

**DIRETTIVA TAL-AWTORITÀ TAX-XANDIR
DWAR PROGRAMMI U REKLAMI MXANDRA
MATUL IL-PERIJODU
11 T'APRIL SAL-24 TA' MEJJU 2014**

BIS-saħħa tas-setgħat mogħtija lilha bl-artikli 15 u 23 tal-Att dwar ix-Xandir, l-Awtorità tax-Xandir qed toħroġ din id-direttiva għall-perijodu 11 t'April sal-24 ta' Mejju 2014.

Isem u dħul fis-seħħ.

1. (1) Din id-Direttiva tissejjaħ id-Direttiva tal-Awtorità tax-Xandir dwar Programmi u Reklami mxandra matul il-perijodu 11 t'April sal-24 ta' Mejju 2014.

(2) Din id-Direttiva tibda sseħħ minn nhar il-Gimgħa, 11 t'April 2014.

Tifsir.

2. (1) Għall-għanijiet ta' din id-Direttiva:

"l-Att" ifisser l-Att dwar ix-Xandir;

"l-Awtorità" tfisser l-Awtorità tax-Xandir imwaqqfa bl-artiklu 118 tal-Kostituzzjoni;

"Direttiva" tfisser id-Direttiva tal-Awtorità tax-Xandir dwar Programmi u Reklami mxandra matul il-perijodu 11 t'April sal-24 ta' Mejju 2014;

"elezzjonijiet" tfisser l-elezzjonijiet għall-Parlament Ewropew li se jinżammu nhar is-Sibt, 24 ta' Mejju 2014;

"kandidat" tfisser kandidat għall-elezzjoni tal-Parlament Ewropew tal-24 ta' Mejju 2014

"programm" jinkludi *spots* sew jekk ikunu informattivi, sew jekk ikunu xort'oħra;

"reklam" tfisser reklam informattiv jew reklam li jkollu kontenut ta' natura politika.

(2) Il-kliem u l-frażijiet użati f'din id-Direttiva jfissru l-istess bħal dak li ngħatalhom fl-Att.

**BROADCASTING AUTHORITY DIRECTIVE
ON PROGRAMMES AND ADVERTISEMENTS BROADCAST
DURING THE PERIOD
11TH APRIL TO 24TH MAY 2014**

IN exercise of the powers conferred by articles 15 and 23 of the Broadcasting Act, the Broadcasting Authority is issuing the following directive for the period 11th April to 24th May 2014.

Citation and entry into force.

1. (1) The title of this Directive is the Broadcasting Authority Directive on Programmes and Advertisements broadcast during the period 11th April to 24th May 2014.

(2) This Directive shall come into force on Friday, 11th April 2014.

Interpretation.

2. (1) For the purposes of this Directive:

"the Act" means the Broadcasting Act;

"Authority" means the Broadcasting Authority established by article 118 of the Constitution;

"Directive" means the Broadcasting Authority Directive on Programmes and Advertisements broadcast during the period 11th April to 24th May 2014

"elections" means the elections for the European Parliament and the to be held on Saturday 24th May 2014;

"candidate" means a candidate for the European Parliament elections of 24th May 2014;

"programme" includes spots whether informative or otherwise;

"advertisement" means an advertisement of an informative nature or an advertisement which contains political content.

(2) Words and phrases used in this Directive shall have the same meaning as is assigned to them in the Act.



Programmi Mxandra f'dan il-Perjodu.

