



L-Awtorità tas-Sinjura
Broadcasting Authority

BROADCASTING AUTHORITY OPERATIONAL REPORT PARLIAMENTARY ELECTIONS 2017

Reference is made to the OSCE/ODHIR Election Assessment Mission Final Report published by experts from the Office for Democratic Institutions and Human Rights (OSCE) dated 9th October 2017.

The Broadcasting Authority firstly wishes to inform the Mission that the TV media landscape in Malta is made up of 10 TV stations, amongst which 8 TV stations are GBO (free to air general interest stations) and 2 stations are provided commercially by the local media service providers, contrary to what has been stated as "7 TV stations" (p.13).

The Broadcasting Authority categorically denies that it "... does not actively monitor campaign coverage, but acts on complaints..."(p. 14). This is totally untrue since a specific schedule of monitoring duties is assigned to the Monitoring Department during the electoral period. These monitoring duties consist of political programmes and all other programmes which concern any aspect of a political or an industrial controversy or which refer to current public policy. Thus it has to be clarified that radio and TV programmes are rigorously monitored and, should there be any breaches, these are put forward immediately to the Authority's Board for urgent discussion and decision. As the document attached shows (Appendix A), monitoring duties are assigned and such duties include both radio and television programmes broadcast by TVM and also programmes broadcast by the political and other commercial stations, be it television or radio.

Also the report states that "no fines were imposed during the 2017 campaign." Again this information is not correct since a number of charges regarding lack of impartiality were issued following the monitoring done by the Authority. The charges were issued against political and commercial stations as Appendix B clearly indicates, and these not only covered programmes but also political advertisements which were broadcast during the electoral campaign. As the figures show, during the electoral campaign, the Broadcasting Authority issued eight charges against these stations, which resulted in three fines, and the five other charges resulted in a warning. This clearly goes against what has been said in the report that "... the BA acknowledged that the institution focuses its regulatory mandate on the PBS and does not enforce the impartiality and fairness rules on private outlets". This is absolutely not true and as Appendix B shows, all the charges issued were taken against political and commercial stations. It is quite surprising that OSCE/ODHIR states this in such an official document, when all the decisions taken by the Broadcasting Authority are made public and are published on the Broadcasting Authority website (www.ba-malta.org). As can

also be seen, such changes were issued for breaches of impartiality and breaches of the Broadcasting Authority Directive on Programmes and Advertisements broadcast on television and radio stations during each electoral period. Such a Directive is purposely issued by the BA during an electoral campaign to achieve impartiality and balance and regulate any political content within the programming aired across all TV and radio stations.

Further to this, other discussions with TV and radio stations are conducted on a regular basis during the electoral campaign to indicate any breaches and solve cases of lack of impartiality as has been explained during the meeting held with the OSCE delegation in Malta on 22nd May 2018. A number of instances, particularly in relation to lack of adherence to impartiality, are settled without the need of any charges. In other instances, the BA sends a number of notifications to the broadcasting station to adhere to the regulations and legislation and during the electoral campaign, particularly regarding the lack of adherence to the Directive and the lack of adherence to regulations pertaining to impartiality.

Apart from the charges, the Broadcasting Authority received 9 complaints and acted upon these within 24 hours. The decisions were communicated to the parties involved and were also made public on the BA's website. It also has to be made clear that the local broadcasting legislation does not provide for any fines to be imposed in cases where a complaint is upheld.

The Broadcasting Authority takes programming during an electoral campaign very seriously and issues a specific Directive which in this case went into force on 8th May 2017. The Directive applies for all radio and TV stations and imposes further obligations other than those envisaged by the Broadcasting Act and the Subsidiary Legislation.

As the above factual information shows, the Mission Report has totally misrepresented the Broadcasting Authority's role during the 2017 electoral period and presented a very bleak picture of the regulatory legal framework for the broadcasting media.

Appendix A – monitoring duties

Appendix B – changes issued by the Broadcasting Authority

Appendix C – list of complaints summoned to the Broadcasting Authority's Board

Appendix D – Directive



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June 2018