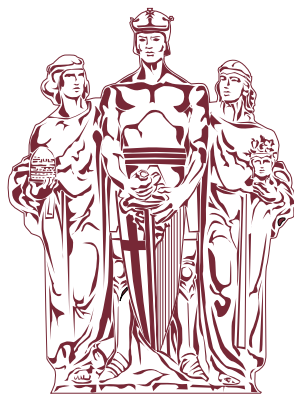




L-Awtorità tax-Xandir  
MALTA  
Broadcasting Authority Malta

# ANNUAL REPORT 2021

[www.ba.org.mt](http://www.ba.org.mt)



L-Awtorità tax-Xandir  
MALTA  
Broadcasting Authority Malta

# ANNUAL REPORT 2021

Published in 2022 by the  
Broadcasting Authority  
7 Mile End Road  
Hamrun HMR 1719  
Malta

Compiled by the Broadcasting Authority



The Hon. Dr Robert Abela, K.U.O.M., B.A., LL.D., Adv. Trib. Melit, M.P.  
Prime Minister  
Office of the Prime Minister  
Auberge De Castille  
Valletta

June 2022

Honourable Prime Minister,

Broadcasting Authority Annual Report 2021

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 2020.

Yours sincerely,

A stylized, handwritten signature in black ink, consisting of a large, sweeping 'F' and a smaller 'V'.

Frank V. Farrugia  
Chairperson

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

Dr Joanna Spiteri  
Chief Executive





# CONTENTS

MESSAGE FROM THE CHAIRMAN .....	07
REVIEW OF THE YEAR BY THE CEO IN CHRONOLOGY .....	09
BROADCASTING LICENCES.....	15
ADMINISTRATIVE OFFENCES .....	17
BOARD DECISIONS .....	19
COURT CASES.....	32
RE-ORGANISATION OF THE OPERATIONS OF THE BROADCASTING AUTHORITY AND STAFF RECRUITMENT .....	33
PROGRAMME MONITORING DEPARTMENT.....	34
ICT AND PROJECTS DEPARTMENT .....	35
INTERNATIONAL RELATIONS .....	37
AUDIENCE RESEARCH .....	38
REACH OUT EVENTS .....	51
60 <sup>TH</sup> ANNIVERSARY OF THE BROADCASTING AUTHORITY IN PICTURES.....	54
APPENDIX 1 .....	61
APPENDIX 2 .....	63
APPENDIX 3 .....	66
APPENDIX 4 .....	68
FINANCIAL STATEMENTS .....	71



# 01

## MESSAGE FROM THE CHAIRMAN



Way back in November 2019, when I was appointed Chairman of the Broadcasting Authority, I realized that the remit of the Broadcasting Authority and the performance at times is not widely known and therefore not appreciated enough by the public. Its work is generally not seen and hardly felt by the general public. However, the truth is clear that many stakeholders and a number of services rely on its services. I was pleased when I got to know that my term was being extended for another two years as this gives me time to continue working with the same energy and developing synergies together with the commitment of the Chief Executive and the rest of the team.

Even though regulation can never be popular, however, when certain issues crop up, one would reflect and understand the importance of having the broadcasting sector being regulated as primarily this enhances democracy within society – given the fact that media is what is commonly known as the “fourth pillar of democracy”.

An important area which the Broadcasting Authority works hard on is ensuring high standards in broadcasting. This takes many different forms, be it the correct use of

the Maltese language, a fair gender representation in programmes, as well as the importance of having fair and impartial broadcasting. Amidst all this, the Broadcasting Authority had to struggle against the hurdles brought about by the Covid-19 pandemic. As in all other industries, Covid-19 left its toll on the Authority since it had to strive against the negative repercussions which Covid-19 had on the media industry. During the year commemorating the 60th anniversary, the Broadcasting Authority issued guidelines on gender representation during discussion programmes. Unfortunately, the issue is often not given the importance it deserves, so the Authority thought it was high time that such guidelines were issued to provide producers with a ‘manual’ to help them produce programmes with fair gender representation.

Another key issue for the Broadcasting Authority during 2021 was to start working on proposed amendments to the Broadcasting Act and Subsidiary Legislation. The media landscape and technology have changed drastically, and these changes must be reflected in the relative legislation. Having a legislation that is not in sync with what is being regulated is not only frustrating but also a disservice to all stakeholders and the public at

large. Hence the Broadcasting Authority, together with the Chief Executive, embarked on the painstaking task of proposing changes in the Broadcasting Act.

The said legislative changes are also in line with technological changes occurring within the media industry. While on a European level, discussions are underway on the Digital Services Act and the Media Freedom Act, the Broadcasting Authority in Malta should be ready to face these challenges in the space of a few months.

Finally, but definitely, my sure commitment will be on the revamping of the broadcasting infrastructure which unfortunately has been left neglected for a number of years. My utmost priority and all my energy will be geared on the actual infrastructure, particularly the immediate maintenance of the Gharghur transmission tower, as well as the building of an alternative back-up site. This is a must and of utmost priority since, as things stand today, the country does not have a back-up transmission tower particularly for radio broadcasting and other telecommunication services which the Authority could

provide in the future. The Broadcasting Authority should opt for a state-of-the-art transmission site to cater for the broadcasting needs. With the derelict state of the present site – hence the urgent need to work on an alternative site for the transmission tower – I anticipate that we will find co-operation from all the entities involved as this issue cannot be put off any further. The Authority is painstakingly working to find the ideal location to ensure the best service for radio broadcasting that would cater for the general public at large.

This year, which marked the 60th anniversary of the Authority, was another challenge during which all members and staff at the Broadcasting Authority worked to achieve more. The road ahead is hard and full of challenges but with the co-operation of the Board and our energetic team we will achieve our goals. I would like to thank the Board members who gave their sterling input during the regular Board meetings, the Chief Executive, who worked hard to see that the operations were kept running at all times, and all the staff who showed commitment to their place of work.

### **Broadcasting Authority Board Members**

Mr Frank V. Farrugia - Chairman

Mr Charlo Bonnici - Member

Dr Peter Fenech - Member

Mr Francis Ghirxi - Member

Dr Alessandro Lia – Member

## 02

# REVIEW OF THE YEAR BY THE CEO IN CHRONOLOGY



## January

### Demise of ex BA CEO and Board Member Antoine J Ellul

On January 3rd, the Authority and staff members mourned the passing away of Mr Antoine J. Ellul, ex Chief Executive of the Broadcasting Authority, aged 86. He held the position of Chief Executive from 1987 until 1999. He was later appointed Board member from 1st May 2001 until 31st December 2005.

## February

### Sub-Committee – Broadcasting Act and Subsidiary Legislation

Following the appointment, on November 20th 2020, of an Advisory Committee with the scope of going through the Subsidiary Legislation to the Broadcasting Act (Ch 350), the Committee continued with the task of reconsidering, revising and updating the Subsidiary Legislation. The Sub-Committee was chaired by BA Chairman, Mr Frank V. Farrugia. Chief Licencing and Compliance, then Head of Monitoring, Mr Randolph Micallef, was tasked with coordinating the work. Despite the various Covid-19 protocols which were applicable at the time, between December 17th 2020

and July 27th 2021, the committee managed to meet for a total of 8 brainstorming and discussion sessions (physically and virtually). During each session, each member was given the lead on specific areas inline, and all thirty-four pieces of Subsidiary Legislation were thoroughly discussed against the cultural, sociological, legislative and technological developments that characterise today's markets, as opposed to those that prevailed fourteen years ago.

On February 3rd 2022, Mr Randolph Micallef presented a report to the Chairman of the Broadcasting Authority. The report highlighted the salient points that emerged from the discussions that took place in all the eight sessions and included a number of proposals and amendments that reflected the work done by the Advisory Committee.

On the other hand, the Sub-Committee of the Broadcasting Act, chaired by the BA Chief Executive, was appointed on November 11th 2020. It was tasked with coming up with changes to the Broadcasting Act and proposing a new direction, given the new and ever-changing media landscape. It was also tasked with recommending new and amending regulations to the Broadcasting Act. Its work is still ongoing.

### **Ċertifikat fil-Qari tal-Provi bil-Malti – Proofreading Certificate in Maltese – 11th February 2021**

For the consecutive year, the Broadcasting Authority sponsored a number of media people who work in the media industry to apply for the course “Ċertifikat fil-Qari tal-Provi bil-Malti”. The aim of the sponsorship was intended to promote a better use of the Maltese language in the media. The beneficiaries were: Roberto Francalanza (ONE), Giselle Calleja (freelancer with PBS), Laura Cunningham (sports journalist), Anita Piccinino Vassallo (wemedia), Sephora Francalanza (103), and Josef Fitzpatrick (Medialink).



### **L-Ilsien Malti fix-Xandir – February 20th 2021**

The Broadcasting Authority was invited to participate in a conference organized by Minister Carmelo Abela to discuss the use of the Maltese Language in Broadcasting. On behalf of the Broadcasting Authority, Dr Joanna Spiteri spoke about “The Use of the Maltese Language in Broadcasting”. Together with other Maltese experts they discussed how the use of the Maltese Language can be improved and what can be done from a regulatory point of view to see that the media adheres to the present legislation and regulations.





## March

### BA participation in a discussion 'Towards a More Inclusive Broadcasting' – March 3rd 2021

On March 3rd, 2021, the Broadcasting Authority participated in a discussion organised by the Minister within the Office of the Prime Minister, Mr Carmelo Abela, together with the Minister for Inclusion and Social Wellbeing, Ms Julia Farrugia Portelli, on the occasion of World Hearing Day. The discussion, with the participation of stakeholders in broadcasting and persons with disabilities, focused on how to make broadcasting more accessible and inclusive.

Broadcasting CEO, Dr Joanna Spiteri, as well as the Commissioner for the Rights of Persons with Disabilities, Ms Samantha Pace Gasan, addressed the conference.

The discussion focused on the importance of having good quality broadcasting that should not be limited to the technical qualities but also adhere to the principle that programmes should reach everyone, including persons with physical disabilities. Emphasis was made on the fact that broadcasting should be accessible not only to viewers but also to those who want to be involved in the production and presentation aspects of broadcasting.



### Għargħur tower switch-off and maintenance works

From March until May 2021, work was carried out on the Għargħur transmission tower to upgrade the electricity system. For this reason, transmission cut-offs were necessary at certain scheduled times. The Authority did its best to keep such switch-off occurrences to a minimum and worked hard to resume transmissions in the shortest time possible.

## April

### Virtual meeting with the European Commission – Rule of Law Report

The Broadcasting Authority met virtually with members of the European Commission in the context of the country visit to Malta in preparation of the 2021 Rule of Law Report. The objective of the meeting was to exchange information on relevant developments concerning the rule of law situation in Malta, particularly in the broadcasting sector. The information provided was intended to inform the Commission's assessment and to be included in the Country Chapter of the above-mentioned Report. The Broadcasting Authority was represented by the Chairman, the CEO and Professor Ian Refalo, legal consultant to the BA.



## May

### BA participation in the second part of a series of discussions 'Lejn Xandir ta' Kwalità' – May 26th 2021

During this second of a series of discussions, it was discussed how broadcasting can be accessible to people with visual impairment and how their interests can be safeguarded through good quality broadcasting. After the first talk held in March, which mainly focused on people with hearing disabilities, this discussion again brought together the stakeholders, the public service broadcaster, the Minister within the



Office of the Prime Minister, the Minister for Inclusion and Social Wellbeing, the Broadcasting Authority and the CRPD to discuss how the rights of people with visual impairment can be safeguarded. It was agreed that programmes should take into account the needs of these people and provide them with accessible broadcasting. Stakeholders should also see that people with disabilities are part of production teams and involved in the content making of such programmes. The Broadcasting Authority CEO pointed out that broadcasting should be accessible to people with visual impairment, in line with new provisions put forward by the AVMS Directive.

## June

### **Participation in a discussion 'Lejn Xandir Iktar Inkluziv' held on June 16th 2021**

Dr Joanna Spiteri, CEO, on behalf of the Broadcasting Authority, participated in a discussion in a series of three conferences entitled 'Lejn Xandir Iktar Inkluziv'. This last conference was held on June 16th 2021. This was organised by Minister Mr Carmelo Abelo and Minister Ms Julia Farrugia. The importance of accessibility in broadcasting to people with disability were discussed. The discussion focused on the steps forward for more inclusive and accessible broadcasting and gave priority to people with intellectual disability. It also summed up the needs of people with other disabilities which were discussed in the previous two discussions held in March and May.

## July

### **Nomination of Media Literacy Expert Group members**

Dr Joanna Spiteri was nominated member in the Media Literacy Expert Group (MLEG) together with Dr Patrick



Camilleri, another member from the Media Literacy Development Board. The European Commission periodically requests Member States to nominate their representatives in this Expert Group. The mission of the Media Literacy Expert Group is to discover, bring to light, document and extend good practices in the field of media literacy, facilitate networking with the aim of cross-fertilization, and explore synergies among different EU policies and media literacy initiatives.

## August

### **Courtesy visit by the BA Chairman and the CEO to H.E. the President of Malta, Dr George Vella – August 10th 2021**

During this courtesy visit, H.E. the President of Malta, Dr George Vella, met with the Broadcasting Authority Chairperson, Mr Frank V. Farrugia, and the Chief Executive, Dr Joanna Spiteri. During this meeting, a comprehensive look was taken at the present and the future role of the Authority in the country's broadcasting field.





On the 60th Anniversary of the Broadcasting Authority, following the celebration of a Mass at St John's Co-Cathedral. **From left to right:** Dr Alessandro Lia, Mr Charlo Bonnici, BA Chairman Mr Frank V. Farrugia, H.E. President Dr George Vella, Archbishop Mons. Charles J. Scicluna, Ms Miriam Vella, BA CEO Dr Joanna Spiteri, Dr Peter Fenech, and Mr Francis Ghirxi

## September

### 60th Anniversary of the Broadcasting Authority – September 29th 2021

On September 29th 2021, the Authority marked the 60th anniversary since it was set up. The Broadcasting Authority came into existence on September 29th in 1961 when the Broadcasting Ordinance 1961 entered into force.

To celebrate such an event, and owing to the restrictions imposed by Covid-19 measures, the Authority refrained from doing any public and social

gatherings with all the stakeholders. However, a Mass was celebrated by the Archbishop Mons. Charles J. Scicluna at St John's Co-Cathedral. The celebration was held under the patronage of H. E. the President of Malta, Dr George Vella. Ms Miriam Vella also attended the ceremony. Also present for this ceremony were the Board Members of the Broadcasting Authority, Broadcasting Authority staff and representatives of TV and radio stations.

To commemorate its 60th anniversary, the Broadcasting Authority commissioned a set of five curated postage stamps which were issued by MaltaPost. The set of five stamps showed a sort of timeline of the history of the Broadcasting Authority and the different designs associated with the Broadcasting Authority. A special handstamp was also issued to mark the occasion.



## October

### Information session on certain provisions brought forward by the AVMS – October 6th 2021

As mentioned in a separate section of this report, the Broadcasting Authority organised an information session for stakeholders to inform them of the implementation of certain provisions, particularly those focusing on audiovisual commercial communications



which were introduced through the Audiovisual Media Services Directive (AVMS).

Following this, the Authority opened a consultation process with the media stakeholders via Circular 05/21 asking media service providers for their feedback regarding the implementation of Article 16M(3)(e), according to which, “viewers shall be clearly informed of the existence of product placement by an appropriate identification at the start and at the end of the programme and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer”.

#### **Launch of Gender Representation Guidelines for Discussion Programmes – October 6th 2021**

As mentioned in a separate section of this report, the Broadcasting Authority held an information session during which it launched a set of guidelines on gender representation during discussion programmes. Following the collection of data by the BA for previous television schedules, the Authority felt the need to publish such guidelines to promote a fair gender representation on the local media, particularly during discussion programmes.

### **November**

#### **Għargħur tower switch-off**

Another switch-off of the Għargħur transmission tower had to take place in November 9th due to emergency maintenance works which needed to be carried out on the transmission tower. The Broadcasting Authority is committed to give its full transmission services to its stakeholders while seeing that health and safety measures are adhered to at all times.

### **December**

#### **Applications for Maltese language course on the use of written and spoken Maltese in the broadcasting media**

The Broadcasting Authority once again provided training to media service providers, media producers and journalists in the use of the Maltese language in broadcasting. Together with the Kunsill Nazzjonali tal-Ilsien Malti, the Broadcasting Authority issued a call for those who were interested to participate in the course. This training, against a nominal fee, was organized by the Authority under the guidance of experts in the Maltese language provided by the Kunsill Nazzjonali tal-Ilsien Malti. The training was to be held during January and February 2022.



## 03

## BROADCASTING LICENCES

**Article 10 (2) of the Broadcasting Act stipulates that:**

*“No person may provide sound or television broadcasting services in Malta for Malta or any part thereof without the licence in writing of the Authority, nor may any person retransmit sound or television broadcasting services from Malta to any foreign state without the licence in writing of the Authority.”*

In view of this provision, as well as to effectively execute its regulatory function, the Broadcasting Authority operates a licencing framework that includes all broadcasting services that fall within its remit. In practical terms, in terms of the provision of radio services, these include: short/long term community radio services, nationwide analogue radio services, as well as digital radio services. From an audio-visual point of view, the services currently licenced by the Broadcasting Authority are provided by a wide range of commercial tv channels which vary in nature, ranging from local to foreign, and from thematic to general interest.

All the above-mentioned services are licenced by the Broadcasting Authority except for the Public Broadcasting Services (both radio and television) which, however, are still governed by the same regulatory regime.

In 2021 the Authority licensed the following services:

- 14 Community Radio Stations
- 3 Digital Radio Stations
- 1 TV Service (Own Broadcast Channel)
- 1 TV Service (Satellite / Teleshopping)

**Radio Broadcasting Licences****Community Radio Stations**

Under the Broadcasting Act, licences issued to community radio stations can be of two types:

- long term (issued for a 3-year term)
- short term (term not exceeding 1 month)

Both long and short term community radio stations operate with an Effective Radiated Power (E.R.P.) not exceeding 12 Watts. Each community radio service is assigned a set maximum transmission power which limits the service's reach to its geographical location. This is the decisive factor which keeps such services distinct from nationwide radio services.

During the year under review the Broadcasting Authority issued 14 community radio stations:

- Six for long term radio stations
- Eight short term radio stations

**Digital Radio Stations**

During 2021, the Broadcasting Authority also issued a licence for two new nationwide digital radio stations. Both stations are exclusively dedicated to music, with Maltin Biss specifically focusing on local productions/music. These two nationwide digital radio stations have not yet transmitted any programme content.

On the other hand, Lift Broadcasting Ltd, which was licensed to operate RAVE (Digital Radio), and In Listening Mode Company Ltd, licenced to operate Radju Ċittadin (Digital Radio), ceased transmissions.

**2021 Licences – Community Radios**

Station Name	Locality	Term	Period		ERP	Term	Freq.
Radju Hompesch	Haż-Żabbar	3 Years	20/03/21	19/03/24	90	7.4	Long
MICS FM	Ir-Rabat	3 Years	18/05/21	17/04/24	93.3	12	Long
Radju Buġibba	San Pawl il-Baħar	3 Years	24/05/21	23/05/24	96.4	4	Long
Radju Lehen il-Belt Victoria	Victoria (Gozo)	3 Years	25/06/21	24/06/24	90.9	2.8	Long
Radio Sacro Cuor	Il-Fontana	3 Years	15/11/21	14/11/24	105.2	7.2	Long
Radju Viżitazzjoni	L-Għarb	3 Years	12/12/21	11/12/24	92.4	2.8	Long
Tal-Ġilju FM	L-Imqabba	6 Days	03/12/21	08/12/21	95.4	3.5	Short
Radju 15 t'Awwissu	Il-Qrendi	1 Month	23/07/21	16/08/21	98.3	3.5	Short
Radju 15 t'Awwissu	Il-Qrendi	1 Month	08/12/21	02/01/22	98.3	3.5	Short
Radju Lauretana	Għajnsielem	1 Month	19/03/21	18/04/21	89.3	4.3	Short
Radju Lauretana	Għajnsielem	1 Month	08/08/21	07/09/21	89.3	4.3	Short
Radju Leonardo	Hal Kirkop	5 Days	18/08/21	22/08/21	105.2	4.9	Short
Lehen il-Karmelitani	Iż-Żurrieq	1 Month	01/07/21	31/07/21	101.4	8.5	Short
Lehen il-Karmelitani	Iż-Żurrieq	1 Month	01/12/21	31/12/21	101.4	8.5	Short

**2021 Licences – Nationwide Analogue & Digital Radios**

Station	Company	Locality	Term	Period		Type	Freq.
89.7 Bay	Eden Entertainment Limited	Hal Għargħur	8 Years	07/11/21	06/11/29	89.7	Analogue
Calypso Radio	Calypso Media Communications Ltd	Hal Għargħur	8 Years	07/11/21	06/11/29	101.8	Analogue
Smooth Radio	Digi B Network Ltd	Il-Mosta	4 Years	13/02/21	12/02/25	Digi B Multiplex	Digital
Breeze Radio (previously registered as D-Lab)	Digi B Network Ltd	Il-Mosta	4 Years	12/07/21	11/07/25	Digi B Multiplex	Digital
Maltin Biss	Digi B Network Ltd	Il-Mosta	4 Years	12/07/21	11/07/25	Digi B Multiplex	Digital

**Commercial TV Licences**

In June 2021, the Authority issued another broadcast sports channel licence to GO Plc: Cablenet Sports 3 HD. This means that the number of Cablenet Sports channels offered by GO are now three, all of them providing football events from the Cypriot First Division, which is the top tier football league competition in Cyprus.

Later on in the year, the Broadcasting Authority also issued a commercial tv licence for a satellite teleshopping channel named Kaufbei.TV. Kaufbei.TV is a free-to-air satellite channel operated by Bonum Ads Ltd, offering a wide range of products targetting mainly Eastern European audiences and Russia.

**2021 Licences – Commercial TV**

Station	Company	Country	Term	Period		Network
Cablenet Sports 3 HD	GO Plc	Malta	2 Years	01/06/21	31/05/23	GO Network
Kaufbei.TV	Bonum Ads Ltd	Malta	4 Years	23/11/21	22/11/25	Satellite

# 04

## ADMINISTRATIVE OFFENCES

In terms of Article 41 of the Broadcasting Act, the offences listed in the Fifth Schedule to the Act are administrative offences and punishable by the Authority. In determining whether a person is guilty or otherwise of an administrative offence, it is the duty on the part of the Authority to ensure that the principles of a fair and public hearing are observed and guaranteed.

Where the Authority is satisfied that the person has committed an offence, as listed in the First Column of the Fifth Schedule under the Act, it may:

- issue a warning in writing; or
- direct the offender not to broadcast for a period of time; or
- impose an administrative penalty as established in the second column of the Fifth Schedule to the Broadcasting Act, including a suspended penalty.

The Authority may choose to apply separately or concurrently the measures listed in (b) and (c).

During the year under review, the Chief Executive issued a total of 13 charges against broadcasting stations. The issuing of charges and the procedures related to the hearing thereof are regulated under Article 41 of the Broadcasting Act and Subsidiary Legislation 350.07.

During these proceedings the Authority acts as a quasi-judicial body, where the Chief Executive acts as prosecutor, which role is completely distinct from the other functions pertaining to the CEO's office.

The table hereunder represents the total number of charges heard and decided upon by the Authority in 2021 according to station.

2021	Station	Charges
Radio	Vibe FM	1
Television	TVM	6
	ONE	1
	NET TV	3
	Smash TV	1
	Xejk TV	1
	TVM2 (penalty was issued August 25th)	1
	Total	14

The table hereunder shows which legislation provision was not adhered to, and the Authority's decision on the matter. There were two charges which the stations admitted and decided to pay the penalty without summoning to a hearing.

Station	Legislation Provision	Decision
<b>Vibe FM</b>		
The Morning Vibe – March 29th 2021	Para 4 of Third Schedule	The station was found not guilty but a warning was issued.
<b>TVM</b>		
Sibtek – March 20th 2021	Article 16K(a) of the Broadcasting Act	The station was found not guilty.
	Article 16M(3)(b) of the Broadcasting Act	The station was found guilty, and a penalty was issued.
	Para 3.2 of S.L.350.22 (Requirements as to Standards and Practice applicable to the Conduct of Competitions and the Award of Prizes)	The station was found guilty.
EkoDjar – April 25th 2021	Article 16K(a) of the Broadcasting Act	The charge was upheld but a warning was issued.
TVM News – April 15th 2021	Article 15 of the Broadcasting Act due to lack of adherence to the BA directive following a complaint decision.	The station was found guilty and a charge was issued.
TVM News – May 16th 2021	Article 15 of the Broadcasting Act due to lack of adherence to the BA directive following a complaint decision.	The station was found guilty and a charge was issued.
Popolin – October 20th 2021	Article 16L(9) of the Broadcasting Act	The station was found guilty.
	Article 13(2)(f) of the Broadcasting Act	The station was found guilty.
Animal Diaries – October 24th 2021	Article 16K(a) of the Broadcasting Act	The charge was upheld but a warning was issued.
<b>ONE</b>		
Arani Issa – October 10th 2020	Article 16L(1)(c) of the Broadcasting Act	Warning was issued
	Article 16K(a) of the Broadcasting Act	
	Para 4.1.7 of S.L.350.15 (Requirements as to Standards and Practice applicable to Participation in Media Programmes of Vulnerable Persons)	The station was found not guilty.
<b>NET TV</b>		
Bejnietna – January 19th 2021	Para 2.1 of S.L.350.24 (Requirements as to Advertisements, Methods of Advertising and Directions applicable to Alcoholic Drink Advertising, Sponsorship and Teleshopping)	The station was found guilty, and a penalty was issued
	Article 16K(a) of the Broadcasting Act	The station was found guilty, and a penalty was issued
Bejnietna – January 15th 2021	Article 16K(a) of the Broadcasting Act	The station was found guilty, and a penalty was issued.
	Para 4 of Third Schedule	The station was found guilty, and a penalty was issued.
Bejnietna – January 11th 2021	Para 4 of Third Schedule	The charge was upheld but a warning was issued.
<b>SMASH TV</b>		
Parlament tal-Poplu –December 6th 2021	Article 13 (2) (a) of the Broadcasting Act	Not yet summoned. (Will be summoned in 2022)

# 05

## BOARD DECISIONS

### **Dr Jason Azzopardi vs PBS Ltd – News Bulletin, November 23rd, 2020**

This complaint against PBS Ltd was made by Dr Jason Azzopardi regarding a TVM news item on November 23rd, 2020.

In a correspondence to PBS on November 23rd, 2020, Dr Jason Azzopardi complained that the news title regarding a decree released by a Maltese Court implied that the Court had already given him warnings about the issue. Azzopardi's complaint was that the news title was not accurate as in the decree there were in fact no warnings given to him by the Court; that, from there on, the news report was incorrect; and that emphasis was made on issues which were trivial. For these reasons, Dr Azzopardi requested immediate and effective remedy in light of the report broadcast during the news bulletin at 8pm.

On December 21st, 2020, a virtual hearing was held during which Dr Azzopardi presented his complaint. Ms Norma Saliba, on behalf of PBS Ltd, was accompanied by Dr Mark Vassallo.

Dr Jason Azzopardi's complaint was that in the news title regarding the decree given by the Court, PBS reported that he had been given warnings by the Law Court. The same information was also published on the TVM online portal. He emphasized that this was inaccurate, unloyal to the decree issued by the Court, and that in fact in none of the eighteen pages of the decree there was any mention of warnings. Dr Azzopardi said that PBS deemed this decree to be of news value nevertheless it had released inaccurate reports about him. This also applied to the report on the PBS online portal.

Dr Azzopardi explained that following his complaint to the TV station, a correction was made on the online website but not on the 8pm news bulletin on TVM. He said that the largest audience for news bulletins is that for the 8pm bulletin, and that this audience had received false information, which was the same information

released the previous day, November 23rd. He insisted that once the station had changed their online report, then they had to admit that they were wrong.

The Authority noted the submissions by both parties and, after reviewing all the relevant documentation, agreed that what was reported by the PBS journalist was incorrect. It upheld Dr Azzopardi's complaint and deemed the news title regarding the Court's decree as broadcast on November 23rd 2020 to be incorrect and unjust towards Dr Jason Azzopardi. In the decision dated January 5th, 2021, it said that this decision was in itself a remedy. In light of this, however, the Authority rebuked PBS and asked all newsroom staff to be more careful when reporting facts and reminded them that news bulletins should be impartial, truthful and accurate.

### **Mr Christian Peregin, CEO Lovin Malta vs One News – News Bulletin, November 26th, 2020**

Mr Christian Peregin, from Lovin Malta, complained regarding a news report broadcast on ONE News on November 26th, 2020. In this news bulletin reference was made to a report by Lovin Malta which, in his opinion, had presented Minister Edward Zammit Lewis's point of view on a family holiday which he and his family had with Dr Joseph Muscat and his family in France.

Mr Peregin represented Lovin Malta, while One News was represented by Mr Edward Montebello, Head of ONE News, accompanied by Dr Jonathan Attard.

Mr Peregin said that One News created a story based on what Dr Edward Zammit Lewis said in a reaction to a Lovin Malta report regarding this family holiday in France with Dr Joseph Muscat. Mr Peregin insisted that the point of the article was not the holiday itself, or when or where it took place, but the accommodation which the families chose to stay in during the holiday.

