[MT] Recent Amendments to the Broadcasting Act

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Following consultations with the Malta Communications Authority and the Office of the Attorney General, the Broadcasting Authority has proposed that the Government amend one provision in the Broadcasting Act, Chapter 350 of the Laws of Malta, namely article 16B which deals with digital radio. The reasons and objectives of this proposed amendment is to widen the scope of article 16B of the Broadcasting Act to empower the Broadcasting Authority to license broadcasting content not only on digital radio but also on other electronic communications networks that provide broadcasting content such as the cable network, digital terrestrial television stations and non-linear audiovisual media services. This amendment is intended to:

- ensure technology neutrality in so far as the regulation of programme content on diverse electronic communications networks are concerned. This is a requirement of the EU Telecommunications *acquis* and hence Malta will also be complying with the principle of technology neutrality in its broadcasting legislation;

- ensure that all programme content, irrespective of the network on which it is broadcast, is regulated uniformly and consistently by the Broadcasting Authority. This is indeed a better regulation requirement as it cuts down on the bureaucracy involved, e.g. the same regulator will regulate broadcasting content in a more holistic fashion, one application form can be drawn up that will be applicable to any type of broadcasting content, irrespective of the network upon which that same content is aired;

- ensure that in so far as broadcasting content is concerned, the provisions of the Broadcasting Act are applied consistently to all networks by the Broadcasting Authority;

- legislate the current *modus operandi* in terms of which the Broadcasting Authority regulates broadcasting content, and issues the relevant broadcasting content licences to broadcast on all electronic communications networks whilst the Malta Communications Authority regulates and licenses all technical matters on the said networks. Since the Malta Communications Authority came into being a few years ago, there has been a healthy working relationship established wherein both authorities consult each other on matters of mutual interest and a

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clear separation of duties as explained above has been devised and applied. In this way the Malta Communications Authority will continue to license cable and digital terrestrial networks whilst the Broadcasting Authority will license their programme content;

- prepare the way forward for the regulation of programming content on non-linear audiovisual media services as approved in the revision of the Television Without Frontiers Directive. In this way, Malta can prepare itself for the transposition of the said amendments into the Broadcasting Act as early as possible;

- enable different laws on our statute book to be able to speak to each other whilst using the same terminology, thereby bringing about consistency in the nomenclature used. For this purpose the expression “network” in the Broadcasting Act is being defined by reference to the Electronic Communications (Regulation) Act 2007 so that both laws use the same terminology and thus bring about a more harmonious relationship between the two laws in question.

This amendment has been adopted by Parliament through Part III, articles 19 and 20, of the Communications Laws (Amendment) Act, 2007 - Act No. XXX of 2007. It is envisaged that a legal notice will be published by the Prime Minister to bring this amendment into force. In the meantime, the Authority will be drawing up draft regulations for consultation in order to implement the provisions of the amended article 16B of the Broadcasting Act.

Communications Laws (Amendment) Act, 2007 - Act No. XXX of 2007, Government Gazette of Malta No. 18,168 - 28 December 2007

http://www.doi.gov.mt/EN/parliamentacts/2007/ACT%20XXX%20English.pdf

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