3. (1) Għandha tingħata attenzjoni biex jiġi żgurat illi l-programmi kollha u r-reklamar kollu ma jkunx fih materjal li jista' jiġi interpretat li qed jiffavorixxi jew li qed jagħti *exposure* mhux f'waqtu lil xi partit politiku jew kandidat jew li jista' raġonevolment jitqies li huwa mmirat lejn għan politiku. Għalhekk, b'mod partikolari, ma jkunx aċċettabbli:
- (i) li fil-każ ta' reklami mtella' minn entitajiet pubbliċi jew entitajiet oħra, jidhru persuni li jkunu ressqi jew ikunu bi nsiembhom iressqu l-kandidatura tagħhom għal dawn l-elezzjonijiet, anki meta l-istess reklam ma jkunx jittqis bħala reklam politiku għall-fini tal-Att dwar ix-Xandir;
 - (ii) li programm imsemmi fis-subartikolu (1) ta' dan l-artikolu jiġi ppreżentat minn persuna li tkun ressqet jew bi nsiembha tressaq il-kandidatura tagħha għal dawn l-elezzjonijiet sakemm din il-persuna ma tkunx impjegata regolari mal-istazzjon li jkun qed ixandar il-programm;
 - (iii) Għal finijiet ta' dan l-artiklu, intervista/feature/kummentarju minn jew ma' kandidat prospettiv li tittella' biss sabiex tingħata prominenza lil tali kandidat u li ma jkollhiex rabta ma' attività/stqarrija/aħbar ma tistax tixxandar;
 - (iv) li persuna li tkun ressqet jew bi nsiembha tressaq il-kandidatura tagħha għal dawn l-elezzjonijiet tidher f'sigla tal-ftuh jew egħluq ta' programm.
- (2) Kull programm li jkollu x'jaqşam ma' xi materja ta' kontroversja politika jew industrijali jew li jirreferi għall-*policy* pubblika kurrenti li jixxandar matul il-perjodu 11 t'April sal-24 ta' Mejju 2014 jrid ikun bilanċjat. Fi programmi hekk jeħtieġ li jiddaħħlu l-opinjoni kollha differenti dwar is-suġġett li jkun qed jiġi diskuss u

Programmes broadcast during this period.

3. (1) Care should be taken to ensure that all programmes and all advertisements are free of material, which could be interpreted as favouring or giving undue exposure to any political party or candidate, or which might be reasonably considered as being directed towards a political end. In particular, therefore, it shall not be permissible:
- i) in the case of advertisements commissioned by public entities or other entities, to allow persons who have submitted or intend to submit their candidature for these elections to appear in such advertisements, even when the said advertisement cannot be considered to be a political advertisement for the purposes of the Broadcasting Act;
 - ii) that a programme mentioned in subarticle (1) of this article is presented by a person who has submitted or who intends to submit his or her candidature for these elections when such person is not a regular employee of the station broadcasting such programme;
 - iii) an interview/feature or commentary with or by a prospective candidate broadcast solely to give prominence to the candidate and which has no bearing on an event/statement/news item, cannot be broadcast.
 - iv) that a person who has submitted or intends to submit his or her candidature for these elections features in the opening or closing of a programme.
- (2) All programmes which concern any aspect of a political or an industrial controversy or which refer to current public policy which are broadcast with effect from 11th April to 24th May 2014 have to be balanced. This requires that in such programmes all diverse opinions on the subject under consideration have to be included and,



għalhekk għandhom jipparteċipaw f'dawn il-programmi rappreżentanti tal-Partit Laburista, tal-Partit Nazzjonalista u tal-Alternattiva Demokratika.

- (3) Għall-fini ta' din id-direttiva "natura politika" jew "xejra politika" jfissru opinjoni kontroversjali marbuta fil-qofol tagħha mas-soċjetà moderna li tkun fil-qalba ta' dibattitu politiku u jinkludi wkoll il-kampanja għall-elezzjonijiet, għal Parlament Ewropew.
- (4) Waqt li l-Awtorità, b'konformità mal-liġi, tinsisti fuq iż-żamma ta' bilanċ u l-imparzjalità, l-Awtorità tifhem ukoll li jkun prattiku u fl-istess ħin konformi mal-liġi li l-kontenut tal-programmi fuq l-istazzjonijiet politiċi jitqies fid-dawl tad-disposizzjoni fakoltattiva mogħtija lill-Awtorità skont l-artikolu 13 (2) tal-Att dwar ix-Xandir. Dan t'hawn fuq m'għandux jiġi interpretat bħala li l-istazzjonijiet tal-partiti politiċi mhumieq marbuta li josservaw il-liġi. Għall-fini ta' dan is-sub-artikolu, l-istazzjonijiet tal-partiti politiċi huma: *One Radio, Radio 101, ONE u NET TV*.

Applikazzjoni tal-Kodiċi għall-Investigazzjoni u d-Determinazzjoni tal-Ilmenti.