Mr Peregin also denied, as claimed by ONE News, that Lovin Malta's news item was a character



assassination of Dr Zammit Lewis. Mr Peregin stressed that broadcasting in Malta should be impartial, and that One News chose to pick one point out of Lovin Malta's entire report and then gave them no opportunity to reply to the allegations made in the One News report.

On behalf of One TV, Dr Jonathan Attard clarified that One News had reported the comments made by Dr Zammit Lewis and Dr Joseph Muscat about the Lovin Malta report. Dr Jonathan Attard also said that Mr Christian Peregin never asked for a right of reply and therefore he could not claim that he was denied such right. Dr Attard also said that if Mr Peregin considered the One News report to be of an injurious nature against Lovin Malta, he could have claimed slander vis-à-vis the author and the station.

Mr Peregin noted that even the fact that the members of the Authority were appointed by political parties was problematic, nevertheless he did not object to the Authority hearing his complaint and making a decision thereupon.

The Authority took cognizance of the submissions made by both parties and reviewed all the relevant documentation. The board also took notice of the fact that Mr Peregin had declared his trust in the Board and that he had asked for the complaint to be heard by the said Board. The Authority did not deem this case to have been one of partiality or that the report by ONE News had in any way twisted the story. For this reason, the Authority decided not to uphold the complaint.

#### **Mr Christian Peregin, CEO Lovin Malta vs One News – News Bulletin, November 19th, 2020**

The complaint by Lovin Malta against ONE TV concerned a news item broadcast on ONE News on November 19th, 2020. This report concerned the sentencing by the Court regarding the seizure of journalists and the prizes awarded to them by the Institute of Journalists.

Mr Peregin represented Lovin Malta, while Mr Edward Montebello, Head of ONE News, appeared on behalf of ONE TV. He was accompanied by Dr Jonathan Attard. The hearing was held virtually on January 7th, 2020.

Mr Peregin contended that this news report was not impartial as it gave the impression that the case was being defended by the journalists themselves. Besides, the prosecution by the police had not been mentioned at all in the news story. He added that not even the word "police" was ever mentioned when in fact the Judge had said that the police had not proved the case. He also stated that the IGM had issued a statement referring to the sentencing made by the Court in the sense that the police had not done their job well, however this statement was

not reported by ONE News. In addition, it had made an "offensive comment" regarding the independent media.

On behalf of ONE TV, Dr Jonathan Attard replied that if the news report were to be taken in its entirety, it would become evident that the news report was not factually incorrect. He said that no newsroom reports each and every statement made during a court case. Besides, one cannot expect that newsrooms should take into consideration everybody's comments and opinions following a court judgment.

Regarding the comment about independent media, Dr Attard said that the comment was not offensive to Mr Peregin and, even if it were, the latter could have raised the case as slanderous. Besides, he never asked for a right of reply, to which he had a legal right.

The Authority took note of all submissions and reviewed the relevant documentation. The Authority was of the opinion that the complaint was to be rejected.

#### **Nationalist Party vs PBS Ltd – News Bulletin, January 18th, 2021**

The Authority received a complaint by the Nationalist Party regarding the news bulletin on TVM of January 18th, 2021, claiming that PBS did not report a case at the time before the courts and filed by ex-PN Leader Dr Adrian Delia regarding the sale of three public hospitals.

Dr Francis Zammit Dimech and Dr Karol Aquilina attended virtually on behalf of the Nationalist Party, while Ms Norma Saliba, PBS Editor, and Dr Mark Vassallo attended on behalf of PBS.

Dr Karol Aquilina stated that on January 18th, 2021, PBS did not report anything about the court case regarding the sale of three public hospitals which had been filed by ex-PN Leader, Dr Adrian Delia. On that same day, ex-Prime Minister Dr Joseph Muscat had been a witness to the case, and statements had been made regarding the guarantee the Government had given and on state aid. Dr Aquilina said that all TV stations and the media reported these facts except for TVM which censored the events of the day. They insisted that PBS should be held accountable for hiding this information.

Dr Zammit Dimech argued that PBS should respect the rules of impartiality as required by the Broadcasting Act and Subsidiary Legislation which defend news value and which are also enshrined in the Constitution of Malta.

On behalf of PBS, Dr Mark Vassallo replied that normally PBS followed the practice of reporting a court case on its opening and its closing, and added that it is impossible to report all that is said by witnesses in such cases. Dr Vassallo added that the Nationalist Party never made any complaint

regarding this practice. Such practice is at the news editor's discretion, and it is the editor's responsibility to select what is and is not reported in a news bulletin.

The Authority took note of all relevant submissions, documentation and video clips. The Authority agreed that the ex-prime Minister's witness was in fact of news value. It also agreed that the case itself was one of national interest and therefore PBS was to be held accountable for not reporting the ex-Prime Minister's witness in this case. The Authority agreed that since the witness of the ex-Prime Minister in the case was of news value, PBS had failed when it decided not to report it. For this reason, the Nationalist Party's complaint was upheld and, as a remedy, it asked PBS to reproduce a summary of this decision.

### **Mr Christian Peregin, CEO Lovin Malta vs Media.link Communication – News Bulletin, January 1st and 2nd 2021**

The Authority received a complaint from Mr Christian Peregin on behalf of Lovin Malta against Media.link regarding a news bulletin broadcast on NET TV on January 1st and 2nd 2021. The complaint concerned a report about a charity event at the Dar tal-Providenza, specifically a donation made by Dr Adrian Delia.

Mr Christian Peregin represented Lovin Malta. Dr Francis Zammit Dimech, Dr Karol Aquilina and Mr Karl Gouder, Chief Operating Officer, were present on behalf of Media.link. The attendees the virtual hearing on January 28th, 2021.

Mr Peregin complained that NET News had failed to fulfil its constitutional obligation of reporting news in an impartial manner as, despite having reported the charitable event at the Dar tal-Providenza, it however failed to report that a substantial part of the donation was made by Member of Parliament Dr Adrian Delia. Net News did not report this donation either in the bulletin of January 1st or the next day, January 2nd, when the event was again covered in the news.

Dr Francis Zammit Dimech made some observations regarding the complaint. He requested the Broadcasting Authority to establish whether or not this query was being made by someone who was directly affected by the issue. He said that for this reason the Authority should consider whether this complaint should even be considered. He also observed that the person complaining should have followed the procedure as laid down in the Code of Complaints. Mr Christian Peregin should have first written to the station and, if he felt that the station still ignored his complaint, he could have written then to the Broadcasting Authority.

Dr Zammit Dimech stated that this news was not controversial or political, and it was not a current event item. According to Article 13 of the Broadcasting Act, impartiality considerations apply differently between public and private stations. With regards to such stations, the Authority has the right to verify the output of all the stations and whether or not they are being impartial. Net TV was broadcasting a live charitable event and had to cut transmission at times due to its responsibility and obligation to include other important events during the transmission.

Mr Christian Peregin replied that Net TV's responsibility was to the public and that he was making this complaint as a citizen who had the right to know what happened during this charitable event, and that in fact this was an issue that was controversial and political in nature as this donation made the front page of every newspaper and was discussed on social media. He added that the livestream of the event was cut precisely when Dr Adrian Delia was presenting the cheque. On behalf of Media.link, Dr Karol Aquilina said that the presentation of the cheque was made during prime time and Net TV had no control on livestream. In the news bulletin of January 2nd, editorial priority and news value demanded that the news bulletin reported the record sum of the donations without giving details about the specific donors.

Mr Peregin added that Dr Zammit Dimech was not correct in saying that he did not follow procedure, emphasising that he did in fact send a complaint to Media.link copied in to the Broadcasting Authority, as per procedure. The complaint was sent to the address that Media.link provided on its official website and its facebook page. Despite this, Media.link never replied to his complaint and therefore he had to present it to the Broadcasting Authority. Mr Peregin also felt that he had the right to complain as a citizen as Net News failed to fulfil its constitutional responsibilities.

The Authority took note of all submissions and reviewed the relevant documents. Regarding whether or not a person who was not directly affected by the issue could file a complaint, the Authority decided that the regulations clearly state that anyone interested may file a complaint with the Authority.

Regarding the procedure, that is whether Lovin Malta should have first asked for a response from the relative TV station, the Authority said that it was on record that on January 4th Lovin Malta had sent a complaint to Media.link by email, which was never replied to. Consequently, Lovin Malta asked for a hearing before the Board in terms of paragraph 7(2)(b) of the Code for the Investigation of a Complaint.

The Authority noted that the procedure whereby the station has the opportunity to reply to the complaint was put in place specifically so that all parties can remedy the situation before asking for a hearing before the Authority. The Authority noted that although at the end of their email Lovin Malta addressed the Authority only, it would have been ideal had Media.link replied to the email and made a decision prior to the hearing, considering that they were included in the correspondence and had all the details regarding the complaint.

Regarding the content of the complaint, the Authority, after reviewing the relevant documentation and listened to the arguments of both parties, decided that in this case there was no infringement of the impartiality rules and therefore could not uphold the complaint.

### **Nationalist Party vs PBS Ltd – News Bulletin, December 30th, 2020**

The Authority received a complaint from the Nationalist Party regarding the news bulletin broadcast on TVM on December 30th, 2020, which reported a statement related to the publication of the names of those who acquired Maltese citizenship.

Dr Francis Zammit Dimech and Dr Karol Aquilina attended on behalf of the Nationalist Party, and Ms Norma Saliba and Dr Mark Vassallo attended on behalf of PBS. All those present attended virtually.

Dr Karol Aquilina started his submissions by providing details regarding the origin of the statement that the Nationalist Party had prepared for the press. He explained that the Government had decided to end its policy of publishing the names of persons who had availed themselves of the Citizenship Scheme, thus making them unavailable for publishing. For this reason, the Nationalist Party had issued a statement revealing its position about the matter. As a result of this statement, the Government announced an amendment to the relative legal notice. In reaction to this, the Nationalist Party issued yet another statement. Dr Aquilina said that PBS had reported the Government's decision to amend the legal notice but did not report the second statement released by the Nationalist Party in which it was claimed that there was still an element of secrecy in the Citizenship Programme.

Dr Mark Vassallo on behalf of PBS said that the remedy should be denied as PBS justly reported the first statement issued by the Nationalist Party that presented its position regarding the publication of names in connection with the Citizenship Programme. Dr Vassallo said that the second PN statement was merely a repetition of the first. For this reason, Dr Vassallo referred to Paragraph 2.1.1 of Subsidiary Legislation 350.14 and said that PBS news bulletins could

not be reduced to a notice board for political parties. The law itself catered for issues of this nature and defined news as the reporting of something unknown, not a repetition of what had already been said. For this reason, the second statement was not of news value.

The Authority noted all submissions, relevant documentation and video clips. The Authority ruled that the PN's first statement had condemned the secrecy surrounding the citizenship programme and this was justly reported in the news, but the second statement did not provide any new information that was not already provided in the first statement reported the day before, therefore there was no need for it to be broadcast. For this reason, the Authority rejected the complaint.

### **Nationalist Party vs PBS Ltd – Insights, January 22nd, 2021**

On January 27th, 2021, the Nationalist Party lodged a complaint against PBS Ltd in respect of the programme 'Insights', broadcast on January 22nd, 2021, which consisted of an interview with the Leader of the Opposition by journalist Glen Falzon.

The Nationalist Party complained that the questions and the behaviour of the presenter of the programme were based on a biased political narrative favouring the Labour Party and the Government. The Nationalist Party complained that the presenter's behaviour during the interview with the Leader of the Opposition was different to his behaviour during an interview with the Prime Minister in another episode of the programme. In the same complaint, the Nationalist Party noted that the TVM journalist did not check the facts and reported factually incorrect and biased stories that were originally broadcast on the Labour Party's media and merely accepted them as facts. The Nationalist Party complained that this was unfair coverage by TVM and therefore requested a legal remedy.

During the hearing on March 11th, the PN Secretary General, Dr Francis Zammit Dimech, and Dr Karol Aquilina attended virtually on behalf of the Nationalist Party. The Head of News and Editor of PBS, Ms Norma Saliba, the Chairman of the Editorial Board, Mr Joe Sammut, and Dr Ishmael Psaila represented PBS.

Dr Zammit Dimech stated that while he respected the freedom of journalists the law demanded a correct behaviour on their part. This was not the case throughout the said interview with the Leader of the Opposition on 'Insights', particularly when compared to the interview with the Prime Minister. According to Dr Zammit Dimech the way the Leader of the Opposition was questioned evidently showed inequality in the way the two leaders were interviewed.

After considering all submissions and relevant documentation, the Authority ruled that there had been no imbalance in the said programme. The Authority believed that every journalist had the right to put questions, even when such questions made the interviewee feel uncomfortable. While they must be respectful, journalists should ask questions relevant to current events, especially when the interviewee came from a political background, as in this case.

In current events programmes such as 'Insights' it is difficult to achieve equality especially because current events change from one day to another. The Authority said that a journalist should address specific questions tailored to the interviewee. In this case the topics discussed with the two party leaders had to be different. The behaviour of the journalist had to be different according to the replies given and the possibility of follow-up questions.

While TVM gave both the Prime Minister and the Leader of the Opposition the same platform and equal screen time, the Authority believed that it was not its responsibility to dictate which topics are to be discussed or how interviewees are to be questioned as long as the questions were just and respectful.

In view of these considerations, the Authority decided to reject the complaint filed by the Nationalist Party. However, the Authority took the opportunity to remind journalists that their role in a public service station should be one of integrity and that their work should be unbiased. The Authority pointed out to PBS that it was crucial that selected journalists behaved impartially during current events programmes. While it was essential to safeguard journalists' independence, it was also important to maintain impartiality as required by law.

#### **Professor Kevin Cassar vs ONE – Comments made during the programme Pjazza, March 1st, 2021**

The Authority received a complaint filed by Prof. Kevin Cassar regarding the programme 'Pjazza' on March 1st, 2021 on ONE TV.

In an email dated March 2nd, Prof. Kevin Cassar complained that during the programme Pjazza of March 1st the presenter made malicious and false comments regarding what was allegedly stated by himself during an interview on Prof. Andrew Azzopardi's programme, broadcast on Radio 103 on February 27th, 2021. Prof. Kevin Cassar stated that at no point had the presenter asked for verification regarding the comments that he had made. For this reason, he asked the Authority to investigate the case and take the necessary steps.

During the hearing of March 11th, 2021, Prof. Kevin Cassar, as the complainant, Dr Jonathan Attard and the

Head of Communications for the Labour Party Mr Ronald Vassallo, on behalf of ONE TV, attended the meeting virtually.

Prof. Kevin Cassar submitted that the presenter of Pjazza, Mr Karl Stagno Navarra, made comments and allegations about him (Prof. Cassar) which were false. Two days before the programme, he had been invited to Andrew Azzopardi's programme on Radio 103. During the interview with Prof. Azzopardi, he quoted a report by the European Commission which discussed the fact that Maltese students who leave school at 16 years of age have numerical skills issues, and 35% of them have literacy issues.

Prof. Cassar requested the intervention of the Authority because he believed that the negative comments during the programme impacted his profession and credibility. He stated that the intention of the presenter of Pjazza were to incite hatred or lead the audience to incorrect conclusions since only allegations and not facts were presented.

On behalf of ONE TV, Dr Attard said that the Authority should recognize that Pjazza is a programme where political issues are analysed and therefore the presenter broadcast segments from what was previously broadcast on the radio show and extracted statements which carried weight, so much so that they were reported on online portals such as Newsbook. The report stated that if people were poorly educated, they could vote for a corrupt government.

For this reason, Dr Attard said, the presenter was not obliged to verify what the interviewee had said in his interview because it had already been reported and published. The references had been made to comments that Prof. Cassar had made publicly during the said interview. Furthermore, regarding right of reply, Dr Attard said that Prof. Cassar never asked to be given this right and therefore could not complain now that he was denied this right when he had never asked for it.

The Authority considered all the submissions and reviewed the documentation and the programme in question. The Authority ruled that the Prof. Cassar's complaint was not justified as he had never exercised his right to reply to these comments which he described as false. Such legal right was provided by paragraph 8.15 of Subsidiary Legislation 350.14.

However, the Authority wished to make certain clarifications with regards to political programmes such as Pjazza. While the Authority understood that a station can make political analyses and even criticise current matters, all this had to be done with respect. Every presenter should pay attention to the words used. The

Authority could not ignore the comments made by Mr Karl Stagno Navarra with regard to what Prof. Cassar had said in his interview on the said radio show, therefore, in this case the presenter, who represented the station, had failed in this regard.

#### **Prof. Kevin Cassar vs ONE News – News Bulletin, March 1st, 2021**

The Authority received a complaint, filed by Prof. Kevin Cassar, regarding a news item on ONE News on March 1st, 2021, in a report titled “Haten Fenech Adami jżid l-attakk fuq Adrian Delia.”

In an email dated March 2nd, Prof. Kevin Cassar complained that during the report on ONE News on March 1st various false allegations were made, including that he was involved in the election of Dr Bernard Grech as Leader of the Opposition and that he was vocal against Dr Adrian Delia.

Prof. Kevin Cassar attended the hearing held on March 30th, 2021 virtually. Dr Jonathan Attard and the Head of ONE News, Mr Edward Montebello, were present on behalf of ONE, also virtually.

During the hearing, Prof. Cassar stated that the report on ONE News on March 1st was misleading and incorrect. He declared that he never spoke or worked on behalf of Dr Bernard Grech for whichever position he contested. He reminded the Authority that he had resigned from all duties related to the Nationalist Party as of September 2017. Prof. Cassar said that ONE News journalists never contacted him or asked for verification before broadcasting the report. Prof. Cassar said that the news item should have abided by Subsidiary Legislation 350.14 which states that news should be reported impartially and accurately. For this reason, Prof. Cassar requested the Authority to fulfil its duty as guardian of the law regarding the impartiality and the correctness in the media.

On behalf of ONE, Dr Jonathan Attard stated that Prof. Cassar failed to exercise his right to reply to the statements, something he could have easily done. Moreover, Dr Attard added that Prof. Cassar could not argue that he was a private person considering he so openly and regularly expressed his political opinion on the media. Dr Attard stated that through correspondence between Prof. Cassar and the station it was evident that Prof. Cassar never asked for a right of reply. Had Prof. Cassar done so, as provided by Subsidiary Legislation 350.14, his reply would have been reported during ONE News. This would have been sufficient remedy as long as the terms of the response were adhered to.

The Authority noted all submissions and reviewed all the necessary documentation, and agreed that in this case it would guide Prof. Cassar through the process of exercising his right to respond in accordance with Subsidiary Legislation 350.14 and act as a mediator between complainant and the station. After receiving the reply the Authority would pass it on to ONE so that it be broadcast. The station should report that this right of reply was being read following the hearing of the complaint by the Authority.

#### **Right of reply – Following Prof. Kevin Cassar’s complaint against One News – News Bulletin, March 1st, 2021**

This right of reply was the result of a Broadcasting Authority decision during the sitting of March 30th, 2021.

False statements had been made in the news bulletin on this station on March 1st regarding Prof. Kevin Cassar. Contrary to what was broadcast on ONE, Prof. Cassar had resigned from the PN and was not in any way involved or backing any of the two camps in the PN leadership race.

ONE TV station apologised for misleading its audience with incorrect information about Prof. Cassar.

#### **Nationalist Party vs TVM – News Bulletin, February 25th, 2021**

The Authority received a complaint from the Nationalist Party on March 4th, 2021 regarding the TVM news bulletin on February 25th during which Dr Bernard Grech’s news conference was reported. In its complaint, the Nationalist Party said that TVM’s report about the said conference had to be seen against the background of a livestream on TVM of another conference addressed by the Prime Minister.

The Nationalist Party was represented by Dr Francis Zammit Dimech, while Head of PBS News Ms Norma Saliba and Dr Ishmael Psaila appeared on behalf of PBS. The three attended the hearing online.

During the hearing, held on March 30th, Dr Zammit Dimech explained that Dr Bernard Grech’s news conference on February 25th was in response to the Prime Minister’s press conference which was livestreamed on TVM on February 24th, 2021. He said that the report was lacking in that the terminology and the discourse used gave rise to unfair coverage. He also said that the coverage of the conference was not adequate especially considering that it was in response to the Prime Minister’s news conference which had



been broadcast live in full. Dr Zammit Dimech asked the Authority to consider the complaint in light of lack of impartiality and PBS's responsibility to report news objectively. He insisted that a news report should adequately reflect the event it covered.

On behalf of PBS, Ms Saliba said that Dr Bernard Grech's main points in the conference, which were also Dr Zammit Dimech's points made during the hearing, had been included in the news report broadcast on February 25th, 2021. Ms Saliba remarked that contrary to what Dr Zammit Dimech was saying, on the previous day, that is February 24th, there was no news conference by the Prime Minister but a conference by the Police Commissioner. Ms Saliba said that all of Dr Zammit Dimech's points in fact had been included in the news report as broadcast on February 25th. Indeed, the report also included Dr Bernard Grech's statements made during an online meeting held during the European People Party's summit.

Dr Ishmael Psaila on behalf of PBS said that the complaint was unclear when one compares what the Nationalist Party submitted in its complaint to what Dr Zammit Dimech had presented during the hearing.

The Authority, after taking note of all submissions and the relevant documentation, ruled that the Nationalist Party's complaint could not be upheld owing to the disagreement between the date of the press conference as presented by the PN and as referred to by Dr Zammit Dimech. The Prime Minister's press conference took place on February 23rd and not on February 24th as indicated by the Nationalist Party. The only news conference that took place on the previous day, i.e. Wednesday February 24th, was the one made by Police Commissioner Mr Angelo Gafà. Such mistake was not corrected by PN either in the complaint as submitted or during the hearing.

Nor did the Authority uphold the complaint regarding the style and production of the report because it should not interfere with the style, production and terminology employed by journalists in their reports as long as the points which are of news value were factual and accurately and impartially reported.

#### **Nationalist Party vs TVM – News Conference by the Prime Minister, the Deputy Prime Minister, and the Superintendent of Public Health, March 4th 2021**

The Authority received a complaint by the Nationalist Party against TVM regarding the livestream of the news conference by the Prime Minister, the Deputy Prime Minister and the Superintendent of Public Health,

broadcast on March 4th, 2021, during which news regarding Covid regulations were announced.

The Nationalist Party complained that the Prime Minister's speech was very biased and often referred to current political issues and controversies. The Nationalist Party complained that at the end of the news conference, the PBS newscaster repeated the same main points of the conference that had just been broadcast.

During the hearing, held online on March 30th, Dr Francis Zammit Dimech appeared on behalf of the Nationalist Party, while the Editor and Head of News Ms Norma Saliba and Dr Ishmael Psaila appeared on behalf of PBS.

Dr Francis Zammit Dimech asked the Authority to issue guidelines for such conferences which at that time were taking place regularly. He pointed out that the Authority should establish what kind of coverage was to be permitted and the time slots allotted to each political party to ensure equal representation between the leaders of the two main political parties. Dr Zammit Dimech said that the news covering the conference held on March 4th, 2021, apart from an explanation of the new measures, included also a number of political remarks by some journalists when these put their questions. While the Government had plenty of screen time during the live broadcast of conferences, the Opposition had very limited coverage. Any political comments made had to be accurate. He asked the Authority to review the comments made and offer an adequate remedy.

On behalf of PBS, Ms Saliba said that the conference took place in light of a record number of Covid-19 cases. In fact, the public was anticipating an announcement about new measures by the government. As regards to the political comments referred to by Dr Zammit Dimech, Ms Saliba replied that PBS did not have the power to shut down a transmission because of any political comments made therein. After all, the Prime Minister was being scrutinized by the journalists who were present at the conference.

Dr Ishmael Psaila, also for PBS, said that he did not think that there were any political comments or controversies during the conference during which the Prime Minister announced the new Covid-19 measures.

The Authority, after reviewing all the submissions by both parties, ruled that the conference was related to the Covid-19 measures in view of the record number of cases. The Authority said that it was something to be expected that measures in the context of the pandemic that affected the country were to be announced by the Prime Minister. In such conferences, it was in the interest of everybody

that the journalists' questions be made during the broadcast, given that such questions were related to the subject of the conference which, in this case was the Covid pandemic. The Authority said comments which could be considered political may have been included in the journalists' questions, over which the Prime Minister had no control. The Authority cannot interfere with these questions as they too were related to the measures.

The same thing happened in May 2020 when the Prime Minister made a press conference to announce drastic measures related to Covid-19. Such announcement too was of national interest.

For this reason, the Authority decided to partially uphold this complaint and offered a remedy of not more than 5 minutes to the Leader of the Opposition which was to be delivered in the form of a message. This message had to be closely related to the Covid-19 measures as announced on March 4th, 2021, and should be broadcast before the 8pm news bulletin on TVM.

#### **Prof. Arnold Cassola vs PBS Ltd – Lack of coverage of statements sent to the Standards Commissioner**

The Authority received a complaint from Prof. Arnold Cassola regarding the lack of coverage of his statements sent to the Standards Commissioner in the TVM news bulletins.

During the hearing, Prof. Arnold Cassola on his own behalf, and Ms Norma Saliba and Dr Ishmael Psaila for PBS, appeared online.

Prof. Arnold Cassola explained that although he had sent multiple statements to Ms Norma Saliba, as News Editor of PBS, none of these statements had been reported. Prof. Cassola said it was difficult for one to argue that his statements were not of news value, especially when one considered that some of his statements were reported on other media.

Prof. Cassola argued that despite not having reported his statements, PBS had given space to report Mr Jason Micallef's facebook post in which he wrote about his complaint to the Standards Commissioner about Dr Jason Azzopardi. Prof. Cassola stated that this was tantamount to discrimination against him.

On behalf of PBS, Ms Norma Saliba, News Editor, said that in his complaint Prof. Cassola never mentioned which statements he was referring to. The statements she did receive were not clear, and they could have been opinions or comments and were not structured appropriately to be published on the

media. She said that in the future statements would be considered according to their news value.

After submissions by both parties, the Authority ruled that some of Prof. Cassola's statements had been in fact published by other media and noted the fact that PBS had failed to report them in the news on TVM. The Authority acknowledged that 'news value' was at the discretion of the station or the news editor, however, it believed that too many of Prof. Cassola's statements had remained unreported.

The Authority took cognizance of PBS' commitment to report Prof. Cassola's statements should they be of news value. In light of this, the Authority did not wholly uphold Prof. Cassola's complaint. However, it warned PBS and insisted that any future statements made by Prof. Cassola which were of news value were to be included during PBS news bulletins.

#### **Prof. Kevin Cassar vs ONE TV – News Item from the News Bulletin of March 1st, 2021**

The Authority was presented with a complaint by Prof. Kevin Cassar regarding a news item on ONE TV broadcast on March 1st which stated that Fenech Adami's stepbrother continuously attacked Dr Adrian Delia. In the hearing held on March 30th, 2021, both parties clearly showed that they could resolve the issue by making use of a right of reply, therefore the Authority closed the hearing and waited for both parties to reach a compromise following mediation offered and accepted by both sides.

Since the parties could not resolve the issues, the Authority appointed another date for the hearing of the complaint, on May 6th 2021.

Prof. Kevin Cassar attended the hearing virtually, while Chairman Mr Jason Micallef, Head of News Mr Edward Montebello, and legal consultant Dr Jonathan Attard attended the meeting on behalf of ONE TV.

Prof. Cassar explained that the ONE TV news item broadcast on March 1st included incorrect information about him. Prof. Cassar said he had resigned from the Nationalist Party, and he no longer had any responsibilities within the party. Prof. Cassar demanded corrections to be made to the report. This was also what he had requested in his right of reply.

On behalf of ONE TV, Dr Jonathan Attard said that Prof. Cassar did not exercise his right of reply according to law. He pointed out that after the mediation, the station faced a right of reply that included statements which had nothing to do with the issue. Dr Attard said that Prof. Cassar often made political statements on the

media and therefore could not expect to be treated like a private citizen. Mr Jason Micallef, Chairman of ONE TV, said it was unacceptable to broadcast Prof. Cassar's right of reply, and for this reason they could not reach the compromise afore-mentioned.

The Authority reviewed all submissions and documentation. Following the attempt at mediation that was offered on March 30th which, however, had failed, the Authority had to review the case. The Authority considered the complaint including the explanations given by both parties. After carefully studying the arguments, it decided that what was reported on the news bulletin on ONE TV on March 1st was not substantiated by the station and therefore Prof. Cassar's complaint was to be upheld.

The Board of the Authority decided that as a remedy the station should broadcast a statement which was provided by the Authority itself.

#### **Nationalist Party vs PBS Ltd – Marsa Flyover Inauguration, April 15th, 2021**

The Authority received a complaint from the Nationalist Party regarding PBS coverage of the inauguration of the flyovers in Marsa, stating that the said news bulletin covered the event and included clips from the Prime Minister's speech during the inauguration, livestreamed on TVM2. The Nationalist Party said that the ceremony was presented by one of the members of the Board of Directors of PBS. Moreover, TVM also covered the same event for about thirty minutes the next day as part of the programme 'TVAM'.

During the hearing, which took place on May 6th, Dr Francis Dimech attended online on behalf of the Nationalist Party, while Ms Norma Saliba PBS Head of News and Dr Ishmael Psaila on appeared online on behalf of PBS.

