

# ANNUAL REPORT



Broadcasting Authority  
Malta

**2009**

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BROADCASTING AUTHORITY



MALTA

L - AWTORITÀ TAX - XANDIR

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

25<sup>th</sup> March 2010

Honourable Prime Minister,

**Broadcasting Authority Annual Report 2009**

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 2009.

Yours sincerely,

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

Joseph Scicluna B.A.  
Chairman

A handwritten signature in blue ink, appearing to read 'P. Cassar'.

Pierre Cassar  
Chief Executive



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## MESSAGE FROM THE CHAIRMAN

The Members of the Authority, including the undersigned, were reappointed for a period of two years with effect from 1st January 2009 and a new Chief Executive, Mr Pierre Cassar, assumed his responsibilities with effect from the 1st March 2009, following the resignation of the previous incumbent Dr Kevin Aquilina. Dr Aquilina had resigned to take up a full-time academic post at the University of Malta. He had provided many years of loyal and dedicated service to the Authority and should be credited, *inter alia*, with the comprehensive legal framework which now regulates the broadcasting sector in Malta.

Following its reappointment, the Authority considered it both appropriate and necessary to draw up a strategic plan that would guide its operations during its two year period of appointment and, in fact, following a process of internal consultation, a strategic plan was adopted during the initial period of the year under review. The plan defines various objectives for the Authority and establishes a number of outputs but, in particular, addresses the following needs:

- the need to enhance the role, and indeed the public perception, of the Authority from that of an organisation that is primarily tasked to police the broadcasting stations in their adherence to broadcasting legislation to that of an organisation that should also have an important role in the improvement of broadcasting standards and in the protection of listeners and viewers as consumers.

Accordingly, the Authority has established an outreach programme for a better and more direct system of communication with the local audiovisual industry. In this context, as the contents on this report show, a number of structured meetings have already been held with representatives of the industry on various topics (e.g. community radio stations, advertising and teleshopping legislation).

Also in this context, the Authority intends to carry out an exercise to ensure that listeners and viewers are being treated fairly in their interaction with broadcasters, for example when responding to invitations to use premium telephone lines and when participating in competitions.

- the need to adapt the organisational structure of the Authority to enable it to cope with current developments in local and European broadcasting, particularly the transposition into Maltese legislation, and its subsequent application, of the new EU Audio-Visual Media Services (AVMS) Directive and the switchover to digital television, currently scheduled for end-December 2010.

In this respect, the Authority had proposed draft amendments to the Broadcasting Act, including a number of draft Legal Notices, to enable the transposition of the above-mentioned Directive. These had been submitted to the responsible Minister in February 2009 and are now in the process of Parliamentary approval, having reached the Committee Stage of that process. This process needs to be speeded up since the deadline for the transposition of the Directive (19th December 2009) has already elapsed and Malta is currently one of a small number of Member States that have not transposed the Directive.

With regard to the digital switchover process, the Authority had, in November 2009, submitted to Government a draft of the proposed amendments to the Broadcasting Act to enable this process of transition and it is hoped that these amendments will be enacted in the near future. The Authority has now also circulated to interested parties a consultation document which, *inter alia*, proposes the criteria that interested television broadcasters would have to satisfy to qualify for a General Interest Objective (GIO) broadcasting status and therefore to carriage on a free-to-air basis on the proposed GIO network.

Finally, I want to take this opportunity to highlight the fact that the year 2011 represents the 50th anniversary of the setting up of the Broadcasting Authority. The Authority hopes to celebrate this occasion in an appropriate manner with a number of events that should serve as a reminder of the dedicated service of the many Chairmen, Members and staff members of the Authority over the years.

Joseph Scicluna B.A.  
Chairman  
27<sup>th</sup> February 2010



**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  
Mr. Pierre Cassar,  
B.A. (Hons.),  
M.Sc.(Leicester)**



**Secretary  
Dr. Simon Manicolo,  
B.A., Dip. Not.  
Pub., Adv. Trib.  
Eccel. Melit., LL.D.**





## THE CHIEF EXECUTIVE'S STATEMENT

Broadcasting is a way of life. Converging media has made it possible for consumers to access broadcasting content through a multitude of gadgets. There is no longer the need for consumers to be in their homes to access messages dispatched over audio-visual media.

The Broadcasting Authority is charged with regulating broadcasting content originating from the Maltese islands. The year under review has undoubtedly been one characterised by major change in the senior management structure of the Authority. The appointment of a new Chief Executive was followed by the further appointments of the Secretary to the Board and the Head of the Monitoring Department.

As can be gleaned from this annual report, the Authority held regular meetings throughout the year. The second quarter of the year under review was marked by the electoral campaign leading to the European Parliament elections. Once again, the Authority organised a series of political broadcasts, the details of which can be found in the section relating to political broadcasting.

The switch-over from analogue to digital terrestrial television was also an important aspect of the Authority's work carried out during the year. The relevant changes to the Broadcasting Act were proposed reflecting the new licensing structure which will need to be introduced as a result of the digital switch over.

Any dynamic organisation needs to revisit its goals and objectives from time to time to address and meet new challenges that arise from rapid evolving technologies and trends. To this effect, the Authority has embarked on a short-term strategy plan outlining a number of key deliverables that address human, operational, financial, corporate and technological resources.

The Authority feels the need not only to address legislative issues but also to reach out to the various stakeholders, particularly consumers whose daily lives are influenced by broadcasting content transmitted through the different platforms licensed under the Broadcasting Act and other relevant legislation.

This annual report provides an overview of all the initiatives taken by the Broadcasting Authority during the year. The results of the efforts undertaken would not have been possible had it not been for the dedicated team employed by the Authority. As the person heading this team of individuals, I would like to express my thanks to each and everyone of them for their contribution during the year. The success or otherwise of any organisation depends on its team together with the flexibility and adaptability to respond to changing trends. The very nature of broadcasting means that the Authority is an organisation that is constantly changing and adapting to address these objectives.

Finally I would like to thank the Chairman and the Board of Directors for their assistance and cooperation during my first few months in office.

Pierre Cassar  
Chief Executive





## **1. REVIEW OF THE YEAR**

### **by the Chief Executive**

#### **1.1 The Broadcasting Authority.**

The present members of the Board of the Broadcasting Authority were re-confirmed in office for a two year period. During 2009, the Authority was composed as follows:

Chairman: Mr Joseph Scicluna, B.A

Members: Dr Reno Borg M.A, B.A. (Hons), LL.D

Mr Alfred Mallia Milanes

Prof Joseph Pace Axiak, B.A (Hons), D. Litt. (Firenze)

Ms Rose Sciberras, B. A (Hons), L.P.

Secretary: Mr Edgar Cassar

Dr Simon Manicolo LL.D ( as from April)

Chief Executive: Dr Kevin Aquilina Ph.D (Lond.), M.A., B.A. (Hons), Dip. Phil., LL.M, LL.D

Mr Pierre Cassar M.Sc., B.A (Hons)



The Authority held a total of 33 meetings during the year in review.

The year under review brought about substantial changes in the human resources complement at the Broadcasting Authority. Outgoing Chief Executive Prof Kevin Aquilina resigned his post at the end of February and the new Chief Executive, Pierre Cassar, assumed full-time responsibilities of the Authority as from 1<sup>st</sup> March 2009. Mr Cassar was appointed following a public call for applications in late 2008.

The selection board was chaired by Mr Joseph Scicluna, Chairman of the Broadcasting Authority and members Dr Reno Borg and Mr Alfred Mallia Milanes.

Meanwhile, an internal call for applications was issued for the post of Secretary to the Board (Designate) given that Mr Edgar Cassar, the incumbent secretary was to retire in mid-April. The selection board, which comprised the same members as that for the selection of the Chief Executive nominated Dr Simon Manicolo as the new Secretary to the Board. Dr Manicolo assumed full-time duties as secretary as from April 13<sup>th</sup> 2009.

Dr Manicolo's appointment as Secretary to the Board resulted in a vacancy for the post of Head Monitoring. The same procedure was applied to fill this vacant post with an internal call for applications issued and prospective candidates interviewed by a selection board which was chaired by Mr Pierre Cassar and included Prof Albert Caruana and Prof Kevin Aquilina. The board nominated Ms Joanna Spiteri for this post and she was appointed by the Authority to manage this department as from May.



In the same vein, an internal call for the position of Deputy Head Monitoring was issued at the beginning of 2010 and is expected to be concluded in the first few months of 2010.

During the year in review, one Programme Monitor and one Senior Clerk applied for parental leave. The Authority deemed it appropriate to employ a Monitoring Officer on a fixed one year contract to facilitate the work of the monitoring department. The call was issued through ETC and a selection board chaired by the Chief Executive and comprising members Ms Joanna Spiteri as Head of Monitoring and Mr Gordon Vassallo as Head Finance interviewed all candidates who were in possession of a first degree. The board nominated Mr Adriel Vella for the post. Mr Vella commenced duties with the Broadcasting Authority in September.

The Information and Records Officer who was employed in November 2008 successfully completed his probation and was confirmed in his post. Mr Robert Gatt forms part of the Research and Communication Department and his primary role is that of coordinating the provisions resulting from the Freedom of Information Act as well as coordinating the Authority's archives.

At present the Broadcasting Authority's full-time workforce amounts to 32 employees. Given its regulatory role, the majority of the Authority's full-time staff is employed with the Monitoring Department. During the year in review, this department comprised 17 employees including two Senior Clerks who form part of this department.

## **1.2 Reform of Senior Management Posts**

An extensive study was conducted by the Authority in 2008 to reform the functions of senior management. Essentially the main areas which needed to be addressed as emanating from this study were:

- i) the need to decentralise authority and decision making at the very top by delegating more responsibilities to senior management
- ii) assigning more importance to business development concepts
- iii) ensuring more ownership and involvement by senior management in preparation and execution of budgets
- iv) closely follow trends and changes in legislative frameworks in EU countries and to use such trends to draw up proposals to Maltese government on new proposals made by the EU Commission
- v) introducing succession planning particularly to ensure a smooth continuation of work of key positions at the Authority
- vi) identify and implement modern technological devices to assist the Authority in its functions
- vii) to introduce more accountability and control



The proposed new structure of senior management is intended to focus on the changing role and responsibilities of the Authority as a result of technological convergence as well as a vision for a dynamic future which is constantly changing as a result of technological development.

To this effect, the Authority approved the creation of four directorates as follows:

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

All these four directorates will be headed by a Director and each director will perform duties listed in the respective position descriptions. All four directors will report to the Chief Executive.

Given the appointment of a new Chief Executive, the Authority re-discussed this proposed reform and the proposals were once again forwarded to the Office of the Prime Minister for consideration in September. To date, the Authority is awaiting feedback on the matter.

### 1.3 Staff Development

The Authority has always adopted a policy to help its members of staff pursue further studies that are beneficial not only to themselves but also to the Authority in general.

During the year under review the following members of staff were pursuing academic studies as follows:

Joanna Spiteri	Head of Monitoring	Ph.d in Film and Media Studies (University of Sterling, Scotland)
Elaine Galea	Monitoring Officer	M.A. in Sociology (University of Malta)
Jean-Pierre Caligari	Monitoring Officer	M.A in Maltese (University of Malta)
Robert Gatt	Information and Records Officer	Diploma in Archives and Records Management (University of Malta)

In addition to the above, the Authority sponsored and supported five of its members to attend the part-time course at the University of Malta leading to a certificate in Maltese Proof Reading. These were:

- Jean-Pierre Caligari who completed the course in January 2009.
- Programme Monitors George Dorian Sultana and Randolph Micallef, together with Monitoring Officer Josephine Gatt and Senior Clerk Marygrace Caruana also attended the certificate course in Maltese Proof Reading. The four members of staff are expected to complete the course in early 2010.



#### 1.4 Strategy Document 2009-2011

In a bid to enable it to address the challenges ahead, the Authority approved a two year strategy which outlines a number of key deliverables. The objectives of this strategy document are the following:

- the need to establish clear performance indicators for all members of staff, but especially for senior management staff;
- the need for the Authority to take steps to change, to the extent possible, the overall perception of the general public that the sole responsibility of the Authority is to police the broadcasting media;
- the need to create a closer and more regular interface with the broadcasting stations, as well as with key players in the wider broadcasting industry;
- the importance of taking more concrete steps to protect the interests of viewers and listeners as consumers. This should include a role for the Authority in the promotion of media literacy;
- the need to adjust to the oncoming changes in the broadcasting regulatory framework as a result, *inter alia*, of the transposition into Maltese legislation of the EU Audio-Visual Media Services Directive, the digital switch-over process to be concluded by end 2010 and the emergence of new communication technologies. In this respect, the Authority should also take steps to facilitate the adjustment of the broadcasting industry as well as of the consumer to these changes;
- finally, especially on the occasion of the fiftieth anniversary of its foundation in September 1961, the Authority must take the necessary steps to ensure its sustainability as a relevant organisation in the years to come.

#### 1.5 Reaching Out to the Industry

As part of the strategy document prepared by the Broadcasting Authority, the need was felt to establish a closer link with the industry. The Authority had always communicated circulars, new legislation and other relevant information through traditional means of communication. However, with an ever changing scenario and the local concept of stations tending to sub-contract productions through farming out, the need was felt for a more direct way for exchange of ideas between the regulatory body and the stakeholders.

To this effect, a reach-out programme was established which seeks to bring together different stakeholders in the industry every six to eight weeks during which specific topics relating to broadcasting and the interpretation assigned to them by the Authority are discussed.

The first reach-out session was held in October and focused on surreptitious and subliminal advertising. The session primarily targeted those stakeholders working in the audio-visual sector. The session was held at the Authority's office and a promising turnout hinted that such sessions could prove beneficial to all those concerned.



Apart from the legal interpretation assigned by the Authority and reflected in the provisions of the Broadcasting Act, the session also included practical examples which were used to facilitate discussion. The first session was addressed by the Chief Executive, the Head Research and Communication and the Head Monitoring.

The second session was held in the second week of November and targeted Gozitan community radio stations. Again, the Authority felt the need to address this particular segment of stakeholders given their particular work being carried out in the community.

The seminar was held at the Grand Hotel in Gozo and was open only to existing operators of community radio stations in Gozo.



**BROADCASTING AUTHORITY REACH-OUT PROGRAMME  
SURREPTITIOUS AND SUBLIMINAL ADVERTISING  
21<sup>ST</sup> NOVEMBER 2009**



**BROADCASTING AUTHORITY REACH-OUT PROGRAMME  
MEETING OPERATORS OF COMMUNITY RADIO STATIONS IN GOZO  
28<sup>TH</sup> NOVEMBER 2009**





Practically every licensed community radio station in Gozo sent a representative to this seminar which proved to be a healthy exchange of ideas. The session was once again addressed by different members of the Authority. The Chief Executive gave an overview on the *rason d'être* of community radio station and the Broadcasting Act. Meanwhile the Head Monitoring outlined the relevant provisions of the Broadcasting Act which specifically related to community stations and how failure to abide by such regulations could result in breaches. Finally, the Head Research and Communication addressed the seminar and explained how the Authority conducts audience surveys and how these should be interpreted by community radio stations.

In summary, the first two 'Reach-Out' seminars held in the last quarter of the year in review proved to be highly successful. Positive feedback was registered from all the participants especially producers who more often than not work independently from broadcasting stations through temporary contracts.

The sessions also served to identify a communication problem between stations and producers/presenters. In each seminar, participants complained that more often than not, they do not manage to receive official communication sent by the Authority to the respective stations. This often resulted in producers not necessarily being aware of the latest regulations and interpretations issued by the Broadcasting Authority.

Although this does not justify any shortcomings on behalf of broadcasting stations or independent producers commissioned by the station to produce programmes, the Authority used this new concept of 'reaching out' to the industry to establish a better link with the various stakeholders, particularly producers.

## **1.6 MCA Conference**

The Authority's Chief Executive was one of the key speakers during the annual conference held by the Malta Communications Authority. The presentation of the Chief Executive dealt with the plans for the digital switch-over in Malta and was delivered on Friday 30<sup>th</sup> October.





## 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		Licence Duration	Valid From	Freq.	Power [watts]	Date of Issue
Radju Sokkors	Kercem, Gozo	2 years	1/3/09	95.1	4	23/2/09
Radju Santa Katarina	Zurrieq	2 years	29/6/09	90.6	9.9	25/6/09
VSB FM 103.40	Gharghur	2 years	1/1/09	103.4	9	21/1/09
RTK	Nationwide	8 years	30/12/08	103	-	21/1/09
Lehen il-Guzeppini	Ghaxaq	2 years	9/2/09	89.1	9	9/2/09
Radju Prekursur	Xewkija	2 years	19/2/09	99.3	6	17/2/09
Radju Lauretana	Għajnsielem, Gozo	21 days	29/3/09	96.5	5	16/3/09
Lehen il-Belt Ġorġjana	Qormi	2 years	1/3/09	105.6	13	16/3/09
Radju Elenjani 95.8FM	Birkirkara	1 month	13/3/09	95.8	12	13/3/09
Energy FM	Birzebugia	2 years	24/3/09	96.4	10	16/3/09
Radju Vizeitazzjoni	Għarb, Gozo	29 days	22/3/09	92.4	2.8	24/3/09
Radju Margerita	Sannat, Gozo	29 days	29/3/09	96.1	6.9	24/3/09
Radju Marija	Nationwide	8 years	30/3/09	102.3	-	30/3/09
Radju Lehen il-Qala	Qal, Gozo	2 years	17/2/09	106.3	0.5	29/4/09
Super 1 Radio	Nationwide	8 years	11/5/09	92.7		4/5/09
Radju Lauretana	Għajnsielem, Gozo	16 days	23/5/09	96.5	4.3	6/5/09
Radio 12 <sup>th</sup> May	Zebbug, Malta	1 month	14/5/09	96.5	7.9	12/5/09
Radju Każin Banda San Filep	Zebbug, Malta	1 month	15/5/09	106.3	7.6	13/5/09
Radju Sant'Andrija	Luqa	1 month	31/5/09	88.4	9.4	29/5/09
Radju Vizeitazzjoni	Għarb, Gozo	1 month	28/6/09	92.4	2.8	8/6/09
Radju Elenjani	Birkirkara	1 month	24/7/09	95.8	12	8/6/09
Tal-Gilju FM	Mqabba	11 days	12/6/09	95.4	3	8/6/09
Radio Sacro Cuor Sliema	Sliema	1 month	9/6/09	94	8.5	12/6/09
Radju Margerita	Sannat, Gozo	1 month	28/6/09	96.1	6.9	19/6/09
Calypso Radio	Nationwide	6/11/15	24/6/09	101.8	-	23/6/09
Banda Fgura FM	Fgura	19 days	25/6/09	93.1	5.9	25/6/09
Lehen il-Karmelitani 101.4FM	Zurrieq	26 days	1/7/09	101.4	8.5	6/7/09
Radju Marija Assunta	Ghaxaq	1 mth	18/7/09	98.9	9.1	13/7/09
Radju Sacro Cuor Sliema	Sliema	29 days	1/10/09	94	8.5	30/7/09
Radju Lauretana	Għajnsielem, Gozo	1 month	3/08/09	96.5	4.3	15/7/09
Radju 15 t'Awwissu	Qrendi	25 days	23/7/09	98.3	3.5	22/7/09
Radju Xeb-er-ras	Valletta	2 years	25/7/09	90.8	6.5	23/7/09
BKR Radio	Birkirkara	2 years	1/8/09	94.5	7.4	30/7/09
Radju Leonardo	Kirkop	11 days	14/8/09	105.2	4.9	13/8/09
Radju Maria Bambina	Mellieha	16 days	29/8/09	90.2	11.9	28/8/09
2009 District Convention of Jehovah's Witnesses	Dolmen Hotel, St Paul's Bay	3 days	11/9/09	108	0.5	9/9/09
Kiss Fm	St Paul's Bay	2 years	8/10/09	91.3	12	6/10/09
Radju Lauretana	Għajnsielem, Gozo	27 days	8/12/09	96.5	4.3	19/10/09
Radju Sant'Andrija	Luqa	11 days	20/11/09	88.4	9.4	2/11/09
Tal-Gilju FM	Mqabba	1 month	20/11/09	95.4	3	4/11/09
La Salle	Vittoriosa	2 years	1/12/09	99.4	6.5	5/11/09
Campus FM	Nationwide	8 years	18/11/09	103.7	-	9/11/09
Radju Elenjani 95.8FM	Birkirkara	1 month	3/12/09	95.8	10.6	10/11/09
Lehen il-Karmelitani 101.4FM	Zurrieq	20 days	12/12/09	101.4	8.5	16/11/09
Radju Marija Assunta	Għaxaq	1 month	1/12/09	98.9	9.1	26/11/09



Name of Station		Duration of Licence	Valid From	Freq.	Power [watts]	Date of Issue
2010 Circuit Assembly of Jehovah's Witnesses	Dolmen Hotel, St Paul's Bay	2 days	9/1/10	108	0.5	26/11/09
Bastjanizi FM	Qormi	2 years	23/11/09	95	8.8	2/12/09
Radju 15 t'Awwissu	Qrendi	19 days	15/12/09	98.3	3.5	2/12/09
Radju Vizitazzjoni	Gharb, Gozo	1 month	13/12/09	92.4	2.8	4/12/09
96.1 Vilhena FM	Floriana	2 years	3/12/09	96.1	6.3	14/12/09
Power FM	Ghaxaq	7 months	22/11/09	90.4	5	16/12/09
Radju Hal Tarxien	Tarxien	11 days	21/12/09	99	3.6	18/12/09
Big FM	Birkirkara	9 mts 11 days	31/8/09	107.1	8.7	23/12/09
Radio Galaxy	Hamrun	6 months	14/12/09	105	9.1	23/12/09

#### 2.1.1 Community Radio Stations

In January, the Authority approved a two year licence to Pure Gold Christian Radio which was to operate from Qormi. By year's end, the station had not commenced broadcasting as it was still awaiting the commissioning of the studio equipment.

Meanwhile, La Salle Radio was another 'permanent' community radio approved by the Authority which commenced broadcasts in December. The station is operated by the La Salle brothers and has its studios based at Della Salle College in Vittoriosa.

#### 2.1.2 Nationwide Analogue Radio (FM)

During the year in review the Authority approved the transfer of the license of Capital Radio to new shareholders under Article 16 of the Broadcasting Act. Capital Radio was a music station primarily focusing on 80s music. The new owners informed the Authority that they wanted to re-brand the station as Vibe FM which would still remain as a music station though focusing on different genres of music. The Authority accepted this request and the station was re-named as Vibe FM.

In the same vein, the Authority also approved a change in ownership of Calypso Radio (101.8FM). The company that had effective managerial control of the station applied to have the license transferred to its name. After reviewing the case and in line with the provisions of Article 16 of the Broadcasting Act, the Authority approved this change and the license to Calypso Radio was re-issued to Calypso Media Communications Limited.

#### 2.1.3 Digital Radio Platform

The year in review marked the first full year of operations by Digi B Networks Limited, a local company licensed by the Broadcasting Authority and the Malta Communications Authority to operate a digital radio platform.

Apart from local nationwide analogue radio stations which are being simulcast on the digital platform, the network also carries a number of foreign stations. In addition, Radio Cuore d'Italia is the first local thematic radio station to be carried on this network. The station broadcasts Italian music and targets that



segment of the population which follows Italian music. Specialised programmes on this radio station include interviews with Italian singers.

Plans for the Gozo Digital Radio to start broadcasting during the year in review failed to materialise. Essentially a music station, the radio was meant to broadcast from Gozo but no further information was forwarded to the Authority in order to fulfil the licensing procedures and as such this venture seems to have ceased interest in setting up this radio station.

In addition, the Authority had given its consent to Christian Light Radio to start simulcast broadcasts on the digital platform. Legislation allows a time frame of four years during which a community radio station can opt to simulcast on the digital network. However, the operators of the Digi B Network informed the Authority that the owners of Christian Light Radio were no longer interested in this venture.

The Chief Executive received a number of enquiries on the possibility of setting up new radio stations on the digital network but no formal applications were submitted to the Authority for its consideration.

## **2.2 Nationwide Television Stations**

### *2.2.1 Calypso Music Television*

During 2009, the Authority issued one television licence to Calypso Music Television which is a nationwide station carried exclusively on the GO network. The station is the latest addition to the local platform and broadcasts a number of programmes together with music videos interspersed during the day. As is standard policy, the Authority issued a one-year license to the station which started broadcasting in late April.

### *2.2.2 Family Television Network*

This station which was carried on Melita commenced broadcasts in the last quarter of 2008 and had established a regular schedule of broadcasts. However on 3<sup>rd</sup> June 2009, the station went off the air amid rumours that its owners had fled the island. The station never re-commenced broadcasts and in line with broadcasting legislation, its owners were given sufficient time to present their case to the Authority. Given that there did not seem any reasonable prospects that Family Television Network could resume regular broadcasting, the Authority informed Far-Fetched Media that it was revoking the license issued to Family Network Television in virtue of Article 16(4) of the Broadcasting Act and of Section 3 of Annex II (Conditions relating to Enforcement of Licence) of the said licence.

### *2.2.3 Favourite Channel*

This station which is carried exclusively on the Melita network was licensed by the Authority in the last quarter of 2008 and regular transmissions started in January 2009. The station has a generalist approach and its programme content is a varied mix of content including magazine and light entertainment programmes, children's shows documentaries and talk shows. In addition, the station has a fully-fledged newsroom and the station broadcasts news updates and news bulletins throughout the day.



#### 2.2.4 UTV

Following the Authority's decision not to renew the licence to UTV after the initial one year period, its owner, Fr John Farrugia submitted a fresh application for the Authority to re-issue a new license. The Authority informed the applicant that it was not in a position to process the license given that the prospective licensee failed to specify which platform was willing to carry the station. To date the situation has remained at status quo given that both platforms have informed the applicant (and the Authority) that they were not in a position to offer channel space for UTV.

#### 2.2.5 Buzz TV

Buzz TV remains the only satellite television station licensed under the Broadcasting Act. The station, owned by Satellite Telecommunications Network has its uplink situated in Slovenia and its production house in the United States. The station broadcasts a wide range of programmes including lifestyle shows, sports and entertainment.

The station was using the Eutelsat Hotbrid satellite for its broadcasts. In early July, the Authority was informed that the station had gone off the air. Subsequent communication with the owners revealed that the station was undergoing a restructuring plan with the possibility of a re-launch and re-branding exercises that could include a production house based in Malta. Given this information, the Authority decided to grant the owners a six month moratorium during which such planned restructuring could take place. It is envisaged that Buzz Tv will be re-launched in late March 2010.



### 3. LEGISLATION AND CONSULTATION DOCUMENTS

A total of 24 circulars were issued during the year in review. These are listed hereunder:

01/09	Ċertifikat fil-Qari tal-Provi bil-Malti 2009-2010
02/09	L-Elezzjonijiet Għall-Parlament Ewropew – 2009
03/09	Interpretazzjoni tal-Paragrafi 4 u 9 tat-Tielet Skeda tal-Att Dwar ix-Xandir dwar Nuqqas ta' Separazzjoni u Reklamar b'Ħabi
04/09	Consultation on Broadcast Distribution Services Regulations
05/09	Farewell and Thank You
06/09	European Works and European Works by Independent Producers
07/09	Advertising of E-Cigarette Product
08/09	Direttiva tal-Awtorita tax-Xandir dwar Programmi u Reklami li jixxandru matul il-perjodu 4 ta' Mejju sas-6 ta' Ġunju 2009
09/09	Proċess ta' konsultazzjoni Mniedi mill-Awtorita tax-Xandir: L-Użu Tajjeb tal-Ilsien Malti fil-Mezzi tax-Xandir
10/09	Jumejn ta' Silenzju
11/09	Various Topics
12/09	Law on Satellite Radio and Television Services
13/09	Lill-Istazzjonijiet Kollha tar-Radju tal-Kommunita
14/09	Various topics
15/09	Skedi Ottubru-Diċembru 2009
16/09	Registrazzjoni ta' Intervisti bit-Telefon fl-Aħbarijiet u fi Programmi ta' Ġrajjet Kurenti
17/09	Skedi Ottubru – Diċembru 2009
18/09	Ċertifikazzjoni ta' Programmi
19/09	Programmi dwar Servizzi u Prodotti Finanzjarji
20/09	Aħbarijiet Finanzjarji u Premijiet u SMS's
21/09	Reklam ta' Prodott tal-Made in America
22/09	Reklam ta' Logħob tal-Azzard
23/09	L-użu ta' lingwi oħrajn f'rapporti mxandra fil-bulletini tal-aħbarijiet
24/09	Reklam – "Insaħħu s-Sistema tas-Saħħa Primarja

One of the most important circulars issued by the Broadcasting Authority was that on the interpretation of Paragraphs 4 and 9 of the Third Schedule of the Broadcasting Act which deal with surreptitious advertising

The Authority had long expressed its concern over the shortcoming by many broadcasters in failing to draw a clear line between information and adverts. Originally these regulations were meant to come into force as from January 1<sup>st</sup> 2009 but after a number of broadcasters and producers made submissions to the Authority highlighting the fact that production contracts usually span a nine-month period and effectively the introduction of the new regulations would hamper existing agreements, the Authority decided to introduce these regulations as from July 1<sup>st</sup> 2009.

The new regulations stipulated that a station could not feature any adverts that represent a product, range of products or services that were dealt with or mentioned during the informative slot of the programme. This meant that a programme could still feature a guest who has clear ties with any company that provides the same genre of products or services but no such adverts could be carried during the same programme.





The authority introduced this measure to safeguard viewers' interests as it became increasingly evident that many suppliers were using such information slots as a direct link to adverts promoting their products or services.

Another circular issued in July again highlighted the importance of actual separation between information slots and actual advertising and reinforced the new interpretation of Articles 4 and 9 of the Third Schedule of the Broadcasting Act.

The same circular also spelt out the measures that should be taken by any broadcasting station for televoting and participation in competitions through SMSes. With more than two network operators on the market, the Authority was concerned that subscribers to some of the other network providers were not necessarily being included in televoting and sms competition to the detriment of the viewer or listener.

Through this circular, the Authority made it clear that broadcasters were at liberty to mention which network operators were participating in competitions and televoting. In the past, many broadcasters had expressed their concern that the Authority would interpret such a move as being in breach of provisions relating to surreptitious advertising.

In this respect, the Authority made it clear that the mention of the network operators eligible for participation by viewers or listeners in any competition or televoting venture was actually in the interest of the consumer.

Occasionally the Authority is called upon to issue clarification on the broadcasting of adverts which may be in breach of broadcasting legislation. During the year in review, there were three such instances. In the first case, and after consulting with the Public Health Regulatory Division, the Authority instructed broadcasters to refrain from advertising an E-cigarette product given that this product, albeit having the claim to help smokers to cut down on their daily cigarette uptake, included nicotine as one of its ingredients. Given that any product related to tobacco is prohibited by law, such product could not be advertised on broadcasting stations.

The second case involved a Made in America product concerning a device which allegedly had the same effect as a penal patch. The Authority deemed the language used during the advert to be too offensive and instructed the station which originated the advert to find alternative terminology to advertise the product.

In addition, the Chief Executive together with the Head of the Monitoring Department conducted a number of meetings with members from the Malta Standards Authority to establish whether this product had the clearance of the relevant authorities to be placed on the local market.

The third case involved an issue of political advertising which is prohibited by Article 1(f) of the Third Schedule of the Broadcasting Act. Some stations were broadcasting an advert on primary health care entitled “Insaħħu s-Sistema tas-Saħħa Primarja”.

In the circular issued in December, the Authority ruled that the clip constituted a form of political advertising as it was promoting public policy. Stations were instructed to cease broadcasting the advert with immediate effect.

Towards the end of the year in review, the Authority also communicated its decision on how commercial news should be broadcast on television stations. Most stations included a brief slot of information relating to business and commerce including rates or exchange, share and bond prices. In principle, the Authority believes that such information is beneficial to the viewer. However the Authority could not help noticing that some stations were using these information slots to promote specific banks or financial intermediaries.

In conclusion, the Authority ruled that when presenters are clearly identified with a particular company which employs them, either through the specific dress code or through captions, then such commercial information would constitute an advert and its duration would be considered to form part of the maximum 12 minute rule per clock hour governing advertising on television stations.

### **3.1. Consultation Documents**

During the year under review, the Authority issued two consultation documents. The full-text of the consultation documents can be found in the Appendices I and II. The documents were the following:

- i) Consultation on the making of regulations entitled Broadcast Distribution Services Regulation and amendments to the Cable System (General) Regulations 2001 ( February 2009)
- ii) Konsultazzjoni Dwar l-Użu Tajjeb tal-Ilsien Malti fil-Mezzi tax-Xandir (April 2009)

The consultation document on the Broadcast Distribution Services Regulations sought to elicit feedback from interested stakeholders on the proposed changes to the Broadcasting Act to establish in clear terms the role of the Broadcasting Authority as the competent authority responsible for regulating content carried on electronic communications network.

In addition, the consultation document also outlined the provisions of the Cable Systems (General) Regulations which will be repealed so as to streamline the legislative framework governing electronic network operators and having these main provisions included in the Broadcasting Act.

The Authority received only one submission on this document and this was sent by Melita plc which is a key stakeholder effected by the proposed changes.





The second consultation document for the year under review was published in April and focused on the proposals being made by the Broadcasting Authority for the good use of Maltese language on broadcasting stations.

Essentially this consultation document, together with the report commissioned by the Authority and prepared by a Committee of experts nominated by the Kunsill Nazzjonali tal-Ilsien Malti and the Broadcasting Authority sought to revise the existing Legal Notice (L.N 350.10) on the correct use of Maltese language on broadcasting stations by introducing further measures to ensure that broadcasters used proper terminology. In addition, each broadcasting station was expected to include at least one programme in its schedule which promotes the correct use of the Maltese language.