4. Dawn it-tibdiliet għandhom japplikaw matul il-perijodu 28 t'April sal-24 ta' Mejju 2014. għall-Kodiċi għall-Investigazzjoni u d-Determinazzjoni ta' l-Ilmenti:

- (i) l-ilmenti jkunu indirizzati lill-Awtorità u mhux lill-istazzjonijiet tax-xandir;
- (ii) l-Awtorità tista' titlob spjega mill-istazzjon tax-xandir dwar l-ilment imsemmi skont kemm t'hoss hi li din tkun meħtieġa għall-każ;
- (iii) kull spjega jew tagħrif bħal dan irid jingħata lill-Awtorità mill-istazzjon tax-xandir mhux aktar tard minn nofsinhar tal-għada jew qabel, skont kif tordna l-Awtorità.

therefore, representatives of the Partit Laburista, Partit Nazzjonalista and Alternattiva Demokratika shall participate in these programmes.

- (3) For the purposes of this directive "political nature" or "political content" mean a controversial opinion pertaining to modern society in general which lies at the heart of a political debate and includes campaigning for the European Parliament.
- (4) Whilst the Authority, in accordance with the law, insists on safeguarding balance and impartiality, it also recognises that it would be practical and at the same time in conformity with the law that the programmes broadcast by the political stations are considered in the light of the optional provision which may be exercised by the Authority in terms of article 13(2) of the Broadcasting Act. The above shall not be interpreted that political stations are not bound to observe the provisions of the law. For the purposes of this sub-article, the political stations are One Radio, Radio 101, ONE and NET TV.

Application of the Code for the Investigation and Determination of Complaints.

4. The following modifications shall apply with effect from 28th April to 24th May 2014 to the Code for the Investigation and Determination of Complaints:

- (i) complaints shall be addressed directly to the Authority and not to broadcasting stations;
- (ii) in so far as the Authority may deem necessary, the Authority may require an explanation from the broadcasting station mentioned in the said complaint;
- (iii) any information or explanation required by the Authority as aforesaid shall be provided to the Authority by the broadcasting station not later than noon of the following day or earlier as the Authority may direct.



Regolamenti li l-istazzjonijiet tax-xandir iridu jobdu matul il-ġurnata qabel l-elezzjonijiet u dakinhar tal-votazzjoni.

5. (1) Matul il-jum qabel l-elezzjonijiet u dakinhar tal-votazzjoni (minn issa 'l quddiem magħruf bħala "il-kampanja ta' żmien is-skiet"), ma jista' jsir ebda xorta ta' xandir li b'xi mod jista' jinfluenza l-votanti.

(2) Bla ebda preġudizzju għas-sub-artiklu (1) ta' dan l-artiklu, matul il-kampanja ta' żmien is-skiet ser jidhru fis-seħh dawn ir-regolamenti:

(i) għandhom jiġu evitati sitwazzjonijiet minn stazzjonijiet tax-xandir li matul il-perijodu ta' żmien is-skiet ikunu trasmessi programmi li jistgħu raġonevolment jiġu interpretati li qed jixxandru bil-ħsieb li jinfluwenzaw il-votanti;

(ii) trid tiegħi kull xorta ta' preżentazzjoni mix-xandir tal-partiti politiċi, kandidati u ta' movimenti u organizzazzjonijiet oħra li għandhom x'jaqsmu mal-elezzjonijiet;

(iii) l-istazzjonijiet tax-xandir ma jxandrux tagħrif, dikjarazzjonijiet, stqarrijiet tal-gvern lill-istampa u lix-xandir, kif ukoll dawg tal-oppożizzjoni, tal-kandidati, tal-politiċi, tal-partiti politiċi u ta' organizzazzjonijiet u movimenti li għandhom x'jaqsmu mal-elezzjonijiet, u kull xorta ta' xandir ieħor li bil-miftuħ jew bil-moħbi għandu natura politika, għandu kontenut politiku jew li tista' b'xi mod tinfluenza d-deċiżjoni tal-votanti. Lanqas ma jistgħu jixxandru reklami informattivi mtella' minn entitajiet pubbliċi, inkluż *Public Service Announcements*, sakemm dawn ma jkunux ta' interess ġenerali u ta' natura urgenti;

(iv) dan li ġej ma jistax isir:

- propaganda,
- tagħrif li għandu x'jaqsam mal-kampanja elettorali, u

Regulations to be observed by broadcasting stations during the day preceding the elections and on the actual day of polling.

