[MT] Consultation on Major Events and Short News Reporting

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The Broadcasting Authority is proposing amendments to the Broadcasting (Jurisdiction and European Co-operation) Regulations, 2000. The proposed amendments deal with Major Events and Short News Reporting.

Regarding major events, the Authority is proposing to define the words “substantial proportion of the public” as referring to “ninety per cent of the Maltese population who can receive free-to-air broadcasts”. The Authority is also proposing that the broadcaster who has exclusive rights (the primary broadcaster) has to offer those rights to a free-to-air broadcaster (secondary broadcaster) at a reasonable market rate. The proposed criteria to be used to determine such a reasonable market rate are: (a) previous fees, if any, for the major event or similar events; (b) time of day for live coverage of the event; (c) the period for which rights are offered; (d) the revenue potential with the live or deferred coverage of the event; and (e) such other matters as may appear to be relevant.

Moreover, the Authority is proposing to include provisions in Maltese law to establish and to regulate the right to short news reporting. This right is important to the public because it will prevent a primary broadcaster from monopolising all information with regard to an event, which is of high interest to the public, so much so that other broadcasters would not have any access to that information. The proposed amendments, following precedents in Germany and Austria, and taking into consideration both the provisions of the European Convention on Transfrontier Television and the current proposed amendments being discussed at EU level to the Television Without Frontiers Directive, elaborate on the practicalities of the implementation of the right to short news reporting.

Any secondary broadcaster will be entitled to provide information on an event by means of a short report. Such access will be granted either by allowing the secondary broadcaster to freely choose short reports from the primary broadcaster’s signal or by having access to the site in order to cover the event, for the purpose of producing a short report. In the latter case, if the secondary broadcaster is granted physical access to the site, the event organiser or site owner will be able to request a reasonable charge from the secondary broadcaster for any necessary additional expenses incurred. Should the event

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organiser or site owner refuse or impede the secondary broadcaster from gaining physical access to the site, the event organiser or site owner will be liable to a criminal offence.

Short extracts should not: exceed 90 seconds; be transmitted before the event is concluded or, for sports events, before the end of a single day's play, whichever is the earlier; be screened later than 24 hours after the event; be used to create a public archive; omit the logo or other identifier of the primary broadcaster.

The primary broadcaster will be entitled to appropriate compensation for technical costs incurred. In any event, no financial charge will be required of the secondary broadcaster towards the cost of television rights.

"Event" means an event of high interest to the public, which is transmitted on an exclusive basis by a primary broadcaster.

Consultation document on major events and short news reporting, 21 March 2007

http://www.ba-malta.org/Guidelines/Cir_1607.pdf

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