[MT] Broadcasting in Connection with European Parliament Elections

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On 2 April 2014 the Broadcasting Authority issued a directive to all broadcasting stations - both radio and television - governing programmes and advertisements broadcast during the period from 11 April to 24 May 2014: the electoral period for the EU Parliament elections. Elections will be held in Malta for the EU Parliament on Saturday, 24 May 2014. Contrary to previous years (see IRIS 2009-6/26), the Broadcasting Authority will not require broadcasting stations to submit programme schedules for its approval during the EU Parliament electoral campaign but will do so only for the two day moratorium (silence period), that is, on 23 May and 24 May 2014. This will cut down on bureaucracy and give more freedom to broadcasters whilst at the same time putting more of an onus on the broadcasters to exercise an element of self-regulation. Naturally the Broadcasting Authority will still continue to monitor broadcasting stations to ensure that they do not abuse their self-regulatory powers.

In the directive, the Broadcasting Authority advised broadcasters to take care to ensure that all programmes and all advertisements are free from material that could be interpreted as favouring or giving undue exposure to any political party or candidate, or that might be reasonably considered as being directed towards a political end. In particular, therefore, it is not permissible, in the case of advertisements commissioned by public entities or other entities, to allow persons who have submitted, or intend to submit their candidature for these elections to appear in such advertisements, even when the said advertisement cannot be considered to be a political advertisement for the purposes of the Broadcasting Act.

Nor can a programme be presented by a person who has submitted or who intends to submit his or her candidature for these elections when such person is not a regular employee of the station broadcasting such a programme.

The directive prohibits an interview/feature or commentary with or by a prospective candidate from being broadcast solely to give prominence to the candidate and that has no bearing on an event/statement/news item.

Nor can a person who has submitted, or intends to submit, his or her candidature for these elections feature in the opening or closing of a programme.

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All programmes that concern any aspect of a political or an industrial controversy or which refer to current public policy that are broadcast with effect from 11 April to 24 May 2014 have to be balanced. This requires that in such programmes all diverse opinions on the subject under consideration have to be included and, therefore, representatives of the three main political parties contesting the elections must participate in these programmes.

While the Authority, in accordance with the law, insists on safeguarding balance and impartiality, it also recognises that it would be practical, and at the same time, in conformity with the law that the programmes broadcast by the political stations are considered in the light of the optional provision that may be exercised by the Authority in terms of Article 13(2) of the Broadcasting Act. This provision allows the Authority to consider balance together as a whole rather than in each and every individual programme. But this provision is not to be interpreted that political stations are not bound to observe the provisions of the law. The political stations in question to which this provision applies are One Radio, Radio 101, ONE and NET TV.

Broadcasting Authority Directive on Programmes and Advertisements broadcast during the period 11th April to 24th May 2014

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