5. (1) During the day preceding the elections and on the actual day of polling during the elections (hereinafter referred to as "the campaign silence period"), all forms of broadcasting which might influence voters shall be prohibited.

(2) Without prejudice to sub-article (1) of this article, during the campaign silence period the following rules shall apply:

(i) broadcasting stations shall avoid a situation where during the silence period they broadcast programmes which could be reasonably interpreted that they are broadcasting with a view to influence voters;

(ii) all forms of presentation on the broadcasting media of political parties, candidates and other movements and organisations involved in the elections shall cease;

(iii) broadcasting stations shall not broadcast information, statements, press and media releases issued by the government, the opposition, candidates, politicians, political parties and other movements and organisations involved in the elections, and other forms of broadcasting which are, openly or in a covert manner, of a political nature, have political content or which may influence the decisions of the voters. Nor may informative advertisements commissioned by public entities, including public service announcements be broadcast unless these are of public interest and of an urgent nature;

(iv) the following shall be prohibited:

- agitation,
- information related to an electoral campaign, and



- avviżi maħsuba għall-preżentazzjoni ta' programmi, *logos*, *mottos* u simboli ta' partijiet politiku u ta' kandidat/a;
 - announcements designed for presentation of programmes, logos, mottos and symbols of a political party and a candidate;
- (v) ma tistax issir kull xorta ta' preżentazzjoni fix-xandir li b'xi mod hi dwar il-kampanja elettoral (bħalma huma preżentazzjonijiet, propaganda politika, programmi ta' diskussjoni, intervisti, eċċ);
- (v) all forms of media presentations concerning the electoral campaign (such as free presentations, political propaganda, discussion programmes, interviews, etc.) shall be prohibited;
- (vi) fir-rapporti dwar il-votazzjoni u attivitajiet oħra dwar l-elezzjonijiet, l-istazzjonijiet jithallew ixandru bil-prudenza kollha tagħrif dwar fatti li jkollhom valur ta' aħbar evidenti bħal ksur li seta' sar fil-proċeduri tal-votazzjoni kif ukoll dwar xi incidenti li jinqalgħu fil-post tal-votazzjoni jew barra u wkoll dikjarazzjonijiet uffiċjali dwar kif inhi sejra l-votazzjoni hekk kif dawn joħorġu minn ħin għall-ieħor mill-Kummissjoni Elettorali basta li ma tkunx aħbar maħruġa mill-partiti politiċi jew mill-kandidati nfushom jew aħbar ipprovokata jew ġenerata mill-partiti politiċi jew mill-kandidati jew għall-gwadann politiku.
- (vi) it shall be allowed in the reporting on the voting and the other electoral activities for broadcasting stations to prudently report on facts of news value the possible violations of the voting procedures and on eventual incidents inside or out of the polling booths, and official statements on the voting process issued from time to time by the Electoral Commission provided that it shall not consist of a news item released by the political parties or by candidates or a news item provoked or brought about by political parties or candidates for political mileage.
- (3) Jistgħu jixxandru, dikjarazzjonijiet u stqarrijiet dwar xi incidenti msemmija f'paragrafu (vi) ta' sub-artiklu (2) ta' dan l-artiklu li joħorġu matul il-kampanja ta' żmien is-skiet, meta jkun għalqu l-postijiet kollha tal-votazzjoni.
- (3) Statements and releases on the eventual incidents mentioned in paragraph (vi) of sub-article (2) of this article which are issued during the campaign silence period may only be broadcast after all the polling booths are closed.
- (4) Għall-għan ta' dan l-artiklu:-
- "propaganda" favur jew kontra, tfisser kull xorta ta' preżentazzjoni ta' xandir li għandha x'taqsam b'xi mod mal-kampanja elettoral. Propaganda tinkludi wkoll kull preżentazzjoni fuq il-mezzi kollha tax-xandir ta' kandidati, simboli, sinjali jew għeljem oħra u materjal propagandistiku ta' partiti politiċi u movimenti u organizzazzjonijiet li għandhom x'jaqsmu mal-elezzjonijiet.
- "agitation", for and against, means all forms of media presentation related in any way to the electoral campaign. Agitation also includes all other on-air presentations of candidates, symbols, signs and other propaganda material of political parties and other organisations involved in the elections;
- "tagħrif li għandu x'jaqsam ma' kampanja elettoral" tfisser ġabriet ta' aħbarijiet u programmi oħra li jagħtu:
- "information related to an electoral campaign" means news reports and other programmes which present:
- tagħrif dwar kull xorta ta' ħidma ta'
 - information on any form of campaign



propaganda li saret qabel ma waslet biex tibda l-kampanja ta' żmien is-skiet;