The committee of experts who drew up the report comprised Dr Ray Fabri as Chairperson and members Dr Charles Briffa, Mr Charles Flores, Mr Trevor Zahra and Broadcasting Authority's member of staff Mr Jean-Pierre Caligari who served as Secretary to the Board.

Despite the fact that broadcasting stations had more than four weeks in which to submit feedback on the report, no reactions were forthcoming and the Authority felt it appropriate to call a meeting with a selection of broadcasting stations to explain the provisions of the consultation document and discuss the new provisions that were to be introduced through a new legal notice.

This meeting was held at the Broadcasting Authority's offices and through the feedback obtained, the Authority consented to revising the provision relating to the production of a 30 minute programme promoting the correct use of the Maltese language.

The broadcasters argued that such a programme would not necessarily fit in with their on-going schedule and as an alternative they suggested the possibility of shorter slots included in programmes such as breakfast shows.

The Authority took cognisance of these opinions and agreed that such slots constituted the equivalent of one weekly programme included in the schedule.

### **3.2 Policy Document: A policy and strategy for Digital Broadcasting that meets General Interest Objectives (February 2009)**

Perhaps the most important document was the policy relating to the introduction of free to air terrestrial television (digital switch-over) and the introduction of General Interest Objective Stations. The document was prepared by the Broadcasting Authority and the Malta Communications Authority and was launched by the Minister for Infrastructure, Transport and Communications.





Essentially this document highlighted the changes that will take place for Malta's free to air analogue terrestrial television to switch to digital. The process is expected to be concluded by the end of 2010 and involves a number of important processes including the relevant legislative changes to the Broadcasting Act so as to introduce a different licensing regime than is currently available under present legislation.

The change in legislation will tie in with the selection process of the television stations that will be deemed to qualify for a general interest objective status. The Broadcasting Authority will be conducting this selection process and another consultation document outlining the criteria for such selection is expected to be issued by the end of the first quarter of 2010.

Furthermore, the Broadcasting Authority will also be issuing a multiplex licence to the state broadcaster (i.e. PBS Ltd) as the operator of this digital platform which is expected to carry up to six stations including TVM which is considered to be a de facto general interest objective station.

### **3.3 Legislation**

#### *3.2.1 Law on Satellite Radio and Television Services [see Appendix IV]*

The Broadcasting Act was amended in order to provide for a more detailed licensing regime for the regulation of satellite radio and satellite television services.

Prior to this amendment, Article 16A of the Broadcasting Act read as follows:

*"The provisions of this Act shall apply to all broadcasters under Maltese jurisdiction both as it exists at the time of 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 license granted prior to the 1<sup>st</sup> 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 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 provisions made applicable to such broadcasting by virtue of the proviso to subarticle (1).*

In terms of the amendment approved by Parliament:

- i) The Broadcasting Authority will now deal with the broadcasting content aspect of satellite services whilst the Malta Communications Authority will deal with technical issues.
- ii) The Broadcasting Act provision on satellite broadcasting is now more flexible to permit an element of discretion upon the Broadcasting Act in licensing satellite broadcasting bearing in mind fast development and changes and taking place in the communication sector.

In the new law, the references in Article 16A (1)(b) to satellite broadcasting have been deleted so that the new provisions are now included in Part III A entitled “Satellite Radio and Television Services”.

This part contains four new articles 16C to 16F.

Article 16C empowers the Authority to license both broadcasting content (that is programmes as distinct from networks which are licensed by the Malta Communications Authority) on satellite radio and satellite television.

The Broadcasting Authority is also empowered to decide on the applicable licence conditions and duration.

Article 16D provides for the application form and fee as the Authority may determine. It also increases the administrative penalty to three hundred thousand Euros (€300,000) so as to serve as a deterrent.

Article 16E empowers the Prime Minister and the Authority to make regulations to give better effect to the provisions of this part on satellite radio and television services.

Article 16F is the interpretation provision.

### 3.2.2 Broadcasting Act – Amendment of Fifth Schedule [see Appendix V]

By virtue of Legal Notice No. 348 of 2009, the Fifth Schedule was amended to include the following new penalties for articles 16C (2), 16C(3), 16E, and 16F:

Provision	Penalty €	Reduced Penalty €
Article 16C (2)	1,164	931
Article 16C (3)	1,164	931
Article 16E	1,164	931
Article 16F	1,164	931



These articles have been included in the Broadcasting Act by means of the Broadcasting (Amendment) Act, 2009 (Act No VIII of 2009) which was brought in force with effect from 1<sup>st</sup> July 2009 (L.N. 195/2009) which also included amendments to the penalties falling under:

Provision	Penalty €	Reduced Penalty €
Requirements as to Standards and Practice applicable to News Bulletins and current Affairs Programmes, 2007 - came into force on 1 <sup>st</sup> November 2008	1,164	931
Requirements as to Standards and Practice as to Advertisements, Method of Advertising and Directions on Public Collections on the Broadcasting Media, 2008	1,164	931

### 3.2.3. Pending Legislation

In addition to the above, the Authority has also submitted the following draft changes to legislation.

- (a) Changes to the Broadcasting Act, in particular Article 16 and the Third Schedule as a result of the transposition of the Audio Visual Media Services Directive (AVMS). This also includes seven (7) Legal Notices, including a further revision of the Fifth Schedule to reflect new penalties arising from the new Articles to be introduced in the Broadcasting Act
- (b) Changes to the Broadcasting Act (in particular Article 10 and Article 40) relating to the introduction of a new licensing regime for General Interest Objective Stations and Commercial Niche Stations. Such licenses arise from the Digital Switch-Over Strategy.
- (c) Changes to the Broadcasting Act relating to media concentration (i.e. the possibility of multiple station ownership by the same broadcasting company).
- (d) The Legal Notice outlining the provisions of the Correct Use of the Maltese Language which will repeal S.L 350.10 (Broadcasting Code on the Correct Use of the Maltese Language on the Broadcasting Media).



#### 4. THE EUROPEAN UNION AUDIOVISUAL MEDIA SERVICES DIRECTIVE

The AVMS Directive was an important development during the year in review. Essentially, as a member state of the European Union, Malta began the process to transpose the directive into Maltese law.

In order to identify the relevant sections of the Broadcasting Act which had to be amended to bring them in line with the directive, the Minister responsible for broadcasting appointed a committee in the last quarter of 2008. The members of this committee were: Rev Joseph Borg, Dr Kevin Aquilina and Dr Jeanine Giglio and Ms Daniela Blagojevic Vella as Secretary. The Authority's Head of Research and Communication, Mr Mario Axiak was invited to attend all meetings of the Working Group given that he was representing Malta in the meetings organised by the EU Commission in Brussels on the transposition of this directive.

The terms of reference of the working group were as follows:

- i) to carry out a legal gap analysis to establish which provisions of Maltese law need to be amended or substituted and to 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 aspects of the AVMS which may have an impact on the local media scenario
- iv) to thoroughly consult the public and all interested stakeholders prior to formulating the final report which includes recommendations

The Working Group concluded its assignment in late January 2009 and the report was submitted to the Minister responsible for broadcasting policy.

In this report the committee focused on a number of key aspects of non-obligatory amendments of the directive which include the provisions of co- and self-regulatory regimes, access by persons with a disability and adverts for certain foods in children's programmes. In addition, the report also focused on product placement, media literacy and European works on-demand services.

Parliament debated the law towards the end of the year following which the draft legislation was sent to Committee stage. It is expected that the directive is transposed into local legislation by the end of the first quarter of 2010.

The transposition of the directive would then have to be followed by a number of meetings with the local stakeholders in order to better explain how the provisions will impact their work.



The AVMS Directive was established to streamline the activities of broadcasters in an ever dynamic scenario where media tend to be convergent rather than divergent. Already the term technology neutral is being extensively used in the field of communication.

The Broadcasting Act will therefore be amended to introduce these new provisions. A completely novel aspect which will be introduced as a result of this directive is the introduction of regulations for non-linear services which for the first time will be expected to register with the Broadcasting Authority.

Members states of the EU were expected to fully transpose the AVMS Directive by 19<sup>th</sup> December 2009. As it transpires, most states failed to meet the deadline.

In late November a special meeting of broadcasting regulatory authorities was called by the Commission in Brussels in a bid to have all member states present the latest situation on the transposition of the Directive.

The Authority was represented by its Chairman and Chief Executive. During the meeting, member states, particularly Italy and Spain voiced their concern over the introduction of provisions relating to product placement and as to how such provisions should be interpreted given that in the text of the directive “light entertainment” programmes were considered to be eligible for product placement.



## 5. PROGRAMME COMPLAINTS

During the year under review the Authority received and decided a total of 11 complaints from various quarters including political parties, private individuals or entities and broadcasting stations:

### 5.1. GWU vs TVM News

The Union complained of the fact that TVM failed to report the publication of a letter dated 10th December, 2008 addressed to the Prime Minister whereby eleven Unions queried the new water and electricity tariffs during its main News Buletin of the 13th December, 2008.

The Station through its News Editor, contended that in a report dealing with the same matter and broadcast on the 11th December, 2008, it had featured an extract of a Press Release issued by the same group of Unions the day before and which dealt with the same subject and therefore the station had concluded that further mention and references to this letter would lack news value and would in effect constitute a repetition.

After taking note of the submissions before it, the Authority concluded that in general terms there did not seem to be any systematic ploy to treat favourably or otherwise any of the parties concerned and as a matter of fact the press release issued by the unions on the 10th December had reflected the contents of the letter to the Prime Minister and therefore to some extent it was understandable that broadcasting stations including TVM Newsroom had concluded that reporting the letter would not provide sufficient news value to merit further mention.

In the circumstances, the Authority felt that it could not question the editorial discretion of the station (TVM) and therefore it did not uphold the complaint by the GWU.

Nevertheless, the Authority felt that it had to point out that two separate press releases issued on the 11th December, the day after the Union Haddiema Magħqudin and the same eleven Unions expressing their disagreement in regard to the Legal Notice giving effect to the revised tariffs were afforded different treatment. Whereas the press release issued by the Union Haddiema Magħqudin was reported with significant prominence and also included an interview with the Secretary General of the Union, the press release issued by the other Unions was not afforded the same treatment. Given the fact that the releases dealt with the same issue, the Authority felt that they should have been given the same importance.

### 5.2. Dr Joe Micallef Stafrace vs TVM

In a complaint against the Public Broadcasting Services Limited, Dr Joseph Micallef Stafrace, questioned and argued against the action taken by TVM, when it precluded Dr Kyrill Micallef Stafrace from



participating in a television programme produced by 26th Frame, which decision was based on the fact that he was a candidate for the MEP elections which were to be held in June.

The station justified its action by stating that, it felt that occasional participation on the basis of professional expertise and capacity was allowed, but given the circumstances, regular exposure was unacceptable and this on the basis of circular 2/09 issued by the Authority.

The Authority declared that even though it could not interfere with the station's policies, it had not issued any directives prohibiting the participation of candidates during magazine programmes. In actual fact such restrictive directive is only applicable to the four weeks preceding an election.

### **5.3. Mr Glenn Bedingfield (MEP) vs TVM programme Reporter**

Mr Glenn Bedingfield complained of the fact that after being interviewed in relation to an edition of the TV programme Reporter, TVM decided not to air the programme. This decision was being interpreted by Mr Bedingfield as a form of censorship and was directly related to the content of the interview.

The station argued that its decision was in line with the policy it had adopted in view of the European Parliament Elections, which policy prohibited the airing of interviews with prospective candidates. The station reiterated that as a matter of fact, no candidate had participated in this programme since the commencement of its winter schedule in October. Nevertheless, the station acknowledged the fact that when the interview was recorded the editorial policy of the station in this regard was still being drafted, and not yet in place.

Mr Bedingfield stated that in his case the interview had been conducted in his capacity as a newly appointed Member of the European Parliament and not in view to his candidature and at the time the interview was recorded the Electoral Campaign had not yet commenced and in view of this requested the station to broadcast the said interview.

The Authority held that had the station adopted such a policy during the current schedule, any doubts as to the authenticity of its actions would have been avoided, nevertheless it stated that given the circumstances, the adoption of this editorial policy by the station, in the months preceding the said election, in relation to MEPs and candidates was commendable and did not feel that in this case the remedy demanded by the complainant was to be upheld.

The Authority also recommended that such editorial policy had to be applied indiscriminately to all such cases.



#### 5.4 Alleanza Liberali Demokratika vs TVM

Dr John Zammit complained of what he termed as orchestrated censorship in his regard as candidate in the European Parliament Elections and the continuous boycotting by TVM of the activities of his party.

The station argued that it felt that it was not in a position to announce and report the candidature of Dr John Zammit when this had not yet been endorsed by the European Liberal Party.

The Authority considered the submissions of the station and the complainant and since the candidature of Dr Zammit had been reported in subsequent programmes it felt that there was no need of any further action even more so, given that the station had stated that it will report any newsworthy activities held by the party.

#### 5.5 Labour Party vs TVM News

The Labour Party complained of the fact that on the 15th and 16th February, 2009, TVM broadcast a news item about a story featured in the Sunday Times of the 15th February and which referred to the presumed submission by the Labour Party of a number of proposals on the public financing of political parties, which subject was to be dealt with in the House Select Committee. In its report the station sought the comments of the Prime Minister, the Leader of the Opposition and the Speaker of the House of Representatives.

Following the submissions of the parties concerned the Authority expressed its doubts as to the whether a report referring to matters of political or industrial controversy or current public policy and based on unidentified sources in effect satisfies the obligations of impartiality as spelled out in the Constitution. Nevertheless, the Authority, which is duty bound to find the proper balance between the fundamental right of freedom of expression and at the same time promote the preservation of impartiality in the Constitution could not prohibit such a report from being broadcast. The Authority argued that it is the responsibility of the news editor to ascertain the correctness of facts and that the report is both balanced and impartial.

In relation to the report complained of, the station claimed that it had concrete information which could corroborate the details in the newspaper story. The station argued that it had broadcast the interviews with the Prime Minister, the Leader of the Opposition and the Speaker of the House of Representatives in order to present the item in a balanced and impartial manner. On the other hand the Labour Party argued that it could not substantiate what had been expressed by the Speaker since it was bound to preserve the secrecy.

The Authority held that given the circumstances, it was not in a position to determine whether the claims of the parties were indeed factual. The Authority expressed doubts over the arguments of the station justifying the need to repeat the same story on the following day (16th February) on the basis that this was required to better explain the two corrections the station was obliged to broadcast during the bulletin





of the 15th February. The Authority held that the station could have limited itself to reporting the corrections even more so when the repetition of an item cannot constitute a fresh report and this is clearly prohibited under the Requirements of Standards and Practise issued by the Authority. The fact that the station chose to illustrate the second report with a vox pop did not in itself justify the second report and in this sense the station was in breach of the said Requirements.

In view of these arguments the Authority acknowledged the queries put forward by the Labour Party in relation to the repetition of this story and upheld the complaint and through a directive in terms of Article 15 of the Broadcasting Act ordered TVM to broadcast an extract of its decision.

### **5.6. Labour Party vs TVM News**

The Labour Party complained of the fact that TVM News failed to report the motion moved by the Leader of the Opposition on the 18th February, 2009, said motion requested the suspension of the House business so that Parliament would discuss with urgency illegal immigration following the landing of a considerable number of immigrants on the same day and during the month of February.

The station argued that the motion and the discussion that ensued did not in fact merit being covered in the News Buletin due to lack of news value. The station pointed out that a few days later it had broadcast a short feature highlighting the problems linked to illegal immigration with reactions of the Leader of the Opposition and of the Government. The station stated that it had to be noted that, the full Parliamentary debate on the said motion had been broadcast in its entirety on the radio even though in itself this was not a justification of its action.

In its decision the Authority took into account the submissions of the parties concerned and the relative provisions on what constitutes news value in the Requirements on News and Current Affairs. The Authority claimed that the arguments and evidence produced did not lead it to believe that the News Editor had acted in bad faith when using his discretion to determine whether the story was news worthy or otherwise, and therefore this could not be considered as a case of unjust treatment.

During the hearing the station claimed that it did not have an established editorial policy on the treatment of Parliamentary issues in the news, and in such cases it relied on the overarching principle of news value which was a discretionary tool in the hands of the news editor.

The Authority expressed its disagreement with this situation and argued in favour of a well defined policy to cater for such instances. The Authority felt that, given the importance and peculiarity of a motion under Article 13 of the House Standing Orders, in particular when this was initiated by the Prime Minister or the Leader of the Opposition, the station should consider this as news worthy, an to be reported in the news.



### 5.7 Alternattiva Demokratika vs Broadcasting Authority re. MEP Elections

Alternattiva Demokratika complained that on the 6th May 2009, PBS failed to report the visit made by its Chairperson to the offices of *Greenpak* whereas on the same day the station broadcast other activities by the Leaders of the Nationalist Party and the Labour Party.

The Station claimed that the choice of items is at the sole discretion of the editor and such a decision is taken on the bases of news value. The station argued that the activities by the Nationalist Party and the Labour Party were considered to be newsworthy and it denied that the it had exercised some sort of discrimination, and in support of this claim the station pointed out that in the first six days of May it had broadcast four items related to activities of Alternattiva Demokratika.

After considering the submissions of the parties the Authority decided not to interfere with the editorial discretion of the station and decided not to uphold the complaint

In another case Alternattiva Demokratika complained of the fact that a discussion programme planned to take place on Family TV and with the participation of the Alternattiva Demokratika, the Nationalist Party, the Labour Party and Azzjoni Nazzjonali had been cancelled because the representatives of the latter three political parties were not attending. Alternattiva Demokratika claimed that notwithstanding the circumstances the programme should have been broadcast.

Referring to its Requirements applicable to News and Current Affairs, the Authority pointed out that even though the said requirements imply that the absence of one or more participant should not automatically lead to the cancellation of the programme, on the other hand it was not in a position to overturn a decision by the station to cancel the programme if it felt that it was not feasible to broadcast the said programme.

In a third case, Alternattiva Demokratika complained that both Net TV and One TV were broadcasting programmes with the participation of one party clearly in breach of the directive issued by the Authority regulating political participation in programmes.

The Authority argued that even though it was not in favour of programmes with limited representation, nevertheless in terms of article 3(7) of the said directive, 'for practical reasons and in conformity with the law, when considering the content of the programmes on political stations, the Authority could revert and apply the discretionary powers afforded to it under article 13(2) of the Broadcasting Act.

In the last case, Alternattiva Demokratika complained that during the edition of Xarabank which was to discuss the European Parliament Elections, the party representative was not going to be part of the main panel together with the representatives from the Nationalist Party and the Labour Party.

The Authority pointed out that the Chief Executive had already drawn the attention of the station to the fact that the representatives of Alternattiva Demokratika and Azzjoni Nazzjonali should be part of the



main panel even though they would not necessarily be afforded the same exposure and amount of time as the representatives of the two main political parties.

#### **5.8. Labour Party vs TVM Budget transmission**

The Labour Party complained of the fact that the transmission broadcast during the main News Buletin of the 16th November, 2009, of the press conference by the Leader of the Opposition following the reaction to the Budget speech in Parliament by the Minister of Finance had been afforded less time than that allocated to the Press Conference of the Government a week earlier. In effect the Labour Party argued that whereas the Government was allocated 49 minutes the Opposition was allocated 38 minutes.

In fact it so transpired that this information was incorrect in the sense that in the first case the duration of the Press Conference was 39 minutes 23 seconds and not as had been stated 49 minutes, which meant that the difference between one transmission and the other was 1 minute 23 seconds. Notwithstanding this development the party insisted with the Authority to hear the case, claiming that the party had been put at a disadvantage since the transmission of the Labour Party press conference was interrupted when Dr Joseph Muscat was about to reply to a question on a matter of significant importance.

The Authority considered all the facts of the case and concluded that the Labour Party was not treated unjustly or discriminated against and therefore it could not uphold the complaint.

#### **5.9. Labour Party vs TVM News**

The Labour Party complained of the fact that the station failed to report a press release issued by it and dated 15th November, 2009 as a reaction to a speech by the Prime Minister during the General Council, whereas it had broadcast a release by the Nationalist Party dated 8th November through which it reacted to the speech by the Leader of the Opposition during its News Bulletin of the same day. Besides claiming that this constituted an unfair and unjust treatment the Labour Party contested the contents of the release in the sense that it referred to parts of the speech of Dr Muscat which it claimed were taken out of context.

The station argued that according to its editorial policy, the reporting of press releases relating to speeches by party leaders depends on whether these present relevant facts and not political opinions. The station claimed that its news bulletins were not notice boards. The station stated that the press release issued by the Labour Party in effect was a repetition of the speech made by Dr Joseph Muscat, which was covered extensively in its bulletin of the same day.

The Authority discussed the submissions before it and in principle agreed with the editorial policy adopted by the station, which it claimed could contribute to limit the excessive political content in the news, given that this is applied indiscriminately and consistently.





After analysing the news bulletin and the press release issued by the Labour Party, the Authority decided that the station had in this case, adhered to the editorial policy as pronounced and could not uphold the complaint.

On the other hand, in relation to the news bulletin of the 8th November, 2009, the Authority noted that whereas the station had not reported the absence of the Leader of the Opposition during the Remembrance Day celebration in its news item, it deemed the fact as relevant and newsworthy when reporting the press release issued by the Nationalist Party. The Authority considered this treatment as inconsistent with the referred to editorial policy and in this respect the complaint of the Labour Party was justified. Nevertheless the Authority decided that given the circumstances it should not award any particular remedy.

#### **5.10. PBS vs One Productions News**

The Public Broadcasting Services Limited complained of the fact that One TV failed to broadcast a reply issued by Dr Natalino Fenech as Editor and Head of News in relation to the report by One News of the 14th November, 2009 which implied that the interruption of the transmission during a press conference by the Prime Minister, in relation to the Budget, which occurred on TVM and Net TV was part of a political strategy.

Mr Glenn Bedingfield on behalf of One TV argued that the station had in fact performed its obligation and broadcast the right of reply.

The Authority considered the submissions before it and decided that the news item gave the televiewer the impression that the decision by the Public Broadcasting Services Limited to interrupt the transmission was in fact part of a strategy. The Authority pointed out that the procedure governing the right of reply was spelled out in its Requirements on News and Current Affairs and it concluded that the right of reply under discussion conformed to the said Requirements and therefore there was no justifiable reason for through which One TV could refuse to broadcast the right of reply in its entirety as submitted by Dr Fenech. The Authority upheld the complaint and ordered One TV to broadcast the right of reply in its entirety not later than the 8th January, 2010.

#### **5.11. Nationalist Party vs One News**

The Nationalist Party complained of the fact that during the news bulletins of the 1st and 2nd December, 2009, One News broadcast an item on the conclusions arrived at by the Data Protection Commissioner in relation to the case involving the Secretary General of the Party Dr Paul Borg Olivier. The Party argued that One TV failed to broadcast the right of reply issued by Dr Frank Psaila in relation to the news item and the station was in breach of the Requirements as to Standards and Practise for News Bulletins and Current Affairs Programmes in particular paragraphs 2.1.3(ii) which provide that news should be precise, factual and etically correct.

The station contested the arguments brought forward and stated that the invocation of the right of reply remedy by the party, in fact was not justified.

The Authority took into account all the documentation and submissions of the parties concerned and stated that although the Nationalist Party had invoked the right of reply remedy under the Broadcasting Act, in actual fact it did not produce the actual reply, and instead insisted that a press release issued by the party before the report on the Data Protection Commissioner were made public, would meet this requirement.

The Authority contended that the Requirements as to Standards and Practise for News Bulletins and Current Affairs Programmes did not oblige a station to broadcast a press release issued by a political party and therefore in this case, it decided that the complaint of the Nationalist Party was not justified.

On the other hand the Authority noted that the report on One TV was in actual fact selective and therefore it was not precise nor etically correct, but it also pointed out that the same was the case with the report broadcast during Net News of the 1 December, 2009, on the same subject and therefore it concluded that the complaint by Dr Psaila was not in good faith and given the circumstances decided that it was not justified to award a remedy and therefore the complaint was not upheld.



## 6. BROADCASTING CASE LAW

### 6.1. TVM: *Pjazza 3*

The Civil Court, First Hall, on 11 May 2009 decided that the Malta Broadcasting Authority had not, when hearing a charge issued by the Chief Executive of the said Authority against the public service broadcaster, given the latter a fair hearing during administrative proceedings. This court case dealt with the first instance where the Authority had applied the then new law in 2000 which had changed the procedure as to enforcement of broadcasting legislation from one based on criminal proceedings to one based on administrative proceedings.

The facts of this case are as follows. On 21 March 2000 a programme was broadcast prior to the watershed on the public service television station (TVM) dealing with sexual education. The Authority had taken note of a Memorandum submitted to it by its Chief Executive and also heard the oral submissions of the station in connection with the alleged infringement of the good taste and decency provision of the Broadcasting Act. On 12 July 2000, the Authority found the station in breach of the Broadcasting Act and imposed an administrative penalty of Lm 600 (now €1,397.62c) ordering also the station to broadcast a summary of the Authority's findings during the principal news bulletin of TVM. It did so after noting the new amendments to the Broadcasting Act which came into effect the day before on 11 July 2000 where such amendments had empowered the Authority to inflict administrative sanctions such as the penalty above mentioned, a power which it did not have before that date as infringements of broadcasting law were prior to 11 July 2000 considered as criminal offences. The station sought judicial review of the Authority's decision claiming that it had not been given a fair hearing when the Authority inflicted such a penalty.

The Court argued that the new amendments to the Broadcasting Act had raised the standard of administrative proceedings from disciplinary proceedings to proceedings which had to respect the right to a fair and public trial. It further opined that once the new law had come into force and the proceedings in question had not yet been definitively decided the Authority was bound to comply with these new provisions as that was the law which obtained at the specific moment in time. In the court's view, the Authority should— following the entry into force of the new amendments — either have requested TVM to declare that it was not going to adduce further evidence and that it was relying on the evidence already produced by it or else TVM should have been given the opportunity to produce fresh evidence. Furthermore, TVM had not received a charge in terms of the new law and nor was it informed on which provision of the law its conduct was being investigated. The Authority failed to inform TVM that the latter had the right to adduce evidence to defend itself and to be assisted by a lawyer. Nor was the Chief Executive of the Authority who filed a written statement cross-examined by TVM. Finally, the court concluded that when a law is changed following the commission of a criminal offence, it is the most favourable law to the accused which should apply. The Court thus found in favour of TVM and ordered the Authority to refund the administrative penalty which TVM had paid to the Authority.



On the other hand, the court observed that it resulted from the facts of the case that the Authority had not acted as a prosecutor and as a judge at the same time as TVM had alleged and therefore passed on to reject TVM's contention in this regard.

The decision has become final as the Broadcasting Authority did not appeal the judgment.

## 7. ADMINISTRATIVE OFFENCES

The relevant administrative offences are summarised hereunder. All charges issued by the Chief Executive are heard by the Authority which then reaches a decision that is communicated to the station.

Station	Number of Infringements
<i>Televisions</i>	
TVM	12
Net TV	5
One TV	13
Smash TV	2
<i>Nationwide Radios</i>	
Radju Malta	2
Radio 101	1
Super One Radio	2

During the year under review, the Authority ruled on a total of 37 infringements of broadcasting legislation. This total refers to charges issued and heard by the Authority but does not include warnings issued by the Chief Executive to broadcasting stations to highlight aspects which need to be addressed to conform with the provisions of broadcasting legislation.

Perhaps the case which received a lot of media attention was the charge issued to TVM in relation to the programme *Venere*. The programme broadcast on October 10th which featured a photo-shoot at the Addolorata Cemetery was deemed to be in bad taste and to this effect the Chief Executive issued a charge under Article 13(2) (a) of the Broadcasting Act which states:

“that nothing is included in the programmes which offends against religious sentiment, good taste or decency or is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling;”

The producers of the programme became embroiled in a media campaign against the charge issued by the Chief Executive of the Broadcasting Authority and even wrote a letter asking the Chief Executive to revoke the charge.

The producers contended that the photo-shoot was held at the Addolorata Cemetery in a bid to highlight the neo-Gothic architecture that one finds in this cemetery.

In its conclusion on this case, the Authority ruled that the programme was in fact in bad taste given that the photo-shoot used private chapels as a background for the photos, which chapels included graves where loved ones were buried.

In its submissions, the Authority also ruled that although the producer acted in good faith and the very nature of the programme was artistic, the programme was deemed to be in bad taste as outlined in Article





13(2)(a). However, given that this was the first time that the programme was found in breach of broadcasting legislation, the Authority did not impose a fine but issued a warning to the station (i.e. TVM) and the programme in question (i.e. *Venere*).



## 8. POLITICAL BROADCASTING

### 10.1 EU Parliamentary Elections

As highlighted in the Broadcasting Act, the Broadcasting Authority organised a scheme of political broadcasts in the run up to the EU parliamentary elections which were held on June 6<sup>th</sup> 2009. Article 13 (4) stipulates that:

*“It shall be the duty of the Authority to organise from time to time schemes of political broadcasts (including political spots) which fairly apportion facilities and time between the different political parties represented in parliament; to produce properly balanced discussions or debates that afford access to persons from different interest groups with different points of view, and also to produce commentaries or other programmes about questions relating to current public policy, wherein persons taking part can put forward differing views and comments”*

Originally, the Authority proposed a series of party productions together with one debate featuring the leaders of the four political parties (AD, AN, PL and PN).

Following consultation with the political parties, the scheme was revised and the final version which was agreed to by all parties concerned included party productions, political spots and five political debates all of which were broadcast on TVM.

Airtime for party productions was distributed and distributed as follows:

	PN	PL	AD	AN	ALDM
<b>Total Airtime</b>	60 min	60 min	24 min	10 min	5 min
<b>Party Productions</b>	12 x 5'	12 x 5'	6 x 4'	1 x 4' 2 x 3'	1 x 5'
<b>Independent Candidates</b>	5' per candidate				

In addition, airtime for political spots was apportioned as follows:

	PN	PL	AD	AN	ALDM
<b>Political Spots</b>	20 min	20 min	8 min	4 min	1 min
The PN and PL were allocated up to a maximum of 40 spots, the duration of which could not be shorter than 30 seconds or longer than a minute; AD were allocated up to a maximum of 16 spots; 8 spots to AN; and a maximum of 2 spots were allotted to ALDM.					
No political spots were allocated to independent candidates.					

The schedule of political broadcasts commenced on Monday 11<sup>th</sup> May and came to an end on Wednesday 3<sup>rd</sup> June.



The political debates were held as follows:

Date Chairperson	Subject Chosen by	Party Participants	
Monday 11 <sup>th</sup> May Mr Reno Bugeja	<i>"Niddefendu lil Malta fl-Unjoni Ewropeja"</i> Subject chosen by AN	<b>PN</b>	Dr Roberta Metsola Tedesco Triccas Dr Alex Perici Calacsione
		<b>PL</b>	Ms Sharon Ellul Bonnici Ms Claudette Baldacchino
		<b>AN</b>	Dr Josie Muscat
Tuesday 19 <sup>th</sup> May Mr Mario Micallef	<i>"Konsistenti u Kreddibli fl-Ewropa"</i> Subject chosen by AD	<b>PN</b>	Dr Alan Deidun Dr Frank Portelli
		<b>PL</b>	Mr Steve Borg Dr Christian Zammit
		<b>AD</b>	Prof Arnold Cassola
Tuesday 26 <sup>th</sup> May Ms Anna Bonanno	<i>"Destinazzjoni Success: Nemmu, Nahdmu Nirnexxu"</i> Subject chosen by PL	<b>PN</b>	Hon John Dalli Dr Marthese Portelli
		<b>PL</b>	Hon Evarist Bartolo Mr Glenn Bedingfield
		<b>AD</b>	Ms Yvonne Ebejer Arquerous
		<b>AN</b>	Dr Josie Muscat
Thursday 28 <sup>th</sup> May Mr Kurt Sansone	<i>"L-Immigrazzjoni Illegali –Il-Ballun Politiku Gdid tal-Labour"</i> Subject chosen by PN	<b>PN</b>	Mr David Casa Hon Carm Mifsud Bonnici
		<b>PL</b>	Dr John Attard Montalto Prof Edward Scicluna
		<b>AD</b>	Prof Arnold Cassola
		<b>AN</b>	Dr Josie Muscat
Tuesday 2 <sup>nd</sup> June Mr Reno Bugeja	<i>"L-elezzjonijiet tal-Parlament Ewropew"</i> Subject chosen by the Broadcasting Authority	<b>PN</b>	Hon Dr Lawrence Gonzi – Prime Minister
		<b>PL</b>	Hon Dr Joseph Muscat – Leader of the Opposition

In addition to the above debates, party productions and political spots, the Broadcasting Authority issued a directive governing programmes and advertisements broadcast during the period 4<sup>th</sup> May-June 6<sup>th</sup> 2009. The directive included clauses relating to the maximum number of exposures an MEP candidate could benefit from on each programme broadcast on any station, the procedures to be followed for coverage on the day of the election itself and the submission of programme schedules for the period covered by the directive.

The directive is included in Appendix VI.



## **9. INTERNATIONAL RELATIONS**

As in previous years, the Broadcasting Authority attended the meetings organised by the European Platform of Regulatory Authorities (EPRA) and the Mediterranean Network. The EPRA Meetings are usually held twice a year.

