[MT] 2000 Legislative Package

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Following the adoption of the Broadcasting (Amendment) Act 2000, several pieces of subsidiary legislation have been published and since then have come into force.

The 2000 legislative package comes in the light of Malta's efforts to implement the Council of Europe's Transfrontier Television Convention (signed 1991 and ratified in 1993) and EC Directives 89/552/EEC and 97/36/EC. In 2000 Malta tacitly ratified the Protocol amending the convention on Transfrontier Television.

A few points have been selected to highlight the legislative background of these recent legislative changes:

The Broadcasting (Jurisdiction and European Cooperation) Regulations contain detailed definitions of the scope and the conditions under which a broadcaster is considered to be under the jurisdiction of Malta. In the Maltese context these provisions gain particular importance as a number of foreign television stations have chosen to broadcast from Malta without, however, being available to local viewers. Along with provisions for the broadcasting of European works and transmission of major events, the Regulations contain a clause on administrative offences.

A Notice of coming into force (L.N. 260 of 2000) has since been published, establishing the 15 December 2000 as the date of coming into force. It must be pointed out, however, that the section on broadcasting of European works has been excluded from the scope of this Notice. At present Malta's reservations to the WTO agreement stand in the way of full implementation of the system of programme quotas. During the screening of the Maltese legislation in view of the acquis communautaire, Malta stated its intention to take the necessary steps to change its commitments towards WTO in co-operation with the European Commission. It had been agreed that the best way to remedy this obstacle would be for the Commission to undertake further discussions with WTO on the negotiation of a package for all other candidate countries which have the same or similar problems as Malta with reservations to the WTO agreements. Malta's National Plan for the Adoption of the acquis communautaire identifies implementation of the "Television without Frontiers" Directive as one of the country's medium-term priorities in the Audio-visual sector for 2002. A reservation

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has been made that "the implementation of certain elements of this directive, particularly those relating to programme quotas may need to be phased in gradually".

The Code for Advertisements and Sponsorships replaces the previous Third Schedule and clarifies a number of issues. Advertising of a political nature, which was previously banned, remains restricted. However, it is now admissible if "authorized under a scheme of political broadcasts approved by the (Broadcasting) Authority". Furthermore the advertising regulations have been amended to include provisions on teleshopping.

The Code for the Investigation and Determination of Complaints in connection with the Special Administrative Procedure Regulations have introduced a system whereby administrative sanctions replace the previously applicable penal sanctions with respect to broadcasters. Considered as strengthening the effectiveness of the Broadcasting Authority, its actions in this regard are now subject to judicial review.

Broadcasting (Jurisdiction and European Co-operation) (Amendment) Regulations 2000.

Broadcasting (Substitution of Code for Advertisements and Sponsorships for Third Schedule) Regulations 2000 (L.N. 159 of 2000)

Broadcasting Code For The Protection of Minors 2000 (L.N. 160 of 2000)

Code for the Investigation and Determination of Complaints (L.N. 161 of 2000)

Special Administrative Procedure Regulations 2000 (L.N. 162 of 2000)

Broadcasting Act (Amendment of Fifth Schedule) Regulations 2000 (L.N. 164 of 2000)

Dubbing of Tapes Regulations (L.N. 245 of 2000)

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