- dikjarazzjonijiet u stqarrijiet tal-partiti politiċi, kandidati u organizzazzjonijiet u movimenti li għandhom x'jaqsmu mal-elezzjonijiet;
- tagħrif dwar x'jagħmlu dawk li għandhom funzjoni fl-uffiċċji tal-Gvern u l-uffiċċjali li għandhom x'jaqsmu mal-kampanja tal-elezzjonijiet (ftuħ ta' bini ġdida u affarijiet tal-infrastruttura, varar ta' proġetti, riżultati u kisbiet, jew bħala rapporti f'xandiriet regolari jew speċjali, eċċ.);

"avviżi maħsuba biex jidhru fi programmi, logos, mottos u simboli/għeljem ta' partit politiku, kandidat, moviment u organizzazzjoni oħra li għandhom x'jaqsmu mal-elezzjonijiet" tfisser kull xorta ta' propaganda politika (avviżi, stqarrijiet, reklamar politiku, rekordings jew siltiet minn xi rekordings ta' ġemgħat ta' nies u dehriet oħra fil-pubbliku ta' dawk li qed jieħdu sehem fil-kampanja tal-elezzjonijiet).

(5) Mingħajr preġudizzju għal dak li jingħad fis-subbartikoli preċedenti ta' dan l-artikolu, l-ebda stazzjon m'għandu jxandar materjal dwar l-elezzjonijiet matul il-perijodu ta' żmien is-skiet. Dan japplika għal kull programm tat-televiżjoni u radju, inkluż l-aħbarijiet u japplika kemm għall-kontenut lokali u għall-kontenut barrani.

(6) F'jum il-votazzjoni hu permess li jixxandar dan li ġej:

- i) l-andament tal-votazzjoni, jiġifieri informazzjoni dwar kemm ivvutaw nies u informazzjoni dwar x'ikun qed jiġri fil-postijiet tal-votazzjoni;
- ii) kull meta jissemew il-kandidati tal-elezzjonijiet, l-istazzjonijiet tal-partiti politiċi

activities that took place before the deadline for the start of the campaign silence period;

- statements and releases of political parties, candidates and other organisations and movements involved in the elections;
- information on the activities of the holders of Government offices and officials related to the electoral campaign (opening of new buildings and infrastructure objects, promotion of projects, results and achievements, either in the form of reports in regular or special broadcasts, etc.);

"announcements designed for presentation of programmes, logos, mottos and symbols of a political party, candidate and other movements or organisations involved in the elections" means all forms of political propaganda (announcements, releases, political advertisements, recordings or segments of recordings of rallies and other public appearances of the participants in the electoral campaign).

(5) Without prejudice to the foregoing provisions of this article, no station may broadcast any material concerning the elections during the silent period. This applies to all television and radio programmes, including news bulletins and applies both to local and foreign content.

(6) On polling day it is permissible to broadcast only the following:

- i) the process of voting, that is, information about the number of persons who have cast their vote and information as to what is happening in the polling booths;
- ii) whenever election candidates are mentioned, stations owned by the political parties (NET



(NET TV, Radio 101, One Radio, u ONE) għandhom isemmu l-ewwel il-kandidati tal-partit rispettiv tagħhom, imbagħad jissemmwew il-kumplament tal-kandidati skont il-polza tal-vot; u l-istazzjonijiet l-oħra kollha li jagħżlu li jsemmu l-kandidati tal-elezzjonijiet għandhom isemmuhom fl-ordni li jidhru fih fil-polza tal-vot;

iii) jistgħu jidhru biss fuq l-istazzjonijiet ir-rappreżentanti tal-partiti segwenti: PL - Mexxej u ż-żewġ Deputati Mexxejja; PN - Kap, u ż-żewġ Deputat Kapijiet; AD – Chairperson u Deputat Chairperson; ALDM – il-Kap tal-Partit. Dawn iridu jidhru biss diehlin jivvutaw u jixhtu l-vot. Bl-ebda mod m'għandhom jixxandru kummenti tagħhom fuq il-mezzi tax-xandir sa l-egħluq tal-votazzjoni. Lanqas ma jista' jixxandar rappurtaġġ b'mod indirett ta' x'qalu l-mexxejja, kandidati jew uffiċjali oħra tal-partiti.

