[MT] Draft Law to Transpose the AVMS Directive

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The year 2009 has been a fruitful year for legislation in the broadcasting scene in Malta. Earlier on in the year, Parliament enacted a law to empower the Maltese Broadcasting Authority to license radio and television satellite services. Currently, the House of Representatives is discussing a Bill to amend the Broadcasting Act to transpose the Audiovisual Media Services Directive (AVMS), whilst another Bill has been drawn up - though it has not yet been published - intended, inter alia, to regulate general interest objectives in Maltese Broadcasting Law.

The Audiovisual Media Services Directive will be transposed into Maltese Law through an amendment to the Broadcasting Act and through the introduction of a number of subsidiary laws. In fact, a bill to amend the Broadcasting Act was published on 24 November 2009 in The Malta Government Gazette. The debate in the House of Representatives began in the first week of December 2009. The Bill was still at Second Reading before the House adjourned for the Christmas recess.

No effective date of entry into force is mentioned in the Bill, although Malta had until 19 December 2009 to bring it into force and to make the necessary subsidiary laws. The Bill does not however transpose all the provisions of the AVMS Directive. As a result, other legal notices will have to be made for the remaining provisions not contained in the Bill through which the Directive will be implemented.

The Broadcasting (Amendment) Act 2010, will transpose, when enacted, the Directive's definitions of 'audiovisual commercial communication', 'audiovisual media service', 'broadcaster', 'broadcasting', 'editorial responsibility', 'media service provider', 'on-demand audiovisual media service', 'product placement', 'programme', 'sponsorship', and 'surreptitious audiovisual commercial communication'. It will also transpose into the Broadcasting Act Articles 2, 2a, 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h and 3i of the AVMS Directive. The remaining provisions will have to be transposed by subsidiary legislation amending the Code for Advertisements, Teleshopping and Sponsorship; the Broadcasting (Jurisdiction and European Co-Operation) Regulations; the Broadcasting (Short News Reporting) Regulations; the Broadcasting Code for the Protection of Minors; the Broadcasting Authority (Enforcement Powers) Regulations; and the Fifth Schedule of the Broadcasting Act dealing with Offences which are Cognizable by the Broadcasting Authority.

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Abbozz Ta' Liġi imsejjaħ att biex ikompli jemenda l-Att dwar ix-Xandir, Kap. 350

http://www.doi.gov.mt/EN/bills/2009/BILL%2035.pdf

A Bill entitled an Act to further amend the Broadcasting Act, Cap. 350

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