Dr Zammit Dimech said that while he understood that the inauguration had to be broadcast, as it was a national project, PBS had used the event as propaganda. During the broadcast of the inauguration, a number of political slogans and propaganda with the Government's narrative could be seen. He said that TVM also broadcast a news feature about the same project, including clips from the Prime Minister's speech. Dr Zammit Dimech explained that the way this inauguration was broadcast was an orchestration and repetition of the same message, and hence it was considered as propaganda. He also complained about the presenter who was selected to present the ceremony as he was a member of the PBS Board. He asked the Authority to ensure that the

legal obligations according to the Constitution and the Broadcasting Laws are always followed especially with regards to impartiality and representation of the political parties.

On behalf of PBS, Ms Saliba said it was unclear what the Nationalist Party was complaining about. She said that PBS felt it should broadcast the inauguration as it was a project of national interest. Ceremonies of this nature had been broadcast by PBS in the past too. There was never any reaction from the Nationalist Party regarding this project, and hence there could not be any reports about the Opposition's views on this matter. Dr Ishmael Psaila stated that for PBS to be obliged to cover the reaction of the Nationalist Party the PN would have needed to react first.

Dr Zammit Dimech said that there are requirements regarding balance even when it comes to issues of current public policy and not only political controversy. He said that the Nationalist Party and the Leader of the Opposition had the right to speak about the project even when in agreement.

The Authority, taking note of all the submissions and relevant documentation and video clips related to the case, agreed with PBS that it was correct in broadcasting the live inauguration as it was of national interest; similar events in the past were always broadcast. The Authority confirmed the legitimacy of a detailed report about the event by PBS on the news bulletin, during which experts explained the project. However, it also ruled to partially uphold the Nationalist Party's complaint as the interview that was broadcast the following day on 'TVAM' was rather extensive and could have given rise to propaganda. As a remedy, the Authority asked PBS to carry a summary of this decision which was provided by the Authority itself as part of the decision regarding this complaint.

#### **Dr Jason Azzopardi vs TVM – News item in the news bulletin of May 16th, 2021**

The Authority received a complaint from Dr Jason Azzopardi regarding a report on the May 16th news bulletin about a statement made by Hon. Carmelo Abela on Dr Azzopardi. The latter asked the station for right of reply which was not granted.

During the hearing that took place on June 2nd, Dr Jason Azzopardi attended virtually. Ms Norma Saliba and PBS legal representative Dr Ishmael Psaila were present on behalf of PBS.

Dr Azzopardi contended that in the news bulletin of May 16th, PBS reported a statement by Minister Carmelo



Abela which he had originally published on facebook in which he made allegations regarding Dr Azzopardi. The latter remarked that PBS had not asked for his comments and therefore he asked for a right for reply. However, PBS refused to report Dr Azzopardi's reply since PBS considered it defamatory.

During the hearing Dr Azzopardi explained that he had amended his reply as it might have included some strong language. However, PBS still refused to report his right of reply and he was never given a reason why.

On behalf of PBS, Dr Ishmael Psaila explained that the comments made by Minister Carmelo Abela were reported by PBS primarily as a reaction to what had been said by the Leader of the Opposition regarding Minister Abela. PBS had to report the Minister's reaction to what had been said in his regard. Dr Psaila remarked that on May 17th, PBS had also very loyally reported a news conference by the Nationalist Party regarding the same subject.

The Authority took cognizance of all submissions and relevant documentation and decided to uphold the complaint. The Authority noted that since a statement regarding Dr Azzopardi had been reported, PBS had to ensure that another statement in reply by Dr Azzopardi was to be reported. While the Authority understood that PBS should not have reported the right of reply which may have been defamatory, it noted that following the proposal of a revised right of reply PBS did not provide any valid reason for not reporting the latter reply.

The Authority ruled that Dr Azzopardi was to be granted the right of reply, however nothing other than that. The right of reply should be limited to the allegations that were made about Dr Azzopardi. The Authority demanded that PBS broadcast this reply.

#### **Prof. Andrew Azzopardi and Mr Peppi Azzopardi vs the programme 'Popolin' and the coverage regarding the Corradino Correctional Facility, April 30th, 2021**

A complaint was lodged by Prof. Andrew Azzopardi and Mr Peppi Azzopardi regarding a feature about Corradino Correctional Facility as part of the programme 'Popolin' of April 30th. According to complainants, the feature amounted to propaganda which emphasised how well the Facility had been managed but this, however, did not show the real situation.

During the hearing held on June 2nd, Prof. Andrew Azzopardi and Mr Peppi Azzopardi attended virtually, while Ms Norma Saliba and legal representative Dr Ishmael Psaila attended on behalf of PBS.

Prof. Azzopardi contended that the feature was misleading and consisted of a number of inaccuracies

which did not reflect the reality of what actually took place in the Facility.

Mr Peppi Azzopardi said that the feature by PBS was not investigative and included statements that were incorrect and not factual. Mr Azzopardi said that a feature which he had prepared together with Prof Azzopardi, showing the reality in the Facility, could act as a reply to what had been shown on 'Popolin'.

On behalf of PBS, Dr Ishmael Psaila reminded that both himself and Ms Norma Saliba were both present on behalf of PBS and that a reply to the allegations being made regarding the management of the Facility was not within their level of competence. Dr Psaila said that the comments made in the submissions had already been broadcast on PBS. Besides, complainants' claim that the 'Popolin feature' was misleading was subject to interpretation.

On the other hand, Ms Saliba mentioned previous programmes by PBS during which prisoners were interviewed and criticised the prison management. She said that there were news reports regarding the suicides and deaths that happened in the prisons based on reliable sources. Like every other station, PBS had editorial discretion and one could not expect a production to be broadcast as a reply without it first being verified by the station's editor.

The Authority took cognizance of all submissions and reviewed the relevant documentation and decided that the 'Popolin' feature offered only one perspective about the prisons and its management. The feature was subjective and the production provided only one version of the situation in prison. The Authority noted that this production was presented by Popolin's presenter as one of a series of productions which would be broadcast every week, however, following this complaint, PBS never again broadcast anything regarding the prison.

The Authority ruled that the content of this production was not objective and therefore it upheld the complaint. As a remedy it asked PBS to appoint an independent, impartial producer to provide a reply to what was broadcast. This had to be done after consulting the 'Popolin' presenter. Production length should be up to the producer but should not be less than 3 minutes. The transmission was to take place not later than a week following the release of the BA's decision.

#### **Nationalist Party vs PBS Ltd – News Bulletin, June 2nd, 2021**

The complaint was lodged by the Nationalist Party on June 3rd regarding the lack of coverage during the June 2nd news bulletin of a statement by the Leader of the

Opposition, wherein the Opposition had requested the government to remove a Government Minister from office. The Nationalist Party said the Leader's statement was of great importance and therefore the fact that it was not reported constituted political censorship against the Leader of the Opposition and was not in adherence to the principles of impartiality and objectivity as enshrined in the Constitution and the Broadcasting Act.

The hearing was held on June 24th, 2021. Dr Francis Zammit Dimech attended virtually on behalf of the Nationalist Party, while Head of News and PBS Editor Ms Norma Saliba, Dr Mark Vassallo and Dr Ishmael Psaila were physically present on behalf of PBS.

Dr Zammit Dimech explained that the statement by the Leader of Opposition had not been broadcast during the news bulletin and argued that it was up to the political party itself to decide as to how often it issued its message.

On behalf of PBS, Dr Mark Vassallo said that the message could not be reported repeatedly and that the Nationalist Party could not expect PBS to report the same political message over and over again. The editor had his own discretion and there had been no interference from any political party. As evidence, Dr Mark Vassallo made a presentation and submitted copies of the news reports to show the number of times the same message had been broadcast on the news. Dr Vassallo stated that if PBS were to report each and every statement issued, its news bulletin would become a notice board.

Ms Saliba commented that the newsroom received many statements and not all of them were reported.

The Authority noted all the submissions and reviewed all the relevant documentation, and ruled that this topic had already been reported in other bulletins over the same period of time. For this reason, the complaint was not upheld. The Authority agreed that PBS had every right to exercise its editorial discretion in light of the fact that the subject had already been reported over the same time period.

#### **Mr Mark Amaira vs TVM – 'Mustaċċuni', October 8th, 2021**

The Authority received a complaint by Mr Mark Amaira dated October 8th, 2021, regarding the programme 'Mustaċċuni' aired on October 8th on TVM. Mr Amaira complained that at around 21:15 the programme did not adhere to Subsidiary Legislation 350.18 regarding family viewing since the presenter used inappropriate language during questions made to participants.

During an online hearing held on October 25th, 2021, the Authority heard the arguments put forward by Mr Mark

Amaira as well as Ms Norma Saliba and Dr Mark Vassallo on behalf of PBS Ltd, and Mr Ray Calleja as producer and one of the presenters of 'Mustaċċuni'.

Mr Amaira said that this programme was aimed at family audiences and therefore he was offended as there were minors on set when inappropriate language was used. The station failed on two counts: first, because such language was used before the watershed; second, because it gave no on-screen precautionary notice during the programme. Mr Amaira said that the word used was inappropriate, especially during a family programme.

Producer and presenter Mr Ray Calleja said that this was subject to interpretation. After discussing the matter with the National Council for the Maltese Language, the production team felt it was fine to use the word in question because its interpretation was subjective and not offensive. Calleja said the intention was humorous and the word had been used in the context of an entertainment programme.

On behalf of PBS, Dr Mark Vassallo referred to similar situations abroad where the OFCOM, which regulates British broadcasting, regularly makes reports about vocabulary that is unacceptable before the watershed. This list changes over the years reflecting the changes in mentality over the years.

The Authority upheld the complaint as the presenter could have anticipated that his misuse of language could have been considered inappropriate by the audience. The station has the responsibility to broadcast a precautionary notice, as requested by the relevant laws, to inform audiences beforehand. Moreover, the station knows well which type of content is considered to be aimed at adults and should therefore be broadcast only after 21:30, as stated in the Subsidiary Legislation 350.18.

The Authority ruled that the classification graphic should be shown in all cases where misuse of language can be anticipated. Besides, as already stated, a notice with content descriptors should be shown in accordance with the Audio Visual Media Services Directive.

#### **Nationalist Party vs PBS Ltd – Budget advertisements 2022**

The Authority received a complaint from the Nationalist Party on October 12th, 2021 referring to the transmission of political advertisements about the 2022 Budget. PN complained that political advertisements were prohibited unless they formed part of a schedule of political transmissions approved by the Authority. PN also complained that such advertisements go against Article 119 of the Constitution as they are not impartial because they refer to controversial or current political issues.

During the hearing held on October 25th, Dr Francis Zammit Dimech and Dr Michael Piccinino attended virtually on behalf of the PN while Head of News and PBS Editor, Ms Norma Saliba, together with legal representative Dr Mark Vassallo attended on behalf of PBS.

Dr Francis Zammit Dimech said that the PN's complaint was filed on the grounds that the public TV station was broadcasting a series of spots of a political nature. These were being aired on a regular basis on the public service broadcaster. He maintained that these advertisements contained political undertones and propaganda. He said that PN would not have complained had these spots been of a purely informative nature.

Dr Zammit Dimech explained that the spot regarding the budget was also broadcast on NET TV, however, the PN provided the remedy they expected the Authority to provide. In fact, on NET TV, following the spot, another spot was broadcast in reply, using a similar style but with the opposition's view.

Dr Mark Vassallo, on behalf of PBS, stated that it was hard to understand why this advert was considered propaganda. The very same advert had been broadcast on NET TV, so it would not be justifiable to air the budget spot on NET TV but not on the PBS stations.

Dr Mark Vassallo recalled that it was since 2012 that budget-related spots started to be broadcast with the aim to inform the public about the budget measures. He claimed that the law does not preclude informative government campaigns about budget measures.

Dr Mark Vassallo also submitted that the Authority could be the judge of whether or not these spots aired on PBS created an imbalance. PBS believed that there was no imbalance, indeed balance was being maintained during the whole PBS transmissions.

The Authority took cognizance of all submissions made and decided that one spot in particular, which discussed the 2022 Budget and which was broadcast exactly after a discussion regarding the Budget on PBS stations, contained political statements. Subsequently, a similar spot was broadcast later on. It also noted that the same spots were broadcast on NET TV.

- The Authority made the following considerations: The spot broadcast on the day of the discussion was partially made up of political statements, giving the impression it might have been a political spot.
- This spot in particular was a political advert, but other spots had informative elements regarding the measures and benefits which were part of the 2022 Budget.

- Since this advert may have included political statements, the Opposition should have been given the opportunity to give its opinion on these statements.
- Balance is not necessarily achieved through equal screen time, in a strictly mathematical way, so long as impartiality is maintained. There was enough time to be allocated to a response to the comments in these adverts.

In light of these considerations, and in view of a past decision on the same matter, the Authority upheld the complaint. The Authority ordered PBS to:

- Allocate 15 minutes' worth of spots of 30 seconds each.
- Identify these spots as belonging to PN by inserting its logo.
- Ask for the approval by the Authority and provide responses for comments that are part of political advertising.
- Broadcast these adverts not before 5 days following the release of this decision, over a period of two weeks.
- Broadcast these adverts only during the break during the 8pm news bulletin, in accordance to what the Authority is demanding.
- Show these spots on both TVM and TVMNews+.
- Prior to the spot show the following caption: "This advert is being broadcast on the instructions of the Malta Broadcasting Authority following a complaint by the PN."
- Wait until it received the spots from the Authority.
- Broadcast the spots as soon as they are sent by the Authority.

#### **Nationalist Party vs PBS Ltd – Instructions given to producers of current events programmes, October 25th, 2021**

The Authority received a complaint from the Nationalist Party regarding the instructions released by PBS to producers of current events programmes requesting them to inform management 15 days prior to the production of a programme stating the subject of the discussion and the names of the participants. In its complaint, the PN emphasized that this meant that current events programmes are controlled by management and therefore journalists did not have the liberty to act without consent by management. This directive went against the most basic principles of free, authentic journalism. As a result of these instructions, therefore, public broadcasting would not be having

discussions of a topical nature. These instructions went against the Authority's own guidelines regarding the need to have news programmes and discussions regarding current events that are topical.

Dr Michael Piccinino and Dr Zammit Dimech attended the hearing held on October 25th virtually on behalf of PN, whereas PBS News Editor Ms Norma Saliba and Dr Mark Vassallo attended on behalf of PBS.

Dr Zammit Dimech said that the instructions issued by PBS to producers of current events programmes were not democratic and were not found anywhere in the world in any democratic country. Producers should coordinate with the editor efficiently on a day-to-day basis. He asked the Authority to have this measure removed and be ignored completely. He said that the PN had expected the Authority to demand this on its own accord, especially considering the fact that the Authority's own new guidelines contained specific criteria for current events programmes. Dr Zammit Dimech said that the guidelines the PN was referring to in its complaint were found in Subsidiary Legislation 350.14 regarding requirements governing news and current events programmes.

On behalf of PBS, Dr Mark Vassallo insisted that what was communicated by PBS to the producers of current events programmes should not be brushed off as simple instructions. The Authority should consider whether or not the instructions have had any effect on the programmes by PBS and whether they had resulted in any non-adherence to the law as regards programme content. For this reason, he urged the Authority to review PBS programmes for the past month and check whether there was any non-adherence to paragraph 12 of Subsidiary Legislation 350.14. Dr Vassallo said that there had been multiple cases where programmes had to be edited at the last minute owing to the fact that the topic in question was still evolving and developing. However, PBS was obliged to avoid any repetitions regarding discussion subjects and participants, and to exercise its editorial responsibility in case of repetitive current themes.

The Authority took cognizance of all submissions and decided not to uphold the complaint since this concerned an internal directive issued by the station to its producers. The Authority understood that the manner in which the measure had been presented in the internal communication could have been misinterpreted. The Authority acknowledged that

the law contemplated action when a measure resulted in a breach of the provisions related to current events programmes, but so far this had not been the case. Nevertheless, the Authority pointed out that current affairs programmes should deal with current events that are topical as it is essential that the public service offers such programmes to serve as a platform for discussion in a democratic society.

### **Nationalist Party vs PBS Ltd – 'Niskata', October 5th, 2021**

The Authority received a complaint from the Nationalist Party regarding the programme 'Niskata' aired on October 5th, 2021 broadcast on TVM. The PN complained about the participation of a Labour Party candidate who was invited to speak about the field of technology. The complaint stated that this was not the first time that the programme included a guest who had already declared himself as a PL candidate. According to complainant, the participation of such candidates served as propaganda for the candidates and the party they represented. The PN asked for a just and effective remedy for this practice where PL candidates were being given an unjustified political advantage.

The hearing held on October 25th was attended by the PN General Secretary, Dr Michael Pullicino, and Dr Zammit Dimech, while Head of News and Editor Ms Norma Saliba and Dr Mark Vassallo represented PBS.

Dr Zammit Dimech stated that the fact that the general election was close meant that PBS could not have regular participants who are candidates for political parties. In this case, even though the guest spoke about technology, he was being given exposure as a PL candidate such that his constituents got to know him further.

Dr Zammit Dimech argued that this was in breach of Article 119 of the Constitution which stated that there should be equality in screentime and facilities among candidates from different parties.

On behalf of PBS, Dr Mark Vassallo argued that what Dr Francis Zammit Dimech had asked for was discriminatory towards guests in these programmes. He explained that participants were invited according to their profession and not because they were election candidates or otherwise. Dr Vassallo said that public broadcasting cannot stop people from being invited simply because they were election candidates, especially when they appeared in programmes in virtue of their profession and as long as there was not yet an electoral campaign going on.

After taking into consideration all the submissions, the Authority ruled that:

- The participant's contribution during 'Niskata', which is a magazine programme, was of a purely technical nature.
- During the interview no current issues, or issues of public policy, or political or industrial controversy were discussed.
- The participant was an expert in technology and his participation was during a discussion about unprecedented global communication technology.
- The participation of this guest took place outside the electoral campaign therefore there was no propaganda in favour of any political party.

In view of the above, the complaint was not upheld by the Authority.

#### **Nationalist Party vs PBS Ltd – TVM News Bulletin, September 30th, 2021**

The Authority received a complaint filed by the Nationalist Party dated October 2nd regarding the news bulletin on TVM on September 30th on the grounds that the bulletin did not carry a report of a statement made by the PN in response to what a private company, Steward Health Care Malta, made regarding a court case opened by Dr Adrian Delia against Vitals. The PN stated that its statement had contained eight points, in response to what the owners of the private company had said regarding the Vitals case.

During the hearing held on October 25th, PN General Secretary Dr Michael Piccinino and Dr Zammit Dimech attended on behalf of the PN, while Head of News and PBS Editor Ms Norma Saliba and Dr Mark Vassallo appeared for PBS.

Dr Zammit Dimech stated that one had to be very cautious when reporting politically controversial topics. The PN had released a statement, signed by Dr Stephen Spiteri, PN spokesperson for Health, and by Dr Adrian Delia, which, however, was not reported by PBS. PBS argued that the first statement was in fact reported.

Dr Zammit Dimech explained that following this first statement, Steward Health Care issued a reply, to which PN felt it had to reply again by listing eight points. The station could not adhere to its strict practice and not report a counter replica, especially when these eight points had never featured before. Dr Zammit Dimech said that such lack of coverage was in breach of Article 119 of the Constitution of Malta and of Article 13 of the BA Act.

Dr Mark Vassallo on behalf of PBS said that while he agreed with the fact that PBS should not be so rigid, Subsidiary Legislation 350.14 did not specify what should be regarded as having news value. He appealed to the Authority to take into consideration the whole case and not simply the lack of coverage of the statement which was a counter replica.

Dr Zammit Dimech said that while it is true that an editor had editorial discretion, the Authority should ensure that the legislation is adhered to and consider what are the consequences due to such lack of coverage.

The Authority considered all submissions and reviewed all the relevant documentation and decided that the said eight points included in the statement had already been reported in another news bulletin over the same period. For this reason, the complaint was not upheld.

## 06 COURT CASES

### **Digi B Network Limited vs Broadcasting Authority**

During 2021 there was a series of court sittings regarding a constitutional case filed by Digi B Network Ltd against the Broadcasting Authority. Digi B Network Ltd claimed that the fundamental rights according to Article 10 of the European Convention on Human Rights had been infringed by the Broadcasting Authority when it had failed to decide on the application for two nationwide digital radio stations.

Digi B Network Ltd presented documents which had been previously requested by the Broadcasting Authority. The same documents had been requested several times during court sittings. Such documents were passed on to the BA Chief Executive. Following this, the Broadcasting Authority was in a position to approve the licences of the two nationwide digital radio stations: 'Maltin Biss' and 'Breeze' (formerly D-Lab). The licences were approved on July 12th 2021.

A decision by the Court was expected to be given in January 2022.



## 07

# RE-ORGANISATION OF THE OPERATIONS OF THE BROADCASTING AUTHORITY AND STAFF RECRUITMENT

During 2021 a number of changes took place in the operational aspect within the departments in the Broadcasting Authority. To keep pace with the ongoing changes in the media sector, the Authority embarked on a re-organisation plan to be able to adapt itself to the changes which were occurring in the media sector, mainly owing to the transposition of the Audiovisual Media Services Directive (AVMSD), not only because more services might need to be included in the regulatory framework but also because the need was felt for greater diversification within the departments.

In fact, new Chief positions were set up to kick start the re-organisation plan within the Authority.

In view of this, following an internal call, on November 15th, the Authority appointed:

- Mr Adriel Vella as Chief Operations Officer
- Mr Randolph Micallef as Chief Licencing and Compliance
- Mr Daniel Delia as Chief Corporate Services.

These positions are all new to the operational aspect of the Authority, particularly Licencing and Compliance. Since one of the main functions of the Authority is the licencing of media service providers, the need was felt to have a unit to deal specifically with licencing and compliance. Even though one of the main functions of the Authority is to licence media service providers, the Authority never had such a post. The remit of this position includes co-ordination and enforcement issues raised by the Chief Operations Officer. This helps to keep their responsibilities as separate as possible.

The Chief Operations Officer is responsible for people management, monitoring and industry analysis and policy.

The remit of the Chief Corporate Services includes financial management and administration and support, while the Chief Technical Officer is responsible for the internal and external assets pertaining to ICT and has an advisory role on the technology used by the industry and the infrastructure regarding the transmission site owned by the Broadcasting Authority.

Following the resignation of the Head ICT and Project Manager, Mr Chris Attard, on September 30th, the Authority issued a new public call for a new post of Chief Technical Officer. By the end of 2021 the position had not yet been filled.

During 2021, Dr Joanne Muscat resigned from Head Research and Communications on March 12th. On April 6th, the Secretary to the Board, Dr Simon Manicolo, also resigned. The Monitoring Department also went through a number of changes in 2021, with the resignation of Mr Ian Sammut on April 15th and the resignation of Ms Alicia Anne Fava on November 12th. Two programme monitors, Mr Andrei Vella Laurenti and Mr George Dorian Sultana, had their employment terminated on November 12th following a decision by a Disciplinary Board and an Appeals Board.

During 2021, the Personal Secretary to the Chief Executive Ms Anna Maria Buhagiar retired on March 25th, and Ms Joyce Debono, senior clerk, retired on April 6th.

Following a public call, Mr David Paul Mallia, a new programme monitor, was recruited in November 18th. Following this public call, Ms Deborah Cilia was also recruited as a programme monitor and started her appointment on December 1st. In the meantime, the Authority issued further public calls for the post of programme manager which will be vacated in 2022.

## 08

# PROGRAMME MONITORING DEPARTMENT

## Monitoring Reports

The main purpose of monitoring reports is to monitor radio and television broadcasts and see that such broadcasts adhere to the Broadcasting Act and Subsidiary Legislation. Apart from the daily monitoring duties, the Monitoring Department draws up other ad hoc reports and other qualitative reports on the quality of broadcasting.

## Thematic Reports

Further to its monitoring function, the Monitoring Department also compiles a number of thematic reports which focus on specific issues and trends arising from the daily monitoring of both radio and television services.

2021 kicked off with the compilation of thematic reports which focused primarily on the portrayal of vulnerable people both on the “L-Istrina 2020” telethon, held on December 26th 2020, as well as on the Dar tal-Providenza “Festa ta’ Ġenerożità” telethon, held on January 1st 2021. Both reports confirmed that these two telethons were parting with the “charitable” model, which was so controversially used in previous editions. The two telethons are shifting towards the “social” model which leads to empowerment rather than reinforcing helplessness. Furthermore, in both telethons, compliance with the provisions as set out in Subsidiary Legislation 350.15 (Requirements as to Standards and Practice Applicable to Participation in Media Programmes of Vulnerable Persons) was almost faultless.

Throughout this year, the Monitoring Department also compiled compliance reports for the licence renewal of 4 community radio services and 2 nation-wide radio services. In spite of minor issues, which were pursued and addressed, all of the above-mentioned services were granted a further term.

1. Rapport dwar il-Maratona L-Istrina (2019)
2. Rapport dwar il-Maratona tad-Dar tal-Providenza (2019)
3. Rapport dwar it-Trasmissjoni ta’ Bay Radio
4. Rapport dwar it-Trasmissjoni ta’ Radju Lehen il-Belt Victoria
5. Rapport dwar it-Trasmissjoni ta’ Radju Calypso
6. Rapport dwar it-Trasmissjoni ta’ MICS Radio
7. Rapport dwar it-Trasmissjoni ta’ Radju Hompesch
8. Rapport dwar it-Trasmissjoni ta’ Galaxy Radio
9. Rapport dwar l-Iskeda Ottubru 2021 tal-PBS
10. Rapport dwar il-Partecipazzjoni fil-Programm L-Erbgħa Fost il-Ġimgħa (2020-2021)
11. Rapport dwar il-Partecipazzjoni fil-Programm Fliving Show (Marzu 2021)
12. Rapport dwar il-Partecipazzjoni fil-Programm Fliving Show (Lulju 2021)

## Other monitoring reports

Investigation of complaints is another crucial role the Monitoring Department is entrusted with. In line with Subsidiary Legislation 350.06 (Code for the Determination and Investigation of Complaints), the Monitoring Department received and processed 32 complaints during 2021. Same as in 2020, these complaints were mainly related to the issue of partiality allegedly resulting in unfairness to the complainant. Not all complaints required a formal decision by the Broadcasting Authority.

## Follow-up of the Audiovisual Media Services Directive transposition

The Monitoring Department also drafted a number of circulars and issued guidelines intended to serve as useful tools for the industry in terms of guidance and standards. These guidelines focused on the newly transposed provisions (in view of the Audiovisual Media Service Directive (EU) 2018/1808) and mainly focused on a wide range of advertising issues as well as on family viewing provisions. Such guidelines explain further the interpretation of certain provisions particularly in the case of audiovisual commercial communication.

# 09

## ICT AND PROJECTS DEPARTMENT

FOLLOWING A NUMBER OF PROJECTS STARTED BY THE BROADCASTING AUTHORITY IN 2020, 2021 MARKED ANOTHER YEAR OF FINALISING A NUMBER OF PROJECTS.

### **Hamrun Offices – Facilities Upgrade – Facade and Airconditioning systems**

This project kick-started in 2020 and was finalised in 2021. It involved substantial maintenance work on the masonry and brickwork of the four facades of the office block, primarily to stop water and humidity ingress as well as to give an aesthetic uplift to the offices. The apertures were replaced with energy-efficient fixtures. The project was completed by June 2021. This gave an uplift to the office building and had very positive results as regards water/humidity ingress. It was a step in the right direction to give a new and better image to the building.

### **Gharghur Tower structure**

The Authority embarked on a number of tasks to maintain the transmission tower during 2021 considering the urgent need of repair of the transmission tower. Hence a number of switch-offs had to take place during 2021. During such work the main antenna needed to be switched off and the back-up antenna had to be used in order to prevent health and safety issues particularly due to the radiation level in place.







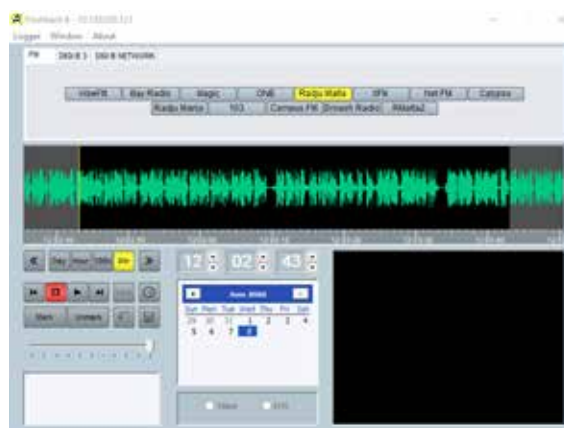
### Visit by CPD personnel

Since the Gharghur transmission site is a critical infrastructure site, the Authority ensured that the Civil Protection Department (CPD) would have the necessary equipment in case of emergency. The CPD tested the appropriate vehicles and equipment and made an online risk assessment of the site. One of the new fire vehicles was tested and found that the new BRAVE vehicle was the appropriate vehicle to be used at the Gharghur site.



### New audio capturing system

In 2021 the Authority revamped the audio logging system which had been in use for over 10 years. Through the Flashlog Radio Capture Logging System, the Authority can capture and record audio content for subsequent analysis by the Monitoring Department. The new system enables multiple users to access the same content from different work stations. The new system increased efficiency and made it easier for members of the Monitoring Department to access material broadcast from all nationwide radio stations.