iv) L-istazzjonijiet ma jistgħux ixandru jew jirreplikaw aħbarijiet/stqarrijiet li jkunu qed jidhru fuq siti elettronici li fin-natura tagħhom jitqiesu li jiksru l-provedimenti marbuta mal-granet tas-silenzju.

v) L-istazzjonijiet ma jistgħu jwasslu l-ebda messaġġ li jista' jwassal biex jinfluwenzaw il-votant. Barra minn hekk m'għandhomx l-anqas iheggu lin-nies biex imorru jivvutaw jew biex ma jmorru jivvutaw.

TV, Radio 101, One Radio and ONE) shall first mention the candidates of their respective party and then they shall mention the rest of the candidates as they feature on the ballot paper; and all the other stations which opt to refer to election candidates shall mention them in the order as they appear on the ballot paper;

iii) only the following party representatives may appear on broadcasting stations: PL – Leader and both Deputy Leaders; PN – Leader and both Deputy Leaders and AD – Chairperson and Deputy Chairperson; ALDM – Party Leader. They should only be shown entering the polling booths and casting their vote. No comments of such persons may be broadcast on the broadcasting media up till the closure of the polling stations;

iv) stations cannot broadcast or replicate news items/statements featured on electronic sites which by their very nature would be considered to be in breach of the provisions relating to the campaign silence period.

v) stations cannot air any message intended to influence voters. Moreover, they shall not encourage people to vote or not to vote.

Stharriġ tal-Opinjoni Pubblika.

6. L-Awtorità tirreferi wkoll għal Htiġijiet dwar Standards u Prattika dwar id-Diversi Tipi ta' Stharriġ tal-Opinjoni Pubblika Mxandra fuq is-Servizzi ta' Radju u Televiżjoni li għandhom dispożizzjonijiet relatati mal-elezzjonijiet. Kopja ta' dawn il-Htiġijiet hija mehmuża ma' din id-Direttiva.

Public Opinion Polls.

6. The Authority refers to the Requirements as to Standards and Practice Applicable to Various Types of Polls Broadcast on Radio and Television Services which contain provisions relating to elections. A copy of these Requirements is attached to this Directive.



Għoti ta' skeda għall-perijodu ta' żmien is-skiet.

7. (1) Mhux aktar tard minn nofsinhar ta' nhar it-Tnejn, 19 ta' Mejju 2014, kull stazzjon tax-xandir irid jagħti lill-Awtorità skeda dettaljata tal-programmi u reklami għal matul il-perijodu ta' żmien is-skiet biex tiġi approvata mill-Awtorità. F'dan il-perijodu m'għandhomx jixxandru programmi ta' ġrajjet kurrenti, programmi ta' diskussjoni, programmi ta' ġurnaliżmu investigattiv, u programmi ta' natura simili għal dawn flief dawk li jiġu approvati mill-Awtorità għal xandir f'dawn il-jumejn.

(2) Wara li l-Awtorità tirċievi dawn l-iskedi hija tista', jekk tħoss il-ħtieġa, iżżomm laqgħa mal-partiti politiċi biex tiżgura li l-iskedi tal-istazzjonijiet politiċi li jkunu ġew approvati mill-Awtorità jiġu rigorożament osservati mill-istazzjonijiet politiċi.

2 t'April 2014

Provision of Programme Schedule during the Silence Period.

7. (1) Not later than noon of Monday, 19th May 2014, all broadcasting stations shall forward to the Authority a detailed schedule of programmes and advertisements to be broadcast during the silence period so that it may be approved by the Authority. No current affairs programmes, discussion programmes, investigative journalism programmes or programmes of a similar nature may be broadcast except for those programmes which may be approved by the Authority to be aired during these two days.

(2) After the Authority receives these schedules, the Authority may, should it so require, hold a meeting with political parties in order to ensure that the programme schedules of political stations which had been approved by the Authority are rigorously observed by political stations.

2nd April 2014

