[MT] Fresh Amendments to the Broadcasting Act on Media Concentration and General Interest Objective Television Stations

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In March 2011 a bill was proposed to amend the Broadcasting Act. The Bill will extend “pluralism in broadcasting” and permit “the licensing of a general interest objective network operator and general interest broadcasting content licensees”. It will retain the status quo in so far as the licensing of the public service broadcaster is concerned. The Government will continue to licence public service broadcasting, while private broadcasting will be licensed by the Broadcasting Authority. It further liberalises the media concentration provision. Currently this provision allows the same owner to own, control and be editorially responsible for up to one national television station, one national radio station and one national teleshopping television station. The proposed amendment will allow the same owner to own: one nationwide radio service on the FM frequency and an unlimited number of nationwide radio services on the digital radio network; up to two nationwide general television stations, an unlimited number of nationwide niche television stations and an unlimited number of nationwide teleshopping stations; and only one nationwide radio or nationwide television predominantly transmitting news and current affairs. Interactive gaming content and interactive gambling content is prohibited on community radio and nationwide radio, as well as on nationwide television.

In addition to the list of products that cannot be placed in programmes according to Article 16M(4) of the Broadcasting Act, the bill adds the following: alcoholic drinks of more than 1.2% alcohol during programming that is broadcast between 6.00 a.m. and 9.00 p.m.; gambling products during programming that is broadcast between 6.00 a.m. and 7.00 p.m.; infant formula; and weapons and munitions.

A general interest objective network operator is to be licensed by the Malta Communications Authority in terms of the Electronic Communications (Regulation) Act. On the other hand, the Broadcasting Authority will decide which licensees of general content objective services approved by it will be carried by the network operator. The first call for applications will be open to those free-to-air analogue television services that were in existence on the 1 December 2010. The Authority may issue other calls to assign available channels on the general interest objective network. However, public service television services that were

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broadcasting on that date are automatically considered to be general interest broadcasting services.

The Prime Minister, after consultation with the Broadcasting Authority, will make regulations to establish criteria for evaluating an application for a general interest nationwide television broadcasting service.

General interest objective service licensees will have to offer free of charge their broadcasting content to those electronic communications networks which the Broadcasting Authority may from time to time direct or approve.

The Authority may make regulations in respect of the determination of disputes between the network operator and the general interest objective service, in respect of the regulation of the general interest objective network in order to ensure that the network operator complies with the broadcasting law, and to ensure that an uninterrupted service is provided by the network operator. Cases involving a dispute between the network operator and a general interest objective service licensee will be referred to a standing arbitral tribunal composed of one person appointed by the Broadcasting Authority who shall preside, one person appointed by the Malta Communications Authority and one person appointed by the Minister responsible for communications. The tribunal's decision is final.

ABBOZZ TA' LIĠI imsejjaħ ATT biex jemenda l-Att dwar ix-Xandir biex iwessa' l-pluraliżmu fix-xandir u biex jippermetti l-liċenzjar ta' operatur tannetwork tal-oġġettivi ta' interess ġenerali u detenturi talliċenzja b'kontenut ta' xandir ta' interess ġenerali.

http://www.doi.gov.mt/EN/bills/2011/BILL%2075.pdf

Bill No. 75, entitled the Broadcasting (Amendment) Act, 2011, Government Gazette of Malta No. 18,720 - 18.03.2011

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