### **9.1. European Platform of Regulatory Authorities (EPRA)**

Unfortunately, due to the electoral campaign for the European Parliament elections, the Broadcasting Authority was not represented in the 29<sup>th</sup> EPRA Meeting which was held in Tallin, Estonia between the 6<sup>th</sup> and the 8<sup>th</sup> May. The two plenary sessions were: 'The transposition of the AVMS Directive provisions on commercial communication' and 'Transparency and Accountability of Regulators'.

Between the 15<sup>th</sup> and the 16<sup>th</sup> October, the Chairman and Chief Executive attended the 30<sup>th</sup> EPRA Meeting which was held in Dresden, Germany. The meeting primarily discussed the implications of the Audio-Visual Media Services Directive (AVMS) and its transposition in the domestic legislation of different states. The two plenary sessions were 'Non-Linear Services: Market Evolution & Regulatory Challenges' and 'AVMS Implementation: Mission Accomplished or Mission Impossible'.

### **9.2. Mediterranean Network of Regulatory Authorities**

The 11<sup>th</sup> meeting of the Mediterranean Network of Regulatory Authorities met in the historic city of Granada, Spain between the 1<sup>st</sup> and 2<sup>nd</sup> October. The forum serves as a rich exchange of ideas between European, North African and Middle East counterparts. The meeting in Granada focused on the protections of minors and diversity in multicultural societies.

During the meeting Malta was nominated as the vice-Chair of this network which means that the Broadcasting Authority will be organising the 13<sup>th</sup> meeting of the Mediterranean Network in 2011. This coincides with the 50<sup>th</sup> anniversary of the founding of the Broadcasting Authority.

### **9.3 Contact Committee established by the Audiovisual Media Services Directive.**

During 2009 two meetings were held by the Contact Committee composed of representatives of the competent audiovisual regulatory authorities of the Member States [pursuant Chapter VI, Article 23a of the AVMS Directive] – on 31<sup>st</sup> March and on 3<sup>rd</sup> November 2009. The AVMS Directive had to be implemented before the 19<sup>th</sup> December; however by the 3<sup>rd</sup> November only a few countries had adopted and notified transposition measures (Belgium and France). Luxemburg has communicated its new rules on TV advertising and Slovakia and Ireland have adopted implementing legislation (for linear services in



the case of Ireland). Romania has also adopted legislation, but it remains to be approved by Parliament. In Austria so far the advertising rules have been transposed.

In both meetings, the Broadcasting Authority was represented by its Head Research and Communications. The meetings were held at the Conference Centre Albert Borschette in Brussels.



## 10. RADIO AND TELEVISION AUDIENCE ASSESSMENT

Article 30(2) of the Broadcasting Act, Chapter 350 of the Laws of Malta, requires the Broadcasting Authority to make and transmit to the Prime Minister a report that includes the results of independent audience research which ascertains:

- (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.*

Although the Broadcasting Authority licenses all local radio and television broadcasts, its primary obligation with regard to the compilation of such data and analysis is toward that of ensuring adequate quality levels of broadcasting to the general public; and to the business community that makes use of such analysis - both local entrepreneurs as well as foreign investors projecting local investment. With this in mind, in 2006 the Authority had explored other cheaper and more effective methods of data collection and analysis than those previously used – twice yearly one-week ‘snapshot’ views of audiences which were tendered out.

Following discussions with the National Statistics Office, a cheaper and different method of data collection was proposed and adopted using telephone (rather than personal) interviews based on a stratified sample according to national demographics – selected and collected quarterly by N.S.O. Done on a daily basis, the total averaged results of each quarter removed any possibility of misleading ‘high-peaked audiences’ attributed to programme manipulation by radio and television producers and resulting in a continuous analysis and monitoring of radio and television audiences.

As in previous audience assessments, starting from October 2008, a stratified random sample based on gender, age, and district population distribution was selected by the National Statistics Office, who administered the survey and collected the data that was passed on to the Broadcasting Authority for analysis. The net sample size over a year was to consist of around 7300 units (over four quarters covering 365 days and resulting in the desired target average of 20 daily interviewees); while also allowing for a 50% response rate and amounting to 14,560 possible interviewees. The minimum age of respondents was 12 years old while the oldest person interviewed during this period was 99 years old.

### 10.1. The Accuracy of the Results

How well the sample represents the population is gauged by two important statistics – the survey’s margin of error and the confidence level used. The margin of error is the amount of error inherent in the results due to sampling and depends on the size of the sample – a lower margin of error requires a larger



sample size. A common choice as an accepted margin of error is that of  $\pm 5\%$ . The confidence level is the amount of uncertainty that can be tolerated. Typical choices are 90%, 95% and 99% confidence – a higher confidence level again requires a larger sample size.

Response rates of respondents varied every quarter. With a population size of 410,290 [aged 12 years and over]<sup>1</sup> and a 95% confidence level, the total sample and each quarter-sample gave the following margins of error for each analysis made:

RESPONSES	OCT 2008– SEP 2009		JUL-SEP 2009		APR-JUN 2009		JAN-MAR 2009		OCT-DEC 2008	
	No.	%	No.	%	No.	%	No.	%	No.	%
Contacted	12214	100.0%	3308	100.0%	3121	100.0%	2949	100.0%	2836	100%
Accepted	7266	59.49%	1831	55.35%	1813	58.09%	1787	60.60%	1835	64.70%
<b>Margin of Error</b>		<b><math>\pm 1.12\%</math></b>		<b><math>\pm 2.27\%</math></b>		<b><math>\pm 2.27\%</math></b>		<b><math>\pm 2.26\%</math></b>		<b><math>\pm 2.18\%</math></b>

## 10.2. Listening and Viewing Patterns

Analysis of radio and television audiences is made on different parameters depending on the intended final use of the data. While some data-users may be interested only in the number of people that tuned-in to a particular broadcasting station, for other purposes the amount of time that media consumers spend with their media reception-sets is more utilitarian. This leads to two primary analyses: audience reach and audience share of broadcasting stations.

The differences between the values attained by each broadcasting station between themselves depends on such factors as the demographics of each station's viewers/listeners [older people tend to listen/watch broadcasting stations more than younger people]; each station's targeted audience; and each station's diversity in its broadcasting schedules.

## 10.3 Radio Reach

Since 2006 regular radio listening was maintained with just over/under the 50% level while radio zapping with "No Particular Radio Station listened to" has maintained the less than 10% of all those interviewed.

Radio listening through the summer months of July to September of each year has only seen a very slight increase over the previous yearly quarters of the same year. This means that the high rise in radio listening that is expected during the summer months as against that during peak TV season is not significant as it does not exceed the 5% mark. On a quarterly basis the number of people listening to radio is quite regular during the whole year with only a slight increase during the summer months. This corroborates the statement that "media consumption slightly varies by yearly season and by media platform"<sup>2</sup>.

<sup>1</sup> As per N.S.O. News Release 122/2009 dated 10<sup>th</sup> July 2009

<sup>2</sup> Axiak, M (2008); *Maltese Broadcast Consumer Profile: An Analytical Assessment 1999-2006*; Broadcasting Authority; Broadcasting Studies Series, Vol. II; pg.89



Noticeable is the reverse trends of those who stated that they do not regularly listen to radio and those who stated that they are regular radio listeners – they are in tandem but in reverse and an increase in one means a decrease in the other. This is consistent throughout the whole three year period and implies that only a small percentage of radio listeners would change their listening habits from regular to non-listeners – see Table and Figure 1 below.

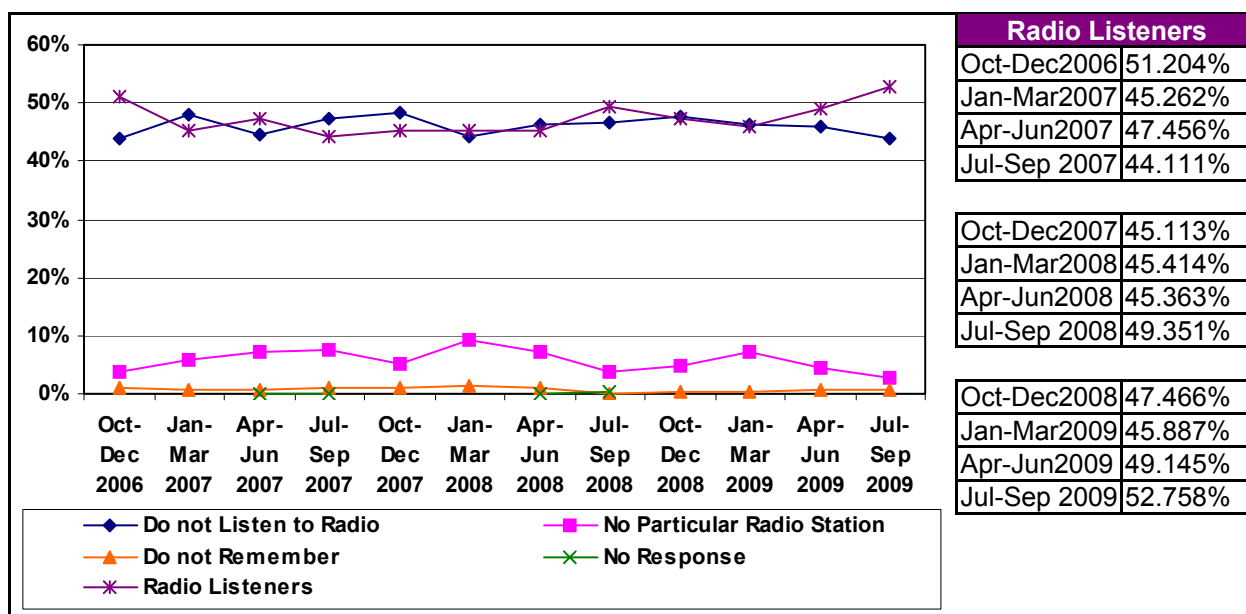


FIGURE 1: RADIO LISTENING BY QUARTERS – OCT-DEC 2006 TO JUL-SEP 2009

The total number of radio listeners were analysed by broadcasting station and the data is summarised in Table and Figure 2 below. This data gives the effective percentage of radio listeners that each radio broadcasting station has attracted. For the whole broadcasting season from October 2008 to September 2009 the number of radio listeners captured by each broadcasting station has been maintained throughout with Bay Radio attaining an average of 20.38% of total listeners starting from 16.4% in October-December 2008 to the highest of 23.2% during April-June 2009. Super One Radio obtained an overall average of 16.26% with its highest being 16.46% during the summer months; while Calypso Radio maintained its third position with an average audience reach of 10.74% of all radio listeners.

Analysed by population demographics, while Bay Radio was the most preferred station amongst the four lowest age groups[12-14; 15-24; 25-29; and 30-49], Super One Radio was the most preferred station of those in the 50-64 and 65-79 age groups. Radju Marija was the most preferred station of those in the 80-plus age group and the second most preferred station for those in the 65-79 age-group. While Bay Radio and Super One radio were the second most preferred station for both males and females, Calypso Radio and Radju Marija were the third most preferred station for males and females respectively. XFM was the second most preferred station for the first three age groups up to 29 years old while Calypso Radio was the second most preferred station for the 30-49 and 50-64 age groups. RTK was the third most preferred station for three age groups over 50 years old.





	Oct-Dec 2008	Jan-Mar 2009	Apr-Jun 2009	Jul-Sep 2009	Oct'08-Sep '09
Radju Malta	6.3	6.6	6.3	8.28	6.91
Radju Parlament 106.6	3.0	1.1	0.8	0.00	1.21
Magic Radio	7.2	5.4	6.6	6.21	6.34
Super One Radio	[2] 16.0	[2] 16.7	[2] 15.9	[2] 16.46	[2] 16.26
Radio 101	4.9	6.0	4.3	4.66	4.93
Bay Radio	<b>[1] 16.4</b>	<b>[1] 18.8</b>	<b>[1] 23.2</b>	<b>[1] 22.67</b>	<b>[1] 20.38</b>
Calypso Radio	[3] 13.1	[3] 10.1	[3] 10.4	[3] 9.42	[3] 10.74
RTK	7.9	9.0	8.9	8.18	8.48
Smash Radio	4.1	3.9	3.1	3.11	3.55
Radju Marija	9.0	8.8	8.4	5.59	7.86
Campus FM	0.5	0.6	0.9	1.24	0.82
Capital Radio / Vibe FM	4.0	4.0	3.1	4.76	4.00
XFM	5.4	5.7	4.0	4.76	4.96
Community Stations	1.1	2.3	3.0	3.42	2.51
Foreign Radio Stations	1.0	1.0	0.9	1.24	1.04
	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
1%=	1724	1667	1785	1917	1774

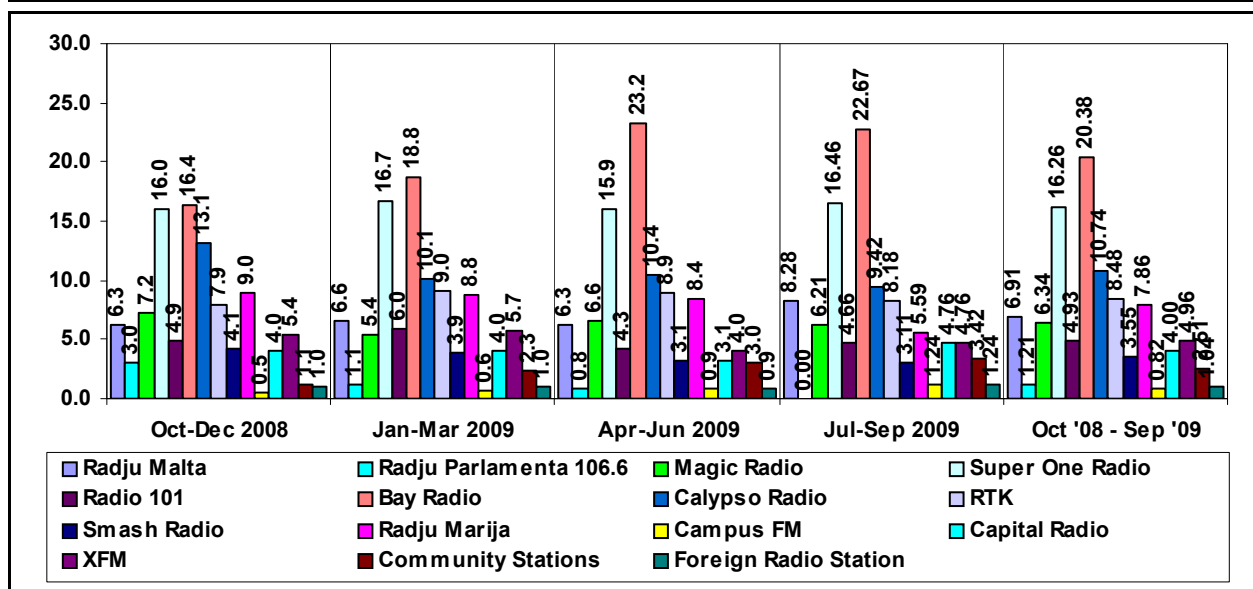


FIGURE 2: RADIO REACH BY BROADCASTING STATION BY QUARTER [OCT 2008 – SEP 2009]

This diversity in station reach indicates that although national broadcasting radio stations nearly all cover demographics by gender and age group, they are clearly targeting sectorised groups within the local radio broadcasting scenario.

Analysed by district, for the whole broadcasting season from October 2008 to September 2009, Bay Radio was the most preferred station in three districts [Northern Harhour, Western, and Northern Districts]and the second most preferred station in the other three districts [Southern Harbour, South Eastern, and Gozo & Comino]. Super One Radio was the most reached station in the Southern Harbour area and in the South Eastern area; while Calypso Radio was the third most reached radio in all the Maltese districts, losing its place to Super One Radio in Gozo and Comino which always had divergent radio reach, audiences and preferences. For this period, in fact, RTK was the most reached station in



Gozo and Comino, followed by Bay Radio [2<sup>nd</sup>] and Super One Radio [3<sup>rd</sup>]; even though the reach of this district for the summer months of July-September 2009 had different radio reach with Super One Radio ranking first with 17.74%, followed by Radju Malta [14.52%] and the third place being shared by Bay Radio and the eight Gozitan Community Radio Stations [11.29%].

#### *10.3.1 Radio Reach by Broadcasting Station*

In general radio broadcasting stations have a balanced gender audience. Of significance, however, are those broadcasting stations whose gender reach is in excess of 10% in either gender. Overall Radju Parlament, RTK, Radju Marija, and Community Radio stations have a higher than normal of female listeners while Campus FM, Capital Radio/Vibe FM, and Foreign Radio Stations have a higher male audience than normal.

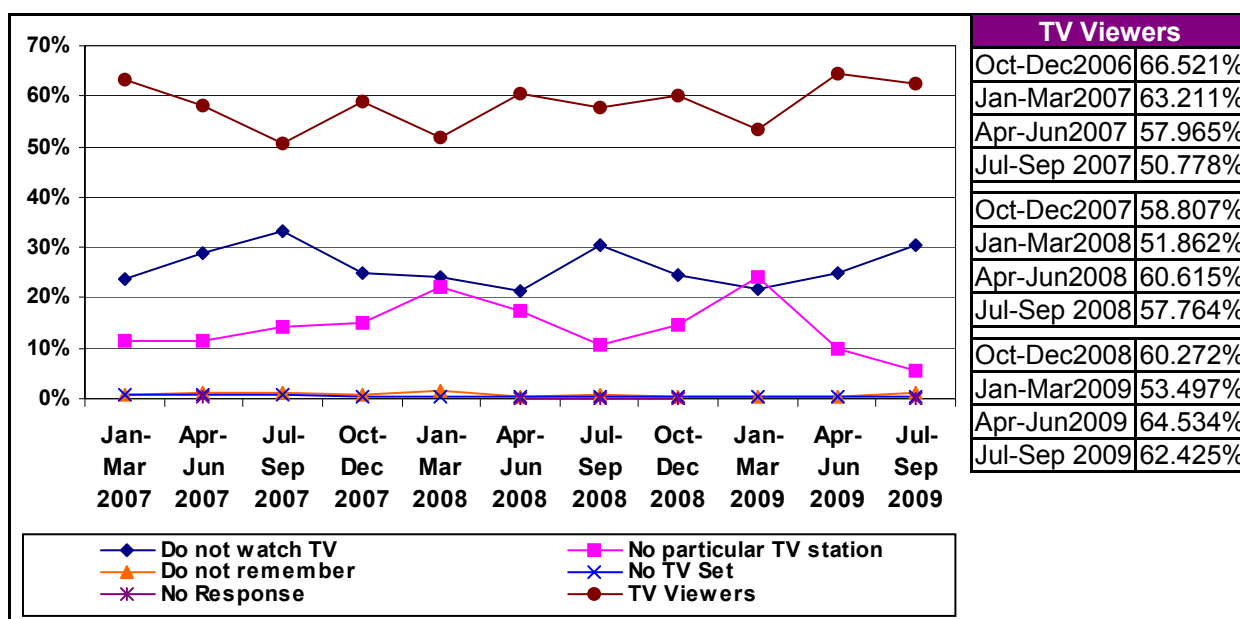
The distribution of radio listeners of each broadcasting station by age group is similar to the national percentage population distribution by age groups. However, analysis of each station's distribution is also dependent on each station's targeted audience and its broadcasting programme schedules. Of significance is that during the peak radio season of July-September 2009 only Radio 101 and Community Stations have an audience reach that covers all of the age groups; while for the whole broadcasting season only nine stations [including community radio stations and foreign radio stations] out of fifteen classifications have a reach that covers all the age groups.

Overall, all broadcasting stations had a nationwide following representative of population distribution by district. Of note is Radju Malta and Calypso Radio which had higher than average following during the summer months in the Southern Harbour Area while Capital Radio/Vibe FM and XFM had a higher audience reach in the Northern District. On the other hand, for the whole broadcasting season of October 2008 to September 2009, Super One Radio, Smash Radio, and Community Radio Stations had their highest audience reach registered in the Southern Harbour area which ranks second in national population distribution data.

#### **10.4. Television Reach**

Similar to radio, data for TV reach has also been monitored for the past three years using the same analytical methods. And again, the expected loss of television viewing to radio listening during the summer months was only marginal and did not exceed 5% - again confirming that TV viewing only decreases marginally during the summer period while reaching its highest in the following quarter which would be the start of the broadcasting season. Of note is the trend of those who stated that they do not have a particular station: this implies channel hopping. This group tends to reach its highest peaks during the second quarter of the broadcasting season [January-March]. Important also to note that those who stated that they do not have a TV-set was also consistent throughout the whole three year period; similarly to those who stated that they did not remember which TV channel they had watched the previous day – see Table and Figure 3 below:





**FIGURE 3: TV VIEWING BY QUARTERS – OCT-DEC 2006 TO JUL-SEP 2009**

The overall counts give the effective percentage of TV viewers that each broadcasting station has attracted. Analysed by broadcasting quarter, TVM attracted the highest percentage of televiewers; being closely followed by One TV for the first six months of the broadcasting season [Oct-Dec and Jan-Mar 2009]; while being closely followed by Other TV stations during the latter six months. For the whole broadcasting season of October 2008 to September 2009, TVM's audience reach ranked first [32%]; Other TV Stations ranked second at 15.7%; while One TV ranked third with 14.7%. It is also interesting to note that audience reach of Net TV was insignificantly slightly lower than that of Canale 5 and Italia 1 – see Table and Figure 4 below.

#### 10.4.1 TV Reach by Broadcasting Station

For the whole broadcasting season of October 2008 to September 2009, TVM was the station most followed by gender and by nearly all of the age groups with the exception of two groups: the 12-14 year old whose first preference went to Other TV station and the 25-29 age group whose first preference also went to Other TV stations. Other TV station was also the second most preferred station for all males and females, 15-24 year olds, and 30-49 year olds. While ranking an overall third, One TV was the second most preferred station after TVM for all females; the second most preferred for all the three age groups of those over 50 years old; the third most preferred station for all males; and the third most preferred station of those in the 30-49 age group.

During the last broadcasting quarter of July-September, although TVM ranked as the most preferred station, this was only so for all females and for all the highest four age groups; i.e. for all those over 30 years old. While Italia 1 was the most preferred station of children from 12-14 years old, it was also the second most preferred station of those in 15-24 and 25-29 age groups. Other TV station was the most preferred station of all males, 15-24 and 25-29 year olds; the second most preferred station of all females, 12-14 and 30-49 year olds; and the third most preferred station for all those in the 50-64 and 65-79 age groups.



	Oct-Dec 2008	Jan-Mar 2009	Apr-Jun 2009	Jul-Sep 2009	Oct '08-Sep '09
TVM	34.7	38.18	34.87	21.3	32.0
One TV	[2] 20.0	[2] 13.81	[3] 11.20	[3] 14.1	[3] 14.7
Net TV	6.0	5.54	4.62	6.3	5.6
Smash TV	0.2	0.42	1.03	4.6	1.6
Education 22			0.09		0.02
iTV				0.1	0.02
Family TV	0.2	0.73	0.26		0.3
Favourite TV		1.26	0.77	1.6	0.9
Rai 1	4.5	3.87	6.50	4.5	4.9
Rai 2	1.8	2.09	1.54	1.5	1.7
Rai 3	0.5	0.84	0.60	0.6	0.6
Rete 4	1.9	3.77	3.50	2.8	3.0
Canale 5	6.3	6.80	5.64	6.8	6.4
Italia 1	4.0	5.65	6.67	8.1	6.1
Discovery Channel	3.4	2.20	3.50	4.6	3.5
MTV	0.8	0.63	2.14	1.3	1.3
BBC Prime	1.5	1.15	0.94	1.7	1.3
BBC World	0.3	0.31	0.43	0.2	0.3
Other TV Stations	[3] 13.8	[3] 12.76	[2] 15.73	[2] 19.9	[2] 15.7
	100.0%	100.0%	100.0%	100.0%	100.00
1% =	2190	1944	2345	2268	2187

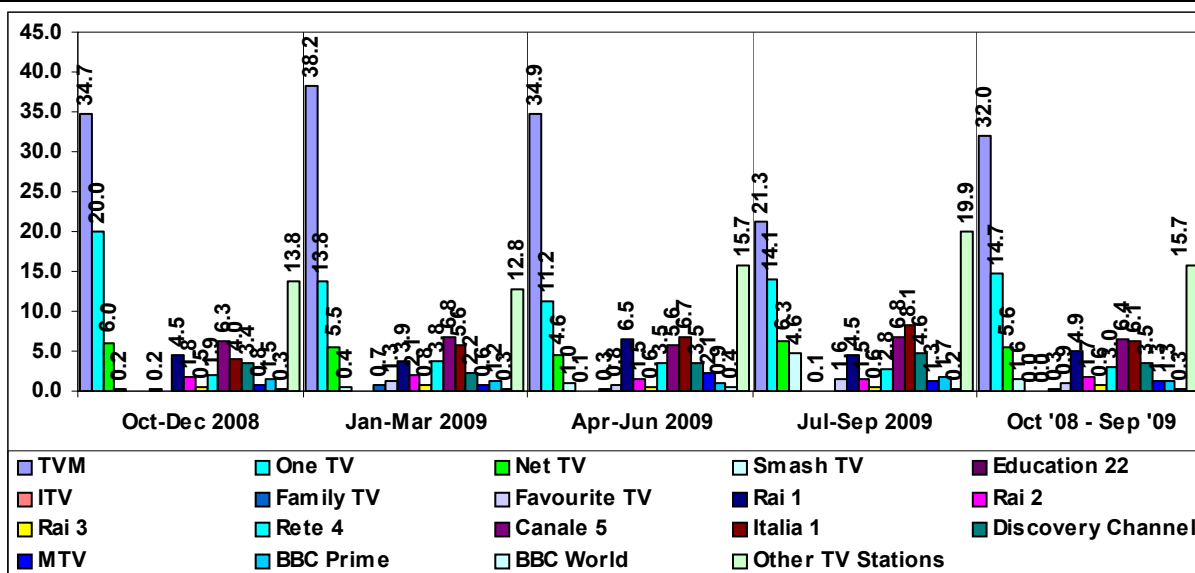


FIGURE 4: TV REACH BY BROADCASTING STATION BY QUARTER – OCT 2008 TO SEP 2009

TVM was the most followed station in all the districts. One TV was the second most followed station in three districts [Southern Harbour, South Eastern, and Gozo & Comino] and the third most followed station in the three other districts [Northern Harbour, Western, and Northern]. Other TV Station was the second most followed station in four districts and the third most followed in the other two districts – see Table 3.13 below. For the last broadcasting quarter of July – September 2009, the overall rankings were the same with slight changes in the distribution by district. TVM lost its first placing in the Northern Harbour area and shared the first placing with Other TV Station in the Southern Harbour Area.

In general, the main local television broadcasting stations have a gender balanced reach. Overall, the main stations [TVM, One TV, and Net TV] have a gendered balanced audience approximating national



and sample ratios, albeit slightly higher female viewers. Of the other local broadcasting stations, nearly all of them had a skewed female reach with the exception of Education22 and iTV whose audiences can be considered as outliers being either totally male or totally female audience reach. This is even more evident during the last broadcasting quarter of July-September 2009 where there was a majority of female viewers.

Of the foreign broadcasting stations and for the whole broadcasting season, Rai 1, Discovery Channel, and BBC World had a predominantly male audience numbers while Canale 5, MTV, and BBC World had a female majority. The audience reach of MTV and Other TV Stations was similar to sample and population percentages indicating that channel hopping is not gender dominated.

Analysis of each station's distribution is dependent of each station's targeted audience and its broadcasting programme schedules. The sample profile by age group has the same ranking as total population and of the eight licensed broadcasting stations, five of them had an audience reach spreading over all of the seven age groups. While the national public broadcaster has a reach quite similar to sample and national demographics, the other main broadcasting stations [One TV, Net TV, Smash TV, and Favourite TV] who had audiences covering all the age groups, had a predominantly 50-64 year old audience. Of note is that children from 12-14 year old had a predominance viewing of Italia 1 and MTV while those from 15-24 year old had a prevalence viewing of Italia 1, Discovery Channel and MTV.

For the whole broadcasting season, six of the eight local TV broadcasting stations had a nationwide following while Education 22 and iTV were outliers. Of note is that for the entire broadcasting season all the viewers of iTV, the dedicated teleshopping channel, were from the Northern District; while Smash TV had a high percentage coming from the Southern Harbour area. Of the foreign broadcasting stations, Rete 4 and Italia 1 had a higher percentage of viewers from the Southern Harbour than national and sample percentages.

#### **10.5. Media Reception Platform**

Respondents were asked to indicate on which broadcasting platform they receive their household radio and television broadcasts: for radio whether "FM", "Digital", or "Other"; for television through "Roof-top aerial" – both analogue and digital, cable system (not digital), satellite dish and through the Internet. In many cases people are not aware whether they have an analogue or digital cable system installed at home.

The data for 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.





### *10.5.1 Radio Reception Platforms*

Respondents were asked what kind of reception platform they used mostly at home for radio listening. Of the total respondents for the whole broadcasting season 15% were marked as “Do not listen to Radio”; 76.6% reported that they receive radio broadcasts on FM; 3.6% digital broadcasts; while 4.7% through other means. It is important to note that since radio is more a personalized media especially with the latest technological advancements and increasing Internet usage, this question refers to the main reception radio platforms used in households and that other platforms used are not considered. This data should only be used for indicative purposes. It is very common to mistake the radio-set’s LED’s indicating the channel on which the radio-set is tuned on to be indicative of the type of platform that is being used.

During this assessment period the indications are that while there is little gender differences in Digital radio take up, the younger the age groups have twice the average total Digital radio take-up. The same can be said with regard to “Other” systems of radio listening especially when these include Internet Radio. Analysed by districts, digital radio take-up, albeit small, is nearly evenly spread over all the districts. Analysed by broadcasting station, FM reception still attracts the highest audiences while digital listening to radio broadcasts is still minimal.

### *10.5.2 Television Reception Platforms*

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. Every effort was done by the N.S.O. interviewees to identify household systems used to the extent of even describing the cable reception boxes available on the market.

During the last broadcasting quarter digital aerial/cable take-up has continued to increase by 4.3% over the previous quarter while analogue cable has registered a decrease of 5.4%. Satellite reception has remained constant in the >10% bracket. At this point it is important to note that by the end of next year, 2010, all analogue broadcasts will be switched off and local broadcasting stations will be broadcasting free-to-air on a separate digital platform – see Table and Figure 5 below.

During the last broadcast quarter of July-September 2009, the highest digital aerial/cable take-up was registered in the Northern Harbour area – an increase of 9.3% over the previous period from 54.7% to 64%; while the next highest take-up was registered in the South Eastern – 5.4% from 48.6% to 54%.

	Oct-Dec 2006	Jan-Mar 2007	Apr-Jun 2007	Jul-Sep 2007	Oct-Dec 2007	Jan-Mar 2008	Apr-Jun 2008	Jul-Sep 2008	Oct-Dec 2008	Jan-Mar 2009	Apr-Jun 2009	Jul-Sep 2009
Aerial (Analogue)	24.3%	21.7%	19.4%	16.4%	18.1%	16.0%	17.5%	17.1%	12.0%	13.0%	11.3%	12.8%
Cable (Analogue)	66.8%	65.3%	67.0%	70.9%	48.9%	44.5%	43.9%	43.8%	35.1%	28.1%	26.8%	21.4%
Satellite	6.3%	8.2%	8.7%	8.2%	7.3%	8.3%	7.2%	8.1%	9.2%	8.4%	6.8%	6.3%
Internet	0.1%	0.0%	0.1%	0.2%	0.1%	0.1%	0.3%	0.2%	0.2%	.3%	.6%	0.5%
Digital Aerial/Cable	1.6%	4.0%	4.1%	3.6%	25.2%	31.0%	30.8%	30.4%	42.9%	49.7%	53.9%	58.2%
No TV set	0.8%	0.7%	0.7%	0.7%	0.5%	0.3%	0.3%	0.5%	0.4%	0.2%	0.4%	0.3%
Other									0.2%	0.1%	0.2%	0.5%
1% =	3558	3558	3558	3558	3594	3594	3594	3594	3633	3633	3633	3633

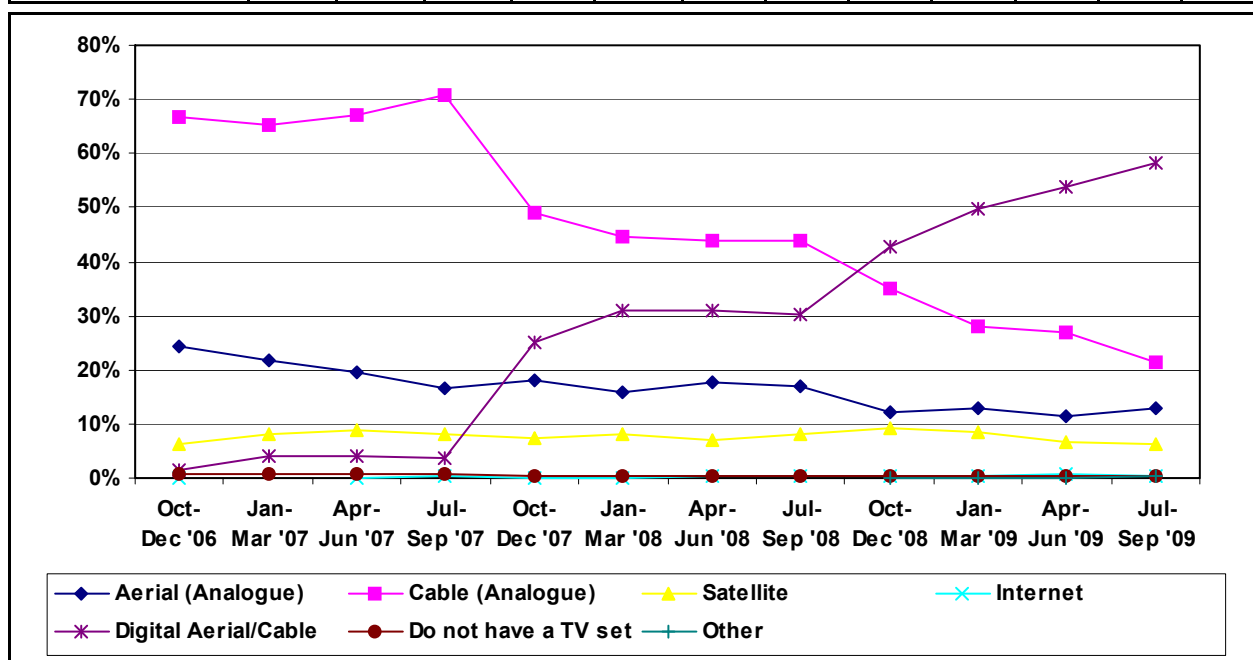


FIGURE 5: TV RECEPTION SYSTEM BY QUARTER – OCT-DEC 2006 TO JUL-SEP 2009

## 10.6. Teleshopping

Again, the Authority wanted to research Teleshopping originating from the Maltese Islands. Respondents were asked whether they regularly watch teleshopping and on which channel such programmes are followed. Teleshopping programmes are aired on local broadcasting stations, generally during the off-peak hours during the day. There is only one channel [iTV] completely dedicated to 24/7 Teleshopping.

