[MT] Consultation Paper on Defining General Interest Objectives

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The Broadcasting Authority and the Malta Communications Authority have launched a Consultation Document entitled “A Policy and Strategy for Digital Broadcasting that meets General Interest Objectives”. In 2005 the Government of Malta had reserved three frequencies for general interest objectives television channels. The Consultation Document attempts to identify the criteria upon which such objectives can be identified as they will provide the basis for the application of the must-carry obligation for network operators. The Consultation Document also proposes a revised broadcasting licensing regime that does away with the current anomalous situation between traditional broadcasters and multi-channel network operators. Finally, the Consultation Document addresses the implications of digital radio on the audio broadcasting sector.

Article 31(1) of the Universal Service Directive 2002/22/EC provides that “Member States may impose reasonable must carry obligations … on undertakings … where a significant number of end-users of such networks use them as their principal means to receive radio and television broadcasts. Such obligations shall only be imposed here that are necessary to meet clearly defined general interest objectives and shall be proportionate and transparent”. This provision has been transposed into Maltese Law through regulation 51(1) of the Electronic Communications Networks and Services (General) Regulations, 2004.

According to the Consultation Document, for a television station to qualify as satisfying general interest objectives, it should promote cultural diversity, provide educational programming, objectively inform public opinion and guarantee pluralism. These criteria are based on paragraph 7 of the Communication from the Commission on the Application of State Aid Rules to Public Service Broadcasting (2001/C 320/04). This Communication also recognises in paragraph 14 that some commercial broadcasters - in addition to the public service broadcaster - may also be subject to public service obligations and play a role in achieving general interest objectives by contributing to pluralism, culture and political debate, as well as widening the choice of programmes. On the other hand, those television channels, which do not satisfy general interest objectives can still be licensed and operate as commercial television channels but will not be subject to the must-carry rule on digital terrestrial networks and on the cable system.

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The consultation period came to an end on 7 December 2007. Now the Government has to formalise its policy position by April 2008. The relative legislation would have to be drawn up and presented to Parliament together with the designation of the must-carry operator. Once all of this is accomplished the television stations that satisfy general interest objectives will be selected and allotted space on the network operator's reserved frequencies for television stations that satisfy general interest objectives.

Making Digital Broadcasting Available to All - A Consultation Document relative to: A Policy and Strategy for Digital Broadcasting that meets General Interest Objectives

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