[MT] New Regulations for Short News Reporting

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The Prime Minister has created new regulations under the terms of article 37(1) of the Broadcasting Act in order to regulate short news reporting. These regulations, which are known as the “Broadcasting (Short News Reporting) Regulations, 2007” came into force on 1 July 2007. In terms of these regulations, the Prime Minister has directed the Broadcasting Authority to conform to Malta’s international obligations assumed under Article 9 of the Council of Europe’s European Convention on Transfrontier Television,which deals with short news reporting.

The right to short news reporting of an event where exclusive rights for its television broadcast have been acquired is regulated in terms of these Regulations. In order to enable the public to exercise its right to information, the property right of the primary broadcaster - the broadcasting organisation which holds the exclusivity for the television broadcast of an event - is subject to limitations, in accordance with terms and conditions set out in the Broadcasting (Short News Reporting) Regulations, 2007. Any secondary broadcaster - any broadcasting organisation wishing to provide information, by means of short reports, on an event in which the primary broadcaster holds the exclusive rights - is entitled to provide information on an event by means of a short report.

An “event” is defined as an event of high interest to the public which is transmitted on an exclusive basis by a primary broadcaster whilst “exclusive rights” implies the rights acquired by a broadcaster contractually, from the organiser of an event or the owner of the premises where the event takes place, or the authors or other right holders, with a view to the exclusive television broadcasting of the event by that broadcaster for a given geographical zone. On the other hand, “short report” implies brief sound and picture sequences about an event such as to enable the viewers of the secondary broadcaster to have a sufficient overview of the essential aspects of such an event.

Such access is to be granted either (a) by allowing the secondary broadcaster to freely choose short extracts from the primary broadcaster’s signal, whereby unless this is impossible for reasons of practicality, the secondary broadcaster has to identify the source of the extract as originating from the primary broadcaster; or else (b) by having access to the site to cover the event, for the purpose of producing a short report. Nevertheless, the implementation of the right of access to the event cannot be impeded, restricted or delayed by reason of any claim for

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charges made by the primary broadcaster or by the event organiser, as the case may be.

For the implementation of the aforementioned arrangements, the following aspects have to be taken into consideration:

(a) if an organised event is composed of several organisationally self-contained elements, each self-contained element shall be deemed to be an event;

(b) if an organised event takes place during several days, it shall give the right to produce at least one short report for each day; and

(c) the short report shall be used exclusively by the secondary broadcaster and only in regularly scheduled news bulletins.

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

The primary broadcaster is entitled to appropriate compensation for technical costs incurred. In any event, no financial charge is required of the secondary broadcaster towards the cost of television rights. Furthermore, if the secondary broadcaster is granted physical access to the site, the event organiser or site owner can charge the secondary broadcaster for any necessary additional expenses incurred. Such charges must however be reasonable.

Where an event organiser or a site owner refuses or impedes the secondary broadcaster from gaining physical access to the site, the secondary broadcaster shall be entitled to file an application with urgency before the Civil Court, First Hall demanding that the event organiser or site owner be ordered by the Court to grant such access forthwith.

Regulations on Short News Reporting, in force from 1 July 2007, Malta Government Gazette of 27 July 2007

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