For the last broadcasting season 10.65% stated that they regularly watched Teleshopping programmes while for the whole period of October 2008 to September 2009 this percentage was of 9.9%. Overall, of the effective teleshopping programme viewers, 5.58% stated that they did not know which teleshopping programme they had watched while the most followed teleshopping programme was that broadcast on Smash TV [31.8%], followed by One TV [20.64%] and TVM [16.88%]. The teleshopping dedicated TV station, ITV, ranked fourth with 11.02% - see Figure 6 below.





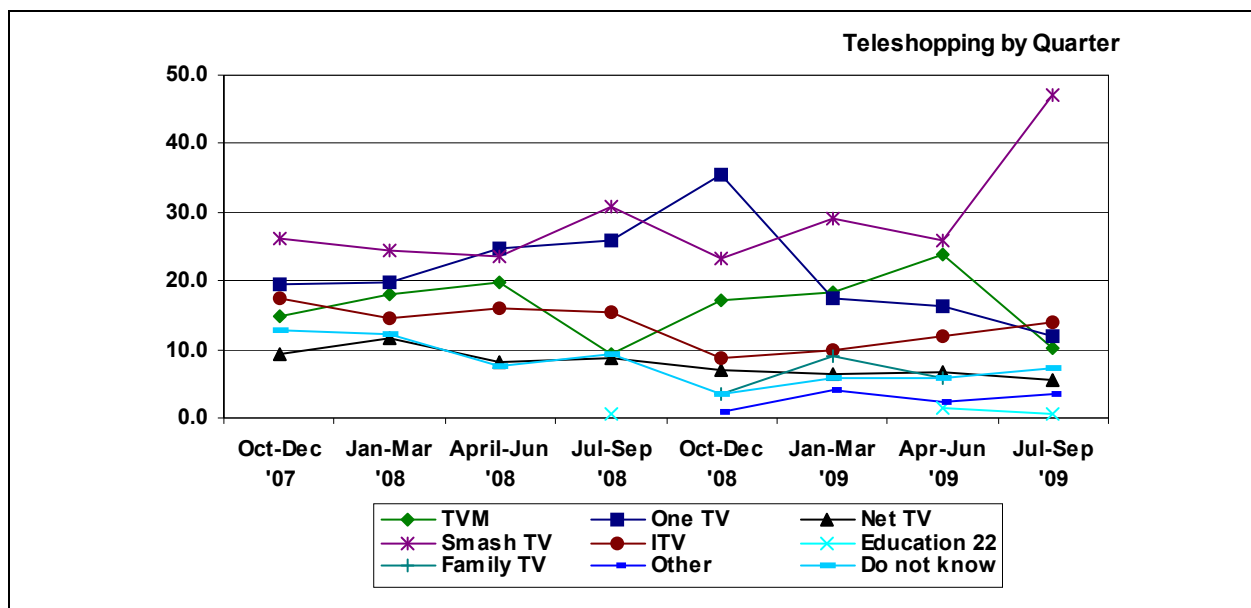


FIGURE 6: TELES SHOPPING BY BROADCASTING STATION BY QUARTER [OCT-DEC 2007 – JUL-SEP 2009]

During the whole broadcasting period the highest percentage of male audiences was reached by Education 22 with 66.7% even though this TV station does not have any teleshopping programmes – though it does has some programme repeats from TVM which would include adverts and which would have been misinterpreted by respondents. The highest percentage of female audiences was reached by TVM [81.8%]. For this period the effective teleshopping audience by age group was predominantly of those who were in the 30-49 age brackets; while the two youngest age groups [12-14 and 15-24 year olds] were also attracted to Teleshopping. Analysed by district, teleshopping is spread over all the districts with the highest percentages attained by local broadcasting stations being concentrated in two district areas – the Southern Harbour [20.3%] and the Northern Harbour [27.6%]; while Gozo and Comino attracted the lowest percentage at 8.1%.

### 10.7. Radio and Television Audiences

Respondents were asked to state at which times they started and stopped listening to their radio and television sets. These time brackets were listed by the interviewer as time start-up and time-ending. The 24-hour clock was divided into half-hour brackets and each time-period was recorded separately. Thus, a listener spending two-hours of radio-listening from 08:00am to 10:00am as recorded by the interviewer was counted four times.

These counts were then grouped according to the listening-day of the interviewee, and all the counts for each respective week-day were grouped together, thus forming the basis of radio and television consumption by week-day and by half-hour bracket. The first audience indicator is each broadcasting station's weekday average audience share indicating each station's highest daily average over a week – which generally is an indication of the effectiveness of each station's programme schedule.



The second indicator worked is each station highest peak audience of each and every weekday. This is generally an indication of the most viewed programme in a particular day for each broadcasting station.

For the third indicator, all the audiences of each particular day are mapped separately for all the broadcasting stations – this gives an indication of the overall audiences spread by weekday over the 24-hour clock while also indicating the overall listening and viewing patterns of the local population.

The last indicator for audiences per broadcasting quarter is the total audience share by broadcasting station. During this assessment period Capital Radio was sold and re-named Vibe FM on 13<sup>th</sup> April 2009, using the same frequency; while Family TV Network folded operations on 3<sup>rd</sup> April while Calypso TV started broadcasts on 10<sup>th</sup> May on the Go digital-aerial platform, Multiplus.

Calculating the average number of hours that radio listeners and television viewers spend on a daily basis listening/viewing their reception media is another data that has been computed for this period. This would indicate 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.

## 10.8. Radio Audiences and Consumption

The data by quarter for radio and television is listed below in Table 7 below.

**TABLE 7: RADIO TOTAL DAILY AVERAGE AUDIENCE BY QUARTER [OCT-DEC 2008 TO JUL-SEP 2009]**

Total Average	RADJU MALTA	RADJU PARLAMENT 106.6	MAGIC RADIO	SUPER ONE RADIO	RADIO 101	BAY RADIO	CALYPSO RADIO	RTK	SMASH RADIO	RADJU MARJA	CAMPUS FM	CAPITAL RADIO / VIBE FM	XFM	COMMUNITY STATIONS	FOREIGN RADIO STATIONS	OTHER RADIO STATION
Oct-Dec '09	7.5	2.3	5.8	18.0	3.5	15.7	17.6	6.9	3.3	8.2	0.3	4.8	4.5	1.2	0.5	-
1%=1724																
Jan-Mar '09	5.8	1.0	5.4	18.9	4.6	13.7	14.1	9.2	3.9	9.6	0.6	4.3	5.6	2.8	0.4	-
1%=1667																
Apr-Jun '09	6.3	0.4	5.6	19.1	3.8	18.5	11.3	10.1	3.6	9.9	1.3	3.4	2.7	3.4	0.4	0.0
1%=1785																
Jul-Sep '09	7.9	-	5.6	19.7	4.6	19.2	10.8	8.1	3.5	4.9	1.6	4.7	3.8	4.7	0.8	-
1%=1917																

The total number of hours spent by consumers was analysed by broadcasting station and divided by the total number of consumers per station. Taking the total number of hours of radio listening over the total sample of people interviewed including those who did not listen to radio, the overall national average hours of radio listening spent was also calculated.

The total effective Radio hours spent by consumers and the national averages for each assessment period stands at:

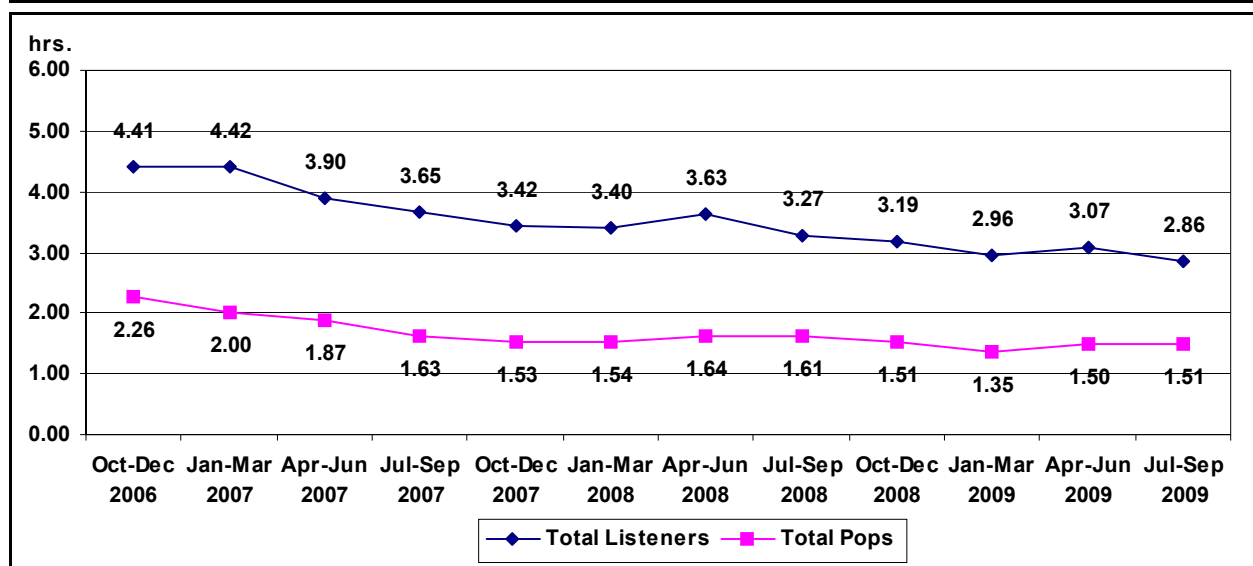


	<i>Effective Consumption of Radio Listeners</i>	<i>National Average Consumption</i>
July-September 2009:	2.86hrs	1.51hrs
April-June 2009:	3.07hrs	1.35hrs
January-March 2009:	2.96hrs	1.50hrs
October-December 2008:	3.19hrs	1.51hrs

This data has been compiled using similar data collection and analysis methods since October 2006. Taking all the data by quarter it can be seen that the total number of hours that regular radio listeners spent listening to programmes has decreased by more than 35% from 4.41hrs for Oct-Dec 2006 to 2.86hrs for this period under assessment. Taking the total sample [i.e. including those who do not listen to radio] the overall decrease for the whole period from 2006 to-date is of 33.18% indicating that more people are turning to other forms of media platforms – see Table and Figure 8 below:

**TABLE 8: TOTAL DAILY RADIO AVERAGE CONSUMPTION BY HOURS [OCT-DEC 2006 TO JUL-SEP 2009]**

	Oct-Dec 2006	Jan-Mar 2007	Apr-Jun 2007	Jul-Sep 2007	Oct-Dec 2007	Jan-Mar 2008	Apr-Jun 2008	Jul-Sep 2008	Oct-Dec 2008	Jan-Mar 2009	Apr-Jun 2009	Jul-Sep 2009
Total Radio Listeners	4.41	4.42	3.90	3.65	3.42	3.40	3.63	3.27	3.19	2.96	3.07	2.86
Total Sample	2.26	2.00	1.87	1.63	1.53	1.54	1.64	1.61	1.51	1.35	1.50	1.51



**FIGURE 8: TOTAL DAILY RADIO AVERAGE CONSUMPTION BY HOURS [OCT-DEC 2007 TO JUL-SEP 2009]**



## 10.9 TV Audiences and Consumption

The data by quarter for radio and television is listed below in Table and Figures 9.

**TABLE 9: TV TOTAL DAILY AVERAGE AUDIENCE BY QUARTER [OCT-DEC 2008 TO JUL-SEP 2009]**

Total Avg.	TVM	ONE TV	NET TV	SMASH TV	EDUCATION 22	ITV	FAVOURITE TV	RAI 1	RAI 2	RAI 3	RETE 4	CANALE 5	ITALIA 1	DISCOVERY CHANNEL	MTV	BBC PRIME	BBC WORLD	OTHER TV STATIONS
Oct-Dec '08	32.2	24.1	5.7	0.3	-	-	-	3.7	1.8	0.4	1.7	5.6	3.4	3.4	0.5	1.3	0.1	15.5
1%=2190																		
Jan-Mar '09	34.5	18.8	5.4	0.4	-	-	1.9	3.4	1.8	0.8	3.2	6.7	5.8	1.8	0.3	1.0	0.1	13.0
1%=1943																		
Apr-Jun '09	31.6	14.8	5.9	0.7	0.3	-	0.6	6.0	1.3	0.5	3.6	5.2	6.6	3.3	1.9	1.2	0.4	16.0
1%=2344																		
Jul-Sep '09	14.7	17.8	6.7	4.5	-	0.1	2.5	4.3	1.6	0.5	3.1	7.5	7.0	4.4	0.8	1.8	0.5	22.2
1%=2268																		

The total number of hours spent by consumers analysed for each TV broadcasting station was again divided by the total number of consumers per station; similarly, taking the total number of hours of TV viewing over the total sample of people interviewed, the national average hours of TV viewing spent by consumers were also calculated for each broadcasting period.

The total effective TV hours spent by consumers and the national averages for each period stands as follows:

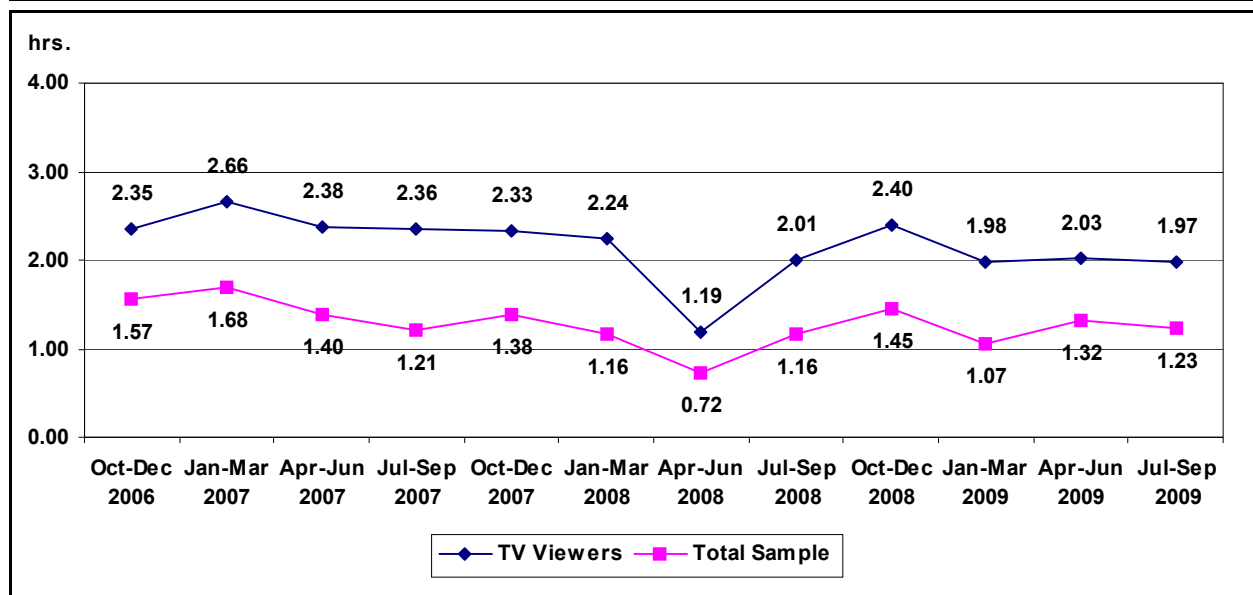
	Effective Consumption Of TV Viewers	National Average Consumption
July-September 2009:	1.97hrs	1.23hrs
April-June 2009:	2.03hrs	1.32hrs
January-March 2009:	1.98hrs	1.07hrs
October-December 2008:	2.40hrs	1.45hrs

Similar to Radio data has also been compiled using similar data collection and analysis methods since October 2006. Taking all the data by quarter it can be seen that the total number of hours that regular radio listeners spent listening to programmes has decreased by more than 16.17% from 2.35hrs for Oct-Dec 2006 to 1.97hrs for this period under assessment. Taking the total sample [i.e. including those who do not listen to radio] the overall decrease for the whole period from 2006 to date is of 21.65% indicating that more people are turning to other forms of media platforms – see Table and Figure 10 below:



**TABLE 10: TOTAL TV AVERAGE CONSUMPTION BY HOURS BY QUARTER [OCT-DEC 2006/JUL-SEP 2009]**

	Oct-Dec 2006	Jan-Mar 2007	Apr-Jun 2007	Jul-Sep 2007	Oct-Dec 2007	Jan-Mar 2008	Apr-Jun 2008	Jul-Sep 2008	Oct-Dec 2008	Jan-Mar 2009	Apr-Jun 2009	Jul-Sep 2009
Total TV Viewers	2.35	2.66	2.38	2.36	2.33	2.24	1.19	2.01	2.40	1.98	2.03	1.97
Total Sample	1.57	1.68	1.40	1.21	1.38	1.16	0.72	1.16	1.45	1.07	1.32	1.23



**FIGURE 10: TOTAL DAILY TV AVERAGE CONSUMPTION BY HOURS [OCT-DEC 2006 TO JUL-SEP 2009]**



## **11. GHARGHUR TRANSMITTING TOWER**

The Gharghur Transmitting Tower is the hub of broadcasting activity on the island and the Authority is the legal entity responsible for this complex.

During the year under review, more works were conducted at this site including the conclusion of the concrete paving by Asfaltar Company Ltd which were finalised in June. In addition, works continued on the strengthening of the tower and these are expected to be concluded in the third quarter of 2010. The site is under surveillance through the provisions of close-circuit television together with the presence of security officers who are subcontracted by the Authority.

Apart from radio and television broadcasting stations, the Gharghur Transmitting Tower serves as a communication hub used by commercial companies including Melita plc, GO plc, Vodafone and Central Bank.

## **12. ARCHIVES AND DIGITIZATION**

The Broadcasting Authority was set up in 1961. Apart from its constitutional obligations, the Authority has strived to maintain as high a broadcasting quality as possible. This was achieved through the purchasing of foreign productions broadcasted on the then national broadcaster Xandir Malta, to the commissioning of quality local productions including school broadcasts and public awareness campaigns.

Over the decennials the Authority's archives took different forms of archived material ranging from 16mm film, to Beta tapes, audio reels, newspaper articles, production scripts, photo negatives, and local broadcasting magazines. Wherever possible, these were all grouped in lots and have been housed at various locations depending on availability and accessibility. Over the years the maintenance of such material was shelved as the Authority's role developed from that of the regulation of the national broadcaster to the liberalisation of broadcasting frequencies and to the amendment of broadcasting regulation by the European Union.

Various efforts were done throughout the years for the conservation of such material; however the primary aim was that of trying to include the Authority's archives with those of other national institutions. This came at a very high cost: on the one hand the archives were shelved until arrangements were made with other public service organisations requiring as much as €232,937 [Lm100,000] for their conservation and data transfer; on the other hand the deterioration of these archives increased.

During 2009 fresh efforts were made following the introduction of the National Archives Act and the Freedom of Information Act. It soon became clear that such archives have to be maintained by public





organisations themselves and be made available for review by the general public. The first major task was that of assessing the major content, extent, and type of archives held by the Authority; following which fresh proposals were made for the setting up of a Media Resource Centre within the Broadcasting Authority.

The archived material held by the Authority include:

- 2000 plus Beta Tapes of ex-Channel 12 productions
- 900 plus photo negatives of which 540 are 35mm while 369 are 55mm film
- 9.6m in length of stacked Gwida and Antenna publications
- 158 audio reel-to-reel tapes the earliest dated being 1978
- 510 by 16mm film reels of local productions mostly stored in brown envelopes which have sustained a considerable amount of damage
- 679 by 16mm foreign film reels of various sizes in tin cases
- unaccounted TVM news scripts

To these one should include the vast amount of documents held by the Authority in filing cabinets housed at an outside garage, and the invaluable collection of Board Minutes held within the offices of the Authority.

The setting up of a Media Resource Centre for both internal and, most importantly, external usage requires diligent processing. The decision was taken that all material should be digitized and made electronically available for review; while the original material is to be properly stored, if possible in one place. This requires two simultaneous processes: that of descriptive listing of archived material coupled with the digitised content. For this purpose sampled archived material was both electronically listed in several databases while on the other hand some material was digitised for review under different formats depending on the type of archive. While paper, photo negatives and positives etc. can be scanned as images for review, audiovisuals have to be digitised differently depending on the original type of machinery used for their production. While success was achieved with the digitization of Beta tapes, audio reel-to-reel, and VHS tapes of recorded programmes dating back to 1987, the digitization of 16mm film require a different approach.

Although the Authority holds quite a number of 16mm film cans, that is the only material that the Authority holds. The salvaged viewing equipment requires considerable service; on the other hand such equipment parts are sometimes difficult to find and replace. However, a Revox PR99 reel-to-reel audio recorder was made serviceable and adjusted for digitization of audio tapes; while only two loose hand-winders for the 16mm film were found. The latter were serviced and a winding table was made in-house; while by the end of the year 700 plastic film cases were ordered from Canada and delivered between Christmas and New Year's Eve. The next stage would be the classification of films for restoration

purposes and the replacement of cover-tins under controlled conditions – in some cases film has to be immersed in Vitafilm for up to six months so that it becomes pliable again for re-winding.

During this year, an index-card system was also found. These index cards contain data on 16mm film movement to-and-from the Authority. Pre 1991, film broadcasts were made on Xandir Malta by the Broadcasting Authority. These films were hired from foreign producers and shown on local television. The actual film was never



sent back to its origin of departure but was retained by the Authority until the original holder instructed the Authority the destination-country of each film. Beside the actual description of all/most films hired by the Authority, these index cards also contain information on the resulting 679 foreign 16mm film still held by the Authority. A database was developed by the Head of Research and Communications so that the data in these cards could be inputted, reconciled with the actual retained film, and integrated within the whole archive system of the Media Resource Centre. Only a trial run on a few cards was made as it was determined that this database should be reserved to summer worker students for compilation during next year.

Another database created was that for the 2000 Beta tapes of ex-Channel 12. Again a trial run was made while a few productions were digitised and were also sent to Australia in a reduced format as pre-viewing by CBS studios. These were, however, shown on the community TV-channel and a demand for more such productions was made. However, due to the limitations in proper authoring of digitised productions, it was decided to first stock-take the content.

To consolidate the Media Resource Centre, the viewing of archived material will be through electronic services so that the handling of material would be minimised as possible. To this end, a trial internal “Library Service” was web-based designed and developed by the Head of Research & Communications on the internal server of the Broadcasting Authority which is available to all staff members. By the end of the year this service included 70,000 pages of static text and more than 30hrs of digitised audiovisuals covering, amongst others, all the Authority’s Annual Reports from 1961; the latest consultations, papers, and publications by the Authority since 2000; the latest Broadcasting Main and Subsidiary Legislation; and the 2009 political broadcasts organised by the Authority.

### **12.1 Purchase of new digital equipment for the capturing of audio-visual material**

In the last quarter of 2008, the Authority received a copy of the document prepared by MITA entitled: Broadcasting Authority Consultancy for a Radio and Television Capturing and Monitoring Management System: Requirements Document.



During the year in review, the Authority conducted more research so as to identify the best system which addresses its needs. Given that a special radio logging system capable of recording close to 200 radio stations had been purchased and installed, it was decided that the new digital equipment to be commissioned by the Authority following a call by tender, should focus on the capturing of audio-visual content (i.e. television stations).

To this effect a draft tender document has been prepared and it is envisaged that the new equipment will be commissioned and installed towards the end of 2010.

### **13. REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2009**

The Broadcasting Authority report and financial statements for the year ended 31<sup>st</sup> December 2009 are found in Appendix VII of this Annual Report.





## APPENDICES





**Consultation on the making of regulations entitled  
Broadcast Distribution Services Regulations and on  
amendments to the Cable Systems (General)  
Regulations, 2001**

**Explanatory Memorandum**

**Joint consultation issued by the Broadcasting Authority and the Malta  
Communications Authority**

**Monday, 23<sup>rd</sup> February 2009**



BROADCASTING AUTHORITY  
MALTA



MALTA COMMUNICATIONS AUTHORITY



## Background

The purpose of this consultation is to seek input from stakeholders on the proposed regulations entitled the “Broadcast Distribution Services Regulations” (hereinafter the “Broadcast Regulations”) made in accordance with article 16B(2) of the Broadcasting Act, and on amendments to the Cable Systems (General) Regulations (hereinafter the “Cable Amendment Regulations”). The Broadcasting Authority (‘BA’) and the Malta Communications Authority (‘MCA’) propose to submit these proposals to Government for its consideration. Before doing so the two authorities are jointly seeking the response of interested stakeholders.

These legislative changes complement each other and aim to establish in clear terms the role of the Broadcasting Authority as the competent authority responsible for regulating content carried on a electronic communications network. Hence the Broadcast Regulations empower BA to license and monitor programming content in so far as electronic communications networks are concerned, whereas the Cable Amendment Regulations do away with most of the current provisions relating to content and broadcasting matters.

The Cable Systems (General) Regulations were made in 2001 to regulate the provision of cable networks and services at a time when the cable market was still not fully liberalised. Key elements of these Regulations as originally made included powers to licence content transmitted by cable network operators under the Broadcasting Act, content related provisions and must carry obligations.

In 2004 these Regulations were substantially amended in line with the requirements of the (then) new European Union Electronic Communications Framework. However the regulations could not then be repealed completely as there were a number of provisions relating to content regulation and other regulatory matters. Then it was not possible to repeal completely the Cable Systems (General) Regulations primarily because there were a number of provisions relating to market analysis and regulatory remedies which were still applicable.

The proposed Broadcast Regulations and the Cable Amendment Regulations are intended to enable the Broadcasting Authority to license programming content where such content is carried over an electronic communications networks whilst doing away with other provisions relating to regulatory matters which relate to former retail obligations. The totality of such regulations will serve to have one comprehensive broadcast content regime applicable to all players enforced by one public authority namely the Broadcasting Authority.



## **OVERVIEW OF PROPOSED REGULATIONS**

### **Broadcasting Distribution Services Regulations, 2009**

These regulations are intended to enable BA to license programming content in so far as electronic communications networks are concerned. Such networks will have to apply to BA for a programming content licence and BA will monitor such programming in so far as these licenses are concerned. The regulations are proposed to come into effect on 1<sup>st</sup> January 2010 together with the entry into force of articles 19 and 20 of Part III of the Communications Laws (Amendment) Act, 2007. A saving provision is made in the Cable Systems (General) (Amendment) Regulations, 2009 with regard to existing operators (Melita Cable plc and GO plc).

### **The Cable Systems (General) (Amendment) Regulations, 2009**

These regulations will replace those contained in the Cable Systems (General) Regulations (as per Legal Notice 167 of 2001) and basically will constitute the only surviving provisions of the said legal notice. It is proposed that all the other provisions, namely those relating to dominance and related remedies, quality of service and broadcasting (including broadcast licences and must carry provisions) are repealed, since they are no longer in line with EU and other Maltese key legislation. A must carry provision is still contained in article 40 of the Broadcasting Act.

The surviving provision is in relation to the need for a must-carry requirement with respect to the Education Channel and the Weather and information Channel.

### **Consultation Period**

Comments and submissions on the proposed regulations are invited and should reach the Chairman, Broadcasting Authority, 7 Mile End Road, Hamrun HMR 1719 by not later than noon of Friday, 20<sup>th</sup> March, 2009. This Office can be reached by e-mail at [info.ba@ba.org.mt](mailto:info.ba@ba.org.mt) or on fax no 2122 1281.



## **Enclosures**

Together with this Consultation Document, the following draft Regulations are enclosed:

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



**BROADCASTING ACT  
(CAP. 350)**

**Broadcast Distribution Services Regulations, 2009**

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

Citation and commencement.

1. (1) The title of these regulations is the Broadcast Distribution Services Regulations, 2009.

(2) These regulations shall come into force on 1<sup>st</sup> January 2010.

*Definitions.*

2. In these regulations, unless the context otherwise requires:

"Act" means the Broadcasting Act;

"the Authority" means the Broadcasting Authority;

"broadcast distribution network" means an electronic communications network used for the distribution of broadcast content;

"broadcast distribution service" means any transmission service provided over a broadcast distribution network;

"channel" means a signal path of specified bandwidth for conveying information over a broadcast distribution system;

"licensee" means an operator or any person licensed by the Authority to operate a radio station or a television station or a teleshopping television station or such number of stations on a broadcast distribution network as provided in subarticle (6) of article 10 of the Act;

"operator" means any person who operates a broadcast distribution network or provides a broadcast distribution service or who operates a broadcast distribution network and provides a broadcast distribution service;

"own-broadcast" means those programmes, including channels, which are originated by an operator rather than retransmitted from satellite or free-to-air broadcast radio or television stations or both radio and television stations;



“network” shall have the same meaning as is assigned to it by sub-article (3) of article 16B of the Act;

“programming services” means the full range of entertainment and information programming offered by a broadcast distribution service.

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

*Licence for a broadcast distribution service.*

**3.** (1) No person shall provide a broadcast distribution service without a licence issued by the Authority.

(2) The application form for a broadcast distribution service licence is set out in Schedule I to these regulations: provided that an existing operator shall be exempt from providing the information required in paragraphs 4, 9, 11, 12 and 13 of Schedule I aforesaid unless the said operator is applying for a local broadcasting content channel.

(3) Subject to the provisions of article 10 of the Broadcasting Act, the Authority may grant a broadcasting licence to an operator to allow him to broadcast such programme genres on his own-broadcast channel or channels over his broadcast distribution network as the Authority may from time to time approve. Without prejudice to the generality of the foregoing, such programme genres may include the following:

(a) programme and other information with respect to the broadcast distribution network and its programming;

(b) previews of programmes that will be shown on the broadcast distribution network;

(c) cinematographic films;

(d) sports and similar programming;

(e) weather data and general information. Such general information shall not, without the previous approval of the Authority include news or news related programmes;

(f) general entertainment;

(g) sound only signals.

*Conditions under which a broadcast distribution service may be issued.*

**4.** The provisions of the Act which set out the conditions under which a broadcasting service is licensed, including those contained in the First Schedule to the Act, shall *mutatis mutandis* apply to a broadcast distribution service: provided that the Authority may from time to time supplement such conditions or adapt such conditions to the specific exigencies of a broadcast distribution service.





*License fees.*

5. The Authority shall levy those license fees from a licensee as set out in Schedule II to these regulations.

*Submission of programme schedules.*

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

*Typology of broadcast distribution service licenses.*

7. (1) Subject to article 10 of the Broadcasting Act, the Authority may license a broadcast distribution service to offer such own-broadcast radio services or own-broadcast television services or both such own-broadcast radio services or own-broadcast television services over a broadcast distribution network and such retransmitted radio or television services or both such retransmitted radio and television services as it may approve.

(2) Subject to the provisions of subarticle (6) of article 10 of the Act, the Authority may also license radio stations or television stations or teleshopping television stations or a combination thereof on the broadcast distribution network to any person other than the operator.

*Channel line up.*

8. (1) An operator shall together with his application submit a request to the Authority to approve his broadcast distribution service's channel line up: provided that the Authority shall not unreasonably withhold such approval. In deciding whether to approve or reject a channel from being distributed over an operator's network, the Authority shall be guided by the provisions of the law to ensure that such channel complies therewith.

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

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

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

(5) Whenever an operator proposes to change the channel line up as approved by the Authority, the operator shall comply with the provisions set out in sub-regulation (1) of this regulation and the Authority shall comply with the provisions of sub-regulations (2) to (4) of this regulation.



*Provision of free installation and service.*

**9.** An operator shall provide such number of free services to the Authority as it may establish in order to enable it to carry out its monitoring functions. Such free service shall mean the installation and provision of an operator's programming services.

*Station sponsorship.*

**10.** (1) Station sponsorship shall be prohibited.

(2) For the purpose of this regulation "station sponsorship" means the naming of channels after sponsors.

*Programming services.*

**11.** (1) The Authority shall be responsible for the oversight of the programming standards.

(2) The operator shall with regard to any own-broadcast programmes by it and not retransmitted comply with the provisions of the Act regarding programming standards in the same manner as that law applies to broadcasting stations providing similar services.

(3) The Authority may, for reasons of protection of public morals, direct the operator to cease retransmitting any programme or channel.

*Advertising, teleshopping and sponsorship.*

**12.** (1) Subject to sub-article (6) of article 10 of the Broadcasting Act, the operator's own-broadcast channels may carry advertisements, teleshopping and sponsorship in terms of the Broadcasting Act and any subsidiary legislation made thereunder.