# 10

## INTERNATIONAL RELATIONS

### European Regulators Group for Audiovisual Media Services (ERGA)

By virtue of the Audiovisual Media Services Directive (EU) 2018/1808, the Broadcasting Authority of Malta is a member of the European Regulators Group for Audiovisual Media Services (ERGA). Apart from providing the European Commission with the necessary expertise in the field of audiovisual services, the group's work is to discuss, analyse and coordinate various aspects of the audiovisual regulatory regime and ensure a harmonised approach in terms of applicability and implementation of the Directive (EU) 2018/1808.

At the 16th ERGA Plenary Meeting, members adopted the ERGA Work Programme 2022. Again, this year's programme will centre around the themes of implementation, completion and disinformation:

- (i) Consistent implementation and enforcement of the new AVMSD framework
- (ii) Completion of the EU regulatory framework relevant for media
- (iii) Countering Disinformation and Strengthening Democracy in the Digital Environment
- (iv) Implementation of the Memorandum of Understanding.

In view of this year's work programme, the Authority again committed itself to participate in all three sub-groups as well as in the action group referred to in point (iv) above. During 2021, all ERGA meetings were held online.

Being also a signatory of the MoU for enhanced cooperation between national regulatory authorities, during 2021 the Broadcasting Authority of Malta provided its feedback and cooperation to a number of NRAs, namely, the Czech Republic, France, Greece, Latvia, Portugal and Sweden. 5 out of these 6 cases concerned issues related to the fields coordinated by the Directive (EU) 2018/1808. The other case related to legislation on the use of hidden cameras and microphones.

Apart from attending such meetings, the Authority regularly answers surveys which are held in preparation for a number of activities within the remit of this ERGA group

to collect data and analyse the state of play of the themes which are eventually discussed during the meetings.

### European Platform Regulatory Authorities (EPRA)

The Authority forms part of the European Platform Regulatory Authorities (EPRA), which is a forum for discussion and exchanges best views and best practices among broadcasting regulatory authorities across Europe. It provides an open platform and also a networking system whereby regulatory authorities share a variety of topics that interest the regulatory aspects as well as discuss the effect of certain policies on broadcasting. During 2021 two conferences were held, in May and October. Both were held online. However, EPRA also organised a number of small workshops during the year which further helped regulatory authorities to network and gain insights in certain themes in broadcasting.

### 53rd EPRA meeting – May 2021

During this meeting a number of presentations were presented to the EPRA members. The Council of Europe presented a list of activities of the Steering Committee on Media Information Society. Another presentation was made by OSCE representatives on Freedom of the Media. Strategies and action plans were presented regarding the pluralistic environment and transparency and the role of the media in the democratic process. Following this, Anna Herold, from the European Commission, gave updates on the Digital Services Act, the European Democracy Action Plan, and the Media Freedom Act.

### 54th EPRA meeting – October 2021

This meeting was divided into two events. The first centred on EPRA internal matters and the second one consisted of a thematic session which focused on cross-sectoral cooperation between regulators. Following this, in November 2021, a workshop focusing on Youth Engagement in the Digital Environment was organised within the new Research and Policy Partnership with University of Vienna. This gave EPRA members the opportunity to work on the issue of youth engagement in the digital world.

# 11

## AUDIENCE RESEARCH

### Radio and Television Audience Assessment

In accordance with Article 30 (2) of the Broadcasting Act (Cap. 350 of the Laws of Malta), the Broadcasting Authority commissioned M. Fsadni & Associates to compile a report on audience data following an audience survey. In previous years, the Broadcasting Authority commissioned the NSO to conduct this audience survey. After a number of years, the Authority decided to engage a different research company and include other aspects in broadcasting and other themes which would not only interest the stakeholders and the audience but also would shed light on new media uses. Hence a number of changes in methodology, sampling and questioning were introduced in the two surveys conducted during 2021 and another survey which was conducted on December 2020. The results were published in January 2021.

### Audience survey December 2020

The data for this survey was collected between 14th and 20th December 2020 as the Covid-19 pandemic persisted. This survey included changes in terms of collection of data, research methodology, data analysis and presentation of findings.

Approximately 179 daily interviews were conducted over 7 consecutive days, totalling a sample of **1,248 respondents** aged 12 years and over from Malta's six geographical regions (NSO, 2020).

An overview of TV Viewership, Radio Listenership and Online Viewership gives these results:

- 93% of Maltese residents are **TV Viewers**. Of these, 11% watch foreign TV stations only. The remaining 7% do not watch any TV.
- 63% of Maltese residents are radio listeners, with 1% listening to foreign radio stations only. 36% of Maltese residents do not listen to radio.
- 90% of Maltese residents **do not watch any local programmes online**, while 10% watch local programmes online.

### Television Viewership

Amongst all TV viewers, the 20:00-20:30 time band is the most watched TV time band across all days of the week (n=1161).

The survey analysed the most preferred programme genre. Amongst the 1,019 respondents who watch local TV, the news bulletin is the most preferred genre of local TV programmes (71% of local TV viewers), followed by drama (42% of local TV viewers), and discussions and current affairs (35% of local TV viewers).

94% (1,085 respondents) of all TV viewers use paid subscription as one of the TV reception services for watching TV. Furthermore, 10% (119 respondents) of all TV viewers use Android Box, and 9% (109 respondents) use IPTV. 2% (18 respondents) of all TV viewers use free-to-air, with 0.9% (10 respondents) indicating that they only use free-to-air service for watching TV.

The respondents were asked for their favourite local TV programme:

*The news bulletin* (irrespective of TV station) is the favourite local TV programme of 12% of all 1019 local TV viewers.

- Following, *Division 7* is the favourite local TV programme of 8% of all local TV viewers.
- 5% of local TV viewers mentioned *Malta's Got Talent* as their most favourite local programme.
- *L-Erbgħa Fost il-Gimgħa* and *L-Ispettur Bonnici* are the favourite local TV programmes of 4% of TV viewers respectively.

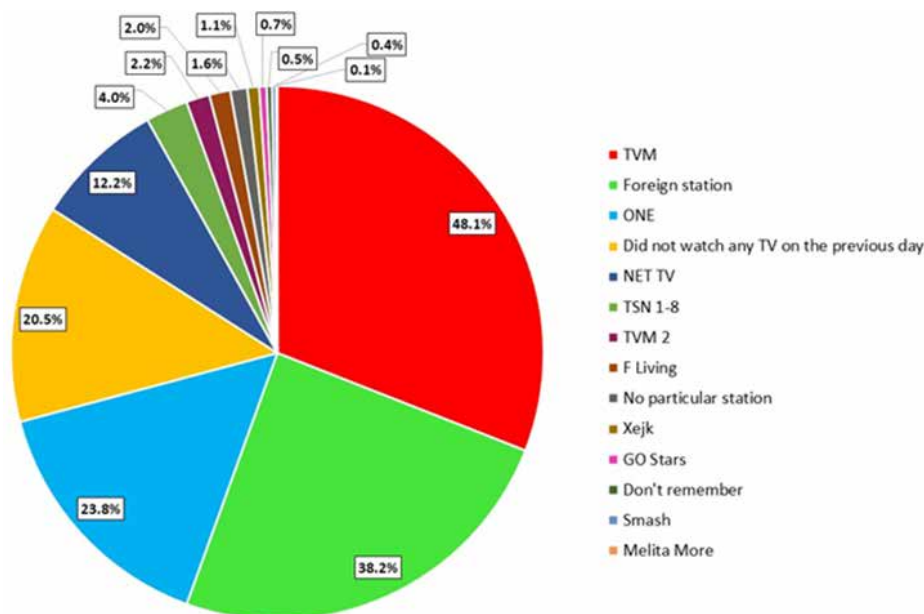
The most followed TV stations are:

- TVM is the most watched TV station, with almost half of all 1,161 TV viewers (48%) mentioning TVM as one of the three TV stations which they watched on the previous day.
- Foreign stations are the second most followed, with 38% having watched a foreign TV station on the previous day.
- ONE is the third most followed TV station, with 24% mentioning ONE as one of the TV stations which they watched on the previous day.



**Figure 1: Most followed TV stations (Monday to Sunday)**

(Respondents were given the possibility of mentioning up to 3 TV stations which they had watched the previous day)



- NET TV is the fourth most followed TV station, with 12% having watched this station on the previous day.

The favourite genre for local TV programmes:

- The news bulletin is the most favourite genre for local TV programmes, with 71% indicating this as one of their favourite genres. This genre was mentioned as one of the favourite genres by more than 2 in 3 of TV viewers aged 31+ years.
- Drama is the second most favourite genre, with 42% indicating this as one of their favourite genres for local TV programmes. This genre is more popular amongst female TV viewers (53%) as opposed to male TV viewers (31%).
- Discussions and current affairs is the third most favourite genre for local TV programmes, with 35% indicating this as one of their preferred genres. This genre is mostly popular amongst TV viewers aged 31+ years.
- Variety is the fourth most favourite genre, with 15% mentioning this as one of their favourite genres for local TV programmes. This genre was mostly mentioned by TV viewers aged 12-20 years, with 1 in 4 (25%) indicating this.

### Radio Listenership

96% of all radio listeners use the radio set for listening to radio programmes. The radio set is the most used radio reception service for listening to radio, with almost all radio listeners using this as a radio reception

service. 5% of all radio listeners make use of DAB+.

The respondents were asked what was the favourite local radio programme. The results were the following:

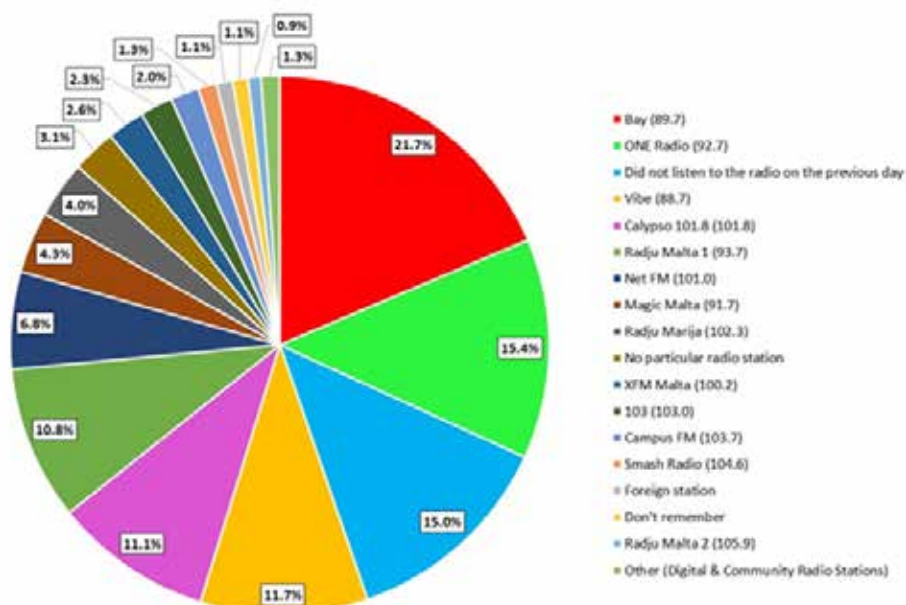
- Bay Breakfast with Daniel & Ylenia* is the most favourite local radio programme, with 20% mentioning it as their preferred local radio programme.
- Bongu Calypso* is the second most favourite local radio programme, with 8% mentioning it as their preferred local radio programme.
- The Morning Vibe with Abel, JD & Martina* is the third most favourite local radio programme. 8% mentioned this programme as their favourite programme.

And the most followed radio stations were:

- Bay* is the most followed radio station, 22% of all 794 radio listeners mentioning it as one of the three radio stations which they had listened to on the previous day. Bay is mostly popular with the younger cohorts, with most of its listeners being radio listeners aged 12-30 years.
- ONE Radio* is the second most followed radio station with an audience of 15%. ONE radio was mentioned by more than 1 in 4 radio listeners aged 61+ years, as one of the radio stations which they had listened to on the previous day.
- Vibe* is the third most followed radio station, with 12% having listened to this radio station on the previous day.

**Figure 2: Most followed Radio Stations (Monday to Sunday)**

(The respondents were given the possibility of mentioning up to 3 radio stations which they had listened to on the previous day)



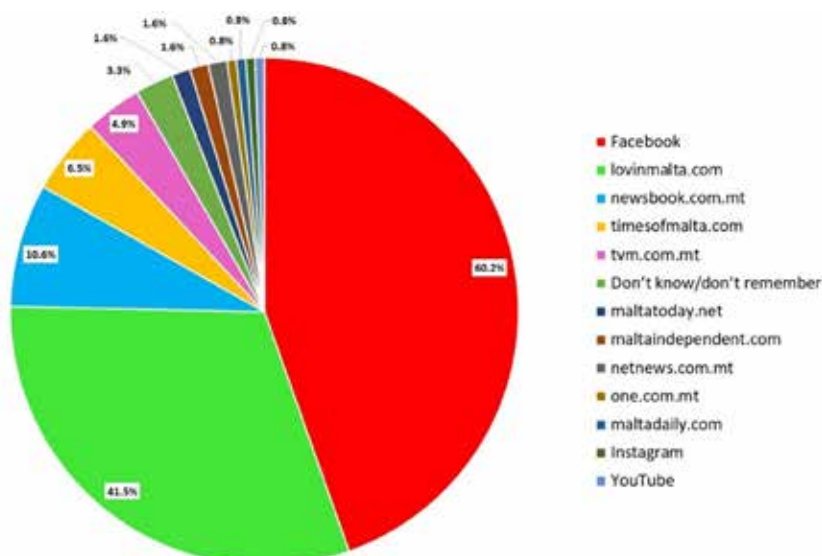
- Calypso 101.8 is the fourth most followed station, with 11% of radio listeners mentioning this radio station as one of the stations to which they had listened on the previous day.

### Online viewership

As for online viewership, 90% do not watch any Maltese programmes that are solely produced for online portals. More than 90% of individuals aged 41+ years indicated this. The remaining 10% (123 respondents) watch Maltese programmes online, with the majority of these being individuals aged 12-40 years.

The most used online portal/s or platform to watch Maltese programmes online are:

- Facebook is the most used online platform by all online viewers for watching Maltese programmes online 60%.
- 42% use lovinmalta.com as one of the online portals for watching Maltese programmes online.
- A further 11% use newsbook.com.mt as an online portal for watching Maltese programmes online.
- Mobile is the most used device by all online viewers for watching their preferred programme online

**Figure 3: Online portal/s or platform/s used for watching Maltese programmes online**

70%, while 17% of all online viewers mostly use the laptop.

**The most preferred programme online was registered to be:**

- *Kaxxaturi* with 11% of online viewers, with all online viewers who mentioned this programme being aged 12-40 years.
- *Xarabank* is the favourite programme of 9% of online viewers.
- *The Lovin Malta* is the favourite programme of 7% of online viewers.

The preferred source for local news is television with 48%, online news portals with 27% mainly amongst the younger cohorts.

Amongst those who prefer local news, their preferred source to obtain local news, among those who prefer TV for following local news, 56% prefer TVM; 21% prefer ONE; and 12% prefer NET TV. And amongst respondents who prefer online news portals for following local news, Times of Malta (56%) and tvn.com.mt (9%) are the most preferred online news portals. Facebook is the third most preferred source.

**Audience survey May 2021**

The audience survey assessed the viewership of TV, radio and online content amongst Maltese residents aged 12+ years. The structured research instrument

which consisted of a structured questionnaire was produced in English and Maltese for ease of use and depending on the respondents' preferences. For the audience survey wave conducted in May 2021, the survey sample was increased to 2,100 completed interviews as opposed to the 1,240 count sample used for previous audience survey waves. The dates of assessment comprised between Sunday 23rd May to Saturday 29th May 2021, both dates inclusive.

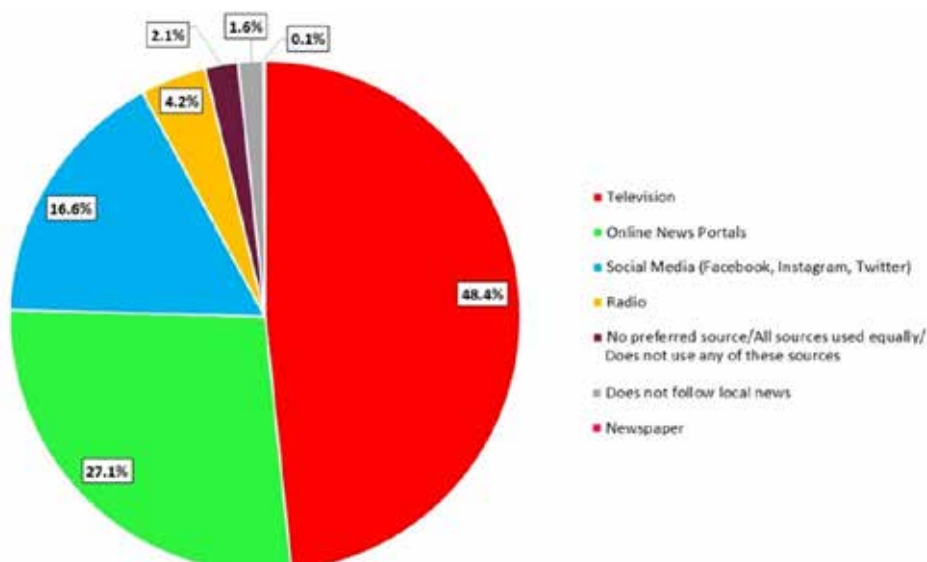
All 2,100 interviews were conducted over the span of one whole week. The interviews assessed respondents' TV viewership and radio listenership of the previous day. A synopsis of the salient research findings emanating from the audience survey conducted in May 2021 are as follows:

- 87% of Maltese residents are **TV viewers**. Of these, 52% watch both local and foreign TV, 25% watch local TV stations only and 10% watch foreign TV stations only.
- 2 in 3 (62%) Maltese residents are **radio listeners**. 1.6% listen to foreign radio stations only. The remaining 38% do not listen to any radio at all.
- 17% of all Maltese residents **watch online Maltese programmes** (solely produced for online portals) on online portals/platforms.

**Television viewership**

As regards the favourite genre for local TV programmes rated as following:

Figure 4: illustrates percentage findings of the preferred source for obtaining local news





- The news bulletin is the most favourite genre for local TV programmes, with 80% of all TV viewers indicating this as one of their favourite genres.
- Drama is the second most favourite genre, with 39% indicating this as one of their favourite genres for local TV programmes. This genre is more popular amongst female TV viewers (52%) as opposed to male TV viewers (24%).
- Discussions and Current Affairs is the third most favourite genre for local TV programmes, with 34% indicating this as one of their preferred genres. This genre is mostly popular amongst TV viewers aged 31+ years.
- Variety and Documentaries both place as the fourth most favourite genre with 15% respectively of all TV viewers indicating them as one of their favourite genres.

The most followed TV stations from Monday to Sunday: out of 1,830 TV viewers interviewed, 18.6% said they did not watch any television on the previous day.

- TVM is the most watched TV station, with half of all TV viewers (50.6%) mentioning TVM as one of the three TV stations they watched on the previous day. TVM is, in fact, the most watched station across all age cohorts and gender.

- Foreign stations (any) are the second most followed, with 42.8% having watched a foreign TV station on the previous day. In fact, foreign stations are the second most followed across all age cohorts and gender.
- ONE is the third most followed TV station, with 1 in 5 TV viewers (21.5%) mentioning ONE as one of the TV stations they watched on the previous day. ONE is mostly followed by the older age cohort TV viewers aged 41+ years.
- NET TV is the fourth most followed TV station, with 14.4% having watched this station on the previous day. NET TV is also mostly followed by the older age cohort TV viewers aged 41+ years.

The most favourite TV programme was the *TVM news bulletin* with 15% of all local TV viewers. *Serataron* is the second favourite TV programme with 9% of local TV viewers, followed by *Liquorish* with 8%.

From the daily TV viewership findings, the population average audience share by weekday and by station was drawn up.

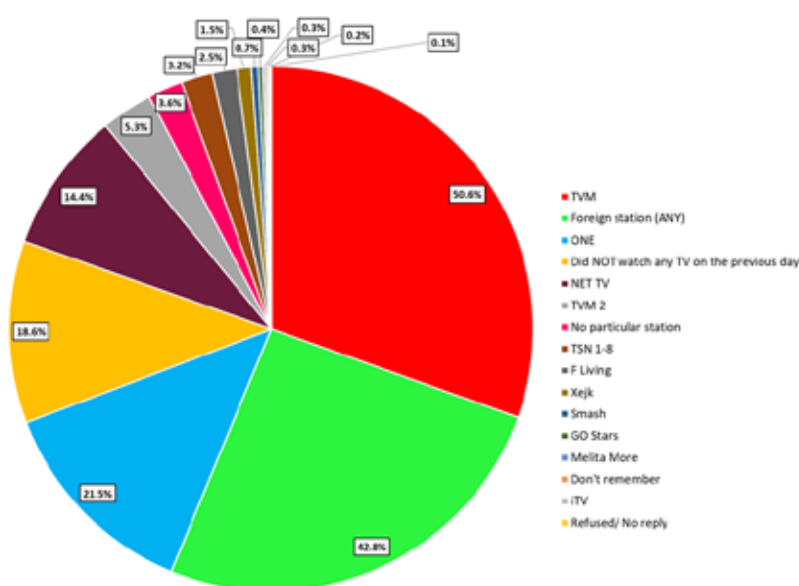
- The highest population daily average audience share was obtained by TVM, attaining a daily average TV viewership ranging between 8,304 to

**Figure 1: illustrates the most followed TV stations during Week 23rd to 29th May 2021.**

'Did not watch any TV on the previous day' refers to TV viewers who did not watch TV on the day of assessment during that particular week.

Note: TV stations not featured in the Figure below have a TV viewership of less than 0.2% between Monday to Sunday.

NOTE I: Respondents were given the possibility of mentioning up to 3 TV stations which they had watched on the previous day. Hence, the percentages depicted in this table do NOT total up to 100%.



15,462, Monday to Sunday. This is equivalent to a percentage average daily TV viewership between 23.5% to 46% (Monday to Sunday).

- ONE and NET TV followed by obtaining a daily average TV viewership ranging between 2,768-8,463 and 1,877-4,900 respectively, Monday to Sunday. As a percentage, ONE's daily average audience share ranged between 8.2% to 18.9% and NET TV's daily share ranged between 5.6% to 11%.

The survey looked as well at the types of TV reception services used for watching TV. It found that 90% of all TV viewers use Paid Subscription as one of the reception services for watching TV. This is the most used reception service for watching TV across all age groups and geographical regions. 11% make use of IPTV as one of the reception services, whilst 6% use the 'Android Box'. 2% use 'free-to-air' as one of the reception services for watching TV.

### Radio Listenership

All radio listeners (excluding radio listeners who did not listen to radio on the dates of assessment) were given the possibility of mentioning up to three radio stations (including foreign stations) they had listened to on the previous day.

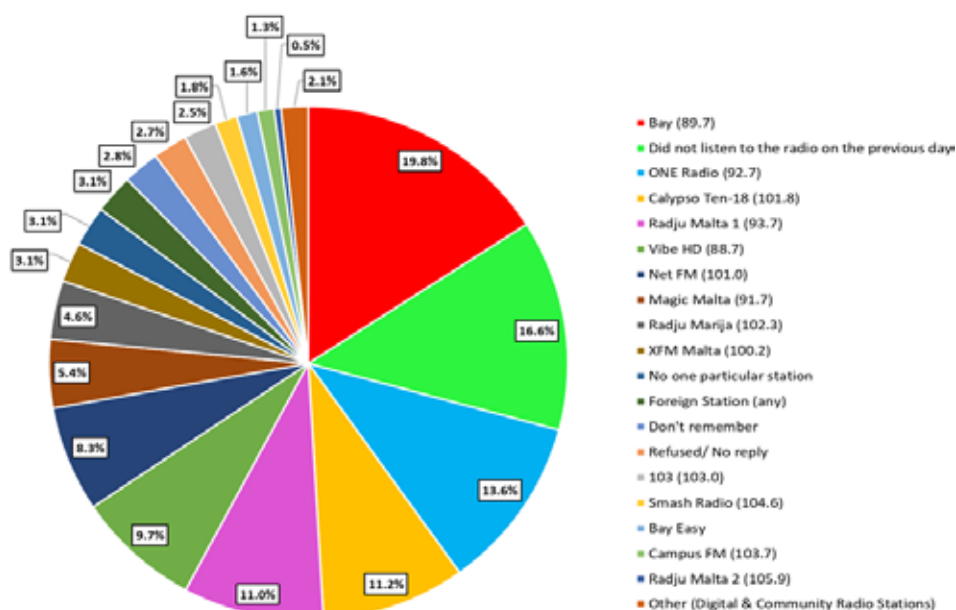
- Bay is the most followed radio station with an audience of 1 in 5 (20%) of all radio listeners. Bay is largely popular with the younger cohorts, with most of its listeners being radio listeners aged 12-30 years.
- ONE Radio is the second most followed radio station with an audience of 14%, more particularly with radio listeners aged 51+ years (22%).
- Calypso 101.8 is the third most followed station, with 11.2% of radio listeners mentioning this radio station as one of the stations they had listened to on the previous day. Most of Calypso's radio listeners are aged 51+ years.
- Radju Malta 1 is the fourth most followed station with 11% of all radio listeners. Most of Radju Malta 1's listeners are aged 51+ years.

All local radio listeners (excluding radio listeners who did not listen to radio on the dates of assessment) were asked to indicate all timebands during which they listened to the three mentioned radio stations (including foreign stations) on the previous day.

Overall, across all radio stations, the three most followed radio timebands from Monday to Sunday are:

Figure 2: illustrates the most followed radio stations during Week 23rd to 29th May 2021.

'Did not listen to the radio on the previous day' refers to radio listeners who did not listen to radio on the day of assessment during that particular week.  
Note: Radio stations not featured in the Figure below have a radio listenership of less than 0.1% between Monday to Sunday..



- 08:00-08:30 (92,720 radio listeners)
- 09:00-09:30 (84,648 radio listeners)
- 08:30-09:00 (84,430 radio listeners).

With regards to the favourite local radio programme the following was found:

- 1 in 4 local radio listeners (23%) do not have a preferred local radio programme. Radio listeners aged 31-50 years are the most radio listeners who do not have a preferred programme.
- *Bay Breakfast with Daniel & Ylenia* is the most favourite local radio programme with 15% of all radio listeners. This radio programme is largely preferred by the younger age cohorts, 12-40 years.
- *Bongu Calypso* is the second most favourite local radio programme, with 7% of all radio listeners. This programme is largely popular amongst radio listeners aged 41+ years.
- *ONE Radio's news bulletin* is the third most favourite local radio programme with 6% of all radio listeners, the majority of these being radio listeners aged 51+ years

From the daily radio listenership findings, the population average audience share by weekday and by station was drawn up. This daily average audience share has been derived by totalling the aggregate daily listenership obtained by each radio station and dividing this by the

number of timeslots. This daily average audience share for each radio station has been presented in figures and percentages, depicted in Tables 3 and 4 below.

The highest population daily average audience shares were obtained by ONE Radio, Calypso Ten-18 and Bay on various weekdays, namely (average daily audience shares in figures and percentages):

- ONE Radio: Monday: 7,381 (21.7%), Tuesday: 6,172 (20.6%), Saturday: 6,713 (29.3%), Sunday: 8,399 (32%)
- Calypso TEN-18: Wednesday: 7,858 (25.4%), Friday: 5,822 (21.2%)
- Bay: Thursday: 5,122 (15.7%).

The survey analysed the type of radio reception and found that:

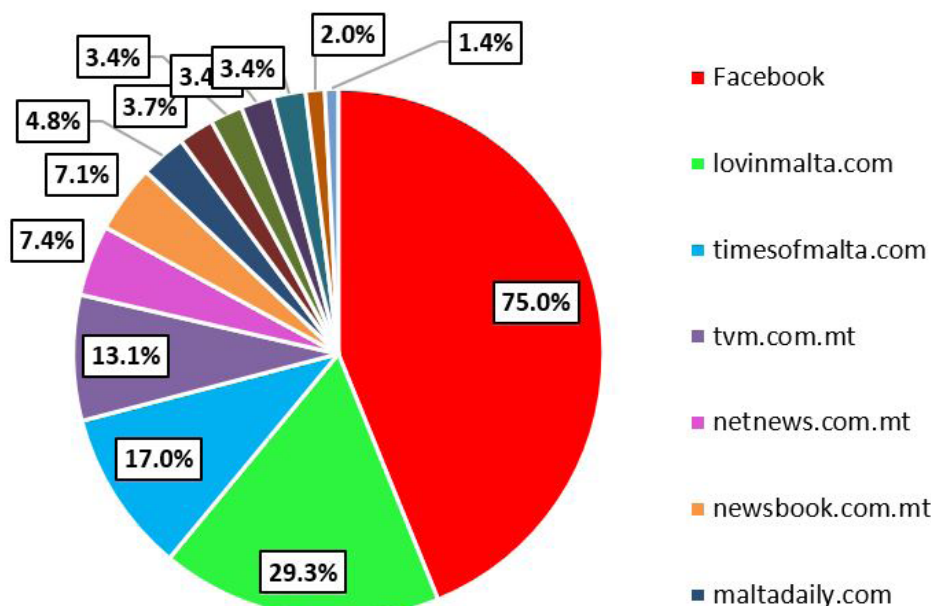
- 90% of all radio listeners use the radio set (at home, office, in car, etc.) as one of the radio reception services for listening to radio. This is the most used radio reception service by radio listeners across all age groups and geographical regions.
- 7% use DAB+ as one of the radio reception services for listening to radio, with this being mostly used by radio listeners aged 21-50 years.

