[MT] Legal challenge on the existence of broadcasting stations owned by political parties

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An independent media house in Malta is calling on the Constitutional Court to decree that a provision in the Broadcasting Act relating to impartiality is incongruent with the Constitution.

LovinMalta, a news portal which has become very popular in Malta, particularly with the younger generation, is challenging a long-established practice that allows political parties to own broadcasting stations.

This legal challenge could change the Maltese media landscape, which has for the last 30 years been dominated by the two main political parties, as they each own and operate a radio and television station. In Malta, it is possible for political parties to own a broadcasting station, provided they set up a commercial company duly registered under the Companies Act.

The Broadcasting Authority, which was set up in 1961, and which is celebrating its 60th anniversary this year, is a Constitutional entity, as reflected in Articles 118 and 119 of the Constitution of Malta.

Article 119 (1) of the Constitution states that "[i]t shall be the function of the Broadcasting Authority to ensure that, so far as possible, in such sound and television broadcasting services as may be provided in Malta, due impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policy and that broadcasting facilities and time are fairly apportioned between persons belonging to different political parties."

Following a crowdfunding campaign through which LovinMalta generated the funds to mount this legal challenge, the Constitutional Court will be called upon to determine whether the existence of two television stations - ONE, owned by the Partit Laburista, which is currently the party in government, and NET TV, which is owned by the opposition party (Nationalist Party) - go against the principle of impartiality as dictated by the Constitution.

LovinMalta is objecting to a clause in the Broadcasting Act which states that the Broadcasting Authority shall be able to consider the general output of the programmes provided by the various broadcasting licensees and contractors together as a whole for due impartiality in respect of matters of political or

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industrial controversy or relating to current public policy.

In practice, this means that the principle of impartiality is achieved given that these two particular stations tend to broadcast opposing agendas that reflect the principle of their respective political parties.

Meanwhile, the two stations have already declared that they will mount a strong legal defence against this claim.

Broadcasting Act

https://legislation.mt/eli/cap/350/eng/pdf

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