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MALTA
Broadcasting Authority

Community Radios

Guidelines on the Legislative Framework for Community Sound Broadcasting Services (Community Radios)

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1. Overview

- 1.1 This document is intended to provide a clear guidance for Community Sound Broadcasting Services (commonly referred to as Community Radios) on the most salient aspects of the licencing and regulatory framework as set out in the Broadcasting Act.
- 1.2 Furthermore, this document sets out the licencing procedures for a new or renewed community radio service and sheds light on the latest approach on regulatory aspects consistent with the public interest to which these services are aimed.

2. Legal Basis

- 2.1 Article 10(2), (3) and (4) of the Broadcasting Act state that:

(2) 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.

(3) Subject to the provisions of this Act, a broadcasting licence granted under this article may be issued under such terms, conditions and limitations as the Authority may deem fit.

(4) Licences may be of particular classes or description and shall in particular include licences for:

- a) *Nationwide television services*
- b) *Nationwide radio services*
- c) *Community radio services*
- d) *Satellite radio services*
- e) *Satellite television services*
- f) *Such other services which may be broadcast or provided on or by an electronic communications network as defined in article 2 of the Electronic Communications (regulation) Act as the Authority may by regulations prescribe*

3. Why the Need for a Licencing Regime?

- 3.1 Despite the freedom to broadcast which emanates from Article 10(1) of the Broadcasting Act and in view of the diverse system of public and private stations, private stations shall be allowed to operate in such a way to ensure a distribution of programming that appeals to general as well as specific and various interests.
- 3.2 Nonetheless, in determining an application, the Authority can refuse to grant a licence if it deems that the community is already well served by any existing community radio stations.

- 3.2 Henceforth, to ensure a minimum level of protection, both to minors as well to the general public, a legal framework providing general provisions for the provision of such services is paramount.
- 3.3 For an effective regulation of such services, which make use of VHF – FM in the frequency band 87.5 to 108 MHz, a licencing regime applies. This framework is the foundation for compliance and ensures efficient allocation of radio spectrum for the benefit of listeners and other interested parties.

4. Who Can Apply for a Community Radio?

- 4.1 A community radio licence can be awarded to;
 - An individual residing in Malta (natural or legal person¹)
 - A company regularly incorporated in Malta in accordance with the Companies Act

5. What Constitutes a “community” in terms of a Community Radio Licence?

- 5.1 Before opting for a **community radio licence**, an applicant needs to understand the limitations of such a licence.
- 5.2 In terms of the broadcasting licencing framework, the term “community” equates to “locality”.
- 5.3 Whilst we do understand that this is a linguistic misnomer, the above definition/approach ensures a fair playing field between nationwide radio services and community radio services; this without impinging on plurality and/or restricting the freedom to broadcast even on a micro level. Henceforth a community radio service should not expect to target a specific community on a nationwide level (there are other types of services which can achieve this²).
- 5.4 Furthermore, this geographical limitation (keeping in mind the reality of a small island state), ensures a level of proportionality in terms of the legislative and financial burden of nationwide radio services.
- 5.5 The ethos of a community radio should be the needs of specific communities present in a particular geographical area (i.e. a locality). In practice, programme line-ups should include broadcasts which specifically address the needs of that community.
- 5.6 Applications for community radio services which the Authority considers to be purely of commercial nature and which *prima facie* do not include content that is deemed of relevance to the immediate community will not be entertained. Provided further that in such cases, the applicant will be given the opportunity to make his or her submissions prior to a final decision.

¹ These are most commonly NGOs working in the community such as Parish Groups and/or Band Clubs

² <https://ba.org.mt/licence-applications>

6. Can I have multiple Community Radios?

6.1 As per Article 10(6A) of the Broadcasting Act, the same organisation person or company may not own, control or be editorially responsible for more than one community radio service and any organisation which owns, controls or is editorially responsible for a nationwide radio service or a nationwide television service, may not own, control or be editorially responsible for a community radio.

7. Can I transfer a Community Radio Service Licence?

7.1 A community radio service licence is not transferable except with the prior consent in writing of the Authority. Such consent shall not be given unless the Authority is satisfied that the individual to whom, or the partnership to which, it is proposed to assign the licence would be able to comply with all the conditions of the licence throughout the remainder of the licence period.

8. What is the duration of a Community Radio Service?

8.1 There are two types of community radio services: long term and short term. Long term community radio service licences are usually granted for a period of 3 years whilst short term community radio service licences are granted for a continuous period not exceeding 31 days.

8.2 In both cases, an operator is expected to provide a minimum of 20 hours a week of programming. Such broadcasts do not necessarily need to be conducted on successive days.

9. What am I prohibited from including in a Community Radio Service?

9.1 Community radio services cannot include in their daily programming any of the below:

- Re-transmission of another radio service, whether national, community or international.
- Simulcast of another radio service, whether national, community or international.
- National and/or international news and/or current affairs programmes.
- Coverage of newspapers and/or news portals and/or any other media outlet reporting on national or international news and/or current affairs.