### Online viewership

This year, the audience survey also analysed online viewership.

Figure 3: Online portal/s or platform/s used for watching Maltese programmes online (Multiple-Response Q) (n=352)

NOTE: The %s below refer to the number of respondents and NOT to the number of responses, hence they do not total up to 100%



The term 'online Maltese programmes' refers to Maltese programmes produced solely for online portals, which cannot be watched on traditional TV.

- 83% of all Maltese residents, do not watch any Maltese programmes that are solely produced for online portals. This finding is more evident with individuals aged 31+ years.
- The remaining 17% watch online Maltese programmes. The younger age cohorts (12-30 years) seem more inclined to watch these online Maltese programmes.

The survey found that the online portals or platforms used for watching Maltese programmes online were the following:

- Facebook is the most used platform for watching online Maltese programmes, with 75% of all 352 online viewers mentioning it as one of the online platforms used for watching Maltese programmes online. This finding is evident across all age cohorts.
- 29% use lovinmalta.com as one of the online portals for watching online Maltese programmes. This finding is more evident among the younger age cohorts 12-30 years.
- A further 17% use timesofmalta.com as an online portal for watching online Maltese programmes.

The most used device for watching preferred programme online:

- Mobile is the most used device for online viewers to watch their preferred programme online, with 75% indicating this device as their most used device. Mobile is the most used device across all age cohorts and gender.
- 15% mostly use the laptop for watching their preferred programme online.
- The tablet is the third most used device by online viewers for watching their preferred programme online by 8% of online viewers.

The most preferred programme online:

- 40% of all online viewers do not have a preferred local online programme, while 14% have more than one preferred programme.
- Xarabank is the favourite programme of 10% of online viewers, while Jon Jispjega is the favourite programme of 9% of online viewers.
- The preferred source for local news:
- Television is the preferred source for local news by 40% of all Maltese residents. This source is

particularly popular amongst individuals aged 41+ years.

- 22% prefer online news portals, which is the most preferred source amongst the younger cohorts (12-40 years).
- Social media is preferred by 19%.
- Radio is preferred by 4%.

The preferred source to obtain local news was found to be the following:

**Television** is the most preferred source of local news followers to obtain local news, with 40% of all Maltese residents mentioning television as their preferred source. As a source for local news, television is mostly popular amongst individuals aged 51+ years.

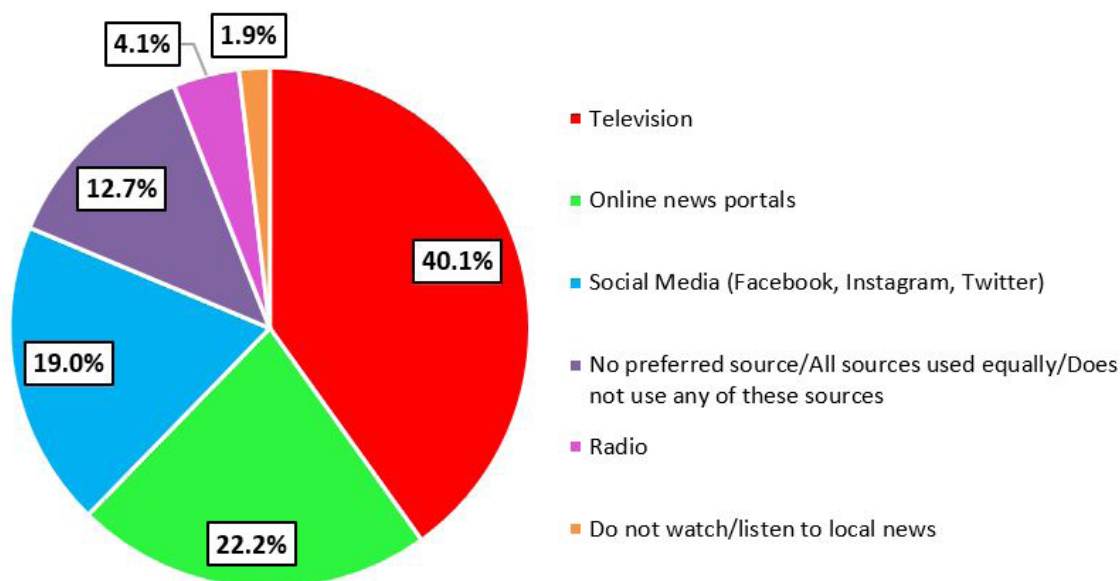
- 1 in 2 mentioned TVM as their preferred local TV station for watching local news. TVM is the most preferred station for local news by individuals across all age groups.
- ONE is the second most preferred local TV station for watching local news, with 22% mentioning this station as their preferred local station for watching local news. ONE is mostly popular with individuals aged 51+ years.
- NET TV is the third most preferred local TV station for watching local news, and this was mentioned by 17% as the preferred local TV station for watching local news. NET TV is also mostly popular with individuals aged 51+ years.

**Online news portals** are the second most preferred source for obtaining local news, with 22% mentioning this as their preferred source for obtaining local news. The younger cohorts, 12-40 years, seem to prefer this source for obtaining local news.

- More than half of all individuals (56%) who prefer local news portals for following local news mentioned timesofmalta.com as their preferred local news portal, making it the most preferred local news portal for following local news. This was the most preferred local news portal across all age groups.
- Following, tvn.com.mt is the second most preferred local news portal for following local news, with 8% mentioning this as their preferred local news portal.

**Social Media** is the third most preferred source for obtaining local news and was mentioned by 1 in 5 (19%). Facebook is also most popular with individuals aged 12-40 years.

Figure 4: Preferred Source for Local News



**Radio** is the fourth most preferred source for local news by 4% of all Maltese residents. 29% of individuals whose preferred source for obtaining local news is 'Radio', mentioned ONE Radio as their most preferred local radio station.

- 16% mentioned NET FM as their most preferred local radio to obtaining local news.
- Radju Malta 1 is most preferred by 15%.

#### Audience survey November 2021

The Broadcasting Authority conducted another audience survey in November 2021. The dates of assessment were Sunday 31st October to November 6th, both days inclusive. Again, the survey was conducted by M. Fsadni & Associates. For the November survey, the sample comprised of 2,100 completed interviews, i.e. 300 interviews per day were conducted over 7 consecutive days.

The salient research findings were the following:

- **91% of Maltese residents are TV viewers.** Of these, 53% watch both local and foreign TV, 25% watch local TV stations only, and 13% watch foreign TV stations only.
- **1 in 2 Maltese residents are radio listeners (54%).** This finding was observed across all age cohorts.
- 15% of Maltese residents watch online Maltese programmes, hailing mainly from the younger age cohorts (12-30 years).

#### TV Viewership

The favourite genres for local TV programmes were:

- The **News Bulletin**, which was the most favourite genre for local TV programmes, with 70.6% of all TV viewers. This was mentioned as one of the favourite genres by more than 2 in 3 of TV viewers aged 21+ years.
- **Drama** was the second most favourite genre, with 43.7% indicating this as one of their favourite genres for local TV programmes. This genre is more popular amongst female TV viewers (60%) as opposed to male TV viewers (28%).
- **Discussions and Current affairs** is the third most favourite genre for local TV programmes, with 30% indicating this as one of their preferred genres.

As in previous surveys the TV viewers were given the possibility to mention up to three TV stations they watched on the previous day.

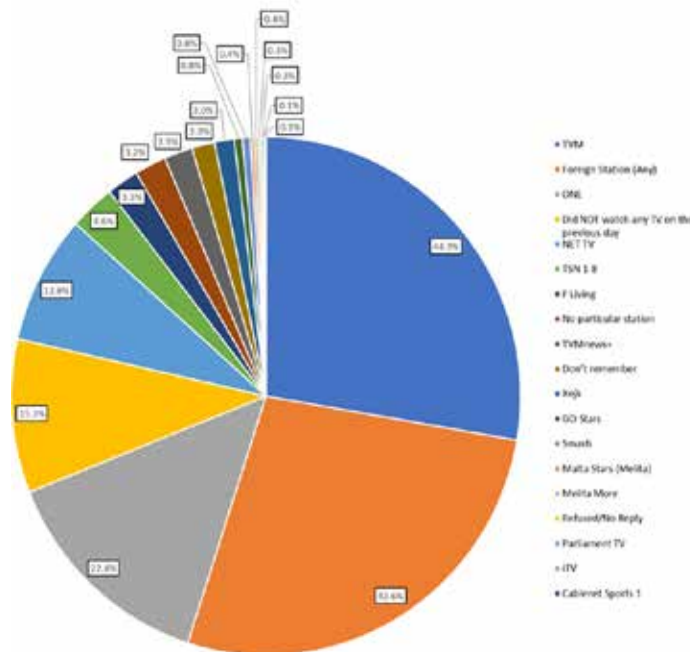
- TVM is the most watched TV station, with 44.3% of all TV viewers, mentioning TVM as one of the three TV stations they watched on the previous day. TVM is, in fact, the most watched local station across all age cohorts and gender.
- Foreign stations (any) are the second most followed, with 43.6% having watched a foreign TV station on the previous day.

**Figure 1: illustrates the most followed TV stations during Week 31st October to 6th November 2021**

'Did not watch any TV on the previous day' refers to TV viewers who did not watch TV on the day of assessment during that particular week.

Note 1: TV stations not featured in the Figure above have a TV viewership of less than 0.1% between Monday to Sunday.

NOTE 2: Respondents were given the possibility to mention up to 3 TV Stations which they had watched on the previous day. Hence, the percentages depicted in this table do NOT total up to 100%.



- ONE is the third most followed TV station, with just over 1 in 5 TV viewers (22.4%) mentioning ONE as one of the TV stations they watched on the previous day. ONE is mostly followed by the older age cohort TV viewers aged 51+ years.
- NET TV is the fourth most followed TV station, with 12.8% having watched this station on the previous day. NET TV is also mostly followed by the older age cohort TV viewers aged 41+ years.

According to the November 2021 audience survey the most favourite local TV programmes were as follows:

- TVM's news bulletin is the most favourite local TV programme of 9.3% of all local TV viewers. Worthy of mention is that the TVM news bulletin was largely watched on station TVM and not on TVMNews+.
- *Nostalgija* and *XFactor* are the second most favourite TV programmes, with 7.3% of all local TV viewers.

From the daily TV viewership findings, **the population average audience share by weekday and by station was drawn up**. This daily average audience share has been derived by totalling the aggregate daily viewership obtained by each TV station and dividing this by the number of timeslots. This daily average audience share

for each TV station has been presented in figures and percentages, depicted in **Tables 1 and 2** below.

- Except for Friday, the highest population daily average audience share was obtained by **TVM**. This is equivalent to a percentage average daily TV viewership between 29% and 31.7%. On Friday, the highest population daily average audience share of 32.4% was obtained by **ONE**.
- The second highest population daily average audience share was obtained by **ONE** (except for Friday), ranging between 7.6% and 16.3%; though on Sunday, the **TSN1-8 stations** ranked second with an average audience share of 12.6%.
- **NET TV** ranked third with a population daily average audience share of 4.8%-9.3%.

The types of TV reception services used for watching TV

- 86.1% of all 1904 TV viewers, use 'Paid Subscription' as one of the reception services for watching TV. This is the most used reception service for watching TV across all age groups.
- 12.5% make use of 'IPTV' as one of the reception services, whilst 8% use the 'Android Box'.
- 0.8% use 'free-to-air' as one of the reception services for watching TV.



## Radio Listenership

All radio listeners (excluding radio listeners who did not listen to radio on the dates of assessment) were given the possibility to mention up to three radio stations they had listened to on the previous day. 17.2% of radio listeners indicated that they did not listen to radio on the previous day.

- Bay is the most followed radio station, with an audience of 17.7% of all radio listeners. Bay is largely popular with the younger cohorts, with most of its listeners being radio listeners aged 12 – 30 years.
- ONE Radio is the second most followed radio station with an audience of 15.6%, more particularly with radio listeners aged 51+ years (22%).
- Calypso Radio 101.8FM is the third most followed station, with 12.5% of radio listeners. Most of Calypso's radio listeners are also aged 51+ years.

All local radio listeners (excluding radio listeners who did not listen to radio on the dates of assessment) were asked to indicate all time bands during which they listened to the three mentioned radio stations (including foreign stations) on the previous day.

Overall, across all radio stations, the three most followed radio time bands from Monday to Sunday are:

- 09:00 – 09:30 (87,466 radio listeners)
- 09:30 – 10:00 (80,428 radio listeners)
- 10:00 – 10:30 (80,428 radio listeners)

Respondents were also asked for their favourite local radio programme and the following results were found:

- *Bay Breakfast with Daniel & Ylenia* is the most favourite local radio programme, with 17.5% mentioning it as their preferred local radio programme. This radio programme is largely preferred by the younger age cohorts, 12-40 years.
- *The Morning Vibe with Abel, JD & Martina* and *Bongu Calypso* are the second most favourite local radio programmes, each with 7% of preferences. The former is listened to by the younger age cohorts (under 40s) and the latter is popular with the older age cohorts (41+ years).

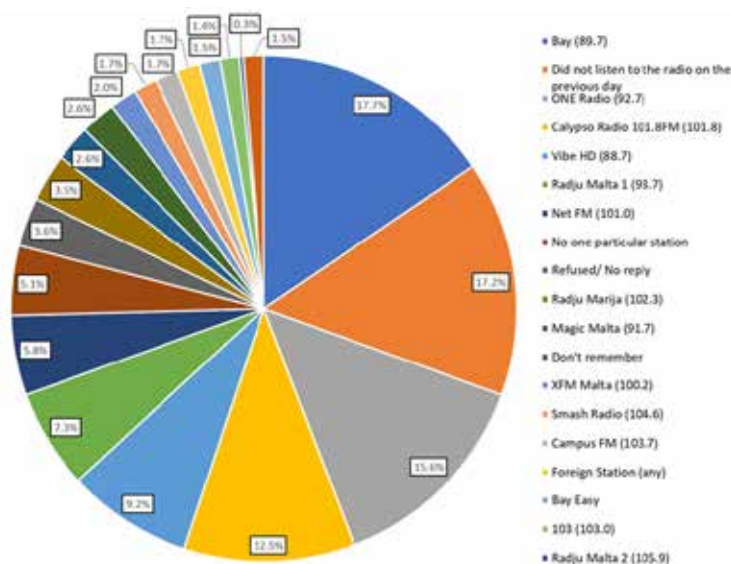
The types of radio reception services used for listening to radio were the following:

- 93.6% of all radio listeners use the radio set (at home, office, in car, etc) as one of the radio reception services for listening to radio. This is the most used radio reception service by radio listeners across all age groups.
- 6.1% use DAB+ as one of the radio reception services for listening to radio, with this being mostly used by radio listeners aged 21 to 50 years.

**Figure 2: illustrates the most followed radio stations during Week 31st October to 6th November 2021**

'Did not listen to the radio on the previous day' refers to radio listeners who did not listen to radio on the day of assessment during that particular week.

NOTE: Respondents were given the possibility to mention up to 3 Radio Stations which they had listened to on the previous day. Hence, the percentages depicted in this table do NOT total up to 100%.



### Online Viewership

November 2021 audience survey found that:

- 85% of all Maltese residents, do not watch any Maltese programmes that are solely produced for online portals. This finding is more evident with individuals aged 31+ years.
- The remaining 15% watch online Maltese programmes. The younger age cohorts (12 to 30 years), seem more inclined to watch these online Maltese programmes than the older cohorts.
- The online portals or platforms used for watching Maltese programmes online:
- Facebook is the most used platform for watching online Maltese programmes, with 80% of all online viewers mentioning it as one of the online platforms used for watching Maltese programmes online. This finding is evident across all age cohorts.
- 22% use lovinmalta.com as one of the online portals for watching online Maltese programmes.
- A further 14% and 11% use YouTube and timesofmalta.com respectively as online portals for watching online Maltese programmes.

And the most used device for watching preferred programme online:

- The mobile is the most used device for online viewers to watch their preferred programme online, with 82% indicating this device as their most used device. Mobile is the most used device across all age cohorts and gender.

- Following, 11% mostly use the laptop for watching their preferred programme online.
- The tablet is the third most used device by online viewers for watching their preferred programme online (5%).
- The most preferred programme online
- 35% of all online viewers do not have a preferred local online programme, while 19% have more than one preferred programme.
- Jon Jispjega is the most favourite programme of 15% of online viewers, whilst Xarabank is the second favourite programme with 11% of online viewers.

As for the preferred source for local news:

- Television is the preferred source for local news by 43% of all Maltese residents. This source is particularly popular amongst individuals aged 41+ years.
- Social media is preferred by 21.4%. Social media users are largely the younger cohorts aged up to 40 years.
- 1 in 5 (20.3%) prefer online news portals, which is also a preferred source amongst the younger cohorts (12 to 40 years).
- Radio is preferred by 6%.

The most preferred source to obtain local news is television with 43% of all Maltese residents mentioning television as their preferred source. As a source for local

**Figure 3: Q19 – Online portal/s or platform/s used for watching Maltese programmes online (Multiple-Response Q) (n=318)**

NOTE: The %s below refer to the number of respondents and NOT to the number of responses, hence, they do not total up to 100%

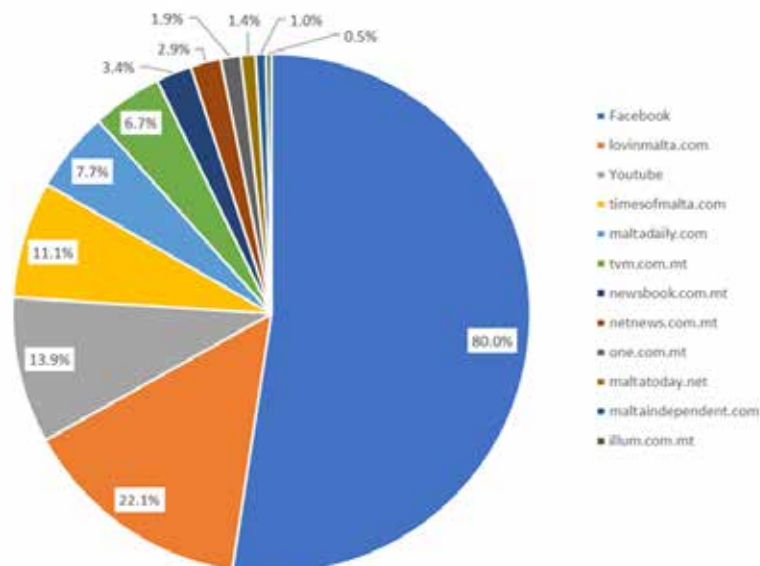
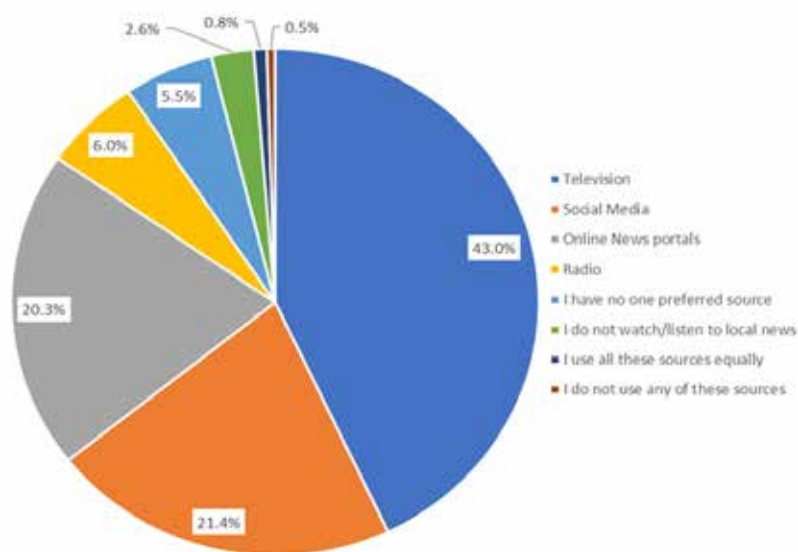


Figure 4: Preferred Source for Local News



news, television is mostly popular amongst individuals aged 51+ years.

38.6% of all those whose preferred source for obtaining local news is 'Television,' mentioned TVM as their most preferred local TV station for watching local news.

TVM is the most preferred station for local news by individuals across all age groups.

- ONE is the second most preferred local TV station for watching local news, with 28% mentioning this station as their preferred local station for watching local news. ONE is mostly popular with TV viewers aged 31+ years.
- NET TV is the third most preferred local TV station for watching local news, and this was mentioned by 12.7% as the preferred local TV station for watching local news. NET TV is also mostly popular with individuals aged 41+ years.

Online news portals are the third most preferred source for obtaining local news, with also 1 in 4 (20.3%) mentioning this as their preferred source for obtaining local news. The younger cohorts, aged 12 to 40 years, also seem to prefer this source for obtaining local news.

- Just over half of all individuals (53%) who prefer local news portals for following local news

mentioned timesomalta.com as their preferred local news portal, making it the most preferred local news portal for following local news. This was the most preferred local news portal across all age groups.

- Following, tvn.com.mt is the second most preferred local news portal for following local news, with 10.2% mentioning this as their preferred local news portal.

Radio is the fourth most preferred source for local news by 6% of all Maltese residents.

- 19.5% of individuals whose preferred source for obtaining local news is 'Radio,' mentioned ONE Radio as their most preferred local radio station.
- 17.1% mentioned Calypso Radio 101.8FM as their most preferred local radio to obtaining local news.
- Radju Malta 1 is most preferred by 15.9% and Net FM is preferred by 13.4%.

#### Concluding remark regarding audience surveys

The above audience surveys give a snapshot of the trends in viewership and listenership and how the audience follow broadcasting content via linear services and online.

## 12

## REACH OUT EVENTS

INFORMATION SESSION ON PROVISIONS REGARDING COMMERCIAL COMMUNICATIONS BROUGHT FORWARD BY THE AUDIOVISUAL MEDIA SERVICES DIRECTIVE (AVMS) AND THE LAUNCH OF GENDER REPRESENTATION GUIDELINES FOR DISCUSSION PROGRAMMES – OCTOBER 6TH 2021

Following the transposition of the Audiovisual Media Services Directive in 2020, and after the publication of guidelines which the Broadcasting Authority embarked on to clarify and better explain the interpretation of a number of provisions brought about by the new law, in 2021 the Broadcasting Authority organized a reach out for the media industry to continue with a clarification process particularly regarding the commercial provisions brought about by the Audiovisual Media Services Directive. Since the provisions regulating the commercial communications were much more known within the broadcasting industry, on October 6th, the Broadcasting Authority organized a one day seminar for media stakeholders.



During this conference the media services and the production houses were invited to have their queries answered and to get to know the interpretation of the new provisions to be in a much better position to adhere to the said provisions.

In the said conference, the Head of the Monitoring Department, Mr Randolph Micallef, gave an overview of the changes to the Broadcasting Act regulating the commercial aspect of audiovisual media services resulting from the transposition of the revised Audiovisual Media Services Directive. These changes led to an increased flexibility in the application of quantitative advertising and sponsorship, broadened the inclusion of product

placement to a wider array of programmes genres, and consolidated further the general interest obligations in the area of audiovisual commercial communications.

In practical terms, the increased flexibility in the application of the quantitative provisions meant that the traditional 20% advertising per clock hour formula has been replaced by 20% quanta calculated over 3 daily periods (from 06:00 to 18:00, from 18:00 to 00:00 and from 00:00 to 06:00). In terms of product placement (which was definitely the most significant change brought about by the revision of the Audiovisual Media Services Directive and the consequent transposition), the change meant that the inclusion thereof in audiovisual media services became permissible not only by way of derogation but effectively in all programmes, bar a number of exceptions, namely news and current affairs, religious programmes and services, consumer affairs programmes and children's programmes. From a general interest obligations point of view, the revision of the Directive resulted in an improved protection for the general public (particularly minors) from advertising which could potentially lead to a wide array of physical and potentially moral harm. With this in mind, the new provisions extend the prohibition of tobacco-based products to electronic cigarettes and refills, and also prohibit the advertising of HFSS (High in Fat, Sugar and Sodium) products around children's programmes.







During the same conference, the Broadcasting Authority launched the document 'Gender Representation Guidelines for Discussion Programmes' to media stakeholders. One of the programme monitors who was also a member of the Gender Representation Guidelines Committee, Mr Adriell Vella, gave an overview of an in-house study, originally presented in September 2020, which showed a significant disproportion between male and female representation in local TV programmes. It was explained that these results triggered the Broadcasting Authority to discuss and work together with NCPE representatives in order to create and publish a new set of guidelines that focus on gender representation and portrayal during discussion programmes. This presentation also included an overview of the main points and ideas that these guidelines entail, as a practical aid for media stakeholders in order to achieve gender equality in local discussion programmes.

It was also illustrated how these guidelines, which also aim to give definitions to key words, are of practical assistance to local stations and producers to reach a balanced gender representation in the programme format (including the hosts, the language used, the guests selected and the discussion setting) as well as during the whole production process (from a pre-production stage to

evaluation and post-mortem). Furthermore, the presented guidelines also take into account the media service provider management structure as a means to promote better gender representation.

The point was made that these guidelines aim to raise awareness to promote a balanced picture in local media. They also aim to raise awareness in the use of gender-related terminology, in better exposure and portrayal of men and women, while encouraging a wider participation by women in talks and discussions, and instigating a culture change towards a gender-balanced society, thus aiming to show that women can also contribute to a wide variety of subjects and topics.



### **Information session regarding the proposed changes to Subsidiary Legislation 350.10 – Code on the Correct Use of the Maltese Language on the Broadcasting Media**

On December 1st, the Broadcasting Authority, together with il-Kunsill Nazzjonali tal-Ilsien Malti, held a meeting with the broadcasting media to inform them of the changes being proposed to Subsidiary Legislation 350.10. The Broadcasting Authority and the Kunsill Nazzjonali tal-Ilsien Malti had been discussing changes to this legislation in order to improve the quality of Maltese programming in broadcasting. The programme monitors within the Monitoring Department were physically present for the meeting, while the broadcasting media stakeholders attended the meeting online.

The scope of the legislation is to safeguard and promote the correct use of the Maltese language in programmes, announcements, advertisements and promotion of programmes broadcast by audiovisual media services and radio. The main objectives are to ensure that the Maltese language, both spoken and written, is used correctly in programmes (by presenters and guests), in announcements, advertisements and promotion of programmes. Furthermore, where any text (graphics) in Maltese is used, it is written correctly, using Maltese fonts, as well as being in line with the official rules of Maltese orthography.

During the information meeting it was explained that the regulations will repeal and replace Subsidiary Legislation 350.10 to be in line with the recently transposed Audiovisual Media Services Directive and to better reflect the recent changes introduced, which give a broader sense to the term “audiovisual”. The legislation aims at ensuring that presenters and guests in all programmes, and in particular resident guests, use good Maltese, and ensuring also that where any text (graphics) in Maltese is used it is written correctly, using Maltese fonts and is in line with the official rules of Maltese orthography.

The provisions found in S.L. 350.10 established a hefty fine. The proposed Regulations establish less hefty fines, with the intention of placing more responsibility on audiovisual media service and radio providers to ensure the correct use of the Maltese language in the programmes they broadcast.

Emphasis is made both on written and spoken Maltese and, with respect to the spoken language, the legislation refers to the unnecessary use of words and expressions from other languages especially if their equivalent exists in Maltese. The legislation binds general interest objective stations to provide a Maltese version (summary, subtitles or voice-over) of what, for valid reasons, is broadcast in

another language, including in English, even when there are guests who are not Maltese-speaking.

During the meeting, the majority of stakeholders were in agreement with such changes, however, there were some concerns regarding the subtitles, summaries or voice-overs to be included in content which was broadcast in English. Those who raised such concerns argued that while they agreed that any interviews or other similar participation conducted in a foreign language should be subtitled, this should not be the case where the content broadcast was in English.





# 13

## 60<sup>TH</sup> ANNIVERSARY OF THE BROADCASTING AUTHORITY IN PICTURES

























# APPENDIX 1

## SEMINAR DWAR L-ILSIEN MALTI – 20 TA' FRAR 2021 L-UŻU TAJJEB TAL-ILSIEN MALTI FIX-XANDIR

Insellmilkom u nsellem lil kull min qiegħed preżenti u min qed isegwi virtwalment. L-ewwel nett nifrah lill-organizzaturi ta' dan is-seminar propju għaliex dan is-seminar wera u tana cans nieqfu u nirriflettu dwar element importanti fix-xandir. Filwaqt li x-xandir għandu ingredjenti speċifiċi li jsawruh, għandu l-aspett estetiku fost l-oħrajn, imma għandu wkoll l-aspett komunikattiv li parti minnu tiġi mill-użu tal-lingwa. L-użu tajjeb tal-lingwa jidhrol f'diversi aspetti tax-xandir. Għandek il-lingwa mitkellma / mithaddta u għandek il-lingwa miktuba, u dan mhux biss għaliex ix-xandir isir permezz ta' pjattaformi differenti imma wkoll għaliex il-kitba tiddependi minn x'tipi ta' programmi nkunu qed nitkellmu dwarhom. Pereżempju, il-kitba ġurnalistika hija differenti mill-kitba tad-drama. Il-metodi tal-kitba u l-użu tal-lingwa jvarjaw skont il-ġeneru tal-programm. Ovvjament, anke l-pjattaforma nnifisha tagħmel differenza; l-użu tal-lingwa fuq pjattaforma waħda, bħal pereżempju fix-xandir televiżiv, ser ikun differenti mill-użu tal-lingwa fuq il-pjattaforma diġitali-online.

