[MT] Broadcasting Authority Directive Concerning EU Parliamentary Elections

IRIS 2009-6:1/26

Kevin Aquilina
Faculty of Laws, University of Malta

On 15 April 2009, the Chief Executive of the Broadcasting Authority issued Circular No. 8 of 2009 to all broadcasting stations informing them of the approval by the Authority of the "Directive on Programmes and Advertisements Broadcast During the Period 4 May to 6 June 2009". This Directive has been issued in conjunction with the elections for the European Union Parliament to be held in Malta on 6 June 2009. Five MEPs are expected to be elected to represent Malta in the EU Parliament.

In the circular it is stated that the Authority has decided that, in the case of a breach of this Directive, no warning will be given, but that an administrative penalty, which can amount up to a maximum of EUR 34,940 depending on the gravity of the offence, will be imposed. Naturally other harsher sanctions, such as closing down a station, the suspension of a licence or revocation of a licence, may be imposed in the case of non-compliance with the Directive.

The Directive enjoins all broadcasting stations, be they radio or television, to forward to the Authority a detailed schedule of programmes and advertising to be broadcast between 4 May and 6 June 2009, for its approval. Although the Broadcasting Act does empower the Authority to request all radio and television stations to provide it with a copy of their programme schedules, in practice it is only in the case of the public service broadcaster that the Authority will approve programme schedules prior to broadcasting. However, an exception to this rule applies where the Authority will generally provide approval prior to broadcasting not only to the programme schedules of the public service broadcaster, but also of commercial stations (whether radio or television). This happens when elections are held, usually during the four to five weeks preceding the date of polling. Once the programme and advertising schedules for this short period are approved by the Authority, it is in only very exceptional circumstances that further changes can be approved.

As happened in June 2004, EU Parliament elections will be held on the same day as local council elections in a third of Malta. The Directive thus applies also to broadcasts relating to the local council elections campaign.

© European Audiovisual Observatory (Council of Europe) 2026

In the Directive, the Authority regulates the exposure which candidates in the elections can receive in the broadcasting media to ensure a level playing field for all. In this respect, the Directive contains a provision to the effect that a person who has announced his or her candidature for both these elections (EU Parliament and local council) cannot participate in a regular manner in the same programme during the same election period. A candidate is considered to have participated regularly in a programme when s/he participates in more than two editions of the same programme in the same period. This does not include coverage in news bulletins, but includes fabricated news items where interviews with candidates are broadcast on matters that have no bearing on the news item being covered and which are intended to give that candidate undue exposure over other candidates.

In addition, it is not possible during this four-week period for an election candidate to present a programme on a broadcasting station, unless s/he happens to be a regular employee of the station broadcasting such a programme.

The Directive also deals with advertisements of a political nature. These are permitted within a scheme of political broadcasts organised by the Authority itself with the participation of all political parties and independent candidates contesting in the 6 June 2009 elections. Once again, the Directive makes it clear that in the case of advertisements commissioned by public and other entities, persons who have announced their candidature for these elections are not allowed to appear in advertisements, even when the advertisement is not considered to be a political advertisement in terms of law.

Direttiva tal-Awtorità tax-Xandir dwar rogrammi u Reklami Mxandra Matul il-Perijodu 4 ta' Mejju sas-6 ta' Ġunju 2009

http://www.ba-malta.org/file.aspx?f=891

Broadcasting Authority Directive on Programmes and Advertisements Broadcast during the Period 4th May to 6th June 2009

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026