10. What can I include in a Community Radio Service?

10.1 Community radio services can include in their daily programming any of the below:

- Promotion of cultural events in the locality or neighbouring localities
- Productions that have been previously broadcast on other radio services (national or community) **which are relevant to the targeted community**. These should be indicated as such and should not form part of another service's ongoing schedule.

- c) Sport results (national and international)
- d) Fundraising events/marathons (even for entities outside the community) if the fundraiser is done within the community and subject to compliance with S.L.350.31, Requirements as to Standards and Practice as to Advertisements, Methods of Advertising and Directions on Public Collections on the Broadcasting Media
- e) In case of community radio services operating on the island of Gozo, content from the Gozitan Diocese.

11. Jingles on Community Radio Services

- 11.1 All jingles broadcast on a community radio service should include the name of the service, the frequency, and the words “radju tal-komunitá” (see Circular 1/19).

12. The Fees

- 12.1 Whether one opts for a short-term or a long-term licence there is a **non-refundable application fee of €116**. This also applies in case of renewal of a long-term service.
- 12.2 Furthermore, **a licence fee of €116 applies to short-term services whilst a licence fee of €349p/a applies to long-term services.**
- 12.3 A short-term service can be issued to the same person or company for a **maximum of 4 licences per calendar year**. In that case only one application fee would apply.
- 12.4 Both application and licence fees are to be attached to the application (or a proof of payment thereof) and can be made in cash, cheque, or bank transfer.
- 12.5 When setting-up a new service, the Broadcasting Authority requests the Malta Communications Authority (Malta Communications Authority) to run tests for frequency identification as well as establishing an Effective Radiated Power (E.R.P). The cost of these tests is calculated per men hour and **are borne by the applicant**.
- 12.6 In view of our regulatory function, from time to time, the Broadcasting Authority requests the Malta Communications Authority to conduct tests on frequencies and power. In case a service is found in breach, the cost of these tests would be borne by the service. Likewise, all the necessary tests in connection with a relocation and/or change of equipment are also borne by the service.
- 12.7 Administrative fines imposed by the Broadcasting Authority on a community radio service constitute a legal title and must be paid within a one-month period.

13. The Application Form

- 13.1 Applications for both long- and short-term community radio services can be found on the Broadcasting Authority's website www.ba.org.mt

13.2 An application form should include the following documents³.

1. a front and back copy of the applicant's ID card
2. recent police conduct certificate of the same⁴
3. a detailed schedule of programmes
4. 3 letters of support from community entities⁵
5. proof of payment of the application and licence fee

13.3 A community radio service, whether short or long term, cannot include the frequency as part of the service name.

14. What is a detailed Schedule of Programming?

14.1 A detailed schedule of programming is a table which clearly explains what is included in the broadcast for each day of the week and in each timeslot.

15. What are letters of Support?

15.1 Letters of support from community entities are letters in which other local entities recognise the importance of the services and how they stand to benefit from such. These letters should refrain from being simply an endorsement letter and the entities expressing their support should be completely independent from the applicant.

16. Processing an Application and Frequency Assignment

16.1 When setting up a new service, a complete application should reach the Authority not later than 4 months prior the intended first broadcast. For renewals, application and fees should reach the Authority not later than 3 months before expiry.

16.2 The Broadcasting Authority will in turn contact Malta Communications Authority to identify a frequency for the applicant. However, the Broadcasting Authority cannot be held responsible for any damages or losses that the applicant may suffer in the eventuality that no suitable frequency is identified. In case of renewals, whilst the Broadcasting Authority will endeavour to make available the same frequency, this cannot be guaranteed and is subject to technical considerations made by the Malta Communications Authority.

16.3 Technicians from Malta Communications Authority will visit the applicant's premises to check the equipment. The effective radiated power (E.R.P. i.e. maximum power allowed for transmission) will be determined by the Malta Communications Authority and will be included as part of the conditions in the licence document. The E.R.P. is calculated based on the location of the transmitter and antenna and is computed on the basic principle that broadcasts are to reach the immediate community.

³ The Broadcasting Authority reserves the right to request further documentation if need be.

⁴ Not applicable for short-term community service applications

⁵ Idem

- 16.4 The Broadcasting Authority may, following discussions with the Malta Communications Authority, direct the applicant to change the antenna to ensure coverage of the targeted community and to eliminate any spillage of the signal which could cause interference to other parties.
- 16.5 A prospective applicant should also make sure that the broadcasting equipment is in line with Malta Communications Authority rules and regulations.

17. Assignment of the Licence

- 17.1 If the application is done on behalf of an organisation, the applicant will be considered as the editor and hence the person responsible for all the broadcasts on the community radio service.
- 17.2 In the case of a commercial company, the applicant needs to provide the details of the station's editor who, for all intents and purposes, will be the person responsible for the broadcasts carried on the station.

18. Log Tapes

- 18.1 Once a service is granted a licence all broadcasts should be recorded for a period of not less than 90 days. Log tapes can be requested at any point in time by the Authority or a court of law to conduct compliance assessments by virtue of Article 16(3) of the Broadcasting Act.

19. Annex

- 19.1 Circular 1/19 can be accessed through this link.

<https://ba.org.mt/circulars-archive>