Filwaqt li l-Awtorità tifhem l-importanza li persuna jkollha l-abbiltajiet fil-metodi tal-midja, kemm dawk imxandra kif ukoll dawk mitkellma u miktuba, tħoss ukoll, u bl-istess importanza, li kull min jagħti sehmu fix-xandir irid ikollu l-għodda. U b'għodda qed nifhem il-lingwa Maltija illi fil-mument li jkun hemm produzzjoni bil-lingwa Maltija allura l-għodda trid tintuża u tithaddem b'mod tajjeb. Għalhekk nażżarda ngħid li x-xandar ma għandux jara biss l-abbiltajiet tekniċi li jirrigwardaw il-midja imma wkoll il-kwalifiki tal-lingwa. Minkejja dan, nifhem id-diffikultajiet li kull stazzjon iħabbat wiċċu magħhom minhabba sfidi ta' kontenut ta' kwalità, minhabba li wieħed irid jagħti trasmissjoni sħiħa – sfida li l-midja tiffaċċja minhabba kompetizzjoni minn pjattaformi oħra li wkoll għandhom l-interess li jwasslu l-messaġġ u li għalhekk hemm kompetizzjoni kbira. Imma l-Awtorità minn żmien għal żmien tagħmel taħriġ li jmur lil hinn mit-taħriġ bażiku, taħriġ aktar iffukat, pereżempju taħriġ fid-dizzjoni u taħriġ fil-kitba u l-pronunzja.

L-Awtorità b'dispaċir u b'diżappunt tosserva u tinnota li matul iż-żmien l-attenzenza tax-xandara hija fqira, kważi negligibbli, meta jkun hemm kors b'xejn għax-xandara; spiss ikun hemm biss 10 min-nies – qed ngħidu inqas wieħed

minn kull stazzjon. U dan huwa ta' tħassib għall-Awtorità għaliex allura tistaqsi: Kemm għandhom għal qalbhom l-użu tal-ilsien Malti? Kemm għandhom għal qalbhom il-kwalità fix-xandir? Jewwilla jaħsbu li l-użu tajjeb tal-ilsien Malti mhuwiex ukoll ingredjent li jtejjeb il-kwalità fix-xandir? Fil-fatt dan il-kors li għadni kif semmejt, li ovvjament għamilnieh mal-Kunsill Nazzjonali tal-Ilsien Malti, ittratta s-sengħa tal-kitba, it-traduzzjoni u l-għażla tal-kelma, il-pronunzja u d-dizzjoni u r-riżorsi tal-Malti. Nittamaw li għal din is-sena dan il-kors jew kors ieħor simili jkun ippjanat u jkollna attenzenza ferm aħjar. Korsijiet bħal dawn huma marbuta ma' ċertifikat, u dan għandu jkun forma ta' għarfien biex l-istazzjon li x-xandar qed jaħdem miegħu jkun qed jagħrfu wkoll bħala persuna oħra ta' referenza fl-użu tal-ilsien Malti.

Sikwit nitkellmu fuq il-kwalità fix-xandir, u moħħna jmur fuq elementi bħal riċerka li jagħmel il-ġurnalist, il-mistoqsijiet li jistaqsi, l-użu tad-dwal, il-mod kif tintuża l-kamera, il-mużika li tintuża. Dawn kollha jagħmlu parti mill-kwalità. Izda f'rapport li l-Awtorità tax-Xandir harget fl-2019, wieħed mill-punti fil-fatt kien l-enfasi fuq il-ħtieġa li l-ilsien Malti fix-xandir jintuża tajjeb. Fil-fatt issemma' pereżempju l-użu hażin tal-lingwa f'xi programmi ta' magazin. Il-kumitat li ħadem fuq dan ir-rapport kien sab, pereżempju, kliem bħal "erba' tfal" jew "nisjiet". Ġew innotati wkoll captions b'taħlita ta' Malti u Ingliż. Gie rrimarkat ukoll li f'xi programmi ma jintużawx fonts Maltin. Huwa għalhekk li l-Awtorità minn żmien għal żmien tħoss il-bżonn li tagġorna lix-xandara anke b'deċiżjonijiet li jkunu saru dwar il-lingwa, u dan dejjem bi sħab mal-Kunsill Nazzjonali tal-Ilsien Malti. Fil-fatt saru xi seminars għax-xandara dwar deċiżjonijiet fuq traduzzjoni ta' kliem mill-Ingliż għall-Malti, liema seminar aġġorna lix-xandara preżenti bl-aħħar deċiżjonijiet li kien hemm fil-lingwa.

Ovvjament ma rridx inkun negattiva biss. Din is-sena b'sodisfazzjon nista' ngħid li l-Awtorità sponsorjat sitt xandara li kienu interessati jattendu l-kors ta' Ċertifikat fil-Qari tal-Provi u li jwassal għal Ċertifikat Universitarju fil-Qari tal-Provi bil-Malti u għax-Xhieda ta' Għarfien mill-Kunsill tal-Malti. Fejn fi snin oħra l-Awtorità kienet tissussidja tliet partecipanti / xandara li jiddeċiedu li jirregistraw għal dan il-kors, din is-sena ħsibna li nżidu l-ammont u fil-fatt is-sitta li applikaw kollha ngħataw dan is-sussidju. Hu ta' sodisfazzjon li dawn is-sitta

gejġin minn stazzjonijiet u djar tal-produzzjoni differenti u allura se nkunu qed nilhqu firxa wiesgħa fix-xandir u anke fil-ġeneri differenti. Ovvjament sta għal min ikun qed iħaddimhom sabiex jisfrutta dan it-tagħlim li jkunu kisbu matul is-sena fit-tħaddim u l-kitba tal-Malti. Għalhekk huwa tajjeb li kull stazzjon jew dar tal-produzzjoni jkollha persuna ta' referenza biex ix-xandara li jsibu xi diffikultà fil-ġurnata tax-xogħol jew waqt produzzjoni partikolari jkollhom kuntatt fuq min iduru.

Fil-fehma tiegħi huwa importanti wkoll li kull stazzjon, aktar u aktar minhabba li issa l-istazzjonijiet qed jibbażaw fuq djar tal-produzzjoni li jaħdmu 'l barra mill-operat tal-istazzjon stess, għandhom jaraw li fil-ftehim li jsir ma' dar tal-produzzjoni jaraw li fl-operat tagħhom ikun hemm persuna kkwalifikata fil-ilsien Malti biex kull dar ta' produzzjoni jkollha punt ta' riferiment. Dan huwa essenzjali biex ix-xogħol li jgħaddi għand l-istazzjon ikun diġà maħdum tajjeb mil-lat tal-użu tal-Malti.

Waqt il-monitoraġġ tagħha l-Awtorità tiltaqa' ma' bosta żbalji fil-grafika tal-programmi u ġieli anke f'reklami. Dan isir minkejja li hafna drabi l-grafika tkun ippreparata minn qabel u għalhekk nifhemu li tkun aktar faċli biex wieħed jiċċekkja u jirranġa l-iżbalji hafna drabi ortografiċi. Sfortunatament, hafna drabi dawn l-iżbalji jidhru waqt programmi pjuttost popolari jew ta' prime time, u mill-ġdid hemm dik il-biża' li l-midja tagħti eżempju ħażin lit-tele spettatur, semmiegħ jew utent ta' dak is-servizz awdjoviziv. U hawnhekk terġa' tidhol l-importanza li jsir iċċekkjar mill-istazzjon bl-għajnuna ta' persuna kkwalifikata fl-użu tal-ilsien Malti. F'każijiet fejn programmi jeħtieġ li jkunu aċċessibbli, u allura jkollhom bżonn ta' sottotitoli, f'ċirkostanzi bħal dawn se tkompli tiżdied il-ħtieġa li l-ilsien Malti jkun miktub sew. Din it-teknika qed tintuża wkoll xi drabi l-aktar fid-drama fejn l-atturi jkunu qed jikkellmu b'lingwa barranija. Iżda importanti li dawn is-sottotitoli jkunu miktuba b'Malti tajjeb u b'font Maltin inkella minflok servizz inkunu qed nagħtu disservizz lit-tele spettatur.

Il-kontribut fil-litteriżmu tal-midja għandu jkollu wkoll element ta' taħriġ għax-xandara u l-ġurnalisti b'enfasi partikolari fuq l-użu tal-ilsien Malti. Dan il-bżonn issemma' wkoll mill-Eċċellenza tiegħu l-President ta' Malta, Dr George Vella, f'diskors li għamel is-sena l-oħra fl-okkażjoni tad-59 anniversarju mit-twaqqif tal-Awtorità tax-Xandir. Filwaqt li sostna fuq il-ħtieġa li jinżamm u jithares l-ilsien Malti, għaliex huwa element li jagħtina l-identità, qal – u dan fi kliemu stess – li “qegħdin narawh imur il-baħar” minhabba li b'kapriċċ qed jintuża kliem ieħor li ġej minn lingwi oħra, pereżempju mit-Taljan. U żgur li taqblu miegħu u li tgħidu li għandu raġun meta pereżempju hafna xandara jużaw il-kelma “xelta” minflok il-kelma “għażla”. Fil-fatt niftakar tajjeb li l-Eċċellenza tiegħu kien irrefera għall-kelma

“timpatta” meta wieħed jista' juża “tolqot” jew “ikollha l-effett”. Ix-xandara għandhom jagħrfu r-responsabbiltà li huma l-eżempju, anzi l-mudell li t-tele spettaturi u s-semmiegħa jħarsu lejhom b'ammirazzjoni. Għaldaqstant il-kelma li tibqa' tiġi ripetuta fil-mezzi tax-xandir, anke jekk imħaddma b'mod ħażin, tibda tindara sakemm tibda tintuża, anke jekk mhux neċessarjament tkun il-kelma t-tajba. Insomma, tafu daqsi kliem bħal “jiffraja” u “jipplejtja”, kliem li faċilment għandna kliem Malti għalih. F'kuntesti bħal dawn, is-sitwazzjoni tiġi aktar kumplessa għaliex nafu li hemm irkejjen fix-xandir li ma jkunux qed isiru minn xandara u preżentaturi imma minn nies ġejġin minn industria oħra, bħal pereżempju l-industria tat-turiżmu jew sidien ta' ħwienet. Imma xorta waħda l-obbligu huwa fuq ix-xandar li qed jagħtih spazju fuq il-pjattaforma tiegħu u għaldaqstant hemmhekk ikun hemm bżonn ta' attenzjoni aktar partikolari u speċifika biex dan il-lingwaġġ ma jintużax. Filwaqt li wieħed ikollu kontroll aktar fuq il-lingwa miktuba, għaliex persuni mħarrġa fil-qari tal-provi jkunu jistgħu jagħtu kontribut siewi hemmhekk, f'każ ta' lingwa mithaddta minn terzi li mhumiex preżentaturi l-isfida tiġi akbar. Żgur, imma, li għalhekk ikun jeħtieġ ta' aktar preparazzjoni qabel jixxandar il-programm mill-produttur tal-programm biex dan il-kliem jiġi evitat waqt li tkun għaddeja x-xandira.

Ir-radju wkoll għandu bżonn l-attenzjoni tiegħu fir-rigward tal-użu tal-ilsien Malti. Għalkemm għandu sfida inqas, minhabba li jrid jiffoka biss fuq il-lingwa mithaddta, waħda mill-akbar sfidi li għandu hija t-taħlit taż-żewġ lingwi, hafna drabi l-Ingliš u l-Malti, u dan qed isir fi programmi popolari. Ovvjament, dan qed iwassal messaġġ lis-semmiegħa, li hafna drabi huma semmiegħa żgħażaġh, u dan it-tip ta' cocktail ta' Malti u Ingliš qiegħed jagħti l-impressjoni li huwa n-norma jew li huwa aktar moda. L-Awtorità tittama li l-produtturi ta' dawn il-programmi jaraw li din ma għandhiex tkun it-triq 'il quddiem għal dawn il-programmi, anzi għandhom jagħrfu mezz oħra ta' kif programm jattira semmiegħa żgħażaġh u godda. Dan biex ma nsemmux li diski bil-Malti tgħoddhom fuq id waħda hafna drabi fil-maġġoranza tal-istazzjonijiet. Il-promozzjoni tal-lingwa ssir b'diversi modi, fosthom fl-inkluzjoni tal-kultura pop, u għalhekk dan in-nuqqas qed jagħti x'jifhem li x-xandir mhuwix kburi li jippromwovi l-lingwa Maltija.

U nagħlaq għalhekk fuq impenn li kull wieħed u waħda minna rridu nagħmlu – kemm ix-xandar kif ukoll ir-regolatur – biex inkomplu naħdmu sabiex l-ilsien Malti jkollu postu fix-xandir u jintuża b'mod tajjeb. Dan aktar u aktar meta tqis li l-maġġoranza tal-produzzjonijiet, jekk mhux kollha, huma maħduma u mtellgħa lokalment. Nistenna, allura, li l-Kodiċi tal-Il-sien Malti u l-implimentazzjoni tiegħu jservi bħala pass ieħor biex insaħħu l-użu tal-ilsien Malti fix-xandir.

**Dr Joanna Spiteri**

# APPENDIX 2

## KONFERENZA 3 TA' MARZU 2021 – LEJN XANDIR IKTAR INKLUŻIV

Ippermittuli naqsam magħkom xi ħsibijiet u osservazzjonijiet dwar xandir inklużiv, f'dan il-każ, xandir aċċessibbli għal persuni neqsin mis-smiġħ. Naturalment se nkun qed nirreferi wkoll għal-leġiżlazzjoni preżenti li fiha provvedimenti dwar id-diżabilità b'mod ingenerali u mhux speċifikament kontenut li jindirizza persuni neqsin mis-smiġħ, u dan kemm fil-leġiżlazzjoni sussidjarja kif ukoll fil-provvedimenti godda li daħlu permezz tad-Direttiva għas-Servizzi tal-Mezzi Awdjoviżivi (AVMS), liema Direttiva daħlet fis-seħħ riċentement.

F'dawn il-ftit minuti se nkun qed inġares lejn dan il-qasam minn żewġ perspettivi differenti: mill-perspettiva ta' preżentazzjoni ta' persuni neqsin mis-smiġħ bħala parti mill-kontenut ta' pprogrammar – u hawn qed nitkellem fis-sens ta' exposure u rappreżentazzjoni u parteċipazzjoni tagħhom fix-xandir; u mill-perspettiva ta' kontenut attwali, li minnu nnifsu jkun aċċessibbli għat-tele spettaturi neqsin mis-smiġħ.

Ser nibda fuq l-ewwel waħda: il-preżentazzjoni u r-rappreżentazzjoni ta' nies neqsin mis-smiġħ u l-parteċipazzjoni tagħhom fix-xandir. Il-Leġiżlazzjoni Sussidjarja "Htiġiet dwar Standards u Prattika dwar id-Diżabilità u l-Preżentazzjoni tagħha fix-Xandir" tittratta b'mod ġenerali l-preżentazzjoni ta' persuni b'diżabilità fix-xandir, pereżempju titlob, fost l-oħrajn, li nies b'diżabilità ma jintwerewx b'mod ħazin, fis-sens li ma jidhrux li jkunu vittmi jew eroj. Titlob ukoll, pereżempju, li ma jintużawx ċerti frażijiet ta' terminoloġija emottiva li jistgħu jagħmlu ħsara lil persuni b'diżabilità – kliem bħal "imweġġa", "marid", "batut", u "vittma".

L-imġiba ta' superjorità lejn persuni b'diżabilità tkompli ssaħħa il-karatteristiċi konvenzjonali **anke jekk jintwerew b'mod pożittiv**. U għalhekk sens ta' superjorità jista' jagħmel ħsara wkoll. Aktar minn hekk, it-trattament ta' persuni b'diżabilità bħallikieku kienu xi grupp għalihom, minflok grupp divers ta' individwi differenti, ma għandux jintuża mix-xandara.

Naħseb tafu iktar minni li persuni b'diżabilità sikwit iħossu li jintwerew ħazin bil-mod kif ipinguhom bil-kliem, bl-istampi u bil-ħsejjes fuq il-mezzi tax-xandir.

U kif għedt qabel, ħafna drabi nsibuhom bħala vittmi, fosthom f'avvenimenti jew stejjer traġiċi, persuni mitlufa u li jgibulek ħniena. Xi drabi jiġu rappurtati u rappreżentati bħala eroj, u allura x-xandara jagħtu l-impressjoni li dawn il-persuni jidhru dejjem kuntenti, twajba aktar minn kulhadd, u b'dehra ta' kuraġġ ta' barra minn hawn.

Illum qed niffukaw fuq diżabilità partikolari, dik ta' persuni neqsin mis-smiġħ. Din toffri sfida akbar għax-xandara għaliex filwaqt li din it-tip ta' diżabilità ma tkunx qed tidher, fil-fatt qiegħda hemm u l-persuni neqsin mis-smiġħ għandhom sfida ħafna ikbar biex, pereżempju, ikunu inklużi fil-kontenut tal-programmi. Ir-responsabbiltà tax-xandara hija kbira għaliex iridu jiżguraw li jkun hemm rappreżentanza inklużiva ta' persuni neqsin mis-smiġħ anke fil-programmi. Ovvjament dan joffri sfida ta' investiment u ta' aktar attenzjoni biex ikun hemm din l-inklużjoni. Minbarra l-persuni infushom, ma nistgħux ninsew it-temi li jiġu ttrattati u diskussi fi programmi ta' magazin jew ta' diskussjoni. Aktar u aktar meta jittrattaw temi li għandhom ikunu aċċessibbli għal min, wara kollox, l-aktar li jkun se jintlaqat.

Ir-rappreżentazzjoni u l-preżentazzjoni ta' persuni neqsin mis-smiġħ jistgħu jkunu preżenti jew assenti f'diversi ġeneri ta' programmi. Hekk, pereżempju, wieħed jista' jipprezenta persuni neqsin mis-smiġħ f'wieħed mill-aktar ġeneri popolari, bħalma hi d-drama. Permezz ta' dan it-tip ta' programmar, il-produttur ikun qed iqajjem għarfien (awareness) dwar il-persuni b'diżabilità u fl-istess ħin dejjem b'użu tajjeb u li jaderixxi mal-provvedimenti tal-liġi.

Se nitfa' ħarsti issa fuq it-tieni perspettiva, dik li s-servizz awdjoviżiv, jew aħjar il-kontenut, ikun aċċessibbli. Din il-pandemija gābet għarfien tal-bżonn li, pereżempju materja ta' interess nazzjonali, tkun aċċessibbli u għalhekk, pereżempju, ġustament il-konferenzi tal-aħbarijiet li taw informazzjoni dwar il-pandemija u miżuri ta' mitigazzjoni, eċċ. kollha kienu aċċessibbli għal persuni neqsin mis-smiġħ. Jekk xejn,

dawn ix-xandiriet għabuna konxji kemm huwa essenzjali u importanti li l-kontenut televiżiv, partikolarment meta qed jithabbru messaġġi importanti jew li joffru xi forma ta' deċiżjoni miċ-ċittadini, ikunu aċċessibbli għal kulhadd, anke għal dawk li jistgħu jitqiesu f'minoranza, bħalma huma persuni neqsin mis-smiġh.

Hawnhekk nista' ngħid li l-Awtorità tax-Xandir, fix-xandiriet politiċi tagħha matul il-kampanja elettorali, dejjem rat li d-dibattiti televiżivi politiċi jew intervisti politiċi li kienu jagħmlu parti mill-iskema tal-Awtorità tax-Xandir ikunu aċċessibbli permezz tal-lingwa tas-sinjali. Filwaqt li kienet qed tagħraf li din hija sfida biex jiġu prodotti u ffinanzjati, l-Awtorità hasset l-obbligu li dawn it-tipi ta' programmi jkunu aċċessibbli għal kulhadd, inkluzi persuni neqsin mis-smiġh. Dan għaliex wara kollox huwa l-obbligu konstituzzjonali tal-Awtorità tax-Xandir li tipprovi xandir bilanċjat u infurmat, aktar u aktar fi żmien l-elezzjonijiet ġenerali jew referenda, fost oħrajn.

F'dan il-kuntest il-liġijiet tax-xandir hasbu wkoll biex uħud mill-kontenut meqjus bħala importanti jkunu aċċessibbli. Fil-fatt fil-provvedimenti li jitrattaw ir-regolamenti dwar il-kriterji tal-għażla ta' servizzi tat-televiżjoni b'oġġettivi ta' interess ġenerali, hemm inkluz, fost l-oħrajn, li biex servizz jitqies bħala servizz ġenerali televiżiv b'oġġettiv ta' interess ġenerali għandu jxandar mill-inqas 30 minuta ta' programmar fil-ġimgħa li jkun aċċessibbli għall-persuni b'nuqqas ta' smiġh.

Issa, wara t-traspożizzjoni tad-Direttiva għas-Servizzi tal-Midja Awdjoviżivi, gie inkluz provvediment ġdid li se jkompli jtejjeb l-aċċessibilità tax-xandir. Skont dan il-provvediment, servizzi pprovduti għandhom ikunu kontinwament u progressivament aktar aċċessibbli għal persuni b'diżabilità. Fil-fatt, il-mezzi awdjoviżivi qed jintalbu biex jissottomettu lill-Awtorità pjan ta' azzjoni biex jispjega l-miżuri adottati. Dan il-pjan ta' azzjoni għandu jiġi aġġornat u l-Awtorità tara jekk dan il-pjan ta' azzjoni jkunx jirrifletti l-obbligi li titlob il-liġi. Din id-Direttiva se tkun ukoll qed tobbliga lill-fornituri tas-servizzi tal-midja biex jagħtu rendikont lill-Awtorità tal-progress li jkun sar fl-implimentazzjoni tal-miżuri neċessarji għall-aċċessibilità tas-servizzi.

Aktar minn hekk, l-Awtorità wkoll għandha żżomm punt ta' kuntatt online biex ikun aċċessibbli għall-pubbliku u għal persuni b'diżabilità, fejn tingħata informazzjoni u fejn jaslu lmenti rigward l-aċċessibilità. Anke tħabbir ta' servizzi ta' emerġenza jew komunikazzjonijiet waqt diżastri naturali għandhom ikunu aċċessibbli għal persuni neqsin mis-smiġh.

Nistqarr ukoll li ġew diskussi xi punti ma' awtoritajiet regolatorji Ewropej dwar x'għandhom ikunu l-passi li jmiss biex jittieħdu inizjattivi biex ix-xandir ikun aktar inkluziv. Sfortunatament, dan is-settur qed isib diffikultajiet minhabba li hemm wisq informazzjoni dwar il-qasam tal-aċċessibilità u x'jista' jagħmel is-settur awdjoviżiv biex jindirizza dan in-nuqqas. Ovvjament, f'pajjiż bħal tagħna, l-isfidi jistgħu jkunu ikbar u għalhekk din hija okkażjoni perfetta li forsi se tkun qed tibda t-triq li ż-żewġ naħat – ix-xandir u persuni b'diżabilità – jifhmu aktar lil xulxin u jadattaw aktar bil-għan li x-xandir ikun aktar inkluziv. Filwaqt li l-pjattaformi lineari u servizzi nonlineari kibru b'mod b'saħħtu f'dawn l-aħħar snin, u diversi soluzzjonijiet tekniċi ġew mistħarrġa bil-possibilità li jkun hemm assistenza viżiva, xorta waħda lokalment għad fadal ħafna xi jsir għal xandir inkluziv. Jekk xejn, mil-lat Ewropew għadhom għaddejjin l-istudji u għad hemm il-bżonn ukoll li jkun hemm kooperazzjoni bejn il-pajjiżi membri u allura wkoll kooperazzjoni bejn l-awtoritajiet regolatorji biex jagħtu servizz aktar inkluziv fix-xandir fuq servizzi tal-midja li jitrattaw il-persuni neqsin mis-smiġh. L-ERGA, li tiġbor l-awtoritajiet regolatorji Ewropej, sabet li għad hemm numru ta' studji xi jsiru biex wiehed jagħraf x'inhuma l-ostakli.

Pereżempju, is-sitwazzjoni bix-xandir tad-DTT (Digital Terrestrial Television) bis-set-top boxes hija kwistjoni kumplessa mhux biss f'Malta imma anke fuq livell Ewropew. Anke l-mod kif dan l-apparat jiffunzjona jvarja bejn pajjiż u iehor. Pereżempju, nafu ftit informazzjoni fuq kif l-utent jaċċessa l-informazzjoni jew is-servizzi.

Din il-laqgħa tista' sservei wkoll biex filwaqt li wiehed jagħraf il-bżonnijiet tal-persuni neqsin mis-smiġh, tagħti wkoll xi forma ta' direzzjoni lejn pjan ta' ħidma għal Malta biex ir-regolatur flimkien max-xandara jiġu bi pjan li jservi biex ix-xandir ikun iktar aċċessibbli. Din it-tip ta' diskussjoni tkompli tinfirex b'mod aktar wiesa' permezz ta' dak li jiġi propost fl-Accessibility Act li jitratta kemm is-servizzi tal-midja awdjoviżiva kif ukoll l-apparat tat-TV.

Ovvjament, l-aċċessibilità tkun qed iddaħħal tliet fatturi li huma (a) l-utenti, u allura l-konsumaturi tal-midja (b) il-mod ta' preżentazzjoni u kif il-messaġġ qed jasal u l-apparat, (ċ) u t-tielet huma l-ispejjeż biex dan is-servizz jingħata.

Għalhekk l-ewwel nett ir-regolatur u x-xandir iridu jifhmu aktar il-bżonnijiet tal-konsumatur u l-isfidi li jiffaċċjaw biex jaċċessaw il-kontenut kif ukoll l-attitudni

u l-preferenzi tagħhom għat-televizjoni u kontenut aktar aċċessibbli. Dan kollu permezz ta' metadata u servizzi ta' aċċess. L-istess fir-rigward ta' kif jasal il-kontenut u l-apparat biex jinqabad is-servizz lineari u nonlineari għaliex jista' jkun hemm fatturi x'jiġu kkunsidrati biex is-servizz ikun aktar aċċessibbli.

L-ispiża: Ovvjament l-ispejjeż jibqgħu l-argument li jġibu x-xandara meta jiffaċċjaw kritika ta' nuqqas ta' aċċessibilità ta' kontenut – jiġifieri għaliex il-kontenut aċċessibbli jiswa spejjeż u investimenti kbar. Għalhekk irid isir studju dwar kif jista' dan il-kontenut ikun aċċessibbli filwaqt li jkun qed ikopri l-ispejjeż u tagħmlu aktar cost-effective.

F'dan il-qasam, ix-xandir għandu qawwa kbira biex jew ikattar il-preġudizzju u l-isterjotipi jew jgħalliem lill-pubbliku jifhem aħjar il-qagħda ta' nies b'diżabilità billi jieħu atteġġjament pożittiv lejn dawn in-nies. Għaldaqstant, il-provvedituri tas-servizzi jridu jagħrfu li għandhom responsabilità ħafna ikbar f'dan il-qasam għaliex ir-rwol tagħhom mhuwiex li jsaħħu l-isterjotipi imma li jsibu mezz kif ir-rappreżentazzjoni u l-preżentazzjoni ta' persuni b'diżabilità tkun imħarsa u pożittiva. Huwa għalhekk li r-responsabilità tax-xandara li jkunu sensitivi għall-kwistjonijiet u s-sitwazzjonijiet hija marbuta mad-diżabilità u l-partecipazzjoni ta' dawn il-persuni. Kull stazzjon hu responsabbli għall-mod kif jiġu pprezentati persuni b'diżabilità jew temi dwar id-diżabilità f'kull xandira. Fuq kollox, il-prinċipju li għandu jmxexxi x-xandara hu li jittratta ma' persuni b'diżabilità mingħajr iffukar fuq id-diżabilità tagħhom, kemm-il darba s-suġġett ma jkunx qed jittratta speċifikament id-diżabilità – f'liema każ għandhom jittrattaw is-suġġett bid-dinjità kollha meħtieġa u kif jixraq.

L-aktar pass importanti fil-kisba ta' soċjetà inkluziva hu **l-għarfien sincier tad-differenzi** li jeżistu. Meta persuna b'diżabilità titlob li titqies daqs haddieħor **ma tkunx qed tiċhad id-diżabilità li jkollha iżda tkun qed tqiegħed id-diżabilità f'postha, kif għandha tkun**. Wieħed jista' jgħid li dan huwa l-punt tat-tluq biex iż-żewġ partijiet jagħrfu l-isfidi li għandhom mill-perspettiva tagħhom u nkomplu naħdmu progressivament għal xandir aktar inkluziv.