(2) Channels which are being retransmitted by the operator over the broadcast distribution network shall be carried together with the original advertising, sponsorship and teleshopping. Advertisements and teleshopping may not be blocked without the permission of the originating station and may only be replaced by the operator if agreement is reached with the originating station and with the previous consent in writing of the Authority.

*Programming provisions. S.L. 350.04.*

**13.** (1) Without prejudice to the provisions of the Broadcasting (Jurisdiction and European Cooperation) Regulations, in the case of major sporting events taking place in Malta or outside Malta featuring Maltese participation, the operator shall prior to the date of commencement of the negotiations between himself and the rights holder ask in writing the public service broadcaster if the latter intends televising such an event live or within twenty four hours thereof. If within two working days the public service



broadcaster replies in writing in the affirmative, the operator shall not negotiate rights for such an event:

Provided that the Authority shall have the right to exempt the operator from the requirement of this sub-regulation if it is satisfied that the provisions thereof are unduly restrictive of the programmes available to the public on his broadcast distribution service.

*GN 951 of 2008*

(2) For the purpose of this regulation, a major event is any one of the sports events designated as such by the Authority in terms of sub-regulation (1) of regulation (6) of the Broadcasting (Jurisdiction and European Cooperation) Regulations.

*Exclusion of digital radio. S.L. 350.29.*

**14.** The provisions of these regulations shall not apply to digital radio which shall continue to be regulated by the Digital Radio Broadcasting Regulations, 2007.



## FIRST SCHEDULE

[Regulation 3(2)]

### APPLICATION FORM FOR A BROADCAST DISTRIBUTION SERVICE

#### GENERAL INSTRUCTIONS

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

#### PART I – GENERAL INFORMATION

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

(for contact purposes: maximum two persons).

Name (1) (2)

Address

Telephone

(daytime)

mobile

fax

e-mail



**1b. LEGAL STATUS OF APPLICANT**

(see Article 10 of the Broadcasting Act).

**2. CONTENT AND GENRES OF PROGRAMMING**

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

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





**3a. MANAGING DIRECTOR**

Name:

Age:

Address:

Nationality:

Background/Experience:

Telephone:

Mobile:

Fax:

e-mail:

**3b. DIRECTORS / MANAGEMENT COMMITTEE**

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

Name:

Age:

Address:

Nationality:

Background/Experience:

Telephone:

Mobile:

Fax:

e-mail:

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

Mention any other organisations lending support to this application.



**3a. MANAGING DIRECTOR**

Name:

Age:

Address:

Nationality:

Background/Experience:

Telephone:

Mobile:

Fax:

e-mail:

**3b. DIRECTORS / MANAGEMENT COMMITTEE**

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

Name:

Age:

Address:

Nationality:

Background/Experience:

Telephone:

Mobile:

Fax:

e-mail:



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

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

(i) Full-time

(ii) Part-time

Actually employed

To be employed

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

## 5. PROGRAMMING

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

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



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

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

## 6. DETAILS CONCERNING THE PLATFORM OPERATOR

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

Name of Broadcast distribution service

Frequency

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

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

## 6b. Pay services

Should you intend to provide pay radio and/or television services, please indicate hereunder which of the above channels will be made available on a pay basis.

Name of Broadcast distribution service

Frequency

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



## 7. EDITORIAL RESPONSIBILITY - EDITOR

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

Name and surname:

Address:

Id. Card No.:

Tel:

Fax:

e-mail:

Mobile no:

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

It is to be noted that all charges issued by the Authority's Chief Executive for any breach of the Constitution, Broadcasting Act and subsidiary legislation made thereunder shall be issued against the Editor. The Editor shall also ensure compliance with the said legislation.

## PART II LOCAL PROGRAMME CONTENT

If you intend to apply for a locally originating radio or television or teleshopping television service, please fill in this part of the application form for each and every one of the services. If you intend to apply for more than one locally originating radio service, please fill Part II of each station. If you do not intend to do so for the time being, please fill in the words "NON APPLICABLE" and move on to Part III of this form.

## 8. LOCAL PROGRAMMING CONTENT

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

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

National news?

International news?



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



8c. (contd.)

8c. (contd.)



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

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





## **9. THE AUDIENCE**

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

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

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



## **PART III - FINANCE**

### **10. FINANCIAL ARRANGEMENTS**

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

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

**10b. Share capital**

Classes of share capital:

Number	Par value	Issue Price (if different)
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Voting:

Non voting:

Other: *(Please specify)*

**10c. Loan Stock**

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



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

Name of Investor	Address	Invest. €	% of total required
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10e. Describe briefly the method by which share/loan capital is to be raised. (Give details of any proposal to have share capital publicly quoted).

10f. **Other loans**

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

10g. **Bank overdraft facilities**

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

Letter dated

Enclosed/Not enclosed  
(delete as applicable)



7h. Details of capital expenditure.

**11. CASH FLOW FORECAST**

In which year of operation is it expected:

(i) first to make a trading profit?

(ii) to have eliminated all cumulative losses?

**12. ADVERTISING, TEleshopping AND OTHER REVENUE**

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



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

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





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

Type/source of revenue	Expected annual income (Yr 1) €	% of total revenue required
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### 13. APPLICANT'S OTHER INTERESTS

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

(i) Advertising agencies.

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

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

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

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

13b. Provide details of any connection between the applicant group (as defined above) and the following:

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

(ii) Places of entertainment or other entertainment activities.

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

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

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



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

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

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

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

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

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



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

**I5. READINESS DATE**

How long after the award of licence would you be ready to start broadcasting?  
What are the main factors that will determine your readiness date?



I certify that, to the best of my knowledge, the details given in this application for a licence to provide digital radio broadcasting services are correct, and that I have read the Broadcasting Act and understand the terms under which licences to broadcast are issued. I understand that, if awarded the licence, tape recordings of all output, apart from commercial tapes, records or discs (with timings), will need to be made and retained for ninety days prior to being recycled and that if phone-ins are part of the station's programming a delay mechanism will need to be installed and instructions given for its use where necessary.

Signature:

Name (in block capitals):

Position within applicant group:



## SECOND SCHEDULE

### Licence Fees

[Regulation 5]

1. Fee to be paid on submission of an application for a broadcast distribution service:	€ 5,830
2. License fee to be paid on an annual basis by an operator shall be as follows:	
a) for one locally originating television broadcasting service	€ 13,980
b) for one locally originating radio broadcasting service	€11,650
c) for one locally originating teleshopping television broadcasting service	€13,980
d) for retransmitted television broadcasting services originating from outside the Maltese Islands:	
i) up to 20 channels	€ 2,330
ii) from 21 to 40 channels	€ 4,660
iii) from 41 to 60 channels	€ 7,000
iv) from 61 to 80 channels	€ 9,320
v) from 81 to 100 channels	€11,650
vi) from 101 channels onwards	€13,980
e) for retransmitted radio broadcasting services originating from outside the Maltese Islands:	
i) up to 20 channels	€ 1,170
ii) from 21 to 40 channels	€ 2,330
iii) from 41 to 60 channels	€ 3,500



iv) from 61 to 80 channels	€ 4,660
v) from 81 to 100 channels	€ 5,830
vi) from 101 channels onwards	€ 7,000

3. License fee to be paid on an annual basis by a company not being the operator of a broadcast distribution network shall be as follows:

a) for one locally originating television broadcasting service	€13,980
b) for one locally originating radio broadcasting service	€11,650
c) for one locally originating teleshopping television broadcasting service	€13,980

4. Paragraphs 1 to 3 above apply also to application and license fees to be paid on the renewal of an application.





L.N. of 2009

**ELECTRONIC COMMUNICATIONS (REGULATION) ACT  
(CAP. 399)**

Cable Systems (General) (Amendment) Regulations, 2009

IN EXERCISE of the powers conferred by article 34 of the Electronic Communications (Regulation) Act and subarticle (2) of article 40 of the Broadcasting Act, the Minister for Infrastructure, Transport and Communications after consultation with the Malta Communications Authority, has made the following regulations:

**Title.**

**1.(1)** The title of these regulations is the Cable Systems (General) (Amendment) Regulations, 2009 and shall be read and construed as one with the Cable Systems (General) Regulations, 2001, hereinafter referred to as “the principal regulations”.

(2) These regulations shall come into force on the 1<sup>st</sup> January, 2010.

*Substitution of regulation 3 of the principal regulations.*

**2.** Regulation 3 of the principal regulations shall be substituted by the following:-

**“Definitions.**

**3.** In these regulations, unless the context otherwise requires:

“Educational Channel” means a television channel for educational matters which is distributed by the operator and originated by the Education Department;

“operator” means any person who operates any electronic communications network and any electronic communications service as defined in article 2 of the Electronic Communications (Regulation) Act (Cap. 399);

“Weather and Information Channel” is an own-broadcast television channel distributed by an operator for the purpose of providing weather information at least in the Maltese and in the English language together with other information of general interest other than news services, provided that the Broadcasting Authority may approve such news services in terms of such conditions as it may impose.”.



*Substitution of regulation 4 of the principal regulations.*

3. Regulation 4 of the principal regulations shall be substituted by the following:

**“Programming service.**

4. Every operator shall:

(a) carry at its expense an Educational Channel as part of its reception service tier, provided that nothing in these regulations shall be interpreted as an obligation upon the Department of Education to provide such channel; and

(b) carry or provide at its expense a weather and information channel as part of its reception service tier.”.

*Deletion of regulations 5 to 28 and of the First to the Fourth Schedules of the principal regulations.*

4. Regulations 5 to 28 and the First to the Fourth Schedules of the principal regulations shall be deleted.

**Saving.**

5. (1) Subject to sub-regulation (2) of this regulation nothing in these amendments shall prejudice or affect any thing lawfully done under the principal regulations, including any licence however so described issued thereunder.

**Cap. 350**

(2) Any licence issued under the principal regulations shall lapse on the 31<sup>st</sup> December 2009 provided that any operator who enjoyed a licence under the principal regulations may in so far as the provision of broadcast distribution services are concerned, if he chooses to continue to provide such services, apply for a broadcast distribution licence from the Broadcasting Authority in terms of the Broadcast Distribution Services Regulations, 2009, by not later than 30<sup>th</sup> September 2009 and such licence shall be regulated in accordance with the Broadcasting Act and any regulations made thereunder.”



## Stqarrija 8/09

### Stqarrija għall-Midja

#### **Proċess ta' Konsultazzjoni Mniedi mill-Awtorità tax-Xandir L-Użu Tajjeb tal-Ilsien Malti fil-Mezzi tax-Xandir**

#### Dahla

Fis-sena 2002, l-Awtorità tax-Xandir kienet ippubblikat, taht forma ta' Avviż Legali (Leġislazzjoni Sussidjarja 350.10) *Kodiċi dwar l-Użu Tajjeb tal-Ilsien Malti fil-Mezzi tax-Xandir*. Dan il-Kodiċi jipprovdi gwida lix-xandara dwar kif għandhom iwettqu d-dmir tagħhom li jużaw l-ilsien Malti b'mod korrett, jelenka r-responsabbiltajiet partikolari li għandu kull stazzjon sabiex jilhaq dan il-għan (pereżempju, kull stazzjon għandu l-obbligu li jahtar konsulent fl-ilsien Malti u għandu ukoll obbligu li f'kull skeda jtella' mill-anqas programm wiehed bl-iskop li jippromwovi l-ilsien Malti) u jispeċifika ukoll x'inhuma r-responsabbiltajiet tal-Awtorità tax-Xandir f'dan ir-rigward.

B'danakollu jidher li l-kwalità tal-użu tal-ilsien Malti ma tjiibt b'mod sodisfaċenti u għalhekk l-Awtorità tax-Xandir flimkien mal-Kunsill Nazzjonali tal-Ilsien Malti ħatru Kumitat ta' Esperti sabiex jagħti pariri lill-Awtorità dwar is-sitwazzjoni attwali u dwar ir-rimedji li jistghu jittiehdu.

#### Il-Kumitat ta' Esperti

Il-Kumitat ta' Esperti nħatar f'Awwissu 2008 u kien kompost kif jidher hawn taht:

Dr Ray Fabri – Chairman  
Dr Charles Briffa  
Is-Sur Charles Flores  
Is-Sur Trevor Zahra – Membri  
Is-Sur Jean Pierre Caligari – Segretarju

Il-Kumitat iltaqa' ma' numru ta' persuni u entitajiet li għandhom interess fis-sugġett u, wara numru ta' laqgħat interni, lesta r-rapport tiegħu f'Jannar ta' din is-sena. Kopja ta' dan ir-rapport qed jiġi meħmuż ma' dan id-dokument għall-iskop tal-konsultazzjoni li qed issir.

#### Reviżjoni tal-Kodiċi

L-Awtorità qed tipproponi aġġornament u reviżjoni tal-Kodiċi dwar l-Użu Tajjeb tal-Ilsien Malti fil-Mezzi tax-Xandir u għalhekk qed tehmeż ukoll ma' dan id-dokument abbozz ta' Kodiċi gdid li ġie ppreparat wara sugġerimenti li saru mill-istess Kumitat ta' Esperti kif ukoll wara diskussjoni interna fl-Awtorità. Dan l-abbozz, fost hwejjeg oħra:

- (i) jistabbilixxi numru ta' linji gwida ta' natura generali li għandhom jghinu lix-xandara



- (ii) jerga' jimponi obbligu fuq kull stazzjon li jahtar konsulent kwalifikat fl-ilsien Malti li jkun jaf x'inhum jigi fil-qasam tax-xandir, jesigi li kull xandar għandu jsegwi r-regoli u d-direttivi li johroq il-Kunsill Nazzjonali tal-Ilsien Malti u jtenni l-htiega li kull stazzjon ixandar mill-anqas programm wiehed fl-iskeda tiegħu sabiex igib 'il quddiem l-ilsien Malti;
- (iii) jimponi wkoll ċerti obbligi fuq l-Awtorità tax-Xandir, u ċjoé, fost hwejjeg ohra, li tinforza l-htigijiet tal-istess Kodiċi kif ukoll li tiehu mizuri poztittivi sabiex tghin lix-xandara jilhq l-għanijiet tagħhom f'dan ir-rigward.

### Ir-Rapport tal-Kumitat tal-Esperti

Ir-rapport li hejja l-Kumitat tal-Esperti u li huwa mehmuz ma' dan id-dokument għandu jkun strument utli sabiex jiggwida lix-xandara fl-osservazzjoni tal-htigijiet proposti fil-Kodiċi rivedut kif ukoll lill-istess Awtorità tax-Xandir fl-infurzar ta' dawn il-htigijiet. Għalhekk, huwa importanti għal kull min huwa involut fil-qasam tax-xandir li jistudja dan ir-rapport u jagħti r-reazzjoni tiegħu/tagħha f'dan il-proċess ta' konsultazzjoni.

L-Awtorità, naturalment, għad trid tiddeċiedi, wara li jintemm dan il-proċess ta' konsultazzjoni, liema mir-rakkomandazzjonijiet li sarulha f'dan ir-rapport għandhom jiġu addottati u l-medda ta' żmien li matulha dawn ir-rakkomandazzjonijiet għandhom jiġu fis-seħh.

### Għeluq tal-Proċess ta' Konsultazzjoni

Dan il-proċess ta' konsultazzjoni jagħlaq f'nofsinhar tal-Ġimgħa, 22 ta' Mejju 2009 u r-reazzjonijiet għandhom jintbagħtu lil:

Kap Eżekuttiv  
Awtorità tax-Xandir  
7 Triq Mile End  
Hamrun HMR1719  
e-mail: [anna-maria.buhagiar@ba.org.mt](mailto:anna-maria.buhagiar@ba.org.mt)  
fax: 21 240855

Mario Axiak  
Kap Riċerka u Komunikazzjoni

28 t'April 2009  
Ref 73/01



Rapport tal-kumitat fuq

# il-Malti fix-Xandir

maħtur mill-Kunsill Nazzjonali tal-Ilsien Malti  
u l-Awtorità 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 imħejji minn kumitat *ad hoc* (minn issa 'l quddiem imsejjah 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 (*chairman*), 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 iddiżappuntat 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, pereżempju, it-taqsima tal-ħabbara/preżentaturi, tal-qarrejja tal-aħbarijiet, tal-ġurnalisti, tal-grafiċi, tad-djs, u tal-aġenziji tar-riklamar.
2. Jixpruna lill-kumitati tekniċi tal-Kunsill





biex jaġġornaw iż-żewġ dokumenti tal-Linji Gwida li jittrattaw l-ismijiet tal-ibliet u l-irhula, u t-terminoloġija tal-informatika.

3. Jidentifika u jikkuntattja korpi (il-Fondazzjoni Tumas Fenech għall-Edukazzjoni fil-Ġurnalizmu u d-Dipartiment tal-Komunikazzjoni tal-Università ta' Malta) li jistgħu jkunu ta' għajjnuna professjonali u finanzjarja fit-twettiq 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 jhaddmu l-Malti tajjeb (eż. lista ta' kotba u kitbiet).
7. Jelenka problemi oħra li s-soluzzjoni tagħhom tista' tiegħu fit-tul; pereżempju 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-Il-sien Malti.

### 3. It-terminu 'xandir'

3. Bit-terminu 'xandir' wieħed jifhem forma ta' telekomunikazzjoni unidirezzjonali li tixtered bir-radju, televiżjoni jew minn 1 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 u gazzetti), 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 awdjoviżiv, u li bl-istriming jinxtered ukoll fid-djar.

3.2 Bit-terminu 'xandara' il-Kumitat jifhem daww in-nies li jaħdmu f'dan il-qasam f'pożizzjoni mhux teknika (inġiniera, tal-kamera, eċċ.), pereżempju ġurnalisti, preżentaturi u djs.

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 mil-lingwa Maltija u bihom ilsienna jistagħna. Għalhekk l-istazzjonijiet, b'mod partikolari daww komunitarji, għandhom jinkuraġġixxu l-użu tad-djalett.
- 4.2 Biex niftiehm sew, ha nagħtu xi eżempji ta' żbalji u nuqqasijiet tipiċi li smajniehom aħna jew qalulna fuqhom nies li huma midhla tax-xandir.

### Żbalji ortografiċi

'baqaw' minflok 'baqgħu', 'xahar' minflok 'xagħar' (u bil-kontra), 'għall daww' minflok 'għal daww', 'għażel' minflok 'agħzel' (u bil-kontra)

### Nuqqas ta' tipi Maltin

'għazzien' minflok 'għazzien', 'igahgahha' minflok 'igahgahha'



### **Pronunzja iperkorretta**

[ħamsi:n grad] minflok [ħamsi:n grat]  
għal 'ħamsin grad'

### **Ismijiet tal-irhula u l-ibliet żbaljati**

'Sliema' flok 'Tas-Sliema', 'Qormi' flok 'Ħal Qormi'

### **L-użu żbaljat tal-idjoma**

'it-tuffieħa t'għajnejja' minflok 'il-mimmi t'għajnejja', 'poġġi ruħek fiż-żarbun tiegħu' minflok 'poġġi ruħek floku'

### **Żbalji grammatikali**

'ilbes qmis ġdid' minflok 'ilbes qmis ġdida',  
'is-siġġu qieghda hawn' minflok 'is-siġġu qieghed hawn', 'erbgħa u għoxrin suldati' minflok 'erbgħa u għoxrin suldat'

### **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 (tghalli), Jerusalem (Ġerusalemm), China (iċ-Ċina), Lebanon (il-Libanu), [spinowla] (Spinola), [valetta] (Valletta), Christmas (il-Milied), il-birthday/[il-berdej] (għeluq sninek), 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-telefown, l-etajiet, qisien ta' hwejjeġ, 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'.

### **Kollokazzjoni żbaljata u użu żbaljat tal-prepożizzjoni**

'se jwasslilna r-rapport tiegħu minn ġewwa l-Belt' minflok 'se jwasslilna r-rapport tiegħu mill-Belt', 'jittratta dwar il-folklor' minflok 'jittratta l-folklor'.



# Problemi u Rakkomandazzjonijiet

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

## 1. Il-grafika

Hawnhekk ninkludu forum differenti ta' preżentazzjoni, bħalma huma:

- il-'crawls' (grafika mkarkra),
- l-'iscrolls' (grafika tielgħa u niežla),
- forum oħrajn ta' kitba 'statika'.

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

Wieħed irid jiddistingwi bejn informazzjoni 1.1 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 ċekkjati sew. Hija r-responsabbiltà ta' min jippreparahom li jiżgura li ma jkunx hemm żbalji, jekk ikun hemm bżonn wara li jitlob il-parir tal-konsulent (ara t-taqsimha 6.3).

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

- jekk din issir 'live'/diretta fl-istudjow, għandu jkun żgurat li min jipprezentaha jkun ippreparat u jaf jitellem u jikteb sew.
- jekk il-kitba tiġi direttament mill-pubbliku (eż. b'messaġġi elettronici), 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 jinnotta 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 jidhlu 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. Pereżempju, 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 terminoloġija adattata 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 is-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, eż. '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. Pereżempju, 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-htieġa li t-titli jkun bil-Malti, hlief f'dawk il-każijiet meta l-isem ikun rikonoxxut internazzjonalment jew ikun xi terminu tekniku (eż. '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-televiżjoni. Li taqbad isem barrani u tħallih kif inhu juri nuqqas serju ta' kreattività, u ta' sforz u impenn artistiku. Pereżempju, programm li jgħin lit-tfal żgħar (taħt il-ħames snin) biex jitgħallmu hwejjeg elementari (bħall-kuluri u n-numri) m'hemm xejn hażin li jissejjaħ, ngħidu aħna, 'Għalina ż-Żgħar'. Ta' min wiehed jesperimenta bil-kliem tat-tfal iż-żgħar, u jerġa' jagħti l-ħajja lill-kliem li qiegħed jintilef, bħal 'ċejċa', 'bambu', u 'tuttu'.

2.4 F'każijiet fejn ma japplikax dak li ntqal f'paragrafu 2.2, u għaldaqstant it-titlu seta' kien bil-Malti għandhom jingħataw il-multi (ara taqsimha 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 mhuwix il-każ u wiehed sikwit jisma' xandara li jagħmlu ħafna żbalji jew li jhalltu bla bżonn l-Ingliš 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-għajjnuna 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 daqskemm huma tajbin fl-





għarfien tekniku u teoretiku. Saret kritika (ara l-Minuti tal-Kumitat) għall-Kors tal-Komunikazzjoni tal-Università ta' Malta għax inhass li mhuwiex qed jipprepara lill-istudenti biżżejjed fl-użu tajjeb tal-ilsien Malti, minkejja l-fatt li l-lingwa hija l-ghodda 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-ġurnalizmu, u ntweriet irrieda li jtfasslu korsijiet godda biex jaqdu din il-ħtieġa.

3.4 Gie nnutat minn xi stazzjonijiet li xi whud 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'kuntatt 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 jtkellmu bil-Malti tajjeb u li ma joqogħdux jaqilbu minn lingwa għal oħra. F'każ li xi mistieden juża l-Ingliš jew xi lingwa oħra barranija, tibqa' r-responsabbiltà tal-preżentatur li jaqleb dak li jingħad f'Malti li jinftiehem.

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 jinftiehem minn kulhadd. Wara kollox 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, imhejjija 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-ghanijiet: '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 bħala l-Kodiċi (minn issa 'l quddiem imsejjaħ biss il-Kodiċi). Il-Kumitat iddiskuta dan il-Kodiċi u qed jissuġġerixxi li jsiru xi tibdiliet. L-Appendiċi 1 juri l-Kodiċi kif kien mibdul mill-Kumitat. Mal-minuti tal-laqqgħat tal-Kumitat, tinsab verżjoni iddettaljata li turi bl-eżatt liema tibdiliet saru biex b'hekk wieħed ikun jista' jqabbel il-verżjoni l-ġdida mal-orijinali.

6.1 Hafna minn dawk illi kellew il-Kumitat ma kinux jafu bl-eżistenza tal-Kodiċi, jew ma kinux jafu x'fih eżatt, eż. 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 jitlob li f'kull skeda tal-programmi jkun hemm programm li jippromwovi l-Malti. Dan il-programm għandu jippromwovi speċifikament il-lingwa Maltija, u mhux jittratta 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 jidhlu f'din il-kategorija. Ifisser li f'kull skeda għandu jkun hemm programm b'taġhrif fuq il-lingwa (eż. kif niktbu bil-Malti, il-ġrajja tal-Malti), u/jew fuq l-użu tal-lingwa (eż. id-djaletti, ir-registri, l-idjomi, l-espressjoni).

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

6.2.3 Fl-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 jisthoqqilhom. Fl-iskeda tagħhom, l-istazzjonijiet għandhom jinkludu programm/i li jitrattaw il-kanzunetti bil-Malti. Fl-istess hin għandhom jinstemgħu aktar kanzunetti bil-Malti fil-programmi ddedikati lill-mużika 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 wiehed fuq il-lingwa.

6.3.1 Il-konsulent għandu jkun gradwat fil-Malti jew ikollu esperjenza xierqa fil-lingwa u t-thaddim 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 jitlob 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 jstabbilixxu uniformità fl-użu tal-lingwa, u biex jaġġornaw ruħhom mal-iżviluppi kollha. Laqgħat bħal dawn jissejħu mill-Awtorità u mill-Kunsill, li jibagħtu rappreżentanti tagħhom għal dawn il-laqgħat.

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

## 7. L-infurzar

Min-naħa tal-Awtorità, għandu jsir moniteraġġ regolari u kontinwu tal-programmi fuq l-istazzjonijiet sabiex ikun hemm infurzar tar-regolamenti tal-Kodiċi. Jekk stazzjon ma jimxix mal-Kodiċi, għandhom jidhlu 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-moniteraġġ

S'issa jidher li kien hemm nuqqas ta' moniteraġġ 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-riklami u l-ispots ta' informazzjoni. Bħalissa hemm uffiċjal tal-moniteraġġ li qed jagħmel 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 jiflu l-programmi tal-istazzjonijiet, anki jekk dawn jaħdmu mid-dar u jirrappurtaw lill-uffiċjal tal-moniteraġġ fl-Awtorità.

7.1.2 Apparti mill-moniteraġġ 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 Inghad 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-ghotja tal-multi kif inhi bħalissa, jiġifieri li l-ewwel ikun hemm twissija u mbagħad tingħata l-multa skont il-liġi. 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 tgħidlu kif għandu jirrangahom. Meta l-uffiċjal tal-monitaraġġ 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 jitlob l-għajnuna tal-Kunsill.
- 7.2.3 Jekk wara t-twissija l-iżbalji jew nuqqasijiet ma jiġux irrangati (jiġifieri, jergħu 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 jirrangà 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-liġi.

- 7.2.5 Jista' jkun hemm il-htieġa li mat-twissija jkun hemm ukoll diskussjoni mal-konsulent tal-istazzjon. Din hija raġuni oħra għaliex il-kumitat qiegħed jissuġġerixxi li jkun hemm tim ta' uffiċjali tal-monitaraġġ, biex b'hekk il-monitaraġġ tal-istazzjonijiet ikun aktar effiċjenti. L-Awtorità għandha tiżgura li l-monitaraġġ 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, lil FM Bronja. Mill-2004, l-Awtorità għażlet li tappoġġja l-kategorija tal-Ilsien Malti fil-premijiet 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-premijiet annwali fil-qasam televiżiv (il-Malta Television Awards) u fil-każ tar-radju, jekk jinholoq premju bħal dak tat-televiżjoni.

L-Awtorità u l-Kunsill għandhom jieħdu hsieb li dawn il-premijiet 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:

- Il-kreattività fil-lingwa għax-xandir
- It-traduzzjoni fix-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 għejun 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 grammatici, il-pubblikazzjonijiet uffiċjali tal-Kunsill tal-Malti, kotba ta' qwieli, idjomi, u għajnuniet oħra li jinkludu publikazzjonijiet ta' kultura bħal letteratura, folklor, mużika, arti, industrija, xjenza, kummerċ, teknoloġija, u divertiment.

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 libreriya (jekk mhux diġà teżisti) li fiha jarkivjaw materjal oriġinali 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 jaqbd u sistema ta' tpartit ta' materjal bħal dan. Id-drittijiet kollha ta' dawn l-arkivji jibqgħu tal-istazzjon li pproduċiehom. Dan ir-rapport jissuġġerixxi li l-Kunsill jitolb il-katalogu ta' dawn l-arkivji mingħand l-istazzjonijiet. B'hekk il-Kunsill ikollu lista shiha 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 hdan 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-suggerimenti tagħhom skont l-esperjenzi li għaddew jew għadhom għaddejjin minnhom. Dan jawgura tajjeb għall-holqien ta' ambjent aħjar fil-qasam tax-xandir fejn jidhol il-Malti.

9.4 Fl-aħħar nett, il-Kumitat jissuggerixxi 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 gēwx segwiti r-rakkomandazzjonijiet li qed jagħmel dan ir-rapport, u, jekk ikun hemm bżonn, jagħmel suggerimenti godda, skont il-bżonnijiet tal-mument.

Nifirħu 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, nirringrazzjawhom tal-fiduċja li wrew fil-membri tal-Kumitat.

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**Dr Ray Fabri**

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**Is-Sur Charles Flores**

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**Dr Charles Briffa**

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**Is-Sur Trevor Żahra**



# Appendiċi 1

## Kodiċi

### ATT DWAR IX-XANDIR (KAP. 350)

Kodiċi tax-Xandir dwar  
l-Użu Tajjeb tal-Ilsien Malti fil-Mezzi tax-Xandir

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

2. Ix-xandara għandhom id-dmir li jużaw l-ilsien Malti sew billi:
  - a. jifhmu r-responsabbiltà li għandhom li jharsu l-ilsien Malti;
  - b. jimxu ma' kull żvilupp li jsehh fl-ilsien Malti, sew jekk mithaddet sew jekk miktub, b'mod speċjali fil-każ tal-gurnalisti;
  - 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-semantic, il-grammatika, il-lessiku, il-pronunzja, l-ortografija, u l-kontenut;

- g. jkunu jafu jhaddmu sew kull aspekk tal-ilsien biex dak li jingħad juri għaqda, sħuħija u jkun jiftiehem sew;
- h. jużaw b'għaqal kull neoloġiżmu li jidhol fil-Malti u, fejn possibbli, jagħmlu dan skont il-morfologija tal-ilsien Malti;
- i. jużaw tajjeb mingħajr ma jirrikorru għall-arkaiżmi; u
- j. jużaw kliem kemm jista' jkun ċar u li jiftiehem sew.

3. Hi r-responsabbiltà ta' kull stazzjon li:
  - 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 iġib 'il quddiem l-ilsien Malti. L-istazzjon għandu jinforma lill-Awtorità bid-data u l-hin 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:
- a. tiżgura li l-istazzjonijiet u x-xandara jimxu mal-obbligi tagħhom skont dan il-kodiċi u r-regoli u l-linji gwida għall-harsien u l-użu tajjeb tal-ilsien Malti;
  - 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. minn żmien għal żmien thejji 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 jkun jirregolaw lilhom infushom fejn tidhol il-lingwa;
  - f. timpjega magħha uffiċjali tal-moniteragġ, u tiżgura li dawn il-persuni jkollhom livell għoli tal-għarfien tal-ilsien Malti.

## Appendiċi 2

# Eżempju ta' Terminoloġija Standardizzata

### Titli televiżivi

- Preżentazzjoni/Ippreżenta/t
- Hajr
- Xagħar
- Irtokk
- Dwal
- Awdjo
- Mistieden/Mistiedna/Mistednin speċjali
- Kamera
- Kontroll tal-kameras
- Grafika
- Titli elettronici
- Direzzjoni
- Produzzjoni
- Kitba
- Tekniċi/Ass. Tekniċi
- Inġiniera
- Kamera fuq il-post
- Muntagġ



### 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. Grazie.

*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.

#### **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.*



**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 jiehū 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 aspett tal-ilsien biex dak li jingħad juri għaqda, sħuħija u jkun jiftiehem sew;
- (h) jużaw b'għaqal kull neologizmu li jidhol fil-Malti u, fejn possibbli, jagħmlu dan skont il-morfologija 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-thaddim 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 iġib 'il quddiem l-ilsien Malti. L-istazzjon għandu jinforma lill-Awtorità bid-data u l-hin 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;
- (b) tiegħu 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) minn 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-monitaraġġ, u tiżgura li dawn il-persuni jkollhom livell għoli tal-għarfien tal-ilsien Malti.



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## **A Policy and Strategy for Digital Broadcasting that meets General Interest Objectives**

February 2009



BROADCASTING AUTHORITY  
MALTA



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## Executive Summary

On the 15th September 2007 the MCA and the BA jointly published a consultation document on broadcasting meeting General Interest Objectives (GIOs). The consultation period was spread over five months.

The consultation document was built around a number of fundamental principles that are seen to constitute the conceptual framework within which a GIO set-up should be modelled, and namely:

- The public's right to free-to-air viewership of GIO channels via unencrypted transmission;
- An adequate number of GIO broadcasters, balanced against minimal distortion of market mechanisms;
- Efficient use of spectrum;
- Sufficient frequency spectrum for GIO broadcasting such as to cater for future needs, on the basis of known (existing and foreseen) technology capabilities;
- The concept of GIO broadcasting to embrace both the public service broadcaster as well as a number of private broadcasters;
- The application for GIO status, by privately owned stations, on a voluntary basis;
- The award of GIO status only on the basis of stringent qualifying criteria;
- PBS as the 'de facto' public service broadcaster;
- The need for transition costs to be kept at manageable levels;
- Broadcasting to go beyond GIO's via the award of commercial licences.

These principles are confirmed as constituting the framework to this policy document.

