# [MT] Proposed Amendments to the Broadcasting Act on Satellite Broadcasting

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A bill to amend the Broadcasting Act has been published in the Malta Government Gazette of Friday, 6 February 2009. The object of the Bill is to amend the Broadcasting Act to enable the Broadcasting Authority to license broadcasting content on satellite radio and television services. As the situation stands to date, the licensing of satellite radio and television broadcasting content has always been entrusted to the Government of Malta and, in particular, to the minister responsible for communications. This Bill proposes to entrust this function to the independent broadcasting regulator. In fact, in practice, the Ministry has always delegated the processing and issuing of such licences to the Broadcasting Authority. The Bill would officially divest the Government of the regulation of broadcasting content and assign the task to the Broadcasting Authority.

A person who is under the jurisdiction of Malta cannot supply a compilation of programmes for the purpose of transmission as a radio or television broadcasting service, whether for reception in Malta or elsewhere, by means of a satellite device, otherwise than under and in accordance with a satellite radio or television content broadcasting licence. In the case of a television licence, compliance with the provisions of the European Union's Television Without Frontiers Directive is necessary. An application fee of one thousand euros (EUR 1,000) has to be paid to the Authority by an applicant for a satellite radio or television content broadcasting service. A satellite content licence will include: a condition requiring the holder of the licence to comply with such legislation, requirements as to such standards, practice and conditions as the Authority may specify with respect to the programmes supplied in pursuance of the licence and a condition requiring the holder of the licence to utilise that licence for such duration as the Authority may establish, provided that such duration shall not exceed a maximum period of eight years.

An application for a licence to provide satellite content service will be made in such a manner and will be accompanied by such licence fees as the Authority may determine.

An administrative penalty may be imposed by the Authority of up to a maximum of three hundred thousand euro, should there be a breach by a satellite content service licence-holder of the Broadcasting Act or any subsidiary legislation made thereunder. Finally, the Prime Minister may, following agreement with the

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Authority, make regulations to give better effect to the new provisions on satellite broadcasting.

***Bill entitled the Broadcasting (Amendment) Act, 2009 , Government Gazette of Malta No. 18,376, 6 February 2009***

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