**Dr Joanna Spiteri**



# APPENDIX 3

## KONFERENZA 26 TA' MARZU 2021 – LEJN XANDIR IKTAR INKLUŻIV PERSUNI NEQSIN MID-DAWL

Fil-bidu ta' Marzu kellna taħdita fuq dan is-sugġett dwar xandir inklużiv, iżda hemm iffukajt l-osservazzjonijiet tiegħi fir-rigward ta' xandir inklużiv lejn persuni neqsin mis-smiġ. Din id-darba se nkun qed naqsam xi ħsibijiet magħkom dwar xandir inklużiv u aċċessibbli għal persuni neqsin mid-dawl. Se nkun qed nittratta din it-tema mil-lenti ta' regolatur tax-xandir. Filwaqt li wieħed jifhem l-isfidi, kemm tal-provveditur tas-servizz kif ukoll tal-persuni neqsin mid-dawl, nippruvaw ukoll naraw flex nistgħu nkunu ta' appoġġ f'dan is-settur tax-xandir. U dan mhux semplicement biex ix-xandir ikun inklużiv imma, fejn ikun hemm bżonn ukoll, ikun ta' servizz għal persuni li jagħmlu użu minnu. Għaliex f'dan il-kuntest, filwaqt li x-xandir jista' jservi bħala għajn ta' informazzjoni, divertiment u edukazzjoni, il-probabbiltà f'kuntesti bħal dawn tkun li qed iservi wkoll ta' kumpanija – u xi drabi nistgħu ma nagħtux kas li jista' jkun hemm ħtija bħal dawn.

Il-liġijiet tax-xandir huma dawk li huma, u huma indirizzati biex iħarsu d-drittijiet tal-persuni b'diżabbiltà, iżda ma hemmx provvedimenti li jispeċifikaw id-diżabbiltà. Permezz tad-Direttiva għas-Servizzi tal-Mezzi Awdjoviżivi (AVMSD), liema Direttiva dahlet fis-seħħ riċentement, iddaħħlu provvedimenti li l-istazzjonijiet iridu jsegwu. Dawn il-provvedimenti jkomplu jgħinu biex ix-xandir ikun aktar inklużiv u aċċessibbli.

Il-ħtija ta' persuni b'diżabbiltà jitrattaw kemm il-preżentazzjoni mil-lat ta' kontenut – u allura dwar exposure u r-rappreżentazzjoni u l-partecipazzjoni tagħhom fix-xandir – kif ukoll dwar kemm il-kontenut fih innifsu huwa aċċessibbli għat-tele spettaturi neqsin mid-dawl.

Filwaqt li wieħed jista' jifhem li hemm sfidi kbar, madankollu hemm osservazzjonijiet li jekk wieħed iħarishom jista' jkompli jgħin lil persuni neqsin mid-dawl. Pereżempju, ix-xandir lineari, u allura x-xandir permezz tat-televiżjoni, jidher li, minkejja l-influss ta' pjattaformi oħrajn, għadu pjuttost popolari, għalhekk l-istazzjonijiet iridu jaraw li kull sekonda tat-trasmissjoni għandha tinkludi l-awdjoo. Xi drabi l-Awtorità fil-fatt

tinnota każijiet fejn ikun hemm partijiet ta' xandir, bħal reklami jew uħud mill-avviżi, li jkollhom biss il-viżwal. Filwaqt li wieħed jista' jifhem li l-viżwal huwa dak li jagħmel it-televiżjoni, wieħed għandu jirrealizza li hemm telespettaturi b'abbiltajiet differenti li jkunu jeħtieġu li ċerti viżwali jkunu akkumpanjati mill-awdjoo. Hawnhekk jista' jkun li l-istazzjonijiet jipprovdu taħriġ ta' awareness biex il-produtturi jkunu konxji dwar kif għandhom jipprezentaw il-kontenut tagħhom. Pereżempju, ċerti dettalji f'reklamar jew avviżi ta' informazzjoni ma jingħatawx bil-fomm, bħn-numru tat-telefown jew l-indirizz. Għalhekk forsi wasal iż-żmien li filwaqt li qed naraw persuni neqsin mis-smiġ jiġu integrati fis-soċjetà u jidhlu f'oqsma anke imprenditorjali, ix-xandir irid jimxi u javvanza aktar f'dawn iċ-ċirkostanzi u l-istazzjonijiet jingħaqdu mas-CRPD biex joffru taħriġ ta' awareness biex jaraw kif dawn in-nuqqasijiet jiġu indirizzati.

Meta nitkellmu dwar ir-rappreżentazzjoni mill-ewwel nirreferu għall-mod kif persuni b'diżabbiltà jiġu pprezentati jew irrappurtati. Hawnhekk tajjeb nirrimarka li l-Awtorità nnotat żieda ta' rapporti fl-aħbarijiet dwar nies neqsin mid-dawl. Pereżempju, riċentement rajna item dwar persuni li jużaw guide dogs. Ovvjament dan ir-rappurtagġ ma għandux ikun marbut biss ma' żmien partikolari jew ma' produtturi li jaderixxu mal-liġi tax-xandir. Bħal f'każijiet oħra ta' diżabbiltà, il-liġi tittratta dwar l-użu tal-lingwaġġ u metodi oħra li jintużaw fix-xandir, bħal użu ta' viżwal bi slow motion u mużika partikolari li tagħti ambjent ta' drammaticità. Dan żgur mhuwiex il-mod kif persuni b'diżabbiltà għandhom jiġu rrapprezentati. Il-kawtela u l-etika huma l-perm ta' rapporti bħal dawn, u wieħed irid joqgħod attent li persuni b'diżabbiltà ma jiġux irrappurtati b'attitudni ta' superjorità bħallikeku s-sens ta' superjorità ma jagħmilx ukoll ħsara. F'rappurtagġ dwar persuni neqsin mis-smiġ, u filwaqt li wieħed jifhem l-isfidi u d-diffikultajiet li wieħed jista' jiltaqa' magħhom, dawn il-persuni ma għandhomx jitqiesu bħal xi grupp divers ta' individwi differenti.

Se nagħmel xi osservazzjonijiet oħra li jistgħu jkunu f'konferenza ta' dan it-tip u li jgħibuna konxji ta' kemm ix-xandir jeħtieġ li jkun aktar inklużiv u allura awtomatikament aktar ta' kwalità. Il-produtturi jridu jaraw, pereżempju, li l-mużika tkun taqbel ma' dak li jkun qed jidher u jixxandar għaliex persuni neqsin mid-dawl li jkunu qed isegwu t-trasmissjoni televiżiva jifhemu b'mod aktar faċli dak li jkun qed jixxandar.

Ix-xandir tradizzjonali joffri wkoll il-pjattaforma tar-radju, apparti x-xandir televiżiv. Tiftakru l-kanzunetta "Video killed the radio star"! Wieħed jista' jargumenta fuq din il-frażi, dwar kemm verament il-popolarità tar-radju niżlet. Anzi issa żdiedu pjattaformi oħra ta' awdjo, fosthom il-podcast, li qed ikomplu jgħibu fix-xejn din il-frażi. Persuni neqsin mid-dawl żgur li jsibu r-radju l-aktar pjattaforma aċċessibbli u li jistgħu jsegu b'mod aktar faċli. Għaldaqstant, għal darba oħra jerga' jigi l-ħsieb li l-produtturi jridu jaħsbu aktar dwar xandir inklużiv. U jeħtieġ allura li jkun hemm aktar impenn biex ix-xandir bir-radju jipprovdi diversità fl-ipprogrammar u jagħti wkoll spazju biex persuni neqsin mid-dawl, li l-probabbiltà hija li huma fost l-aktar li jsegu r-radju, jingħataw aċċessibilità xierqa.

Fir-rigward tat-televiżjoni, u f'kuntest bħal dan, il-liġijiet tax-xandir ħasbu biex il-kontenut ikun aktar aċċessibbli. Fil-fatt hemm provvedimenti li jittrattaw ir-regolamenti dwar il-kriterji għall-għażla ta' servizzi tat-televiżjoni b'ogġettivi ta' interess ġenerali, fosthom li għandu jxandar mill-inqas 30 minuta ta' programmar fil-gimgha li jkun aċċessibbli għal persuni b'diżabilità. Iżda ta' min wieħed jirrimarka li jista' jkun li dan il-provvediment jitwessa' għax-xandir bir-radju u jkun iffukat biex jagħti spazju lil persuni neqsin mid-dawl u mhux biss, pereżempju, fir-rigward ta' kontenut speċifiku. Dan il-provvediment jittratta t-televiżjoni. Għalhekk l-Awtorità tista' wkoll, wara konsultazzjoni ma' stakeholders f'dan il-qasam, tipproponi li l-leġislazzjoni tkun tinkludi kriterji fejn ikun hemm obbligu mill-provveditur tas-servizz biex ikun hemm programmar fil-gimgha għal persuni neqsin mid-dawl. L-aċċessibilità għandha tkun tali li turihom li huma mhux biss segwaċi imma parteċipi ta' programmi u parteċipi ta' issues kurrenti, issues li jinteressaw lil kulhadd, inkluż lilhom. U dan jintrabat ukoll ma' dak li qed titlob id-Direttiva għas-Servizzi tal-Midja Awdjoviżivi, fejn gie inkluż provvediment ġdid li se jkompli jtejjeb l-aċċessibilità tax-xandir b'mod li servizzi pprovduti għandhom kontinwament u progressivament ikunu aktar aċċessibbli għal persuni b'diżabilità. Dwar dan, il-mezzi awdjoviżivi qed jintalbu

biex jissottomettu lill-Awtorità pjan ta' azzjoni biex jispjega l-miżuri adottati. Dan irid jiġi aġġornat u l-Awtorità tax-Xandir trid tara jekk dan il-pjan ta' azzjoni jkunx jirrifletti l-obbligi li titlob il-liġi. L-Awtorità wkoll trid iżżomm punt ta' kuntatt online biex ikun aċċessibbli għall-pubbliku u fejn persuni b'diżabilità jistgħu jwasslu l-ilmenti tagħhom rigward l-aċċessibilità. Avveniment bħal dan żgur huwa neċessarju biex jintlaqgħu suġġerimenti, proposti u osservazzjonijiet dwar nuqqasijiet li jista' jkun hemm fix-xandir. Dan jista' jkun proċess ta' ħidma mill-entitatiet kollha kkonċernati biex ix-xandir ikun aktar inklużiv. Biex nagħlaq fuq is-suġġett mat-tema, fil-fatt it-titlu ta' din il-konferenza huwa "Lejn xandir **aktar** inklużiv" – għalhekk inħoss li filwaqt li diġà hemm kontenut li huwa inklużiv, dejjem ikun hemm iktar ħtieġa li dan is-servizz ta' xandir ikun aktar effiċjenti u jirrifletti l-bżonnijiet tal-individwi: telespettaturi u semmiegħa.

**Dr Joanna Spiteri**

# APPENDIX 4

## KONFERENZA 16 TA' ĠUNJU 2021 – LEJN XANDIR IKTAR INKLUŻIV DIŻABILITÀ INTELLETTWALI

Illum fil-fatt waslet it-tielet parti ta' dawn it-taħditiet li fihom tajna ħarsa lejn suggerimenti u osservazzjonijiet li bihom nistgħu naħdmu lejn xandir aktar inklużiv għal persuni b'diżabilità. Tajna ħarsa lejn xandir inklużiv għal persuni neqsin mis-smigh, xandir inklużiv għal persuni neqsin mid-dawl, u llum nagħtu ħarsa lejn il-mod kif ix-xandir jista' jkun inklużiv għal persuni b'diżabilità intellettuali.

Ovvjament, mil-lat ta' regolatur nistgħu mhux biss nosservaw imma wkoll nagħtu l-veduti tagħna mil-lat ta' regolamentazzjoni tax-xandir. L-Awtorità qiegħda hemmhekk biex timplimenta l-liġi kif inhi bħalissa. Ħafna drabi dan ikun dak il-punt li l-istakeholders jew il-provvedituri tas-servizzi jew il-produtturi jikkritikaw fil-mod kif taħdem l-Awtorità, meta fil-fatt l-Awtorità tkun qiegħda timplimenta l-liġi.

Ngħaddi għall-punt dwar xandir aktar aċċessibbli partikolarment għal persuni b'diżabilità intellettuali.

Fil-fatt ħafna drabi jista' jkun hemm kritika li din mhux qed timxi id f'id, imma l-ewwel għan tal-Awtorità huwa li tara li l-liġi tiġi implimentata. Tajjeb wieħed ifakkar hawnhekk li l-liġi qiegħda hemm biex tħares id-dinjità tal-persuni b'diżabilità u, xi drabi, anki l-vulnerabbiltà tagħhom. Fil-fatt fir-rigward ta' persuni b'diżabilità wieħed jista' jgħid li l-Att dwar ix-Xandir fih żewġ leġislazzjonijiet li jista' jkun li jolqtu lil dawn il-persuni: il-Leġislazzjoni Sussidjarja dwar ir-Rappreżentazzjoni tal-Persuni b'Diżabilità u l-Leġislazzjoni Sussidjarja dwar Persuni Bla Ħarsien Xieraq (Vulnerabbli).

Dan l-aħħar l-Awtorità nnutat li kien hemm aktar kontenut fejn ix-xandir kien inklużiv fis-sens ta' rappreżentazzjoni ta' persuni b'diżabilità. Filwaqt li dan jawgura tajjeb, għaliex juri li l-produtturi qed jagħrfu l-importanza li x-xandir jilhaq telespetatturi u semmiegħa differenti, f'dawn iċ-ċirkostanzi l-Awtorità ma tistax ma titlobx tliet kriterji importanti li għandu jkun hemm f'kontenut bħal dan: għarfien, kawtela u etika.

Għalhekk filwaqt li huwa tajjeb li wieħed mill-pilastri tax-xandir – dak li jipprovdi informazzjoni u tagħrif – irid

jibqa' jissahħaħ (u għalhekk tajjeb li l-provvedituri tas-servizzi jaraw li jkollhom kontenut li jgħarraf lill-udjenza bi bżonnijiet u b'informazzjoni dwar persuni b'diżabilità) dan iżda għandu jsir fil-kuntest u b'kawtela u b'etika kbira. Mhux lakemm ġurnalista ikollu storja umana "tajba" u jaqbad u jinkludiha fl-aħbarijiet. Stejjer bħal dawn jeħtieġ li jingħataw attenzjoni u reqqa għaliex il-persuna li se tkun qed tiġi esposta biex tgħaddi dak it-tagħrif ikollha bżonn ukoll il-privatezza tagħha u l-ħajja personali tagħha. Għalhekk, kemm il-persuna b'diżabilità kif ukoll il-ġurnalista jridu jagħrfu li l-istorja li se jkun qed jirakkuntaw mhijiex sempliċement storja bejn tnejn imma fil-mument li tixxandar se tkun qed tinqasam ma' bosta. Il-kawtela hija neċessarja minħabba li stejjer bħal dawn, li jesponu persuni b'diżabilità, huma stejjer sensittivi li jolqtu lil ħafna b'mod differenti, anke lill-persuna li tkun qed tiġi esposta. Il-ġurnalista irid jifhem li ma għandux jisfrutta lil dawn in-nies basta jwassal l-informazzjoni jew, aghar minn hekk, basta "ibigh" l-istorja. Din il-kawtela hija in parti wkoll riflessa fil-Leġislazzjoni Sussidjarja Dwar il-Ħarsien ta' Persuni Vulnerabbli għaliex din il-liġi titlob li fil-każ ta' persuni vulnerabbli, li jistgħu jkun wkoll persuni b'diżabilità, u aktar u aktar jekk ikunu minorenni, ikunu involuti nies esperti, bħal social workers, biex jaraw li r-rappreżentazzjoni tagħhom ma toħloqx problemi fil-ħajja tagħhom.

Ir-rappreżentazzjoni kibret ukoll f'generi oħra ta' programmar, fosthom fid-drama, u hawnhekk tajjeb li wieħed ikun attent mill-isterjotipar li jista' jkun hemm fil-konfront ta' persuni b'diżabilità intellettuali. Fil-fatt, il-leġislazzjoni titlob li dawn ma għandhomx jiġu mpingija bħala eroj jew bħala vittmi. Anke l-użu ta' għodda tal-midja, bħal slow motion, mużika drammatika, u użu ta' close-ups, fost oħrajn, jistgħu joħolqu sterjotipi u miżrappreżentazzjoni ta' persuni b'diżabilità.

Dawn l-isterjotipi jinfluenzaw il-mod kif wieħed iħares lejn persuni b'diżabilità. Ħafna drabi nkunu wisq patronizzanti lejn persuni b'diżabilità u nqisuhom bħala persuni dipendenti b'mod assolut fuq ħaddiehor. Filwaqt li

jista' jkun hemm element ta' dipendenza, dan ma għandux jiġi b'xi mod imsaħħaħ mill-mod kif dawn il-persuni jiġu pprezentati.

L-aċċessibilità mhijiex biss fil-prezentazzjoni u r-rappreżentazzjoni ta' persuni b'diżabilità imma wkoll fl-inkluzjoni bħala parti mix-xandir. Filwaqt li wieħed jifhem li din hija sfida kbira għaż-żewġ naħat, iżda fejn hu possibbli x-xandar għandu jara li l-persuni b'diżabilità jiddaħħlu fil-programmi biex wieħed jisma' wkoll il-veduti u l-ħsus tagħhom.

Illum, peress li din hija l-aħħar taħdita, tajjeb nagħmel ftit mistoqsijiet l-aktar għall-produtturi u għas-servizzi tal-midja. Jekk wieħed iħares lejn fora Ewropea, Malta hija waħda mill-ftit pajjiżi li għandha kodiċi u leġislazzjoni dwar ir-rappreżentazzjoni u l-prezentazzjoni ta' persuni b'diżabilità. Dawn daħlu fis-seħħ fl-2007 għaliex inħass il-bżonn li tiddaħħal liġi biex ikun hemm titjib fil-mod kif persuni b'diżabilità jiġu pprezentati. Il-kontenut tal-leġislazzjoni, meta mqabbel ma' leġislazzjoni oħra f'ġurisdizzjonijiet oħrajn, juri li l-kontenut huwa struzzjonijiet iddettalji dwar kif wieħed iħares lejn issues ta' diżabilità u kif l-udjenza tikkonsma l-kontenut tal-midja, u kif il-persuni li jaħdmu fil-midja għandhom iħarsu u jipprezentaw lil persuni b'diżabilità. Iżda l-principji kollha li huma mnizzla fil-leġislazzjoni iktar jixbhu l-kontenut ta' linjigwida jew guidance notes. Iżda ngħid "sfortunatament" – minhabba li l-produtturi, forsi b'nuqqas ta' għarfien, wasslu biex il-midja f'Malta jkollha bżonn ta' regoli li jirregolaw dan it-tip ta' kontenut. Tajjeb wieħed jagħraf li idealment, f'ċirkostanzi bħal dawn, xi darba naslu f'punt fejn tant il-produtturi jkollhom għarfien u jkun sensibilizzati dwar dan it-tip ta' rappreżentazzjoni li kulma jkun meħtieġ huwa li jkun hemm linjigwida.

F'din l-aħħar waħda minn sensiela ta' taħditiet, naħseb tajjeb li kull min kien preżenti jippjana inizjattivi u proġetti bil-għan li mill-kliem ngħaddu għall-fatti, biex verament ngħinu lill-industrija tkun aktar inkluziva fl-ipprogrammar tagħha meta tittratta persuni b'diżabilità, kif ukoll biex persuni b'diżabilità jkollhom id-dinjità u r-rappreżentanza misthoqqa.

Tajjeb li bil-kollaborazzjoni ta' żewġ entitajiet preżenti jinholqu linjigwida jew guidance notes għall-produtturi jew għall-provvedituri tas-servizzi ta' pjattaformi differenti bil-għan li jgħinu fir-rappreżentazzjoni ta' persuni b'diżabilità. Dawn il-linji, kif wara kollox jeżistu f'pajjiżi oħra Ewropej, joħolqu awareness dwar miti u fatti li jeżistu f'dan it-tip ta' prezentazzjoni, kif ukoll jagħtu ideat ta' eżempji pożittivi ta' kif wieħed jista' jittratta d-diżabilità, sew għal min hu nieqes mis-smiġħ, jew mid-dawl, jew

min għandu xi forma ta' diżabilità intellettuali. Dawn il-linjigwida jservu biex il-midja ma tidhirx li hija ta' xkiel għal persuni b'diżabilità iżda kulhadd jagħraf li hemm etika u diskrezzjoni li trid tinżamm f'materja sensittiva bħal din.

B'dawn il-linjigwida l-midja wkoll tkun taf x'inhi r-responsabbiltà u r-rwol tagħha, u għalhekk taħdem biex tinkludi persuni b'diżabilità fl-ipprogrammar tagħha. Għalhekk il-linjigwida jkun għajnuna għall-provvedituri tas-servizz biex ix-xandir ikun aktar inkluziv wara li jifhem il-bżonnijiet tal-persuni b'diżabilità.

Inizjattiva oħra li nistgħu nxammru l-kmiem għaliha bl-għajnuna tal-esperti hi li jinħadem manwal f'forma ta' glossarju li jiġbor fih kliem u terminoloġija li għandhom jintużaw rigward persuni b'diżabilità biex jingħatalhom ir-rispett u d-dinjità meħtieġa kif ukoll biex is-servizzi tax-xandir ikunu ta' kwalità u jiġu evitati sterjotipi li jagħmlu aktar ħsara milli gid. F'dan is-sens ix-xandir iservi l-funzjoni ta' advocacy u b'dan il-mod il-liġi tax-xandir tiġi mħarsa u jibdeu jindraw ċerti terminoloġiji fost il-produtturi.

It-tagħlim u t-taħriġ huma dejjem essenzjali. Pari passu ma' dawn l-inizjattivi u l-proġetti, l-Awtorità, flimkien mas-CRPD, diġà bdiet taħseb fuq forum ta' reach-outs u taħriġ għall-produtturi, ġurnalisti u preżentaturi li jittrattaw temi dwar persuni b'diżabilità, kif ukoll maratoni ta' għir ta' fondi. Hawnekk ta' min jirrimarka li l-kontenut ta' ċerti maratoni mhuwix l-iktar kontenut felici li jista' jkun hemm għaliex l-emozzjonijiet xi drabi jisbqu s-sens komun u l-etika.

Dan kollu jwassal biex mhux biss nikkritikaw ix-xandir u l-mod kif titwassal l-informazzjoni jew kif issir il-prezentazzjoni u r-rappreżentazzjoni ta' persuni b'diżabilità, imma wkoll biex inpoġġu flimkien u tibda, jew titkompla, il-ħidma biex verament ix-xandir isir aktar inkluziv. U f'ċirkostanzi bħal dawn l-Awtorità ma titqiesx li hija l-watchdog tax-xandir imma hija wkoll imsieħba mal-produtturi tax-xandir. Għalhekk nemmen li dawn it-tliet taħditiet ma għandhomx ikunu t-tmiem ta' dan is-suġġett imma jkun l-bidu ta' ħidma impenjattiva tal-Awtorità u s-CRPD biex intejbu x-xandir u jkollna xandir ta' kwalità li jħares lejn l-inkluzività.

**Dr Joanna Spiteri**





# BROADCASTING AUTHORITY ANNUAL REPORT

FOR THE YEAR ENDED 31 DECEMBER 2021

Authority Board's Report ..... 72

Report of the Independent Auditor ..... 75

## Financial Statements

Statement of Financial Position ..... 79

Income Statement ..... 80

Statement of changes in Equity ..... 81

Statement of Cash Flows ..... 82

Notes to the Financial Statements ..... 83

Broadcasting Authority  
Annual Report and Financial Statements - 31 December 2021

---

## **Authority Board report**

### **For the year ended 31 December 2021**

The members of the Authority Board present their report, together with the audited financial statements for the year ended 31 December 2021.

### **Principal activity**

The Broadcasting Authority was established under the Broadcasting Ordinance XX of 1961 on 29 September 1961 – later incorporated in Articles 118 and 119 of the Constitution of Malta. It operates under the provisions of the Broadcasting Act, Chapter 350 of the Laws of Malta to exercise regulatory functions regarding sound and television broadcasting services in Malta and to issue licenses for the provisions of such services in accordance with said Act.

### **Review of business development and financial position**

The financial position of the authority as at 31 December 2021 is disclosed on page 9, while the results for the year under review are disclosed on page 10.

The Authority registered a deficit (after depreciation) of € 19,777 for the year ended 2021 compared to a surplus of € 22,614 for the previous year. The loss was due to an increase in expenditure of € 65,025 mainly due to the renovation of the Broadcasting Authority's façade.

### **Income**

Income from Radio Licence fees decreased by € 8,129 whilst income from Radio application fees increased by €14,645.

Income from TV Licence fees has decreased by € 5,097. During 2021 there were renewal applications for TV Stations amounting to €6,800.

Income from Penalties increased by € 14,332 over the previous year.

### **Expenditure**

Expenditure increased by a net of € 65,025 over the previous year.

The Authority does not have any liabilities exceeding one year while those liabilities falling within one year are mainly non-financial contractual maturities.

### **Events during the reporting year**

Since early 2020, the world is suffering from a widespread Covid-19 pandemic, resulting in disruptions to businesses worldwide. The uncertainty surrounding the duration of this situation is making the way towards recovery unclear.

The crisis has not resulted in the temporary cessation in the Authority's activities. The overall impact of COVID-19 on the Authority is therefore expected to be relatively contained in the context of the Authority's financial resources and accordingly the Authority Board consider it to be appropriate to prepare these financial statements on a going concern basis.

Broadcasting Authority  
Annual Report and Financial Statements - 31 December 2021

---

## **Authority Board report - continued**

### **Future developments**

The Authority envisages to undergo major repairs on the antenna and to build a transmission backup site during the forthcoming year. The Authority is also planning to replace the ageing television transmissions recording system.

### **Authority**

The persons responsible for these financial statements are

Frank V. Farrugia – Chairperson  
Joanna Spiteri – Chief Executive  
Alessandro Lia – Member  
Francis Ghirxi – Member  
Peter Fenech – Member  
Charlo' Bonnici – Member  
Simon Manicolo – Board Secretary - (resigned – 6 April 2021)

### **Statement of the Authority Board's responsibilities**

The Authority is governed by a Board consisting of Chairperson and four members. Their responsibility is to prepare financial statements in accordance with International Financial Reporting Standards as adopted by the European Union which give a true and fair view of the state of affairs of the Authority at the end of each financial year and of the gain or loss for the year then ended. In preparing the financial statements, the Authority:

- Selects suitable accounting policies and applies them consistently;
- Makes judgements and estimates that are reasonable and prudent; and
- Prepares the financial statements on a going concern basis, unless it is appropriate to presume that the Authority will not continue in business

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 it to ensure that the financial statements have been properly prepared in accordance with the provisions of the Act.

The Authority is also responsible for safeguarding the assets of the Authority and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

The Authority is responsible to ensure that it establishes and maintains internal control to provide reasonable assurance with regard to reliability of financial reporting, effectiveness and efficiency of operations and compliance with applicable laws and regulations.

In determining which controls to implement to prevent and detect fraud, management consider the risks that the financial statements may be materially misstated as a result of fraud.

Broadcasting Authority  
Annual Report and Financial Statements - 31 December 2021

---

**Authority Board report** - continued

**Auditor**

The auditor, Charles Scerri, has intimated his willingness to continue in office. A resolution proposing his re-appointment will be put before the members during the Broadcasting Authority Board Meeting of the month of May, 2022.

Approved by the Authority's representatives on 5 May 2022 and signed on its behalf by:



**Frank V. Farrugia**  
Chairperson



**Joanna Spiteri**  
Chief Executive

Registered office:  
7,  
Mile End Street,  
Hamrun, HMR 1719,  
Malta.

# CHARLES SCERRI

## INDEPENDENT AUDITOR'S REPORT

To the Members of Broadcasting Authority

### Report on the audit of the financial statements

#### Opinion

In my opinion:

- Broadcasting Authority's financial statements (the "financial statements") give a true and fair view of the Authority's financial position as at 31 December 2021, and of the Authority's financial performance for the year then ended in accordance with International Financial Reporting Standards ('IFRSs') as adopted by the EU; and
- The financial statements have been prepared in accordance with the requirements of the Maltese Broadcasting Act (Cap. 350).

#### What I have audited

Broadcasting Authority's financial statements, set out on pages 9 to 26, comprise of:

- the Statement of financial position as at 31 December 2021;
- the Income statement for the Authority;
- the Statement of changes in equity;
- the Statement of cash flows; and
- the Notes to the financial statements, which include a summary of significant accounting policies.

#### Basis for Opinion

I conducted my audit in accordance with International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the *Auditor's Responsibilities* for the *Audit of the Financial Statements* section of my report.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

#### Independence

I am independent of the Authority in accordance with the International Ethics Standards Board for Accountants' Code of Ethics for Professional Accountants (IESBA Code) together with the ethical requirements of the Accountancy Profession (Code of Ethics for Warrant Holders) Directive issued in terms of the Accountancy Profession Act (Cap. 281) that are relevant to my audit of the financial statements in Malta. I have fulfilled my other ethical responsibilities in accordance with these Codes.



# CHARLES SCERRI

## **INDEPENDENT AUDITOR'S REPORT**

To the Members of Broadcasting Authority

### *Other information*

The Board Members are responsible for the other information. The other information comprises the information included in the Annual Report, but does not include the financial statements and my auditor's report thereon.

My opinion on the financial statements does not cover the other information, including the Board Members' report.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit or otherwise appears to be materially misstated.

With respect to the Board Members' report, I considered whether the Board Members' report includes the disclosures required the Maltese Broadcasting Act (cap. 350).

Based on the work I have performed, in my opinion:

- the information given in the Board Members' report for the financial year for which the financial statements are prepared is consistent with the financial statements; and
- the Board Members' report has been prepared in accordance with the Maltese Broadcasting Act (Cap. 350).