In determining the nature and ownership of the network, the Government has taken in consideration the responses received. It is deemed that the most attractive option is the one which contemplates the setting up of a distinct GIO network.

Government has, moreover, taken cognisance of the fact that PBS is the only broadcaster that has an obligatory requirement to operate under a GIO remit. This makes PBS the ideal entity to organise and run the GIO multiplex. PBS will therefore be appointed as the network operator for broadcasting that meets GIOs.

As a result of this arrangement, there will be no need to enforce must carry obligations on terrestrial commercial networks. Such a course of action would result in an unnecessary duplication of transmission capacity.

The following are the other key features of the Policy direction that the Government has adopted with respect to broadcasting that meets GIO's:

- The GIO network will be required to carry up to six GIO TV stations.
- All transmissions on the GIO networks will be unencrypted and therefore viewable without the need for any subscription to a network operator and free of charge.
- The second frequency reserved for GIO use will be kept in reserve for the eventual transition of GIO stations to HDTV.



- The BA, with the technical assistance of the MCA, will provide the necessary oversight to the operation of the GIO network.
- On the drawing up of detailed criteria by the BA an eligibility test for broadcasters will be carried out, with right of first choice for existing analogue terrestrial.
- Vacant slot/s on the GIO network will subsequently be filled via a call for expressions of interest.

An implementation strategy has been drawn up on the basis of this policy direction.

The publication of this policy document denotes the start of a series of initiatives that will lead up to analogue turn-off, set for the end of December 2010. Such initiatives will include updating of the Broadcasting Act, the refinement of the high level GIO eligibility criteria, the setting up of the GIO network infrastructure, the selection of GIO stations and public information initiatives. These will pose quite an implementation challenge to all concerned.



## 1 Purpose

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This Document represents Government's policy position and strategy relative to the assignment of Digital Terrestrial Frequencies reserved for broadcasting that meets General Interest Objectives (GIOs). The basis for this final position is the related consultation exercise carried out jointly by the Malta Communications Authority (MCA) and the Broadcasting Authority (BA), a synopsis of which can be seen in Appendix A.

## 2 Background

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On the 15th September 2007 the MCA and the BA jointly published a consultation document on broadcasting meeting General Interest Objectives (GIOs). The consultation period was spread over three months, subsequently extended by a further two months at the express request of a number of broadcasters.

### 2.1 Consultation Highlights

The consultation document, in the form of a draft policy position, dealt with both content and transmission aspects. Essentially the document made proposals in relation to the following:

- a) the criteria that will be used to classify a broadcast as one meeting GIOs;
- b) the reservation of two internationally coordinated frequencies for GIO purposes (with possibly a third frequency being made available for assignment only following successful coordination with neighbouring countries);
- c) The reservation of one of the two available frequencies for Government use (PBS, ED22, other services) with the remaining frequency potentially carrying 4 GIO broadcasters;
- d) the process to be used by the Broadcasting Authority to allot spectrum capacity to the qualifying broadcasters;
- e) The assignment of GIO frequencies to GO with concomitant must-carry obligations, without charge to broadcasters;
- f) the conditions attached to the usage of these frequencies;
- g) The manner by which any 'must-carry' obligations would be applied across the different technology platforms.
- h) The need for GIO broadcasting to remain free to air in the Digital domain, just as it is in the existing analogue environment;
- i) Ancillary aspects such as the need to review the overall broadcasting policy and the necessity to unblock the impasse with Italy on the coordination of frequencies.

### 2.2 Consultation Feedback

At the end of the consultation period six submissions had been received from:

GO

Melita Cable

All existing analogue terrestrial broadcasters (joint response)

Mr. Joseph Muscat (MEP)

Eden Leisure Group

Projects in Motion



The MCA/BA also held one-to-one discussions with a number of respondents at their express request.

The following points capture the main feedback with respect to the consultation:

1. The criteria for classification of broadcasters meeting GIO have not, to any significant extent, been put in question.
2. On the proposed assignment of the GIO frequencies to GO for 'must carry' purposes, two respondents question the reservation of three frequencies for the purpose on the grounds of proportionality with the need to safeguard the general interest.
3. With the exception of one respondent there is overall agreement, on the need for GIO stations to be transmitted in unencrypted form (and therefore free to viewers on the terrestrial platform).
4. On the proposed assignment of the frequencies (reserved for GIO) to GO with an obligation for GO to carry for free, one respondent is contesting the requirement to carry broadcasters without remuneration. The respondent contends that this treatment would be discriminatory.
5. There is, overall, disagreement (albeit for different reasons) either with the proposed imposition of a must-carry obligation on GO, or with the conditions under which this is being proposed.

The issues raised in points 2, 4 and 5 merit further attention given that they constitute key elements of the draft policy put out for consultation. A careful study of the responses has led Government, with input from the two Authorities concerned, to review the original proposal. Whilst the policy proposal remains a feasible option in terms of a way forward, a viable alternative that also addresses, to the extent possible, the concerns of stakeholders, is preferred.



### 3 Way forward

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It is premised that, set within a framework of fundamental principles, there exist various viable options for the setting up of a GIO network on the digital terrestrial platform, the two main models being:

1. Via the imposition of a must-carry obligation on the main commercial operator or
2. Via the setting up of an independent GIO network.

Given that this will be a wireless terrestrial platform with both networks transmitting on the same standards, viewer equipment will be able to receive the unencrypted transmissions from whichever network they emanate. Thus, for example, subscribers of a commercial network (such as GO) would still be able to watch, on the same set top box, free-to-air (unencrypted) transmissions emanating from the GIO network.

#### 3.1 Fundamental Principles

A number of fundamental principles, that constitute the conceptual framework within which a GIO set-up should be modelled, have been articulated in the draft policy and remain unchanged.

These principles are:

- The public's right to free-to-air viewership of GIO channels via unencrypted transmission;
- An adequate number of GIO broadcasters, balanced against minimal distortion of market mechanisms;
- Efficient use of spectrum;
- Sufficient frequency spectrum for GIO broadcasting such as to cater for future needs, on the basis of known (existing and foreseen) technology capabilities;
- The concept of GIO broadcasting to embrace both the public service broadcaster as well as a number of private broadcasters;
- The application for GIO status, by privately owned stations, on a voluntary basis;
- The award of GIO status only on the basis of stringent qualifying criteria;
- PBS as the 'de facto' public service broadcaster;
- The need for transition costs to be kept at manageable levels;
- Broadcasting to go beyond GIO's via the award of commercial licences.

These fundamental principles, as articulated in the draft policy remain unchanged.



### **3.2 The GIO Network**

On the basis of the responses received it is deemed that the most attractive option is the one which contemplates the setting up of a distinct GIO network.

In determining the nature and ownership of the network, the Government has taken in consideration the responses received and has moreover taken cognisance of the fact that PBS is the only broadcaster that has an obligatory requirement to operate under a GIO remit. This makes PBS the ideal entity to organise and run the GIO multiplex.

PBS will therefore be appointed as the network operator for broadcasting that meets GIOs. All broadcasts on the GIO network will be transmitted in unencrypted mode. The frequency assignment to PBS is therefore subject to these conditions. This arrangement will give broadcasters the integrity to operate from a distinct and dedicated network.

As a result of this arrangement, there will be no need to enforce must carry obligations on GO. Such a course of action would result in an unnecessary duplication of transmission capacity.

This new arrangement raises a number of related questions that are addressed in the subsequent section.



## 4 GIO Frequencies Allocation and Deployment

---

The indicated way forward - formed on the basis of feedback to the consultation exercise - coupled with developments over the past months<sup>1</sup>, would indicate the need for a review of the intended utilisation of the frequencies reserved for the transmission of broadcast channels meeting GIOs.

In the 2005 'umbrella' policy and strategy, Government had committed three frequencies for the purpose of broadcasting that meets GIOs. The commitment was based on the availability of internationally coordinated frequencies – nineteen in all - available to Malta at the time. During the 2006 Regional Radio communications Conference (RRC06), the number of internationally coordinated frequencies was reduced to nine, meaning that Malta had to reconfirm its coordination agreements with neighbouring countries for the remaining ten frequencies.

Malta has consistently striven to resolve coordination issues with Italy with a view to regaining the number of frequencies available for local transmission. However, the process is turning out to be rather lengthy and a solution is not as yet in sight.

The GIO policy is therefore based on this new reality.

### 4.1 Number of frequencies allocated for purposes of broadcasting meeting GIOs

The extent of frequency spectrum reservation for potential GIO stations has, among others<sup>2</sup>, to be seen in the context of available (coordinated) frequencies.

Two frequencies have been allocated for broadcasting meeting GIOs. The commissioning of a third frequency for GIO purposes should not take place until such time as changing conditions would militate in favour of a revision of the policy in this direction.

The following two frequencies are allocated for GIO broadcasting:

Channel 5 VHF  
Channel 66 UHF

### 4.2 Timing for Deployment of GIO frequencies

Cost is a key consideration underlying the setting up and running of a GIO network. Whilst it is acknowledged that more economical permutations exist, the proposal to allot relatively generous frequency space to broadcasters has been based on the premise that in the event of a future transition to more bandwidth-

---

<sup>1</sup> Essentially a key variable is the difficult coordination exercise under way with neighbouring countries, foremost among which, Italy.

<sup>2</sup> A number of respondents to the consultation document questioned the eventual deployment of three frequencies, arguing that this may be in excess of the spirit of the Universal Service Directive. This point is subject to interpretation.





hungry HDTV, there would be sufficient space for GIO broadcasters to be able to make the transition.

Government deems this policy direction as holding good. The transition to HDTV is not a short term event and it is not feasible at this stage to declare HDTV as constituting a GIO, given that most of the viewing public is not in possession of HD-ready receiver equipment<sup>3</sup>.

The ideal compromise is seen in the gradual deployment of available GIO frequencies. Such a course of action would minimise costs on the GIO network whilst ensuring adequate capacity in future when HDTV eventually becomes a GIO standard.

One of the two channels indicated in 4.1 above<sup>4</sup> will be assigned to PBS following conclusion of the necessary technical discussions. The second frequency will be held in reserve pending the introduction of HDTV as a mode of transmission that meets the general interest.

### **4.3 Number of potential GIO broadcasters**

The number of potential broadcasters on the PBS-run network will be six. A six-broadcaster multiplex would ensure quality transmission of broadcasts that meet GIOs.

### **4.4 Reservation of frequency for HDTV**

The second frequency will be held in reserve for eventual HDTV transmissions by GIO broadcasters. However, one needs to assess whether short-to medium-term use of the frequency can be made until such time as it is needed for the intended purpose.

Government will, on the advice of the MCA and the BA, explore available options before proceeding accordingly.

### **4.5 Oversight of the GIO network**

The relationship between PBS as the network operator and the hosted GIO broadcasters will require an element of oversight. The Broadcasting Authority will play a key role regulating the relationship between the various players involved, in order to ensure seamless provision of GIO content to the public.

In regulating these relationships the BA can draw on the MCA's expertise in technical matters<sup>5</sup> if such advisory assistance is required.

### **4.6 Eligibility for classification as a broadcaster meeting GIOs**

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<sup>3</sup> Latest available statistics put the figure of Maltese households owning an HD-ready set at below 6%.

<sup>4</sup> The exact frequency will be determined in the course of technical discussions between the MCA and parties concerned.

<sup>5</sup> Such assistance is currently contemplated under Article 18 of the Broadcasting Act.



A set of eligibility criteria that the BA can utilise in the determination of candidates' eligibility to GIO may be seen at Section 6.

The detail, to which the eligibility criteria are articulated in this policy document, is to be considered as high level. It is understood that further 'drilling down' into detailed sub-criteria, as well as the setting up of effective performance measures, a selection process and the relative procedures, will be necessary.

Subject to bandwidth availability, broadcasters will have the option to choose whether they want to be classified as meeting GIOs or whether they want to be classified as a commercial channel. In this respect, the BA will revise its licensing framework in line with this new arrangement. Commercial channels will be subject to less stringent content regulation than GIO channels.

A new set of eligibility criteria for the classification of channels as meeting GIOs implies that all broadcasters, whether existing or prospective, need to be validated for eligibility against the detailed criteria should they opt to apply for GIO status.

Government wants to ensure that existing analogue broadcasters benefit from continuity in the transition from analogue to digital terrestrial broadcasting. At the same time, it is recognised that continued access to terrestrial frequency space on a GIO network is not an automatic right. This issue does not arise as a result of the technical aspects of transition from analogue to digital broadcasting but from the need for any direct assignment of broadcasting spectrum to be made on the basis of clearly defined criteria that respect the principles of transparency and proportionality.

Existing analogue free-to-air broadcasters (excepting PBS<sup>6</sup>) will, in the first instance, be requested to confirm whether they want to assume the role of broadcasters meeting GIOs in line with the revised criteria. However, this option can only be exercised subject to their agreeing to - and proving that they have the means to abide by - the new criteria that will be set and administered by the BA.

Calls for prospective GIO broadcasters to fill vacant slots on the GIO network will subsequently be made by the BA via a call for expressions of interest.

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<sup>6</sup> PBS, by virtue of its 'de facto' status of public service broadcaster has no option other than to be a broadcaster meeting GIOs.



## 5 Summary of Policy Direction

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In summary the following are the key features of the Policy direction that the Government has adopted with respect to broadcasting that meets GIO:

- PBS, as the national Public Service Broadcaster, will set up a network composed of one frequency (multiplex) that will serve for broadcasting meeting GIOs.
- The GIO network will be required to carry up to six GIO TV stations.
- All transmissions on the GIO networks will be unencrypted and therefore viewable without the need for any subscription to a network operator and free of charge.
- The second frequency reserved for GIO use will be kept in reserve for the eventual transition of GIO stations to HDTV.
- Until such time as HDTV for GIOs is a reality the MCA and the BA will explore the feasibility of short to medium-term uses of the frequency held in reserve for the purpose.
- The BA, with the technical assistance of the MCA, will provide the necessary oversight to the operation of the GIO network.
- On the drawing up of detailed criteria by the BA an eligibility test for broadcasters will be carried out, with right of first choice for existing analogue terrestrial broadcasters.
- Vacant slot/s on the GIO network will subsequently be filled via a call for expressions of interest.
- The must-carry obligation on commercial Digital terrestrial networks (GO) will be dropped in the interests of spectrum efficiency.

An implementation strategy has been drawn up on the basis of this policy direction.



## 6 Implementation Strategy

The publication of this policy document denotes the start of a series of initiatives that will lead up to analogue turn-off, set for the end of December 2010. Such initiatives will include updating of the Broadcasting Act, the refinement of the high level GIO eligibility criteria, the setting up of the GIO network infrastructure, the selection of GIO stations and public information initiatives. These will pose quite an implementation challenge to all concerned.

### 6.1 General

The implementation strategy being considered will not affect current analogue transmissions, which will continue to be available on both the terrestrial and cable networks up to the Analogue Turnoff Date (ATO), currently established for the end of 2010. Any existing analogue broadcasting licences, which expire before ATO, will therefore be extended until this date, but not beyond.

Insofar as commercial broadcasting is concerned, the current legal framework can be utilised<sup>7</sup>. Any new commercial broadcasting licences to be issued by the Broadcasting Authority will be in respect of broadcast content only. Notwithstanding Article 40(1)<sup>8</sup> of the Broadcasting Act, and in line with the direction put forward in this document, these licences would not be granted the right to be carried under a 'must carry' obligation. An exemption to the application of Article 40 will be required in respect of any commercial broadcast content licences (as opposed to GIO broadcaster licences) for free to air terrestrial broadcasts. Depending on the programme schedule an exemption from parts of article 13(2)<sup>9</sup> may also be required. The contemplated changes are not necessarily exhaustive and further amendments may be necessary.

Initial transmission, via the terrestrial GIO network,<sup>10</sup> of broadcast channels classified as meeting GIOs, will commence following the implementation of the following tasks:

- a) The drafting and enactment of the necessary updates to legislation to support the implementation of the identified policy measures.
- b) The introduction of a broadcast content licensing process that incorporates the digital environment via a technology-neutral approach.
- c) The notification of PBS as the digital terrestrial transmission network that will carry broadcast channels classified as meeting GIOs, and the award of the reserved frequency capacity for it to honour its obligation.
- d) The setting up of the necessary transmission capacity by the notified transmission network.

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<sup>7</sup> Two such licences have recently been issued.

<sup>8</sup> Article 40 (1) of the Broadcasting Act states 'Any person licensed to operate a cable television system or any other system for the retransmission of a number of television broadcasting services to the public shall distribute over such system all television broadcasting services other than services devoted entirely to teleshopping, licensed in Malta and receivable terrestrially and free of charge by the general public in Malta.'

<sup>9</sup> Article 13(2) of the Broadcasting Act states that it shall be the duty of the BA to satisfy itself that, so far as possible, the programmes broadcast by persons providing sound or television broadcasting services in Malta comply with a number of content requirements (see relevant provision).

<sup>10</sup> All analogue terrestrial broadcasters are currently being transmitted in digital format but not on a 'free-to-air' basis.



- e) The drawing up of GIO selection criteria followed by the selection procedure.
- f) The endorsement of the conditions that will regulate the relationship between the PBS-managed GIO network and the GIO broadcasters.
- g) The drawing up and execution of a communications strategy to inform the public of the digital switchover.

These action items are not necessarily sequential. It is expected that in the interests of time, a sizeable element of parallel activity will take place. Neither are they to be considered as being exhaustive.

The Broadcasting Authority will licence broadcasters and will, upon their request, identify those broadcast channels that meet GIOs and allot them space on the reserved frequencies. The Broadcasting Authority will ensure that designated GIO broadcast channels abide by the obligations associated with such a designation.

The Broadcasting Authority will monitor the activities of PBS as the designated GIO network operator.

## **6.2 Legal Framework**

### **6.2.1 Electronic communications sector**

The regulatory framework applicable to the electronic communications sector was overhauled in 2004, with the enactment of ECRA, providing a technology neutral framework that caters for continued technological development. The ECRA, along with the related subsidiary legislation, is harmonised with the European Union framework for the sector and adequately regulates all the policy areas under consideration. No significant legislative changes are therefore required in support of the policy direction being put forward for consideration.

Another piece of legislation that is relevant to this topic is Legal Notice 167/2001, which is a remnant of the pre-2004 regulatory framework. A number of provisions of this Legal Notice have been retained insofar as they apply to broadcasting matters. Notable among these are those provisions relating to the licensing of Cable networks' own broadcast content (the term 'Cable networks' is taken to include terrestrial networks) and other related provisions. Regulation of broadcast content transmitted over cable networks falls under the Broadcasting Act. The repeal of the relevant provisions of LN167/2001 will serve to clarify the rights and obligations of network operators in their role as broadcasters, to the effect that these rights and obligations are aligned to those of all other broadcasters.

### **6.2.2 Broadcasting and audiovisual sector**

The last major legislative change in the audiovisual sector came in 1991 with the introduction of the Broadcasting Act, which made provision for the liberalization of both radio and television services and opened the sector for private radio and television stations, including multi-channel cable television. The white paper that preceded the Act and the licensing regime established by the Act are based on a scenario that is characterised by the sole use of analogue transmission technology.

In February 2003 an expression of interest by the private sector to establish a multi-channel digital television service was received. In view of the fundamental changes that the new technology would introduce, Government embarked on the articulation of the Digital Broadcasting Policy. In consideration of the ATO date established therein, the Broadcasting Authority has not issued any further analogue television licences and both the National Broadcasting Plan published in



1991 and the Broadcasting Act need to be revised to address the realities of today's broadcasting environment.

### **6.2.2.1 National broadcasting plan**

The general principles that form the basis of the National Broadcasting Plan continue to hold valid, however, an update of the plan with respect to television and radio broadcasting policy is now necessary. The following would need to be captured in a revised plan:

#### *Television*

- Pluralism in Maltese television will continue to be safeguarded.
- Broadcasts will be allowed on both cable and terrestrial networks and on any other network that may be established.
- Broadcast licences will be issued to the private sector for broadcast channels meeting GIOs and for commercial broadcasts.
- Licences for commercial broadcast content will be subject to the minimum of regulation<sup>11</sup> consistent with the public interest and as reflected in local legislation.
- Licences for broadcast channels qualifying as meeting GIOs will be subject to the minimum of regulation consistent with the public interest and as reflected in local legislation and to additional programme content obligations as part of their remit.
- The licence for the public service broadcaster will be subject to the minimum of regulation consistent with the public interest and as reflected in local legislation and to the conditions of the public service obligation contract.
- Digital capacity will be made available to the Broadcasting Authority for the carriage of broadcast channels designated by it as having a public service remit.
- The Broadcasting Authority will be responsible for allotting the bandwidth that will carry each licensed public service and GIO broadcast channel.
- Commercial broadcast content licence holders will need to obtain access to transmission capacity on licensed television networks. Stations will need to notify the Broadcasting Authority, in their TV licence application, with the details of the network operator and the transmission frequency, as may be relevant, as part of the licensing process.

#### *Public service broadcasting media*

- Malta's public service broadcasting media will now include:
  - a) PBS Ltd., with its television channel (TVM);
  - b) The educational television channel (Channel 22);
  - c) Radju Malta, Radju Parliament, Magic and the university run radio channel (Campus FM);

#### *General interest broadcasting media*

- This category is made up of private television stations that take on the obligation of broadcasting a quantum of programmes of general interest and that are considered by the National Broadcasting Policy to be part of the remit of a public service station.

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<sup>11</sup> These will be consistent with the Audiovisual Media Services Directive



- These broadcasts will need to complement the PBS Ltd offering and play a substantial role in delivering all or part of the following:
  - a) quality programming across the full range of public tastes and interests;
  - b) programming of an educational and cultural nature;
  - c) news and current affairs programming; and
  - d) a comprehensive and accurate information service in the interests of a democratic and pluralistic society.
- Broadcasting licences issued by the Broadcasting Authority will establish the specific general interest obligations of each station.

### **6.2.2.2 Broadcasting Act**

The following are the key sections of the Broadcasting Act that will need to be amended in order to implement the policy considerations being put forward:

#### *Article 10 – Issue of broadcasting licences.*

- To introduce a class of television broadcasting licences applicable to the public service broadcaster, namely a general interest broadcast content licence.
- To introduce two classes of television broadcasting licences applicable to private stations namely a General Interest Broadcast Content Licence and a Commercial Broadcast Content Licence.
- To enact regulations in respect of the application process for television broadcasting licences.
- To amend the provision that restricts the genre of a second station, that is owned by the same entity, to teleshopping. The new provision would allow for a higher number of TV stations. The new provision would apply to TV as well as to radio station ownership<sup>12</sup>.

#### *Article 11 – Considerations to guide Broadcasting Authority in the issuance of broadcasting licences.*

- To revise the criteria for the assessment of applications for licences in order to take into account the two television licence categories and to remove references to the transmission infrastructure which will no longer form part of the broadcasting licence.

#### *Article 13 - General provisions as to the provision of broadcasting services in Malta and regarding the Authority's duties in respect thereof.*

- To take into consideration the two new classes of television broadcasting licences.

#### *Article 18 - Broadcasting frequencies.*

- To remove the reference to the assignment of a full frequency channel as part of the broadcasting licence.
- To require applicants for Commercial Broadcast Content Licences to notify details of the network operator, carrier frequency.
- To cater for the allotment of transmission capacity on a carrier frequency in respect of Public Service and GIO Television Broadcasting Licences.

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<sup>12</sup> The BA is currently conducting a public consultation process on the possible extension of editorial control from the present maximum of two TV stations.





*Article 23 - Submission of Programme Schedules for Authority's approval.*

- A clause similar to the one that exempts radio services from the sub-articles (excluding sub-article 1) of this article will be introduced to exempt commercial broadcast content licence holders from requiring prior approval by the Broadcasting Authority for their programme schedule. Submission of the programme schedule to the Broadcasting Authority will, however, be required.

*Article 40 - "Must Carry" obligations.*

- To be removed given - the overlap with the must-carry provisions contained in the Electronic Communications legislation, as well as its obsolescence, in light of the change in criteria with respect to the establishment of must carry obligations.

*First Schedule - Purposes for which provision is to be made in licences and contracts for the provision of broadcasting services.*

- To be revised to cater for reduced regulation in respect of Commercial Broadcast Content Licences.
- To remove reference to transmission infrastructure and assigned frequencies from the broadcasting licence.

*Second Schedule - National Broadcasting Plan.*

- To be amended to reflect the proposals put forward under this Section.

### **6.3 Broadcast content licensing process**

Private entities interested in obtaining a television broadcasting licence will be able to apply for either a Commercial Broadcast Content licence or a General Interest Broadcast Content licence.

#### **6.3.1 Commercial broadcast content licences**

There will be no limitations on the number of commercial licences<sup>13</sup> that can be issued by the Broadcasting Authority. However, presently article 10(6)(a) of the Broadcasting Act establishes a maximum of two broadcast content licences that may be issued to the same entity<sup>14</sup>. Licences will be strictly in respect of content and will not include licensing of the transmission infrastructure. Entities will enter into commercial negotiations with authorised network operators or service providers in order to obtain access to transmission capacity. Applicants will be required to notify, to the Broadcasting Authority, the relevant details in respect of the network operator and the specific frequency on which the broadcast channel will be transmitted.

Applications will be assessed to determine that entities are in a position to establish and operate a viable station that can meet the requirements as established by law. The assessment will therefore take into consideration the economic potential and viability of the station, the genre and source of the production material as well as programme quality.

#### **6.3.2 Broadcast licences with a public service remit**

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<sup>13</sup> This is, nonetheless subject to the physical space that is available, at any point in time, on transmission networks.

<sup>14</sup> The BA is currently conducting a public consultation process on the possible extension of editorial control from the present maximum of two TV stations.





One frequency will be allocated for the carriage of Public Service Broadcasts and other General Interest Broadcasts. A total of six stations will be carried on the frequency.

Public Broadcasting Services Ltd will operate the GIO network that will carry PBS and up to five GIO stations. Indicatively, PBS will carry the costs of the network set-up and operation less the additional capital and ongoing costs incurred as a result of PBS having to carry other broadcasters on its network.

The GIO stations can be both generalist and niche stations and will need to meet stringent requirements both in terms of programming quality as well as in terms of the specific general interest objectives that they fulfill. Only one General Interest Broadcast content licence will be issued to the same entity. An entity may however be issued with an additional Commercial Broadcast content licence<sup>15</sup>.

This arrangement is based on the premise that two frequencies are reserved for broadcasting that meets GIOs. One frequency will be made immediately available for the purpose. The second frequency will be reserved until such time as it is required in order to support the introduction of HDTV by GIO stations.

Stations will be expected to devote a significant portion of their programming time to programmes that qualify as being of general interest, that is, programmes that qualify as meeting Core Public Service Obligations (CPSOs) and Extended Public Service Obligations (EPSOs).

The National Broadcasting Policy establishes that the PBS is required to dedicate between 50 and 55% of its programming time to programmes of general interest. A broadcast channel qualifying as meeting GIOs will be required to devote not less than 35% of its programming time to programmes of general interest. The said policy will also have to be brought in line with the amendments regulating GIOs which will be made to the Broadcasting Act.

Generalist stations would need to provide a spectrum of programme content that cuts across the categories listed below. Stations that address a particular audience niche will also be considered particularly if they provide added value and as long as the content can be classified as one of general interest (for example, education) on the basis of distinct evaluation criteria.

The following are, inter alia, the evaluation criteria that are being considered:

## **1 General - quality programming across the full range of public tastes and interests.**

- a) Financial allocation for programme generation;
- b) The range of subject matter. This would include:
  - i. programmes that focus on the island of Gozo and in particular that highlight Gozitan society, culture and way of life;
  - ii. programmes that have children as their principal audience;
  - iii. drama programmes in Maltese with preference being given to original drama in Maltese;
  - iv. programmes that focus on Maltese communities abroad.
- c) The number of new and innovative programmes;
- d) Target audience share;
- e) Measures such as subtitling, audio description and sign language<sup>16</sup>;
- f) The variety of production approaches to be used such as co-productions/out sourced productions/shared material; and

<sup>15</sup> The number of commercial licences could exceed one, depending on the outcome of the BA consultation on media concentration referred to in earlier footnotes.

<sup>16</sup> Further emphasis on this important aspect may be warranted when GIO criteria are being drawn up in detail.



## **2 Programming of an educational and cultural nature.**

Amount and scheduling of programmes of an educational and/or cultural nature

a) Range of subjects covered;

Appropriate weighting will be given to content such as:

- i. educational programmes
- ii. programmes that enhance the public's knowledge and appreciation of the Maltese Islands' heritage and history;
- iii. programmes that enhance the public's knowledge and appreciation of the arts particularly Maltese arts;

b) Type and size of audience targeted;

c) Percentage of programmes produced with the collaboration of educational institutions;

d) Percentage of programmes and total production hours in the Maltese language; and

## **3 News and current affairs programming**

a) Quality of the news policy adopted by the broadcast channel;

b) Sufficiency of news budget;

c) Comprehensiveness of news schedule;

d) Appropriate staffing to support the necessary news gathering, and the provision of in-depth analysis;

e) Arrangements for gathering international news; and

f) Amount and scheduling of current affairs programmes.

## **4 A comprehensive and accurate information service in the interests of a democratic and pluralistic society**

a) Amount and scheduling of informative programmes;

b) Range of subjects covered;

Appropriate weighting will be given to:

- i. discussion programmes dealing, inter alia, with topics of a social, cultural, religious, educational, environmental, economic, industrial or political nature;
- ii. measures in support of the presentation of a wide range of diverse opinions or perspectives; and
- iii. measures in support of the presentation of public views.

Delivery of the programme schedule that constitutes the general interest obligation for each station will be a condition of licence.

The Broadcasting Authority will have the authority to refuse applications for General Interest Broadcast content licences where specific general interest objectives are adequately covered by already licensed stations even if transmission capacity is available.

The Broadcasting Authority will carry out an ongoing assessment of the programme schedules of General Interest stations to ensure that licence obligations continue to be met.



## 6.4 Must-Carry obligations

In light of the appointment of PBS as the GIO network, the following scenarios unfold with respect to 'must-carry' obligations on existing and potential platforms:

### 6.4.1 Must-Carry on terrestrial networks

The MCA will not impose must-carry obligations on the digital terrestrial commercial network. To do so would amount to unnecessary duplication, given that the viewers of that network can access the PBS-run network over the same set top box.

### 6.4.2 Must-Carry on Cable

Melita cable is the only Cable TV operator in Malta. It has a national network which reaches some 95% of households and a penetration in the region of 75% of households. Melita is currently obliged to carry broadcast channels in line with Art 40 of the Broadcasting Act. Under Regulation 51(1)<sup>17</sup> of the ECNSR it is reasonable to assume that, it will continue to be considered as having a significant number of subscribers on its platform and the existing must-carry obligation will continue to apply, albeit under a different set of conditions.

In view of the one to one relationship between the operator and the household (given the cabling and converter required) and given that remuneration for carriage will not be required subscriber payment for the reception service will continue to be allowed. Must-carry channels will have to be on a reception / entry-level tier such that subscriber payment is kept to a minimum.

A must carry obligation therefore remains incumbent on Melita on both its analogue and digital network. However, as long as the analogue cable service continues to be provided to the public, the reception service need not be replicated on the digital cable platform. Should Melita close off its analogue service, the equivalent of the reception tier will need to be introduced on its digital service.

### 6.4.3 Must carry on other platforms

TV transmission services in Malta are currently provided over Cable and Digital Terrestrial networks. The provisions of Section 51(1) of the ECNSR, as well as other relevant provisions of the Maltese Electronic Communications legislation, will apply to any other platform that eventually provides TV transmission services in Malta.

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<sup>17</sup> Reg.51. of LN412/2004: (1) The Authority may impose reasonable "must carry" obligations for the transmission of specified radio and television broadcast channels and services, on undertakings providing electronic communications networks used for the distribution of radio or television broadcasts to the public where a significant number of end-users of such networks use them as the principal means to receive radio and television broadcasts:

Provided that such obligations shall only be imposed where they are necessary to meet clearly defined general interest objectives and shall be proportionate and transparent, which obligations shall be reviewed by the Authority periodically:



## 7 Key stakeholders

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The following entities are considered to have an active role to play in the implementation of this strategy:

- Public Broadcasting Services Ltd., as the Government owned company responsible for the provision of public broadcasting;
- Current terrestrial analogue broadcasters who will need to migrate to digital;
- The Office of the Prime Minister (OPM), as the Ministry responsible for the Broadcasting Authority;
- The Broadcasting Authority as the entity responsible for regulating sound and television broadcasting services and for issuing broadcasting licences;
- The Ministry for Information Technology and Communications (MITC) as the Ministry responsible for policy regarding the regulation of electronic communications networks and services;
- The Ministry for Education and Culture (MEDC) as the Ministry responsible for broadcasting policy and public service broadcasting;
- The Malta Communications Authority as the entity responsible to regulate electronic communications and manage spectrum.
- Network operators who will provide access to local commercial broadcast content licence holders.



## 8 Next steps

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This document constitutes Government's formal policy position and concludes the first phase of the process. The focus will hereafter be on implementation. The following are the envisaged steps that need to be followed in the implementation process.

- Assignment of the GIO frequency to PBS should take place by Q1 2009 following the necessary technical discussions.
- PBS will initiate steps towards deployment of the network in Q1 2009. It is envisaged that the network deployment should be finalised by Q4 2009.<sup>18</sup>
- Legal drafting of the amendments to the Broadcasting Act will commence immediately with passage through parliament envisaged in the 2nd Quarter 2009.
- In parallel with the legal drafting the BA will refine and formalise the GIO selection criteria and the relative process.
- The GIO selection and allotment process will commence immediately after the legislative amendments, as well as the selection process, are in place.
- Initial transmission by GIO broadcasters on the PBS network<sup>19</sup> will commence immediately after the selection process has been finalised. This is envisaged to take place in Q4 2009.
- A public information campaign will commence in Q2, 2009 and will run on till the Analogue Turn off Date, set at Q4, 2010.

