the Gharghur transmission station. Estimated cost amounts to € 14,236.
- b) Contract for monitoring system video/audio archiving under consultancy with MITTS for an estimated value of € 163,000. Consultation with MITTS is on-going and value could vary substantially according to specification of system purchased through tender process in 2009.



**SCHEDULES TO THE INCOME AND EXPENDITURE ACCOUNT
YEAR ENDED 31 DECEMBER 2008**

SCHEDULE 1

**Income and Expenditure Account
Year ended 31 December 2008**

	2008 €	2007 €
Income		
Government contributions	606,000	605,637
Application fees	40,692	22,595
Licences	212,088	189,262
Rental fees receivable	40,648	38,085
Master Antenna facilities fees	60,554	60,564
Investment income	18,878	17,284
Other income	72,482	66,650
	<u>1,051,342</u>	<u>1,000,077</u>
Expenditure		
Administrative (schedule 2)	609,902	574,759
Research and communications (schedule 2)	90,992	76,091
Production (schedule 3)	22,243	7,312
Monitoring (schedule 3)	326,028	263,927
Technical (schedule 3)	39,512	21,311
	<u>1,088,677</u>	<u>943,400</u>



SCHEDULE 2

Administrative, Research and Communications Expenses Year ended 31 December 2008

	2008 €	2007 €
Administrative Expenses		
Members' honoraria	68,844	60,580
Legal advisor's honoraria	5,823	5,821
Salaries	262,749	246,049
Staff training	1,805	1,002
Telecommunications	13,596	14,656
Water and electricity	33,977	25,472
Insurance	7,255	7,605
Stationery	6,167	7,918
Subscriptions and publications	2,996	3,044
International organisations membership fees	1,816	1,843
Repairs and maintenance	19,156	28,223
IT maintenance and support	7,324	10,210
Duty visits abroad	17,810	8,309
Transport	12,150	8,383
Rentals of radio & TV sets	4,891	6,005
Staff health scheme	11,349	11,244
Sundry expenses	9,078	8,595
Auditors' remuneration	1,400	1,374
Legal and professional fees	5,151	12,805
Gharghur site running costs	49,998	37,100
Profit/Loss on disposal of tangible fixed assets	511	(694)
Depreciation	66,056	69,215
	609,902	574,759
Research and Communications Expenses		
Wages and salaries	31,946	24,840
Audience and qualitative research study	32,569	23,597
Seminars and conferences	1,539	594
Public relations	3,346	3,075
BA reports and publications	4,957	13,105
Advertising	5,765	4,288
Broadcasters' training and support	10,870	3,436
Sub-committee research costs	-	3,156
	90,992	76,091



SCHEDULE 3**Departmental Expenses
Year ended 31 December 2008**

	2008 €	2007 €
Production Department		
TV political broadcasts	6,706	2,546
Depreciation	5,775	4,766
Wages and salaries	9,762	-
	22,243	7,312
Monitoring Department		
Wages and salaries	312,597	260,806
Purchase of audio tapes	1,754	628
Staff training	480	-
Repairs and maintenance	-	47
Depreciation	11,197	2,446
	326,028	263,927
Technical Department		
Wages and salaries	23,937	20,999
Repairs and maintenance	15,430	303
Sundry expenses	145	-
Staff training	-	9
	39,512	21,311