In addition, in light of the knowledge and understanding of the Authority and its environment obtained in the course of the audit, I am required to report if I have identified material misstatements in the Board Members' report and other information. I have nothing to report in this regard.

### *Responsibilities of the Board Members for the financial statements*

The Board Members are responsible for the preparation of the financial statements that give a true and fair view in accordance with IFRSs as adopted by the EU and the requirements of the of the Maltese Broadcasting Act (Cap.350) for such internal control as the Board Members determine is necessary to enable the preparation of financial statements that are free from material misstatements, whether to due to fraud or error.

In preparing the financial statements the Board Members are responsible for assessing the Authority's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the members either intend to liquidate the Authority or to cease operations, or have no realistic alternative but to do so.

# CHARLES SCERRI

## **INDEPENDENT AUDITOR'S REPORT**

To the Members of Broadcasting Authority

*Auditor's responsibility for the audit of the financial statements*

My objectives is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs, I exercise professional judgment and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit 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 Authority's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Board Members.
- Conclude on the appropriateness of the Board Members' use of the going concern basis of accounting and based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Authority's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, because not all future events or conditions can be predicted, this statement is not a guarantee as to the Authority's ability to continue as a going concern. In particular, it is difficult to evaluate all of the potential implications that COVID-19 will have on the authority's trade, customers and suppliers, and the disruption to its business and the overall economy.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Obtain sufficient appropriate audit evidence regarding the financial information of the entities or business activities within the Authority to express an opinion on the financial statements. I am responsible for the direction, supervision and performance of the audit. I remain solely responsible for my audit opinion.

I communicate with the Board Members regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

# CHARLES SCERRI

## **INDEPENDENT AUDITOR'S REPORT**

To the Members of Broadcasting Authority

*Report on other Legal and Regulatory Requirements*

---

I also have responsibilities under the Maltese Broadcasting Act (Cap.350) to report to you if, in my opinion:

- Adequate accounting records have not been kept, or that returns adequate for my audit have not been received from branches not visited by me.
- The financial statements are not in agreement with the accounting records and returns.
- I have not received all the information and explanations I require for the audit.

I have nothing to report to you in respect of these responsibilities.

**Charles Scerri**

**Certified Public Accountant**

The Penthouse, Carolina Court, Giuseppe Cali Street, Ta' Xbiex XBX 1425

5 May 2022

Broadcasting Authority  
Annual Report and Financial Statements - 31 December 2021

**Statement of financial position**

		As at 31 December	
	Notes	2021	2020
		€	€
<b>ASSETS</b>			
<b>Non-current assets</b>			
Property, plant and equipment	3	1,962,687	1,911,149
<b>Total non-current assets</b>		<b>1,962,687</b>	<b>1,911,149</b>
<b>Current assets</b>			
Trade and other receivables	4	199,169	286,773
Cash and cash equivalents	5	762,709	720,597
<b>Total current assets</b>		<b>961,878</b>	<b>1,007,370</b>
<b>Total assets</b>		<b>2,924,565</b>	<b>2,918,519</b>
<b>EQUITY AND LIABILITIES</b>			
<b>Equity</b>			
Capital reserve		2,572,739	2,572,739
Reserve fund		37,270	37,270
Revaluation reserve		293,699	293,699
Accumulated reserve		(176,267)	(156,490)
<b>Total equity</b>		<b>2,727,441</b>	<b>2,747,218</b>
<b>Current liabilities</b>			
Trade and other payables	6	197,124	171,301
<b>Total liabilities</b>		<b>197,124</b>	<b>171,301</b>
<b>Total equity and liabilities</b>		<b>2,924,565</b>	<b>2,918,519</b>

The notes on pages 13 to 26 are an integral part of these financial statements.

The financial statements on pages 9 to 26 were authorised for issue by the board members on 5 May 2022 and were signed by:

  
Frank V. Farrugia  
Chairperson

  
Joanne Spiteri  
Chief Executive



Broadcasting Authority  
Annual Report and Financial Statements - 31 December 2021

**Income statement**

	Note	Year ended 31 December	
		2021 €	2020 €
Revenue	9	1,012,893	990,342
Administration expenses	10	(1,033,662)	(968,897)
Other income		386	303
<b>Operating (deficit)/surplus</b>		<b>(20,383)</b>	<b>21,748</b>
Finance income		606	866
<b>(Deficit)/surplus for the year</b>		<b>(19,777)</b>	<b>22,614</b>

The notes on pages 13 to 26 form an integral part of these financial statements.



Broadcasting Authority  
Annual Report and Financial Statements - 31 December 2021

---

**Statement of changes in equity**

	Accumulated reserve €
As at 1 January 2021	(156,490)
Deficit for the year	<u>(19,777)</u>
<b>As at 31 December 2021</b>	<b><u>(176,267)</u></b>
As at 1 January 2020	(179,104)
Surplus for the year	<u>22,614</u>
As at 31 December 2020	<b><u>(156,490)</u></b>

Broadcasting Authority  
Annual Report and Financial Statements - 31 December 2021

**Statement of cash flows**

	Note	As at 31 December	
		2021 €	2020 €
<b>Cash flows from operating activities</b>			
(Deficit)/surplus for the year		(19,777)	22,614
Add back:			
Depreciation		85,571	69,041
Movements in working capital:			
Trade and other receivables		87,604	(14,148)
Trade and other payables		25,823	(13,880)
<b>Net cash generated from operating activities</b>		<b>179,221</b>	<b>63,627</b>
<b>Cash flows from investing activities</b>			
Acquisition of property, plant and equipment		(137,109)	(22,206)
<b>Net cash used in investing activities</b>		<b>(137,109)</b>	<b>(22,206)</b>
Movement in cash and cash equivalents		42,112	41,421
Cash and cash equivalents at the beginning of the year		720,597	679,176
<b>Cash and cash equivalents at the end of the year</b>	5	<b>762,709</b>	<b>720,597</b>

**Notes to the financial statements****1 Summary of significant accounting policies**

The principal accounting policies applied in the preparation of these financial statements are set out below. These policies have been consistently applied to all years presented, unless otherwise stated.

**1.1 Basis of preparation****Statement of compliance**

These financial statements have been prepared and presented in accordance with the provisions of the International Financial Reporting Standards as adopted by the EU (IFRSs) with the requirements of the Malta Broadcasting Act (Cap. 350).

The financial statements have been prepared on a going concern basis. The Board has assessed that the authority is expected to have the necessary funds to finance its operations and commitments towards employees, creditors and banks. Accordingly, the Board continues to adopt the going concern basis in preparing the authority's financial statements and considers that there are no material uncertainties which may cast doubt about the ability of the authority to continue operating as a going concern.

**Covid-19**

Since early 2020, the world is experiencing an unprecedented crisis caused by the COVID-19 pandemic. The Authority considers the effects of the COVID-19 outbreak as the only relevant event arising during the reporting date. Whilst this is a non-adjusting balance sheet event, the uncertainty surrounding the duration of this situation is making the way towards recovery unclear.

The crisis has not resulted in the temporary cessation in the Authority's activities. The overall impact of COVID-19 on the Authority is therefore expected to be relatively contained in the context of the Authority's financial resources and accordingly the Authority Board consider it to be appropriate to prepare these financial statements on a going concern basis.

These financial statements have been prepared under the historical cost convention.

**1.2 Functional and presentation currency***(a) Functional and presentation currency*

Items included in the financial statements are measured using the currency of the primary economic environment in which the entity operates ('the functional currency'). The financial statements are presented in euro, which is the authority's functional and presentation currency.

*(b) Transactions and balances*

Foreign currency transactions are translated into the functional currency using the exchange rates prevailing at the dates of the transactions. Foreign exchange gains and losses resulting from the settlement of such transactions and from the translation at year-end exchange rates of monetary assets and liabilities denominated in foreign currencies are recognised in profit or loss.

Broadcasting Authority  
Annual Report and Financial Statements - 31 December 2021

## 1 Summary of significant accounting policies - continued

### 1.3 Functional and presentation currency

#### *(b) Transactions and balances - continued*

and value in use. For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash flows (cash-generating units).

### 1.3 Property, plant and equipment

#### *Recognition and measurement*

Property, plant and equipment, are initially recorded at cost and are subsequently stated at cost less depreciation. Historical cost includes expenditure that is directly attributable to the acquisition of items. Subsequent costs are included in the asset's carrying amount, or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the Authority, and the cost of the item can be measured reliably. All other repairs and maintenance are charged to profit and loss, during the financial year in which they are incurred.

#### *Depreciation*

Depreciation is calculated to write off the cost of fixed assets on a straight-line basis over the expected useful lives of the assets concerned having regard to their residual value. The annual rates used for this purpose, which are applied consistently, are:

	%
Freehold land	-
Building & improvements	1
Transmitting antenna	4 - 12
Furniture & fittings	10 - 20
Technical equipment	25
Studio equipment	20
Motor vehicle	20

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each end of the reporting year. An item of property, plant and equipment is derecognised upon disposal or when no future economic benefits are expected to arise from the continued use of asset. Gains and losses on disposals are determined by comparing the proceeds with the carrying amount and are recognised in profit and loss.

### 1.4 Financial assets and liabilities

#### *1.4.1 Recognition, initial measurement and derecognition of financial assets*

Receivables and debt securities issued are initially recognised when they are originated. All other financial assets and financial liabilities are initially recognised when the Authority becomes a party to the contractual provisions of the instrument. A financial asset or financial liability is initially measured at fair value plus, for an item not at FVTPL, transaction costs that are directly attributable to its acquisition or issue.

All purchases and sales of investments are recognised on the trade date, which is the date that the Authority commits to purchase or sell the assets. Investments are derecognised when the



## 1 Summary of significant accounting policies - continued

### 1.4 Financial assets and liabilities - continued

#### 1.4.1 Recognition, initial measurement and derecognition of financial assets - continued

rights to receive cash flows from the investments have expired or where they have been transferred and the Authority has also transferred substantially all risks and rewards of ownership.

#### 1.4.2 Classification of financial assets

On initial recognition, a financial asset is classified as measured at: amortised cost; FVOCI – debt investment; FVOCI - equity investment; or FVTPL.

Financial assets are not reclassified subsequent to their initial recognition unless the Authority changes its business model for managing financial assets, in which case all affected financial assets are reclassified on the first day of the first reporting period following the change in the business model.

The Authority classifies its financial assets as at amortised cost only if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cash flows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Investments in debt instruments are classified at fair value through other comprehensive income (FVOCI) only if the contractual cash flows are solely principal and interest and the objective of the Authority's business model is achieved both by collecting contractual cash flows and selling financial assets.

All financial assets not classified as measured at amortised cost or FVOCI as described above are measured at FVTPL. On initial recognition, the Authority may irrevocably designate a financial asset that otherwise meets the requirements to be measured at amortised cost or at FVOCI as at FVTPL if doing so eliminates or significantly reduces an accounting mismatch that would otherwise arise.

#### *Business model assessment*

The Authority makes an assessment of the objective of the business model in which a financial asset is held at a portfolio level because this best reflects the way the business is managed and information is provided to management. The information considered includes:

- the stated policies and objectives for the portfolio and the operation of those policies in practice. These include whether management's strategy focuses on earning contractual interest income, maintaining a particular interest rate profile, matching the duration of the financial assets to the duration of any related liabilities or expected cash outflows or realising cash flows through the sale of the assets;
- how the performance of the portfolio is evaluated and reported to the Authority's management;



Broadcasting Authority  
Annual Report and Financial Statements - 31 December 2021

## 1 Summary of significant accounting policies - continued

### 1.4 Financial assets and liabilities - continued

- the risks that affect the performance of the business model (and the financial assets held within that business model) and how those risks are managed; and
- the frequency, volume and timing of sales of financial assets in prior periods, the reasons for such sales and expectations about future sales activity.

of the loss is recognised in profit or loss. If, in a subsequent period, the amount of the impairment loss decreases and the decrease can be related objectively to an event occurring after the impairment was recognised (such as an improvement in the debtor's credit rating), the reversal of the previously recognised impairment loss is recognised in profit or loss.

Transfers of financial assets to third parties in transactions that do not qualify for derecognition are not considered sales for this purpose, consistent with the Authority's continuing recognition of the assets.

Financial assets that are held for trading or are managed and whose performance is evaluated on a fair value basis are measured at FVTPL.

#### *Assessment whether contractual cash flows are solely payments of principal and interest*

For the purposes of this assessment, 'principal' is defined as the fair value of the financial asset on initial recognition. 'Interest' is defined as consideration for the time value of money and for the credit risk associated with the principal amount outstanding during a particular period of time and for other basic lending risks and costs (e.g. liquidity risk and administrative costs), as well as a profit margin.

In assessing whether the contractual cash flows are solely payments of principal and interest, the Authority considers the contractual terms of the instrument. This includes assessing whether the financial asset contains a contractual term that could change the timing or amount of contractual cash flows such that it would not meet this condition. In making this assessment, the Authority considers:

- contingent events that would change the amount or timing of cash flows;
- terms that may adjust the contractual coupon rate, including variable-rate features;
- prepayment and extension features; and
- terms that limit the Authority's claim to cash flows from specified assets (e.g. non-recourse features).

A prepayment feature is consistent with the solely payments of principal and interest criterion if the prepayment amount substantially represents unpaid amounts of principal and interest on the principal amount outstanding, which may include reasonable additional compensation for early termination of the contract. Additionally, for a financial asset acquired at a discount or premium to its contractual par amount, a feature that permits or requires prepayment at an amount that substantially represents the contractual par amount plus accrued (but unpaid) contractual interest (which may also include reasonable additional compensation for early termination) is treated as consistent with this criterion if the fair value of the prepayment feature is insignificant at initial recognition.

**1 Summary of significant accounting policies - continued****1.4 Financial assets and liabilities - continued***1.4.3 Subsequent measurement of financial assets*

Financial assets at amortised cost are subsequently measured at amortised cost using the effective interest method. Amortised cost is the initial measurement amount adjusted for the amortisation of any difference between the initial and maturity amounts using the effective interest method. The amortised cost is reduced by impairment losses. Interest income, foreign exchange gains and losses and impairment are recognised in profit or loss. Any gain or loss on derecognition is recognised in profit or loss.

*1.4.4 Impairment of financial assets*

The Authority recognises loss allowances for ECLs on financial assets measured at amortised cost and debt investments measured at FVOCI to which the Authority is exposed. It measures loss allowances at an amount equal to lifetime ECLs, except for the following, which are measured at 12-month ECLs:

- debt securities that are determined to have low credit risk at the reporting date; and
- other debt securities and bank balances for which credit risk (i.e. the risk of default occurring over the expected life of the financial instrument) has not increased significantly since initial recognition.

When determining whether the credit risk of a financial asset has increased significantly since initial recognition and when estimating ECLs, the Authority considers reasonable and supportable information that is relevant and available without undue cost or effort. This includes both quantitative and qualitative information and analysis, based on the Authority's historical experience and informed credit assessment and including forward-looking information.

The Authority assumes that the credit risk on a financial asset has increased significantly if it is more than 30 days past due, and it considers a financial asset to be in default when:

- the borrower is unlikely to pay its credit obligations to the Authority in full, without recourse by the Authority to actions such as realising security (if any is held); or
- the financial asset is more than 90 days past due.

The Authority considers a debt security to have low credit risk when its credit risk rating is equivalent to the globally-understood definition of 'investment grade'. The Authority considers this to be Ba1 or higher per Moody's or BB+ or higher per Standard & Poor's or Fitch.

Lifetime ECLs are the ECLs that result from all possible default events over the expected life of a financial instrument. 12-month ECLs are the portion of ECLs that result from default events that are possible within the 12 months after the reporting date (or a shorter period if the expected life of the instrument is less than 12 months).

The maximum period considered when estimating ECLs is the maximum contractual period over which the Authority is exposed to credit risk.

Broadcasting Authority  
Annual Report and Financial Statements - 31 December 2021

---

**1 Summary of significant accounting policies - continued**

**1.4 Financial assets and liabilities - continued**

*1.4.4 Impairment of financial assets - continued*

*Measurement of ECL*

ECLs are a probability-weighted estimate of credit losses. Credit losses are measured as the present value of all cash shortfalls (i.e. the difference between the cash flows due to the entity in accordance with the contract and the cash flows that the Authority expects to receive). ECLs are discounted at the effective interest rate of the financial asset.

*Credit-impaired financial assets*

At each reporting date, the Authority assesses whether financial assets carried at amortised cost and debt securities at FVOCI are credit impaired. A financial asset is 'credit-impaired' when one or more events that have a detrimental impact on the estimated future cash flows of the financial asset have occurred.

Evidence that a financial asset is credit-impaired includes the following observable data:

- significant financial difficulty of the borrower or issuer;
- a breach of contract such as a default or being more than 90 days past due;
- the restructuring of a loan or advance by the Authority on terms that the Authority would not consider otherwise;
- it is probable that the borrower will enter bankruptcy or other financial reorganisation; or
- the disappearance of an active market for a security because of financial difficulties.

*Presentation of allowance for ECL in the statement of financial position*

Loss allowances for financial assets measured at amortised cost are deducted from the gross carrying amount of the assets.

For debt securities at FVOCI, the loss allowance is charged to profit or loss and is recognised in OCI.

*Write-off*

The gross carrying amount of a financial asset is written off when the Authority has no reasonable expectations of recovering a financial asset in its entirety or a portion thereof. For each of its financial assets that subject the Authority to credit risk, it makes an individual assessment with respect to the timing and amount of write-off based on whether there is a reasonable expectation of recovery. The Authority expects no significant recovery from the amount written off. However, financial assets that are written off could still be subject to enforcement activities in order to comply with the Authority's procedures for recovery of amounts due.



**1 Summary of significant accounting policies - continued****1.4 Financial assets and liabilities - continued***1.4.5 Financial liabilities*

Issued financial instruments or their components, which are not designated at FVTPL are classified as other financial liabilities, where the substance of the contractual arrangement results in the Authority having an obligation either to deliver cash or another financial asset to the holder, or to satisfy the obligation other than by the exchange of a fixed amount of cash or another financial asset for a fixed number of own equity shares.

A financial liability is derecognised when the obligation under the liability is discharged or cancelled or has expired. Where an existing financial liability is replaced by another from the same lender on substantially different terms, or the terms of an existing liability are substantially modified, such an exchange or modification is treated as a de-recognition of the original liability and the recognition of a new liability, and the difference in the respective carrying amounts is recognised in statement of comprehensive income.

**1.5 Impairment of non-financial assets**

Assets that are subject to amortisation are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use. For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash flows (cash-generating units).

**1.6 Trade and other receivables**

Trade receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment.

**1.7 Trade and other payables**

Trade payables are obligations to pay for goods or services that have been acquired in the ordinary course of operations from suppliers and service providers. Accounts payable are classified as current liabilities if payment is due within one year or less (or in the normal operating cycle of the business if no longer). If not, they are presented as non-current liabilities. Trade and other payables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method.

**1.8 Cash and cash equivalents**

Cash and cash equivalents are carried in the statement of financial position at face value. In the statement of cash flows, cash and cash equivalents include deposits held at call with banks.

**1.9 Provisions**

Provisions for legal claims are recognised when the Authority has a present legal or constructive obligation as a result of past events, it is probable that an outflow of resources will be required to settle the obligation, and the amount has been reliably estimated. Provisions are not recognised for future operating losses. Provisions are measured at the present value of the

Broadcasting Authority  
Annual Report and Financial Statements - 31 December 2021

---

**1 Summary of significant accounting policies - continued**

**1.9 Provisions - continued**

expenditures expected to be required to settle the obligation using a pre-tax rate that reflects current market assessments of the time value of money and the risks specific to the obligation. The increase in the provision due to passage of time is recognised as interest expense.

**1.10 Reserves**

The accumulated fund includes all current and prior period retained surpluses and deficits.

**1.11 Current and deferred tax**

The tax expense for the period comprises current and deferred tax. Tax is recognised in profit or loss, except to the extent that it relates to items recognised in other comprehensive income or directly in equity. In this case, the tax is also recognised in other comprehensive income or directly in equity, respectively.

Deferred tax is recognised, using the liability method, on temporary differences arising between the tax bases of assets and liabilities and their carrying amounts in the financial statements. Deferred tax is determined using tax rates (and laws) that have been enacted or substantially enacted by the end of the reporting period and are expected to apply when the related deferred tax asset is realised or the deferred tax liability is settled. Deferred tax assets are recognised only to the extent that it is probable that future taxable profit will be available against which the temporary differences can be utilised. Deferred tax assets and liabilities are offset when there is a legally enforceable right to offset current tax assets against current tax liabilities and when the deferred tax assets and liabilities relate to income taxes levied by the same taxation authority on either the same taxable entity or different taxable entities where there is an intention to settle the balances on a net basis.

**1.12 Revenue**

Revenue is measured at the fair value of the consideration received or receivable by the Authority for services provided. Revenue is recognised to the extent that it is probable that future economic benefits will flow to the Authority and these can be measured reliably. The following specific recognition criteria must also be met before revenue is recognised:

- The Authority has transferred to the buyer the significant risks and rewards of ownership of the services provided. This is generally when the customer has approved the services that have been provided;
- The amount of revenue can be measured reliably;
- It is probable that the economic benefits associated with the transaction will flow to the Authority; and
- The costs incurred or to be incurred in respect of the transaction can be measured reliably.
- Government grants are not recognised until there is a reasonable assurance that the entity will comply with the conditions attaching to them and that the grants will be received.
- Government grants are recognised in the statement of comprehensive income on a systematic basis over the years in which the entity recognises as expenses the related costs for which the grants are intended to compensate.



Broadcasting Authority  
Annual Report and Financial Statements - 31 December 2021

## 1 Summary of significant accounting policies - continued

### 1.12 Revenue - continued

- Government grants related to assets are presented in the statement of financial position by setting up the grant as deferred income and is recognised in the statement of comprehensive income on a systematic basis over the useful life of the asset.
- Government grants that are receivable as compensation for expenses or losses already incurred or for the purposes of giving immediate financial support to the entity with no future related costs are recognised in the statement of comprehensive income in the year in which they become receivable.

## 2 Financial risk management

### 2.1 Financial risk factors

The Authority is exposed to a variety of financial risks: market risk (cash flow and fair value interest rate risk), credit risk and liquidity risk. The Authority's risk management is coordinated by the Board and focuses on actively securing the Authority's short to medium term cash flows by minimising the exposure to financial risk.

#### (a) Cash flow and fair value interest rate risk

The Authority has no significant interest-bearing assets and liabilities, and its income and operating cash flows are substantially independent of changes in market interest rates.

#### (b) Credit risk

The Authority's exposure to credit risk is limited to the carrying amount of financial assets recognized at the end of the reporting date, as summarised below. The Authority's exposures to credit risk as at the end of the reporting periods are analysed as follows:

	Notes	2021 €	2020 €
Classes of financial assets – carrying amounts			
Trade and other receivables	4	199,169	286,773
Cash and cash equivalents	5	762,709	720,597
		<b>961,878</b>	<b>1,007,370</b>

The Authority applies the low credit risk simplification for all instruments that are externally rated at a rating of BB+ (or equivalent) or better; and the EGL provision for these instruments is accordingly measured at an amount equivalent to the 12-month ECLs. The Authority thus applies the simplification for its bank deposits.

#### (c) Liquidity risk

The Authority is exposed to liquidity risk in relation to meeting future obligations associated with its financial liabilities, which comprise trade and other payables (Note 8). Prudent liquidity risk management includes maintaining sufficient cash reserves to ensure the availability of an adequate amount of funding to meet the Authority's obligations.

Broadcasting Authority  
Annual Report and Financial Statements - 31 December 2021

---

**2 Financial risk management - continued**

**2.1 Financial risk factors - continued**

*(c) Liquidity risk - continued*

The Authority monitors liquidity risk by reviewing expected cash flows and ensures that no additional financing facilities are expected to be required over the coming year. The Authority's liquidity risk is not deemed material in view of the matching of cash inflows and outflows arising from expected maturities of financial instruments and commitments.

**2.2 Capital risk management**

The Authority's equity, which constitutes its capital base, is disclosed in the statement of financial position. The Authority's objectives when managing capital are to safeguard the respective entity's ability to continue as a going concern in order to provide returns for shareholders and benefits for other stakeholders, and to maintain an optimal capital structure to reduce the cost of capital.

In accordance with section 24(1) of the Broadcasting Authority (CAP 350), the Authority shall be paid by the Government of Malta out of the Consolidated Fund such sums as Parliament shall each year determine to be payable to the Authority which shall not be less than €582,350 per year.

**2.3 Fair values of financial instruments**

At 31 December 2021 and 2020 the carrying amounts of cash at bank, receivables, payables and accrued expenses reflected in the financial statements are reasonable estimates of fair value in view of the nature of these instruments or the relatively short period of time between the origination of the instruments and their expected realisation.

**2.4 Critical accounting estimates and judgements**

Estimates and judgements are continually evaluated and based on historical experience and other factors including expectations of future events that are believed to be reasonable under the circumstances.

In the opinion of the Board, the accounting estimates and judgements made in the course of preparing these financial statements are not difficult, subjective or complex to a degree which would warrant their description as critical in terms of the requirements of IAS.

Broadcasting Authority  
Annual Report and Financial Statements - 31 December 2021

**3 Property, plant and equipment**

	Freehold land €	Building & improvements €	Transmitting antenna €	Furniture & fittings €	Technical equipment €	Studio equipment €	Motor vehicle €	Total €
<b>Cost</b>								
As at 1 January 2021	160,270	1,862,680	823,330	541,363	138,586	161,057	56,850	3,744,136
Additions	-	-	50,219	85,605	1,285	-	-	137,109
<b>As at</b>								
31 December 2021	160,270	1,862,680	873,549	626,968	139,871	161,057	56,850	3,881,245
<b>Depreciation</b>								
As at 1 January 2021	-	467,978	522,611	504,866	133,225	161,057	43,250	1,832,987
Charge for the year	-	18,629	32,549	21,218	4,395	-	8,780	85,571
<b>As at</b>								
31 December 2021	-	486,607	555,160	526,084	137,620	161,057	52,030	1,918,558
<b>Net book value as at</b>								
31 December 2021	160,270	1,376,073	318,389	100,884	2,251	-	4,820	1,962,687
<b>Net book value as at</b>								
31 December 2020	160,270	1,394,702	300,719	36,497	5,361	-	13,600	1,911,149

Broadcasting Authority  
Annual Report and Financial Statements - 31 December 2021

**4 Trade and other receivables**

	2021 €	2020 €
Trade receivables	220,164	298,009
Provision for doubtful debts	(34,191)	(38,152)
	<u>185,973</u>	<u>259,857</u>
Other receivables	2,357	2,357
Indirect taxation	4,463	-
Prepayments	6,036	24,188
Accrued income	340	371
	<u>199,169</u>	<u>286,773</u>

**5 Cash and cash equivalents**

	2021 €	2020 €
Cash at bank	<u>762,709</u>	<u>720,597</u>

**6 Trade and other payables**

	2021 €	2020 €
Trade payables	20,904	-
Deferred income	139,457	139,476
Accruals	36,763	31,825
	<u>197,124</u>	<u>171,301</u>

**7 Taxation**

With reference to the Broadcasting Act, Part 9 article 39 sub-article 2, Government subventions are deemed to be exempt from any liability for the payment of income tax and duty on documents. Hence no taxation was recognised in these financial statements given the Authority's main source of income is the Government's subventions.

Broadcasting Authority  
Annual Report and Financial Statements - 31 December 2021

**8 Revenue**

	2021	2020
	€	€
Government subvention	583,000	583,000
Master Antenna Facility Fees	60,554	60,554
Radio License Fees	149,168	157,297
Radio Application Fees	16,154	1,509
TV Application Fees	6,800	-
TV License Fees	124,408	129,505
Transmitter Rents Receivable	46,727	46,727
Penalties income	26,082	11,750
	<u>1,102,893</u>	<u>990,342</u>

**9 Expenses for the year**

	2021	2020
	€	€
Audit fee	1,769	1,769
Depreciation	85,571	69,041
Wages and salaries	<u>587,148</u>	<u>666,674</u>

Staff costs incurred during the year are analysed as follows:

	2021	2020
	€	€
Board members' honoraria	68,017	68,755
Board secretary's salary	22,837	36,265
Wages and salaries	<u>461,617</u>	<u>519,297</u>
	<u>552,471</u>	<u>624,317</u>
Social security contributions	<u>34,677</u>	<u>42,357</u>
Wages and salaries	<u>587,148</u>	<u>666,674</u>

The average number of persons employed during the year, including board members was made up as follows:

	2021	2020
	No	No
Board members	5	5
Operations	<u>18</u>	<u>23</u>
	<u>23</u>	<u>28</u>



Broadcasting Authority  
Annual Report and Financial Statements - 31 December 2021

---

**10 Post Balance Sheet Event**

The Authority is committed to build a Transmission backup site. This project mainly depends on the commitment and issuance of funds by the government. As at the same time the Authority is planning to commence major repairs on the antenna, a project that must go through a tendering process.

**11 Statutory information**

The Broadcasting Authority was established under the Broadcasting Ordinance XX of 1961. The registered office is 7, Mile End Street, Hamrun HMR 1719.



L-Awtorità tax-Xandir  
MALTA  
Broadcasting Authority Malta

[www.ba.org.mt](http://www.ba.org.mt)