[MT] Consultation Document on Media Concentration

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On 30 June 2008, the Broadcasting Authority issued a consultation document on media concentration. The closing date was 31 July 2008 and the Authority is considering the various submissions it has received. Media concentration in the Broadcasting Act is currently regulated by article 10(6), which provides that the Government of Malta may own broadcasting services only through the public service broadcaster. However, no limit is established by law as to the number of broadcasting stations the public service broadcaster may own. On the other hand, a private company may own, control or be editorially responsible for not more than "(i) one terrestrial or cable, radio broadcasting service; and (ii) one terrestrial or cable, television broadcasting service; and (iii) one terrestrial or cable, radio or television broadcasting service devoted exclusively to teleshopping."

Following the enactment of the Broadcasting Act in 1991, it was only possible for a limited liability company to own one radio or one television station. This provision was amended in 1993 to enable the same company to own concurrently both a radio service and a television service. In 2000, the provision was amended again to permit the same company to own concurrently one radio service, one television service and one radio or television broadcasting service devoted exclusively to teleshopping.

In so far as the Government is concerned, it currently owns, through Public Broadcasting Services Limited, one nationwide television station and three nationwide radio stations, while it is also editorially responsible for Education 22, the Education Channel of the Ministry of Education. In the private sector, there are 5 companies which own more than one broadcasting service. Three companies own one nationwide radio service and one nationwide television service. The cable operator and the digital terrestrial operator own more than one television station. Other companies own either one radio service or one television service or one television teleshopping service.

Article 10(6) of the Broadcasting Act was conceived at a time when media was not yet convergent, where frequencies were a scarce resource and where there was only one dominant medium – the broadcasting medium. With advancements in technology this situation has changed. Apart from digital radio and digital television, which allow compression of bandwidth to permit a greater number of radio and television services, and setting aside video-on-demand and pay-per-

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view services, other media have emerged which carry broadcasting services. Satellite radio and satellite television are also distributors of radio and television services, in addition to analogue, digital and cable platforms.

The consultation document suggests retaining the extant media concentration rules in the Broadcasting Act and updating them to represent present-day needs, in order to encourage take-up over different transmission platforms. Thus, in so far as generalist radio and television stations are concerned, the consultation document proposes that the rules should remain as they currently stand. In so far as specialist radio and television stations are concerned, the consultation document suggests that the rules should be changed to permit one company to own, control or be editorially responsible for up to six radio and three television channels only when these are niche stations. As niche stations, they will be considered commercial stations. However, the expression “niche stations” should not be interpreted to include the following programme genres: news bulletins, current affairs and discussion programmes. These programmes should continue to be held as falling within the ambit of generalist stations’ programme schedules.

“Consultation Document: Media Concentration”, Media Release 51/08, Broadcasting Authority, Malta

http://www.ba-malta.org/media-concentration

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