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<sup>18</sup> The deployment timeframe is indicative and subject to discussion between PBS and the BA/MCA. However one would expect that PBS has the necessary experience and already-installed infrastructure to carry out deployment within a year.

<sup>19</sup> PBS will not be subject to the selection process given that it is the Public Service Broadcaster. It will still be required to adhere to the set criteria.



## **Appendix A**

### **Analysis of responses to Consultation on Broadcasting that meets General Interest Objectives**



## Introduction

This Appendix presents the highlights of the individual responses to the consultation document on Broadcasting that meets General Interest Objectives. The document was issued for consultation on the 15<sup>th</sup> of September 2007 with a three month timeframe, subsequently increased by an additional two months at the express request of a group of broadcasters.

At the end of the consultation period six responses had been received from:

- Mr. Joseph Muscat (MEP)
- GO
- Melita Cable
- PBS, Educ 22, One Productions, Media Link Communications, Smash TV (joint response)
- Projects in Motion
- Eden Leisure Group

The MCA/BA also held one-to-one discussions with GO, Melita and existing analogue free-to-air broadcasters (both individually and as a group) at their express request.

The table in the subsequent pages of this document highlights the responses received. The responses are organized by policy area and policy areas are, in turn, presented in the same sequence as they appear in the public consultation document. Details of individual respondents have been omitted and replaced by letters 'A' to 'F' (which do not reflect the sequence of respondents as listed above).

Whilst this document is essentially descriptive of the responses submitted explanatory notes have been inserted by the MCA/BA where it was felt that this would provide a clarification on the Authorities' position. The explanatory notes are the ones in italics.

The responses have been given due weight in the articulation of Government's final policy direction on the subject.





Respondent	Summary of Comments Received
<b>GENERAL COMMENTS</b>	
RESPONDENT (A)	<ul style="list-style-type: none"> <li>Submits that its tariffs are not subject to ex ante price control.</li> <li>Submits that capacity restrictions should not be imposed.</li> <li>Anticipates that a revised implementation timeline will be required and requests that this is provided.</li> <li><i>The implementation timelines are indicative and the envisaged timeframe will be known when a final policy statement is made by Government.</i></li> </ul>
RESPONDENT (C)	<ul style="list-style-type: none"> <li>Welcomes initiative to review existing broadcasting policies connected with GIOs.</li> <li>Contends that many of the proposals are impracticable and that they do not make for a level playing field in platform competition.</li> </ul>
RESPONDENT (D)	<ul style="list-style-type: none"> <li>Observes that the consultation does not comprehensively deal with radio.</li> <li><i>It is clarified in the consultation document that terrestrial radio does not present the same critical aspects as terrestrial TV, which involves the migration from analogue to digital, and a specific analogue turn-off date.</i></li> </ul>
RESPONDENT (E)	<ul style="list-style-type: none"> <li>Appreciates the efforts of the MCA and BA in the preparation of the document given the complexity of the communications scenario.</li> <li>States that the issues raised need to be discussed in further detail.</li> </ul>
<b>POLICY AREA – CRITERIA TO CLASSIFY BROADCAST CONTENT AS GIO</b>	
RESPONDENT (A)	<ul style="list-style-type: none"> <li>Contends that the GIOs which are likely to be most directly relevant to the must-carry obligation are culture, national language and pluralism.</li> </ul>
RESPONDENT (C)	<ul style="list-style-type: none"> <li>States that it is not clear if criteria meet requirements of Article 31 of the EU's Universal Services Directive (USD).</li> <li>States that in particular it is not immediately apparent that the criteria are objectively measurable in practice.</li> <li>Highlights that the mere setting up of the objectives is not sufficient for award of must-carry status and clarifies that criteria must be measurable and that licencees must be subject to a yearly review to determine that criteria are being met.</li> <li><i>The consultation document contemplates the setting up of measures with respect to the criteria set and the carrying out of the necessary assessments with respect to GIO broadcasters.</i></li> </ul>
RESPONDENT (F)	<ul style="list-style-type: none"> <li>Enquires whether the policy intends to address and implement main accessibility issues such as subtitling, sign language and audio description as a General Interest Objective.</li> <li><i>Accessibility features are listed as an adjudication criterion (Under the</i></li> </ul>



	<i>heading 'General') for broadcasters meeting General Interest Objectives. Further emphasis on this aspect may be made when GIO criteria are being drawn up in detail, bearing in mind the need for any such requirements be balanced against costs borne by broadcasters.</i>
<b>POLICY AREA – BROADCASTERS QUALIFYING FOR GIO STATUS</b>	
RESPONDENT (A)	<ul style="list-style-type: none"> <li>States that must carry status should not be granted to national broadcasters which operate under a public remit as a matter of course and should only be afforded where the GIOs are explicitly mentioned as part of the public remit.</li> <li>Submits that licensed terrestrial broadcast channels should not have a 'de facto' must-carry status.</li> <li>Contends that only the public broadcasting services identified in National Broadcasting Plan qualify and agrees with the must-carry status granted to the public broadcaster.</li> <li>Respondent is not against the notion of privately owned stations playing a role in the delivery of the GIOs but contends that the proposed 'all or part of ' a number of set criteria that qualify a station for GIOs allows for a relaxed application of the must-carry status and contends that must-carry channels should be limited to that absolutely necessary avoiding unnecessary duplication.</li> <li><i>The consultation document does not contemplate award of must carry status being granted to national broadcasters as a matter of course.</i></li> </ul>
RESPONDENT (C)	<ul style="list-style-type: none"> <li>Considers that the statement, to the effect that a public call for expressions of interest for a GIO licence will be issued, a contradiction with the statement that current broadcasters could qualify.</li> <li>Submits that it is by no means a given that current licence holders meet the proposed criteria and makes specific reference to the 'comprehensive and accurate information service' criterion.</li> <li>Submits that the parameters that allow the BA to refuse a GIO licence to other broadcasters that meet the criteria are not specified and neither is the limit on the number of such licence holders and this will have a direct weight on the must carry obligations.</li> <li>Highlights that the USD requires a periodic review of the must-carry status and obligations and recommends that all the above points are developed in line with the principles of transparency, non-discrimination, proportionality and accountability.</li> <li><i>GIO status is voluntary for broadcasters other than PBS. Thus, a call for expressions of interest would be necessary. It is also stated in the consultation that the current analogue broadcasters' licence conditions is likely to qualify them for GIO status.</i></li> <li><i>The limit to the licence holders, as proposed in the consultation document, is six, for the foreseeable future.</i></li> </ul>
RESPONDENT (E)	Respondent refers to existing analogue terrestrial broadcasters and Education 22 as 'GIO stations.'
<b>POLICY AREA – PROPORTIONALITY</b>	
RESPONDENT (A)	Contends that the reservation of three frequencies for broadcasting that meets GIOs is extravagant given that 6 to 8 standard digital TV channels can be transmitted on one TV channel.
RESPONDENT	Considers the reservation of three frequency channels for GIOs wasteful





(C)	use of frequency given that around eight broadcast channels can be accommodated in one frequency channel.
<b>POLICY AREA – MUST CARRY/MUST OFFER OBLIGATIONS</b>	
RESPONDENT (A)	<ul style="list-style-type: none"> <li>States that it is debatable whether any digital terrestrial network operator meets the 'Must Carry' criterion which requires that a 'significant number of end-users of such networks use them as the principal means to receive radio and television broadcasts'.</li> <li>Argues that before imposition of 'must carry' the BA should ascertain if the operator truly falls under the 'significant' parameter. (Contends that subscribers can have two services and therefore digital terrestrial subscription numbers are not enough to justify the 'significant number of end users' criterion).</li> <li>Argues that a must carry obligation should only be imposed on those operators that the BA ascertains as meeting the 'significant number of user' criteria.</li> <li>Agrees to para 3.3.2., which establishes that 3 reserved frequencies will be assigned to network with significant users, only for purpose of carrying GIO's with transmission being unencrypted.</li> <li>Agrees with the introduction of a must-offer obligation.</li> <li><i>The latest MCA bi-annual communications review listed the digital terrestrial platform network as having in excess of 25,000 subscribers.</i></li> </ul>
RESPONDENT (C)	<ul style="list-style-type: none"> <li>Agrees that must carry must be counter-balanced by must-offer obligations and that no fees should be levied in either direction.</li> <li>Presumes that must-carry obligations apply to mobile and IPTV platforms and notes that the document does not discuss possible effects on investment decisions and competition. Contends that an in-depth examination must be made on these issues lest the policy proposals act as a disincentive to potential new or emerging market entrants.</li> <li><i>The consultation document qualifies 'must-carry' regulation of IPTV and other emerging platforms to the effect that it has to be in line with existing legislation. It is understood that once legislation also contemplates light-touch regulation on emerging technologies and services, this aspect will also be addressed, before any imposition comes into effect.</i></li> </ul>
<b>POLICY AREA – LEVEL OF SERVICE (SPECIFICALLY BIT RATES)</b>	
RESPONDENT (A)	<ul style="list-style-type: none"> <li>Contends that there is no legal basis on which the technical terms (minimum bit rates/quality) by which must-carry channels are to be retransmitted can be established.</li> </ul>
RESPONDENT (C)	<ul style="list-style-type: none"> <li>Strongly believes that a minimum bit-rate allocation should not be mandated since it inherently implies inefficient spectrum utilisation.</li> <li>Suggests instead the use of Subjective Video Quality Test methods.</li> </ul>
<b>POLICY AREA – COMPENSATION FOR SERVICES</b>	
RESPONDENT (A)	<ul style="list-style-type: none"> <li>Contends that either the broadcasters or the State should compensate network operators for the transmission of must-carry channels and that a remuneration which is non-discriminatory, proportionate,</li> </ul>

	<p>transparent and cost-based should be payable to the network operators.</p> <ul style="list-style-type: none"> <li>Proposes that the remuneration should take into account network capacity required and possibly any lost profits.</li> <li>Agrees to continued application of the Copyright Act where no copyright fees are payable in respect of must-carry channels.</li> </ul>
RESPONDENT (C)	<ul style="list-style-type: none"> <li>Contends that the weighing of must carry provisions against the effect on competition should have been discussed in the Consultation and contends that the proposals put forward seriously distort the emerging competitive television transmission market.</li> <li>Contends that the consultation proposal puts the heavier regulatory onus on the smaller network.</li> <li>Disagrees with the arguments that the free to air concept can change according to platform and that basic tier pricing can be justified on one platform, but not on another.</li> </ul>
<b>POLICY AREA – MISCELLANEOUS TECHNICAL CONSIDERATIONS</b>	
RESPONDENT (A)	<ul style="list-style-type: none"> <li>Proposes that final document should make reference to EPGs and exclude EPGs from any must carry obligation.</li> </ul>
RESPONDENT (C)	<ul style="list-style-type: none"> <li>Gives a whole list of reasons why the VHF frequency cannot be used by respondent.</li> <li>Highlights an issue with respect to aerial installation at the consumer end in that current digital terrestrial installations are for UHF and not VHF.</li> </ul>
<b>POLICY AREA – BA/MCA ROLES</b>	
RESPONDENT (A)	<ul style="list-style-type: none"> <li>Agrees with the division of roles between MCA and BA as suggested by the Consultation.</li> <li>Agrees that LN167/2001 should be repealed.</li> </ul>
<b>POLICY AREA – CONTENT</b>	
RESPONDENT (A)	<ul style="list-style-type: none"> <li>Fails to see the rationale behind the restriction of the total number of broadcast channels that can fall under the same editorial responsibility.</li> <li>Submits that there is no justification for limiting to two the number of broadcast licences.</li> <li>Contends that an own-network promotional channel should not be considered as a programming service.</li> <li>Believes that multiple channels that transmit a time-shifted repeat programme should be considered as one channel.</li> <li>Opines that multiple Sports channels that transmit different sports events (eg football matches) in parallel should be considered as one single channel.</li> <li>Calls for a clear delineation of which of the BA circulars, decisions or directives are applicable to their payTV programming and which are not.</li> <li><i>The BA has since issued a consultation document on the subject of editorial ownership, and is now proposing ownership of up to four TV channels under certain conditions. Other than this, an own-network promotional channel is not considered to be a programming service.</i></li> </ul>
<b>POLICY AREA –BA LICENCES</b>	





RESPONDENT (A)	<ul style="list-style-type: none"> <li>States that the document does not provide comfort that niche channels such as Sports and movies will be guaranteed a broadcast licence.</li> <li>States that it is not clear what obligations would be in respect of a pay-per-view, video-on-demand or high definition channel.</li> <li><i>One of the policy proposals in the document is for the creation of a licence category for commercial TV stations.</i></li> </ul>
RESPONDENT (C)	<ul style="list-style-type: none"> <li>Contends that it should be the network operator's sole prerogative to shift a content channel from one multiplex to another.</li> <li><i>No doubt this is the case for those channels that have been assigned on commercial terms to a network operator. As regards frequencies earmarked for broadcasting that meets GIOs it is the BA that decides which content channels are transmitted on these terrestrial frequencies.</i></li> </ul>
<b>POLICY AREA – OTHER CONSIDERATIONS</b>	
RESPONDENT (B)	<ul style="list-style-type: none"> <li>Contends that the Maltese consumer has a right to continue accessing free of charge all national free-to-air channels that are currently accessible through the analogue system.</li> <li><i>This is a key principle that is upheld in the consultation document.</i></li> </ul>
RESPONDENT (B)	<ul style="list-style-type: none"> <li>States that anyone acquiring a digital receiver independently should have access to free-to-air channels free-of-charge.</li> <li><i>It is assumed that this contention is being made with respect to digital terrestrial receive.</i></li> </ul>
RESPONDENT (B)	<ul style="list-style-type: none"> <li>Contends that interoperability between the different platforms is needed to provide consumers with the freedom to switch between service providers.</li> <li><i>The MCA is unaware that any solutions integrating all functionalities for both platforms in one box are currently available on the market. Meanwhile, competing retail offers by network operators have considerably lowered switching costs for consumers.</i></li> </ul>
RESPONDENT (C)	<ul style="list-style-type: none"> <li>States that it is imperative that the delivery of content to a network's transmission facilities should be borne by the content provider and must comply with the network's interface specifications and protocols.</li> </ul>
RESPONDENT (C)	<ul style="list-style-type: none"> <li>Notes that the co-ordination with Italy is long overdue.</li> <li>Contends that Government must have a clear strategy with timeframes in this respect, which strategy should formally provide for unilateral measures as contemplated in the consultation.</li> </ul>
RESPONDENT (E)	<ul style="list-style-type: none"> <li>Raises as a point of concern the carriage of GIO broadcasters by a third-party network operator.</li> <li>Contends that alternative solutions should be explored and considered, including - but not limited to - GIO broadcasters collectively filling role of network operator.</li> <li>Urges the BA to consider the proposed carriage arrangements and to prevent situations that might compromise broadcasting in Malta.</li> <li>Hints at alternative solutions, such as a GIO-run network.</li> </ul>
<b>POLICY AREA – RADIO</b>	
RESPONDENT (D)	<ul style="list-style-type: none"> <li>Contends that licensing and monitoring fees require revision in the light of the different realities of the Digital radio market.</li> </ul>

	<ul style="list-style-type: none"> <li>• Contends that the current moratorium on charging fees until 2009 does not offer a real incentive to early adopters, stating that it will take much longer than 2009 before digital sets present a positive commercial model.</li> <li>• Suggests that the fee structure kicks in once a target number of digital sets are on the market (proposed 250,000).</li> <li>• Proposes that the general Radio Station annual licence fee of LM2, 500 and annual monitoring fee of Lm5, 000 is excessive given the reduced reach and indirectly reduced advertising revenue and additional costs to be paid to the network operator.</li> <li>• Contends that the digital licence fee should be much lower than the current licensing structure under analogue while the monitoring fee should be removed.</li> <li>• Proposes that the reapplication fee as stipulated by the Digital Radio Broadcasting regulations should not apply and that reapplication should be required every eight years and not every four.</li> </ul>
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Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE ABELA  
President

15 ta' Mejju, 2009

### ATT Nru. VIII ta' l-2009

*Att biex jemenda l-Att dwar ix-Xandir, Kap. 350*

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġej:-

**1.** (1) It-titolu fil-qosor ta' dan l-Att huwa Att tal-2009 li jemenda l-Att dwar ix-Xandir, u għandu jftiehem u jinqara ħaġa waħda mal-Att dwar ix-Xandir, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

(2) Dan l-Att għandu jidhol fis-seħħ f'dik id-data li l-Prim Ministru jista' jistabbilixxi b'avviż fil-Gazzetta u jista' jistabbilixxi dati differenti għal disposizzjonijiet u għanijiet differenti ta' dan l-Att.

**2.** Minflok l-artikolu 16A tal-Att prinċipali, għandu jidhol dan li ġej:

Sostituzzjoni ta' l-artikolu 16A ta' l-Att prinċipali.

"Liċenzi mahruġa mill-Ministru.

16A. (1) Id-disposizzjonijiet ta' dan l-Att għandhom japplikaw għax-xandara kollha li jaqgħu taħt il-ġurisdizzjoni Maltija kemm kif l-Att jeżisti fiż-żmien meta dan l-artikolu jidhol fis-seħħ kif ukoll kif jista' jiġi mfisser u estiż minn żmien għal żmien skont regolamenti magħmulin bis-saħħa tal-artikolu 37:



Iżda d-disposizzjonijiet tal-artikolu 10(2) u (5) m'għandhomx ikunu japplikaw għal:

(a) l-għoti ta' servizzi tax-xandir bis-smiġħ jew bit-televiżjoni li jkollhom liċenza mill-Ministru jew minn kull persuna, korp jew awtorità li jkollhom liċenza maħruġa mill-Ministru jew skont dawk l-arrangamenti li jsiru miegħu; u

(b) kull liċenza tax-xandir mogħtija qabel l-1 ta' Ġunju, 1991.

(2) Ix-xandir imsemmi fil-proviso mas-subartikolu (1) għandu jiġi assoġġettat għal dawk il-kondizzjonijiet li l-Ministru jew dik il-persuna, korp jew awtorità msemmija fil-paragrafu (a) tal-proviso għas-subartikolu (1), skont il-każ, jistgħu iqisu li jkun xieraq. Dawk il-kondizzjonijiet jistgħu wkoll jinkludu kondizzjonijiet li jkollhom kontenut simili għad-disposizzjonijiet li jkunu saru inapplikabbli għal dak ix-xandir bis-saħħa tal-paragrafu (a) tal-proviso mas-subartikolu (1).”.

Żjieda tat-Taqsima IIIA ma' l-Att prinċipali.

3. Minnufih wara l-artikolu 16B tal-Att prinċipali, għandha tiżdied din it-Taqsima ġdida li ġejja:

### “TAQSIMA III A

#### **Kontenut tal-Programmi f'Servizzi ta' Radju u ta' Televiżjoni bis-Satellita**

Għoti ta' liċenzi ta' servizzi tar-radju u tat-televiżjoni bis-satellita. Kap. 399.

16C. (1) Kull kontenut ta' programmi f'servizzi tar-radju u tat-televiżjoni bis-satellita għandhom jingħataw liċenza mill-Awtorità tax-Xandir skont din it-Taqsima ta' dan l-Att.

(2) Persuna li tkun taħt il-ġurisdizzjoni ta' Malta m'għandhiex tipprovdi gabra ta' programmi bl-għan li dik il-gabra tiġi mxandra bħala servizz ta' xandir bir-radju, sew biex jinqabad f'Malta jew band'oħra, permezz ta' tagħmir ta' satellita sakemm dan ma jsirx taħt u skont liċenza għal xandir ta' kontenut bir-radju permezz ta' satellita.





(3) Persuna li tkun taħt il-ġurisdizzjoni ta' Malta fil-kuntast tat-tifsira tad-Direttiva tal-Kunsill m'għandhiex tipprovdi gabra ta' programmi bl-għan li dik il-gabra tiġi mxandra bħala servizz ta' xandir bit-televiżjoni, sew biex jinqabad f'Malta jew band'oħra, permezz ta' tagħmir ta' satellita sakemm dan ma jsirx taħt u skont liċenza għal xandir ta' kontenut bit-televiżjoni permezz ta' satellita.

(4) Applikant għal liċenza għal xandir ta' kontenut bir-radju jew bit-televiżjoni permezz ta' satellita għandu jhallas lill-Awtorità dritt tal-applikazzjoni ta' elf euro (€1,000).

(5) L-Awtorità tista' tohroġ liċenza lil persuna li permezz tagħha dik il-persuna tkun tista' tipprovdi gabra ta' programmi għall-għanijiet imsemmija fis-subartikolu (1), u dik il-liċenza għandha tissejjaħ "liċenza għal xandir ta' kontenut permezz tas-satellita" u qiegħda f'din it-Taqsima tkun magħrufa bħala "liċenza għal kontenut permezz tas-satellita".

(6) Liċenza għal kontenut permezz tas-satellita għandha tkun tinkludi:

(a) kondizzjoni li tkun teħtieġ lid-detentur tal-liċenza li josserva dawk il-liġijiet, ħtiġijiet dwar *standards*, prattika u kundizzjonijiet skont ma l-Awtorità tista' tispeċifika dwar il-programmi provduti skont il-liċenza; u

(b) kondizzjoni li tkun teħtieġ lid-detentur ta' liċenza li jagħmel użu minn dik il-liċenza għal dak iż-żmien li l-Awtorità tista' tistabbilixxi b'dan illi dak it-tul ta' żmien m'għandux ikun jeċċedi t-tmien snin.

(7) Safejn għandha x'taqsam l-allokazzjoni ta' frekwenzi tar-radju għall-użu minn programmi tar-radju u tat-televiżjoni permezz tas-satellita, dik il-funzjoni għandha titwettaq mill-Awtorità ta' Malta dwar il-Komunikazzjoni esklużivament skont pjan nazzjonali fuq il-frekwenzi tar-radju li l-Ministru responsabbli għall-komunikazzjoni jista' minn żmien għal żmien jadotta skont id-disposizzjoni tal-Att biex jirregola Komunikazzjonijiet Elettronici.



Għoti ta' liċenzi, eċċ. ta' servizzi għal kontenut permezz tas-satellita.

16D. (1) L-Awtorità tista' tagħti dawk il-liċenzi biex jiġu provduti servizzi ta' kontenut permezz tas-satellita skont ma hija tista' tiddeċiedi.

(2) Applikazzjoni għal liċenza biex jiġi provdut servizz ta' kontenut permezz tas-satellita:

(a) għandha issir b'dak il-mod li l-Awtorità tista' tiddeċiedi dwaru; u

(b) għandu jiġihallas għaliha dak id-dritt ta' liċenza li l-Awtorità tista' tiddeċiedi dwaru.

(3) Fil-kaz ta' applikazzjoni għal liċenza biex jiġi provdut servizz ta' kontenut bis-satellita, l-artikolu 41 ta' dan l-Att u l-Hames Skeda li tinsab ma' dan l-Att għandu jkollhom seħħ fil-kuntest li l-ogħla ammont li d-detentur ta' dik il-liċenza jista' jintalab iħallas bħala penali amministrattiva imposta skont l-artikolu 41 ta' dan l-Att għandha minflok tkun fl-ogħla ammont tagħha tliet mitt elf euro (€300,000).

Regolamenti.

16E. Il-Prim Ministru jista', bi qbil mal-Awtorità, jagħmel regolamenti biex jagħtu effett aħjar lid-disposizzjonijiet ta' din it-Taqsima u jista', bla ebda ħsara għad-disposizzjonijiet preċedenti, jagħmel regolamenti fejn jestendi l-applikazzjoni ta' regolamenti li jkunu saru taħt l-artikolu 16B ta' dan l-Att għax-xandir birradju u t-televiżjoni permezz tas-satellita b'dak it-tibdil u addattamenti skont ma l-Prim Ministru u l-Awtorità jistgħu jiddeċiedu.

Tifsir.

16F. Għall-fini ta' din it-Taqsima:

“detentur” tfisser dik il-persuna li tingħata mill-Awtorità liċenza biex ttipprovi servizz ta' kontenut permezz tas-satellita;

“Direttiva tal-Kunsill” tfisser id-Direttiva tal-Kunsill 89/552/KEE tat-3 ta' Ottubru 1989 dwar il-koordinazzjoni ta' ċerti disposizzjonijiet imposti bil-ligi, regolamenti jew azzjoni amministrattiva fl-Istati Membri li għandhom x'jaqsmu mal-ġestjoni ta' attivitajiet ta' xandir bit-televiżjoni kif pubblikata fil-Ġurnal Uffiċjali Nru L 298/23 tas-17 ta' Ottubru



1989 kif emendata bid-Direttiva 97/36/KE tal-Parlament Ewropew u tal-Kunsill tat-30 ta' Ġunju 1997 pubblikata fil-Ġurnal Uffiċjali Nru L 202/60 tat-30 ta' Lulju 1997 jew kif din tista' minn żmien għal żmien tiġi emendata jew sostitwita;

“programmi” tinkludi reklami, telebejgħ u l-promozzjoni ta' programmi.”.

4. Minflok l-artikolu 31 tal-Att prinċipali għandu jidhol dan li ġej:
- Sostituzzjoni tal-artikolu 31 tal-Att prinċipali.

Kuntratti u setgħa li tiġi akkwistata jew li titneħħa proprjetà. Kap. 174.

31. L-Awtorità tista' tagħmel kull kuntratt għall-provvista ta' oġġetti jew ta' materjal jew għat-twettiq ta' xogħlijiet skont kull regolamenti dwar kuntratti pubbliċi magħmulin taħt l-Att dwar l-Amministrazzjoni Finanzjarja u l-Verifika.”.

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 109 tal-11 ta' Mejju, 2009.

LOUIS GALEA  
*Speaker*

PAULINE ABELA  
*Skrivan tal-Kamra tad-Deputati*



I assent.

(L.S.)

GEORGE ABELA  
President

15th May, 2009

### **ACT No. VIII of 2009**

*AN ACT to amend the Broadcasting Act, Cap. 350.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title and  
commencement.

**1.** (1) The short title of this Act is the Broadcasting (Amendment) Act, 2009 and it shall be read and construed as one with the Broadcasting Act, hereinafter referred to as “the principal Act”.

(2) This Act shall come into force on such date as the Prime Minister may by notice in the Gazette appoint and different dates may be appointed for different provisions and different purposes of this Act.

Substitution of article  
16A of the principal  
Act.

**2.** For article 16A of the principal Act there shall be substituted the following:

“Broadcasting  
licences  
issued by the  
Minister.

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



Provided that the provisions of article 10(2) and (5) shall not apply to –

(a) the provision of any sound or television broadcasting services licensed by the Minister or by any person, body or authority under licence from or under arrangements with the Minister; and

(b) any broadcasting licence granted prior to the 1<sup>st</sup> June 1991.

(2) Broadcasting referred to in the proviso to subarticle (1) shall be subject to such conditions as the Minister or such person, body or authority mentioned in paragraph (a) of the proviso to sub-article (1), as the case may be, may deem appropriate. Such conditions may also include conditions similar in content to the provisions made inapplicable to such broadcasting by virtue of paragraph (a) of the proviso to subarticle (1).”.

**3.** Immediately after article 16B of the principal Act there shall be added the following new Part:

Addition of Part IIIA to the principal Act.

### **“PART IIIA**

#### **Satellite Radio and Television Programme Content Services**

Licensing of  
satellite radio  
and television  
services. Cap.  
399

16C. (1) All satellite radio and television programme content services shall be licensed by the Broadcasting Authority in terms of this Part of this Act.

(2) A person who is under the jurisdiction of Malta shall not supply a compilation of programmes for the purpose of such compilation being transmitted as a radio broadcasting service, whether for reception in Malta or elsewhere, by means of a satellite device otherwise than under and in accordance with a satellite radio content broadcasting licence.

(3) A person who is under the jurisdiction of Malta within the meaning of the Council Directive shall not supply a compilation of programmes for the purpose



of such compilation being transmitted as a television broadcasting service, whether for reception in Malta or elsewhere, by means of a satellite device otherwise than under and in accordance with a satellite television content broadcasting licence.

(4) An application fee of one thousand euro (€1,000) shall be paid to the Authority by an applicant for a satellite radio or television content broadcasting service.

(5) The Authority may issue a licence to a person whereby such person may supply a compilation of programmes for the purposes referred to in subarticle (1), and such a licence shall be known as a “provision of satellite content broadcasting licence” and is in this Part referred to as a “satellite content licence”.

(6) A satellite content licence shall include:

(a) a condition requiring the holder of the licence to comply with such legislation, requirements as to standards, practice and conditions as the Authority may specify with respect to the programmes supplied in pursuance of the licence; and

(b) a condition requiring the holder of the licence to utilize that licence for such duration as the Authority may establish provided that such duration shall not exceed a maximum period of eight years.

(7) In so far as the allocation of radio frequencies for use by satellite radio and television programme content services are concerned, such function shall be exclusively carried out by the Malta Communications Authority in accordance with the national radio frequency plan which the Minister responsible for communications may from time to time adopt in accordance with the provision of the Electronic Communications (Regulation) Act.

Licensing etc.  
of satellite  
content  
services.

16D. (1) The Authority may grant such licences to provide satellite content services as it may determine.



(2) An application for a licence to provide satellite content service shall—

(a) be made in such manner as the Authority may determine; and

(b) be accompanied by such licence fee as the Authority may determine.

(3) In its application in relation to a licence to provide a satellite content service, article 41 of this Act and the Fifth Schedule to this Act shall have effect in the sense that the maximum amount which the holder of such a licence may be required to pay by way of an administrative penalty imposed in pursuance of article 41 hereof shall instead be of a maximum of three hundred thousand euro (€300,000).

Regulations.

16E. The Prime Minister may, following agreement with the Authority, make regulations to give better effect to the provisions of this Part and may, without prejudice to the provisions of the foregoing, make regulations extending the application of regulations made under article 16B of this Act to satellite radio and television broadcasting with such modifications and adaptations as the Prime Minister and the Authority may determine.

Interpretation.

16F. For the purposes of this Part:

“the Council Directive” means Council Directive 89/552/EEC of 3 October 1989 on the co-ordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities as published in the Official Journal No. L 298/23 on 17 October 1989 as amended by Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 published in the Official Journal No. L 202/60 on 30 July 1997 or as may be amended or substituted from time to time;

“holder” means the person to whom a satellite content service licence has been granted by the Authority;



“programmes” includes advertisements, teleshopping and programme promotions.”.

Substitution of article 31 of the principal Act.

4. Article 31 of the principal Act shall be substituted by the following:

“Contracts and power to acquire or dispose of property. Cap. 174.

31. The Authority may enter into any contract for the supply of goods or materials or for the execution of works in terms of any regulations made under the Financial Administration and Audit Act regulating public contracts.”.

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Passed by the House of Representatives at Sitting No. 109 of 11th May, 2009.

LOUIS GALEA  
*Speaker*

PAULINE ABELA  
*Clerk to the House of Representatives*





**L. N. 348 of 2009****BROADCASTING ACT  
(CAP. 350)****Broadcasting Act (Amendment of Fifth Schedule)  
Regulations, 2009**

IN exercise of the powers conferred by subarticle (10) of article 41 of the Broadcasting Act, the Broadcasting Authority, in conjunction with the Prime Minister, has made the following regulations:-

Citation and entry into force.

**1.** (1) The title of these regulations is the Broadcasting Act (Amendment of Fifth Schedule) Regulations, 2009, and they shall be read in conjunction with the Broadcasting Act, hereinafter in these regulations referred to as “the Act”.

(2) These regulations shall come into force on the 1st October, 2009.

Amends the Fifth Schedule to the Act.

**2.** Under the headings:

<b>“FIRST COLUMN Provision</b>	<b>SECOND COLUMN Penalty €</b>	<b>THIRD COLUMN Reduced Penalty €”,</b>
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of the Fifth Schedule to the Act, the said Schedule shall be amended as follows:-

(a) after the following:

“Article 16B (2)	1,164	931”
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there shall be added the following:

Article 16C (2)	1,164	931
Article 16C (3)	1,164	931
Article 16E	1,164	931
Article 16F	1,164	931”;



(b) the following:

“Requirements as to Standards and Practice  
applicable to News Bulletins and Current  
Affairs Programmes, 2007

Section 6	465	232
Section 8	1,630	1,164
Section 9	1,164	931
Section 10	2,096	1,514
Section 11	931	698
Section 13	1,630	1,164
Section 14	1,630	1,164
Section 15 in so far as the violation is contained in:		
Section 6	465	232
Section 8	1,630	1,164
Section 9	1,164	931
Section 10	2,096	1,514
Section 11	931	698
Section 13	1,630	1,164
Section 14	1,630	1,164
Section 16 in so far as the violation is contained in:		
Section 6	465	232
Section 8	1,630	1,164
Section 9	1,164	931
Section 10	2,096	1,514
Section 11	931	698
Section 13	1,630	1,164
Section 14	1,630	1,164”;

shall be substituted by the following:

“Requirements as to Standards and Practice  
applicable to News Bulletins and Current  
Affairs Programmes, 2007

1,164 931”; and

(c) the following:

“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

1,164 931”



shall be substituted by the following:

“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, 2008

1,164

931

Requirements as to Standards and Practice  
as to Advertisements, Method of  
Advertising and Directions on Public  
Collections on the Broadcasting Media,  
2008

1,164

931”.



**DIRETTIVA TA' L-AWTORITÀ TAX-XANDIR  
DWAR PROGRAMMI U REKLAMI MXANDRA  
MATUL IL-PERIJODU  
4 TA' MEJJU SAS-6 TA' ĠUNJU 2009**

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 4 ta' Mejju sas-6 ta' Ġunju 2009.

**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 4 ta' Mejju sas-6 ta' Ġunju 2009.

(2) Din id-Direttiva tibda sseħħ minn nhar it-Tnejn, 4 ta' Mejju 2009.

**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 4 ta' Mejju sas-6 ta' Ġunju 2009;

“elezzjonijiet” tfisser l-elezzjonijiet għall-Parlament Ewropew u l-elezzjonijiet għall-kunsilli lokali li se jinżammu nhar is-Sibt, 6 ta' Ġunju 2009 fiż-żewġ każijiet;

“kandidat” tfisser kandidat għall-elezzjoni tal-Parlament Ewropew tas-6 ta' Ġunju 2009 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.

(2) Il-kliem u l-frazzjonijiet użati f'din id-Direttiva jfissru l-istess bħal dak li ngħatalhom fl-Att.

**BROADCASTING AUTHORITY DIRECTIVE  
ON PROGRAMMES AND ADVERTISEMENTS BROADCAST  
DURING THE PERIOD  
4<sup>TH</sup> MAY TO 6<sup>TH</sup> JUNE 2009**

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 4<sup>th</sup> May to 6<sup>th</sup> June 2009.

**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 4<sup>th</sup> May to 6<sup>th</sup> June 2009.

(2) This Directive shall come into force on Monday, 4<sup>th</sup> May 2009.

**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 4<sup>th</sup> May to 6<sup>th</sup> June 2009;

“elections” means the elections for the European Parliament and the Local Council elections to be held on Saturday, 6<sup>th</sup> June 2009 in both cases;

“candidate” means a candidate for the European Parliament elections of 6<sup>th</sup> June 2009 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) 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 il-Ħamis, 23 t'April 2009, 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 4 ta' Mejju sas-6 ta' Ġunju 2009. Fejn l-istazzjon ikun bi ħsiebu 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-sugġett ta' dak il-programm u dettalji dwar min ser jiehu 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.

(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 ħsiebha tapprova tibdil għall-perijodu 1 ta' Ġunju sal-4 ta' Ġunju 2009.

(3) Bla preġudizzju għas-subartikolu (7) ta' dan l-artikolu, l-ebda produzzjoni jew 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-artikolu 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:

- (i) li fil-każ ta' reklami mtella' minn entitajiet pubbliċi jew entitajiet oħra, jidhru persuni li jkunu ressqi jew ikunu bi ħsiebhom iressqu l-kandidatura tagħhom għal dawn l-elezzjonijiet, anki meta l-istess reklam ma

### Provision of Programme Schedules to the Authority.

3. (1) Not later than noon of Thursday, 23<sup>rd</sup> April 2009, 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 4<sup>th</sup> May to 6<sup>th</sup> June 2009. 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) 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 1<sup>st</sup> to 4<sup>th</sup> June 2009.

(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) 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

jkunx jitqis bħala reklam politiku għall-fini ta' l-Att dwar ix-Xandir;

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;

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) 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/a j/tiqis li huwa/hija pparteċipa/t b'mod regolari meta j/tipparteċipa f'aktar minn żewġ edizzjonijiet tal-istess programm matul il-perijodu ta' bejn l-4 ta' Mejju u s-6 ta' Ġunju 2009. Dan ma jinkludix coverage fil-bullettini tal-aħbarijiet (iżda tinkludi intervisti ma' kandidati fuq ħwejjeġ li ma jkollhom l-ebda rabta mal-aħbarijiet li jkunu qed jixxandru) u parteċipazzjoni fil-produzzjonijiet tal-partiti/fid-dibattiti fl-iskema ta' xandiriet politiċi li għandha tiġi mtellgħa mill-Awtorità tax-Xandir. Għandu jiġi ċċarat, għall-iskop ta' dan is-sub-artiklu, li l-Awtorità qed ttrisserva d-dritt li ma tapprovax programmi li jkunu ġew proposti meta jkun jidher li l-iskop prinċipali ta' dawn il-programmi jkun li jippromovi kandidati li diġà jkunu se jidhru fi programmi oħra fl-iskeda proposta mill-istess stazzjon.

iii) that a person who has submitted or intends to submit his or her candidature for these elections participates in a regular manner in the same programme during the said period. For the purposes of this paragraph, a candidate shall be considered to have participated regularly when s/he participates in more than two editions of the same programme during the period between 4<sup>th</sup> May and 6<sup>th</sup> June 2009. This does not include coverage in news bulletins (but includes interviews with candidates on matters that have no bearing on the news items being covered) and participation in the party productions/debate in the scheme of political broadcasts to be organised by the Broadcasting Authority. It should also be made clear, for the purpose of this sub-article, that the Authority reserves the right not to approve proposed programmes where it appears that these are primarily intended to provide exposure to candidates who already feature in other programmes in the schedule proposed by the same station.

(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 4 ta' Mejju sas-6 ta' Ġunju 2009 jrid ikun bilancjat. 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 4<sup>th</sup> May to 6<sup>th</sup> June 2009 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 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

(6) For the purposes of this directive "political nature" or "political content" mean a controversial





marbuta fil-qofol tagħha mas-soċjetà moderna li tkun fil-qalba ta' dibattitu politiku u jinkludi wkoll il-kampanja għall-elezzjonijiet, kemm għal Parlament Ewropew, kemm għall-kunsilli lokali.

(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 tal-partiti politiċi m'humiex 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*.

#### **Applikazzjoni tal-Kodiċi għall-Investigazzjoni u d-Determinazzjoni ta' l-Ilmenti.**

4. Dawn it-tibdiliet għandhom japplikaw matul il-perijodu 4 ta' Mejju sas-6 ta' Gunju 2009 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 t'hoss 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.

#### **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.

(2) Bla ebda preġudizzju għas-sub-artiklu (1) ta' dan l-artiklu, matul il-kampanja ta' żmien is-skiet ser jidhru fis-seħħ 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 jinfluenzaw il-votanti;
- (ii) trid tiegħi kull xorta ta' preżentazzjoni mix-xandir tal-partiti politiċi, kandidati u ta'

opinion pertaining to modern society in general which lies at the heart of a political debate and includes campaigning for the European Parliament and local councils elections.

(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 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 Super 1 Radio, Radio 101, One TV and NET TV.

#### **Application of the Code for the Investigation and Determination of Complaints.**

4. The following modifications shall apply with effect from 4<sup>th</sup> May to 6<sup>th</sup> June 2009 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.

#### **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) 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



movimenti u organizzazzjonijiet oħra li għandhom x'jaqsmu ma' l-elezzjonijiet;

other movements and organizations involved in the elections shall cease;

(iii) l-istazzjonijiet tax-xandir ma jxandru tagħrif, dikjarazzjonijiet, stqarrijiet tal-gvern lill-istampa u lix-xandir, kif ukoll dawk 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 ma jistgħu jixxandru reklami informattivi mtella' minn entitajiet pubbliċi, inkluż *Public Service Announcements*, sakemm dawn ma jkunux ta' interess generali u ta' natura urġenti;

(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 commissioned by public entities, including public service announcements be broadcast unless these are of public interest and of an urgent nature;

(iv) dan li ġej ma jistax isir:

(iv) the following shall be prohibited:

- 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/a;

- 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) 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);

(v) all forms of media presentations concerning the electoral campaign (such as free presentations, political propaganda, discussion programmes, interviews, etc.) shall be prohibited;

(vi) fir-rapporti dwar il-votazzjoni u attivitajiet oħra dwar l-elezzjonijiet, l-istazzjonijiet jidher 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 kif inhi sejra l-votazzjoni hekk kif dawn joħorġu minn ħin għall-ieħor mill-Kummissjoni Elettorali basta li ma tkunx aħbar maħruġa mill-partiti politiċi jew mill-kandidati nfushom jew aħbar ipprovokata jew generata mill-partiti politiċi jew mill-kandidati jew għall-gwadann politiku.

(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 joħorġu 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:-

(4) For the purposes of this article:-

"propaganda" favur jew kontra, tfisser kull xorta ta' preżentazzjoni ta' xandir li għandha x'taqsam b'xi mod mal-kampanja elettorali. Propaganda

"agitation", for and against, means all forms of media presentation related in any way to the electoral campaign. Agitation also includes all





tinkludi wkoll kull preżentazzjoni fuq il-mezzi kollha tax-xandir ta' kandidati, simboli, sinjali jew għeljem 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 għabriet 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;
- 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-uffiċċji tal-Gvern u l-uffiċċjali li għandhom x'jaqsmu mal-kampanja ta' l-elezzjonijiet (ftuħ ta' bini ġdida 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/għeljem ta' partiti politiċi, 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 jissemew 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

other on-air presentations of candidates, symbols, signs and other propaganda material of political parties and other organisations 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 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 organisations 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 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

jissem mew il-kumplament 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: PL - Mexxej u Żewġ Deputati Mexxejja; PN - Kap, Viċi Kap u Segretarju Ġenerali; AD - Chairperson u Deputat Chairperson; AN - Kap u Viċi-Kap; ALDM - il-Kap tal-Partit. Dawn iridu jidhru biss diegħlin jivvutaw u jixhtu l-vot. Bl-ebda mod m'għandhom jixxandru kummenti tagħhom fuq il-mezzi tax-xandir sa l-egħluq tal-votazzjoni;

iv) L-istazzjonijiet ma jistgħu jwasslu l-ebda messaġġ li jista' jwassal biex jinfluwenzaw il-votant. Barra minn hekk m'għandhomx l-anqas iheggu lin-nies biex imorru jivvutaw jew biex ma jmorrox jivvutaw.

#### **Stharriġ ta' l-Opinjoni Pubblika.**

6. L-Awtorità tirreferi wkoll għal Htigijiet 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-Htigijiet hija mehmuzza ma' din id-Direttiva.

#### **Għoti ta' skeda għall-perijodu ta' żmien is-skiet.**

7. (1) Mhux aktar tard minn nofsinhar ta' nhar it-Tnejn, 25 ta' Mejju 2009, 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. Sugġett għal dak li jingħad fis-subartikolu (6) ta' l-artikolu 5 ta' din id-Direttiva, f'dan il-perijodu m'għandhomx jixxandru programmi ta' ġrajjet kurrenti, programmi ta' diskussjoni, programmi ta' ġurnalizmu investigattiv, u programmi ta' natura simili għal dawn hlied dawk li jiġu approvati mill-Awtorità għal xandir f'dawn il-jumejn.

(2) Wara li l-Awtorità tircievi dawn l-iskedi hija tista', jekk tħoss 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.

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: LP - Leader and both Deputy Leaders; PN - Leader, Deputy Leader and Secretary General; Alternattiva Demokratika - Chairperson and Deputy Chairperson; AN - Leader and Deputy Leader; ALDM - Party Leader. They should only be shown entering the polling booths and casting their vote. No comments of such persons may be broadcast on the 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.

#### **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.

#### **Provision of Programme Schedule during the Silence Period.**

7. (1) Not later than noon of Monday, 25<sup>th</sup> May 2009, 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) 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 rigorously observed by political stations.

15 t'April 2009

15th April 2009



**[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 4 TA' MEJJU SAS-6 TA' ĠUNJU 2009**

***BROADCASTING STATION'S APPLICATION FORM FOR THE BROADCASTING AUTHORITY'S APPROVAL FOR A CHANGE TO A PROGRAMME SCHEDULE DURING THE PERIOD 4<sup>TH</sup> MAY TO 6<sup>TH</sup> JUNE 2009***

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-partecipanti 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  
*Breakdown of Proposed Programme by Slots*

Jien hawn taht niddikjara li l-istazzjon tax-xandir hawn fuq imsemmi qed jitlob tibdil 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 tibdil fis-sugġett ta' programm sebat ijiem utli qabel id-data li fiha huwa propost li jsir it-tibdil. B'sebat ijiem utli qed nifhem li s-Sibtijiet, Fdud, 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





**BROADCASTING AUTHORITY  
REPORT AND FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 31<sup>ST</sup> DECEMBER 2009**

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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 enable 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 accompanying financial statements of the Broadcasting Authority (the "Authority") set out on pages 181 to 193 which comprise the Authority's balance sheet as of 31 December 2009, the income and expenditure 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 the Accountancy Profession (General Accounting Principles for Smaller Entities) Regulations, 2009 and the Schedule accompanying and forming an integral part of those Regulations. The responsibility includes: designing, implementing and maintaining internal control relevant to the preparation and fair presentation of financial statements that are free from 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 as adopted by the EU. Those Standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about 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 2009 and of its financial performance and its cash flows for the year then ended in accordance with the Accountancy Profession (General Accounting Principles for Smaller Entities) Regulations, 2009 and the Schedule accompanying and forming an integral part of those Regulations for qualifying entities as prescribed in those regulations, and comply with the requirements of the Maltese Broadcasting Act (Chap. 386).

*John Abela (Partner) for and on behalf of*

**Horwath Malta**

Audit, Tax and Business Advisory Services

23 February 2010



**INCOME AND EXPENDITURE ACCOUNT**  
**YEAR ENDED 31 DECEMBER 2009**

	<b>Note</b>	<b>2009</b> €	2008 €
Income	3	1,016,045	1,051,342
Expenditure		<u>(1,031,583)</u>	<u>(1,088,677)</u>
Deficit for the year	4	<u><u>(15,538)</u></u>	<u><u>(37,335)</u></u>



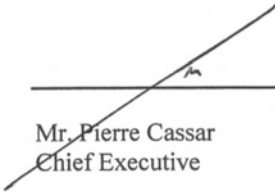
**BALANCE SHEET**  
**31 DECEMBER 2009**

	Note	2009 €	2008 €
<b>ASSETS</b>			
<b>Non-current Assets</b>			
Property, Plant and equipment	5	<u>2,041,026</u>	<u>2,062,849</u>
<b>Current Assets</b>			
Receivables	6	<u>146,402</u>	140,802
Cash at bank and in hand		<u>679,196</u>	704,024
		<u>825,598</u>	<u>844,826</u>
<b>Total Assets</b>		<u><b>2,866,624</b></u>	<u><b>2,907,675</b></u>
<b>CAPITAL AND LIABILITIES</b>			
<b>Capital and Reserves</b>			
Capital fund	7	<u>2,572,737</u>	2,572,737
Reserve Fund	7	<u>37,270</u>	37,270
Revaluation reserve	8	<u>293,699</u>	293,699
Accumulated reserve	9	<u>(171,860)</u>	(156,322)
		<u>2,731,846</u>	2,747,384
<b>Current Liabilities</b>			
Trade and other payables	10	<u>134,778</u>	160,291
<b>Total Capital and Liabilities</b>		<u><b>2,866,624</b></u>	<u><b>2,907,675</b></u>

The financial statements on pages 181 to 193 were approved by the members on 23 March 2009 and were signed by:



Mr. Joseph Scicluna  
Chairman



Mr. Pierre Cassar  
Chief Executive



**STATEMENT OF CHANGES IN EQUITY  
YEAR ENDED 31 DECEMBER 2009**

	<b>Capital Fund €</b>	<b>Reserve Fund €</b>	<b>Revaluation Reserve €</b>	<b>Accumulated Reserve €</b>	<b>Total €</b>
<b>At 1 January 2008</b>					
As previously reported under IFRS	<u>2,572,737</u>	<u>37,270</u>	<u>293,699</u>	<u>(118,987)</u>	<u>2,784,719</u>
As reported under GAPSE	2,572,737	37,270	293,699	(118,987)	2,784,719
Deficit for the year	<u>-</u>	<u>-</u>	<u>-</u>	<u>(37,335)</u>	<u>(37,335)</u>
<b>At 31 December 2008</b>	<u><b>2,572,737</b></u>	<u><b>37,270</b></u>	<u><b>293,699</b></u>	<u><b>(156,322)</b></u>	<u><b>2,747,384</b></u>
 At 1 January 2009	 2,572,737	 37,270	 293,699	 (156,322)	 2,747,384
Deficit for the year	<u>-</u>	<u>-</u>	<u>-</u>	<u>(15,538)</u>	<u>(15,538)</u>
<b>At 31 December 2009</b>	<u><b>2,572,737</b></u>	<u><b>37,270</b></u>	<u><b>293,699</b></u>	<u><b>(171,860)</b></u>	<u><b>2,731,846</b></u>



**CASH FLOW STATEMENT**  
**YEAR ENDED 31 DECEMBER 2009**

	2009	2008
Note	€	€
<b>Cash flows from Operating Activities</b>		
Deficit for the year	(15,538)	(37,335)
<i>Adjustment for:</i>		
(Profit)/loss on disposal of property, plant and equipment	(723)	511
Depreciation charge	87,623	83,028
Bank interest receivable	<u>(14,923)</u>	<u>(18,878)</u>
<b>Operating surplus before working capital changes</b>	<b>56,439</b>	<b>27,326</b>
<i>Working capital changes:</i>		
Change in trade and other receivables	(4,773)	10,109
Change in trade and other payables	<u>(25,514)</u>	<u>2,042</u>
Cash generated from operations	<b>26,152</b>	<b>39,477</b>
Bank interest received	<u>14,097</u>	<u>18,619</u>
<b>Net Cash from Operating Activities</b>	<u><b>40,249</b></u>	<u><b>58,096</b></u>
<b>Investing Activities</b>		
Proceeds from sale of property, plant and equipment	1,700	-
Payments to acquire property, plant and equipment	<u>(66,777)</u>	<u>(80,930)</u>
<b>Net cash used in Investing Activities</b>	<u><b>(65,077)</b></u>	<u><b>(80,930)</b></u>
<b>Net movement in Cash and Cash Equivalents</b>	<b>(24,828)</b>	<b>(22,834)</b>
Cash and cash equivalents at beginning of year	<u><b>704,024</b></u>	<u><b>726,858</b></u>
<b>Cash and Cash Equivalents at End of Year</b>	<b>11</b> <u><u><b>679,196</b></u></u>	<u><u><b>704,024</b></u></u>



**NOTES TO THE FINANCIAL STATEMENTS**  
**YEAR ENDED 31 DECEMBER 2009**

**1. Basis of Preparation**

***Statement of compliance***

The financial statements of Broadcasting Authority ("the Authority") have been prepared in accordance with the Accountancy Profession (General Accounting Principles for Smaller Entities) Regulations, 2009 and the Schedule accompanying and forming an integral part of those Regulations ("GAPSE"). These are the Authority's first financial statements prepared under GAPSE. The Authority's most recent previous financial statements, for the year ended 31 December 2008, were prepared in accordance with International Financial Reporting Standards (IFRSs) as adopted by the EU. The date of transition to GAPSE is the beginning of the earliest period for which the Authority presents full comparative information in accordance with GAPSE in these financial statements, hence 1 January 2008.

An explanation of how the transition to GAPSE has affected the Authority's reported financial position and financial performance is provided in note 13.

***Basis of measurement***

The financial statements are prepared on the historical cost basis, except for freehold land and buildings which are stated at revalued amounts.

***Functional and presentation currency***

The financial statements are presented in euro, which is the Authority's functional currency.

**2. Significant Accounting Policies**

The principal accounting policies adopted in the preparation of these financial statements are set out below. These accounting policies have been consistently applied to all the periods presented, unless otherwise stated.

***Income Recognition***

- (a) Income from Government is recognized on an accrual basis.
- (b) Income from the provision of services is recognised in proportion to the stage of completion at the balance sheet date.
- (c) 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***

***Recognition and measurement***

The cost of an item of property, plant and equipment is recognised as an asset when it is probable that the future economic benefits that are associated with the asset will flow to the entity and the cost can be measured reliably. Property, plant and equipment are initially measured at cost comprising the purchase price, any costs directly attributable to bringing the assets to a working condition for their intended use, and the costs of dismantling and removing the item and restoring the site on which it is located. Subsequent expenditure is capitalised as part of the cost of property, plant and equipment only if it enhances the economic benefits of an asset in excess of the previously assessed standard of performance, or it replaces or restores a component that has been separately depreciated over its useful life.

After initial recognition, property, plant and equipment may be carried under the cost model, that is at cost less any accumulated depreciation and any accumulated impairment losses, or under the revaluation model, that is at their fair value at the end of the revaluation less any accumulated depreciation and any accumulated impairment losses.

After initial recognition land and buildings are carried under the revaluation model. Other property, plant and equipment are carried under the cost model.



### *Depreciation*

Depreciation is calculated to write down the carrying amount of the asset on a straight line basis over its expected useful life. Depreciation of an asset begins when it is available for use and ceases at the earlier of the date that the asset is classified as held for sale (or included in a disposal group that is classified as held for sale) in accordance with Section 24 of GAPSE or the date that the asset is derecognised. The depreciation charge for each period is recognised in profit or loss.

The depreciation rates charged are as follows:

	%
Buildings	1
Motor vehicles	20
Studio equipment	20
Fixtures, fittings and equipment	10/20
Technical equipment	25
Transmitting antenna	4/12

Land is not depreciated

### *Impairment*

The carrying amounts of the Authority's property, plant and equipment and financial assets are reviewed at each balance sheet date to determine whether there is any indication of impairment. If any such indication exists, the asset's recoverable amount is estimated.

Whenever the carrying amount of an asset exceeds its recoverable amount, an impairment loss is recognised and the carrying amount of the asset is reduced to its recoverable amount. Impairment losses are recognised immediately in profit or loss, unless they relate to an asset which is carried at revalued amount, in which case they are treated as a revaluation decrease in accordance with the applicable Section in GAPSE.

The carrying amounts of the Authority's assets are also reviewed at each balance sheet date to determine whether there is any indication that an impairment loss recognised in prior periods may no longer exist or may have decreased. If any such indication exists, the asset's recoverable amount is estimated. An impairment loss previously recognised is reversed only if there has been a change in the estimates used to determine the asset's recoverable amount since the last impairment loss was recognised. When an impairment loss subsequently reverses, the carrying amount of the asset is increased to the revised estimate of its recoverable amount, to the extent that it does not exceed the carrying amount that would have been determined had no impairment loss been recognised for the asset in prior years. Impairment reversals are recognised immediately in profit or loss, unless they relate to an asset which is carried at revalued amount, in which case they are treated as a revaluation increase in accordance with the applicable Section in GAPSE.

### *Financial assets and financial liabilities*

#### *Trade and other receivables*

Trade and other receivables are carried at cost less any impairment losses (refer to accounting policy on impairment)

#### *Trade and other payables*

Trade and other payables are stated at their nominal value.

#### *Cash and Cash Equivalents*

Cash comprises cash on hand and demand deposits. Cash equivalents are short-term investments that are held to meet short-term cash commitments rather than for investment or other purposes.





### 3. Income

Income represents amount receivable from the Government of Malta as subvention, licences from broadcasting organisations, investment and other income as follows:

	2009 €	2008 €
Government of Malta subventions	606,000	606,000
Licences from broadcasting organisations	348,099	353,982
Investment income	14,923	18,878
Other income	47,023	72,482
	<u>1,016,045</u>	<u>1,051,342</u>

### 4. Deficit for the Year

4.1 This is stated after charging the following

	2009 €	2008 €
Board members' and board secretary's compensation	99,207	102,934
Wages and salaries	649,979	628,777
Depreciation	87,623	83,028
Audit fees	1,500	1,400

4.2 Staff costs incurred during the year are analysed as follows

	2009 €	2008 €
Board members honoraria	62,459	70,640
Board secretary's salary	34,669	30,633
Wages and salaries	604,774	586,208
	<u>701,902</u>	<u>687,481</u>
Social security contributions	47,284	44,230
Total key management personnel compensation	<u>749,186</u>	<u>731,711</u>

4.3 The average number of persons employed during the year, including board members, was made up as follows:

	2009 No.	2008 No.
Board members	5	5
Operations	33	33
	<u>38</u>	<u>38</u>



## 5. Property, Plant and Equipment

	Freehold Land €	Building & Improvements €	Transmitting Antenna €	Fixtures Fittings & Equipment €	Technical Equipment €	Studio Equipment €	Motor Vehicles €	Total €
<b>At 01 January 2009</b>								
Cost/revalued amount	160,270	1,855,712	547,013	402,660	164,500	192,128	55,346	3,377,629
Accumulated depreciation	-	(244,528)	(347,716)	(351,729)	(130,049)	(185,414)	(55,344)	(1,314,780)
<b>Net book amount</b>	<b>160,270</b>	<b>1,611,184</b>	<b>199,297</b>	<b>50,931</b>	<b>34,451</b>	<b>6,714</b>	<b>2</b>	<b>2,062,849</b>
<b>Year ended 31 December 2009</b>								
Opening net book amount	160,270	1,611,184	199,297	50,931	34,451	6,714	2	2,062,849
Additions	-	-	19,454	20,765	4,057	-	22,500	66,776
Disposals	-	-	-	(2,275)	(673)	-	(19,965)	(22,913)
Depreciation charge	-	(18,557)	(25,296)	(21,614)	(14,270)	(3,385)	(4,500)	(87,622)
Depreciation released on disposal	-	-	-	1,298	673	-	19,965	21,936
<b>Closing net book amount</b>	<b>160,270</b>	<b>1,592,627</b>	<b>193,455</b>	<b>49,105</b>	<b>24,238</b>	<b>3,329</b>	<b>18,002</b>	<b>2,041,026</b>
<b>At 31 December 2009</b>								
Cost/revalued amount	160,270	1,855,712	566,467	421,150	167,884	192,128	57,881	3,421,492
Accumulated depreciation	-	(263,085)	(373,012)	(372,045)	(143,646)	(188,799)	(39,879)	(1,380,466)
<b>Net book amount</b>	<b>160,270</b>	<b>1,592,627</b>	<b>193,455</b>	<b>49,105</b>	<b>24,238</b>	<b>3,329</b>	<b>18,002</b>	<b>2,041,026</b>



## 5. Property, Plant and Equipment (continued)

### 5.1 Land and buildings

Land and the transmitting antenna were revalued by an independent valuer on 25 March 1991 and 28 August 1991 respectively on an open market existing use basis.

The carrying amount of land and transmitting antenna that would have been included in the financial statements had these assets been carried at cost less accumulated depreciation and accumulated impairment losses is € 1,525.

### 5.2 Contractual commitments

As at 31 December 2009, the amount of contractual commitments are the following:

- (a) The Authority has entered into a contract for the strengthening of the Gharghur Transmitting Station which is currently in progress and which works are being carried out under tender. No certification has yet been issued by the Authority's consultants and the work is expected to be finalised by mid 2010. This will give rise to a capital expenditure of € 119,951.
- (b) The Authority is proposing to issue a tender in 2010 with respect to a 'Monitoring Multimedia Digital Capturing System'. Reports have already been commissioned and finalised by MITA, but further consultations are in process to ensure the Authority makes the most adequate procurement according to its requirements. The cost of this system which could vary substantially according to the specification's variant is estimated to be € 176,000.

### 5.3 Fully depreciated fixed assets

Fully depreciated fixed assets still in use at the balance sheet date amounted to:

	2009 €	2008 €
Motor vehicles	35,381	55,346
Fixtures, fittings and equipment	295,337	296,985
Studio equipment	175,203	175,201
Technical equipment	110,803	111,482
Transmitting Antenna	94,400	94,400
	<u>711,124</u>	<u>733,414</u>

## 6. Trade and other Receivables



**6. Trade and other Receivables**

	2009 €	2008 €
Licences receivable	113,560	81,866
Other debtors	27,404	49,886
Prepayments and accrued income	5,438	9,050
	<u>146,402</u>	<u>140,802</u>

**7. Capital Fund and Reserve Fund**

These funds have been set up in accordance with Section 26 of the Broadcasting Act, 1991.

**8. Revaluation Reserve**

The revaluation reserve has arisen from a valuation carried out on property in 1991.

**9. Accumulated Reserve**

The accumulated reserve represents net accumulated deficit

**10. Trade and Other Payables**

	2009 €	2008 €
Capital creditors	-	10,519
Other creditors	-	207
Accruals and deferred income	134,778	149,565
	<u>134,778</u>	<u>160,291</u>

**11. Cash and Cash Equivalents**

Cash and cash equivalents included in the cash flow statement comprise the following balance sheet amounts:

	2009 €	2008 €
Cash at bank and in hand	<u>679,196</u>	<u>704,024</u>



## **12. Commitments and Contingencies**

Details of the Authority's commitments at the balance sheet date have been disclosed in note 5.2 to these financial statements.

## **13. First-Time Adoption of GAPSE**

As explained in note 1, the Authority first-time adopted GAPSE in these financial statements. The Authority's most recent previous financial statements, for the year ended 31 December 2008, were prepared in accordance with International Financial Reporting Standards (IFRSs). The date of transition to GAPSE is 1 January 2008.

The accounting policies applied by the Authority upon transition to GAPSE were consistent with those applied under IFRS. As a result, the transition to GAPSE had no effect on the Authority's reported financial position and financial performance (note 13.2).



### 13. First-Time Adoptions of GAPSE (continued)

#### 13.1 Date of Transition to GAPSE

	Equity reconciliation					
	Total €	Capital Fund €	Reserve Fund €	Revaluation Reserve €	Accumulated Reserve €	Net Assets €
At 1 January 2008, as reported under IFRS	<u>2,784,719</u>	<u>2,572,737</u>	<u>37,270</u>	<u>293,699</u>	<u>(118,987)</u>	<u>2,748,719</u>
At 1 January 2008, as reported under GAPSE	<u>2,784,719</u>	<u>2,572,737</u>	<u>37,270</u>	<u>293,699</u>	<u>(118,987)</u>	<u>2,748,719</u>

#### 13.2 At 31 December 2008

	Equity reconciliation					
	Total €	Capital Fund €	Reserve Fund €	Revaluation Reserve €	Accumulated Reserve €	Net Assets €
At 31 December 2008, as reported under IFRS	<u>2,747,384</u>	<u>2,572,737</u>	<u>37,270</u>	<u>293,699</u>	<u>(156,322)</u>	<u>2,747,384</u>
At 31 December 2008, as reported under GAPSE	<u>2,747,384</u>	<u>2,572,737</u>	<u>37,270</u>	<u>293,699</u>	<u>(156,322)</u>	<u>2,747,384</u>



**13. First-Time Adoptions of GAPSE (continued)**

**13.3 Reconciliation of deficit for year ending 31 December 2008**

	Deficit for the year €
Deficit, as reported under IFRS for the year ended 31 December 2008	<u>37,335</u>
Deficit, as reported under GAPSE for the year ended 31 December 2008	<u>37,335</u>



**SCHEDULES TO THE INCOME AND EXPENDITURE ACCOUNT  
YEAR ENDED 31 DECEMBER 2009**

**SCHEDULE 1**

**Income and Expenditure Account  
Year ended 31 December 2009**

	2009 €	2008 €
<b>Income</b>		
Government contributions	606,000	606,000
Application fees	28,518	40,692
Licences	215,420	212,088
Rental fees receivable	43,607	40,648
Master Antenna facilities fees	60,554	60,554
Investment income	14,923	18,878
Other income	47,023	72,482
	<u>1,016,045</u>	<u>1,051,342</u>
<b>Expenditure</b>		
Administrative (schedule 2)	568,146	609,902
Research and communications (schedule 2)	85,592	90,992
Production (schedule 3)	7,526	22,243
Monitoring (schedule 3)	340,908	326,028
Technical (schedule 3)	29,411	39,512
	<u>1,031,583</u>	<u>1,088,677</u>





**SCHEDULE 2****Administrative, Research and Communications Expenses**  
**Year ended 31 December 2009**

	2009 €	2008 €
<b>Administrative Expenses</b>		
Members' honoraria	62,459	68,844
Legal advisors' honoraria	18,525	5,823
Salaries	268,128	262,749
Staff training	1,673	1,805
Telecommunications	11,886	13,596
Water and electricity	9,920	33,977
Insurance	7,319	7,255
Stationery	5,696	6,167
Subscriptions and publications	3,248	2,996
International organisations membership fees	1,807	1,816
Repairs and maintenance	26,647	19,156
IT maintenance and support	7,566	7,324
Duty visits abroad	3,996	17,810
Transport	9,608	12,150
Rentals of radio & TV sets	6,080	4,891
Staff health scheme	10,665	11,349
Sundry expenses	11,440	9,078
Auditors' remuneration	1,500	1,400
Legal and professional fees	689	5,151
Gharghur site running costs	26,556	49,998
(Profit)/loss on disposal of tangible fixed assets	(723)	511
Depreciation	69,967	66,056
Bad debts written off	3,494	-
	<b>568,146</b>	<b>609,902</b>
<b>Research and Communications Expenses</b>		
Wages and salaries	47,299	31,946
Audience and qualitative research study	33,099	32,569
Seminars and conferences	201	1,539
Public relations	3,954	3,346
BA reports and publications	438	4,957
Advertising	601	5,765
Broadcasters' training and support	-	10,870
	<b>85,592</b>	<b>90,992</b>



**SCHEDULE 3**  
**Departmental Expenses**  
**Year ended 31 December 2009**

	2009 €	2008 €
<b>Production Department</b>		
TV political broadcasts	1,451	6,706
Depreciation	5,775	5,775
Wages and salaries	300	9,762
	<u>7,526</u>	<u>22,243</u>
<b>Monitoring Department</b>		
Wages and salaries	326,282	312,597
Purchase of audio tapes and DVD's	828	1,754
Staff training	575	480
Repairs and maintenance	476	-
Depreciation	11,880	11,197
Sundry expenses	867	-
	<u>340,908</u>	<u>326,028</u>
<b>Technical Department</b>		
Wages and salaries	23,313	23,937
Repairs and maintenance	1,450	15,430
Sundry expenses	4,648	145
	<u>29,411</u>	<u>39,512</u>

