

*Amended by:
XV. 2000.16.*

SECOND SCHEDULE

Article 11 (1) (c)

NATIONAL BROADCASTING PLAN*General Principles*

1. The National Broadcasting Plan gives expression to the following principles:

- (a) Freedom of expression, as enshrined in article 41 of the Constitution, should be interpreted as guaranteeing pluralism in broadcasting. This article guarantees freedom to receive ideas and information without interference, and freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons).
- (b) The public broadcasting services should remain independent of Government editorially and, to the greatest extent possible, in economic and regulatory terms.
- (c) Because of broadcasting's power, immediacy and influence, there should be continued provisions, through both the law and regulatory oversight, governing programme standards, including the portrayal of violence and sex.
- (d) There are significant differences between radio and television as broadcasting media which need to be reflected in their respective regulatory arrangements.
- (e) There should be opportunities for new services to develop, as the market demands, and Government should not attempt to determine artificially the relative success of different technologies.
- (f) There should be no unnecessary constraints on increasing the range, variety and quality of programmes from which viewers and listeners can choose.
- (g) There should be increasing opportunities for direct choice of television and radio programme services.
- (h) There should be vigilance against uncompetitive practices and market distortions. Partly for this reason there should be a greater separation between the various functions which make up broadcasting and which have in the past been carried out by one organisation.

Television

2. (1) Pluralism is to be established in Maltese television.
 - (2) As a first step the introduction of a cable television system will have a community channel operated by or for the Broadcasting Authority.
 - (3) An educational channel will also be operated in conjunction with the Department of Education.
 - (4) Provision is also being made for new private channels within the cable system to be made available for allocation by the Authority.
3. Within four years, and depending to a great extent on the penetration of the cable system, the Government will decide whether to make frequencies available for private terrestrial transmissions or continue to rely on the cable system itself.

4. In conjunction with the private sector, the Government is interested in tapping the new important satellite TV market as well as to utilise Malta's frequency resources.

5. In 1989 the Government enacted the necessary legislation to permit individuals to receive television signals from telecommunications satellites, subject only to aesthetic and technical considerations. This had followed the Government's 1988 decision to allow hotels and tourist complexes to install satellite receiving dishes.

Radio

6. It is the opinion of Government that at present there is little prospect of additional national radio services on the MW band. The Government will, however, remain open to the development of international services on this band.

7. The Government believes that there is scope for ten nationwide radio services on the VHF/FM band and the Government will make available to the Authority two mono frequencies and eight stereo frequencies for these services. Two of these services, one mono and one stereo, are expected to be provided as part of the State's public broadcasting services.

8. Licences for nationwide radio services in the Maltese Islands are to be awarded by the Authority to selected Maltese citizens, or Maltese-controlled and registered companies, to provide the following:

- (a) Seven services (including one provided by the State) which will transmit for at least twelve hours daily and which will comprise education, information and entertainment programming calculated to appeal to a variety of tastes and interests, and not limited to a narrow format. A number of these services however may be more specifically tourist-oriented;
- (b) three twenty-four hour live stereo services providing music, information, news analysis, interview, discussions and phone-in programmes.

9. Organisations, persons or companies interested in providing any of the nationwide services outlined above will have to provide details of their proposed programming as well as full technical and locational details of the transmitting and studio facilities envisaged. They will also have to provide all relevant background information concerning financing, their investment programme and similar information.

10. To further extend pluralism and the right of access, community broadcasting is to be allowed and encouraged.

11. (1) Government will allow, through the Authority, community broadcasters access to the VHF/FM band.

(2) The services provided by these stations are not expected to be within the stricter parameters described above for nationwide services. The intention is that the stations will be subject to the minimum of regulation consistent with the public interest; will be permitted to adopt their own editorial point of view; will be permitted to carry sponsored programmes; and will own their transmitters and thus broadcast themselves.

Regulation

12. The Authority will be responsible for assigning the frequencies, identified by the Government, and issuing licences. Stations will be responsible for their own

transmission arrangements, and will be expected to broadcast on single frequencies. Stations will not generally be able to receive public funding, but there will be certain clearly defined exceptions. The number and scale of community services will depend solely on local demand and wishes. The Government will create an environment in which community radio, based on local identity, will be able to fulfil its potential.

13. The Constitutional obligations on impartiality and facilities, in so far as radio services are concerned, are covered fully by the total liberalisation of the citizen's access to and use of this medium.

14. The Government will continue to exercise regulatory control over the type and performance of broadcasting equipment used in nationwide and community transmissions. This will be done to prevent interference to other users of the radio spectrum. Stations may be tempted to increase the power output of their transmitters to get larger audience coverage. The Authority will therefore specify in the licences it issues the permitted power levels, etc. Stations will also need to take care that they do not contravene their licences, by causing interference to other users as a result of poor engineering. On both technical and frequency matters the responsible body will remain the Minister responsible for Wireless Telegraphy.

15. At nationwide and community level, each licensed station shall arrange its own funding. Advertising or voluntary subscriptions or donations are obvious sources of income.

Public broadcasting services

16. The public broadcasting services will have a special role in the structure of broadcasting in the Maltese islands. They will be expected to provide high quality programming across the full range of public tastes and interests; the public services have a particular duty to provide programming of an educational and cultural nature. They must concentrate on the high educational levels and the continued training of personnel and must adopt internationally practised contemporary methods of production of its programmes and news bulletins. "Farming out" of any of its production and other services to outside studios, producers or companies on an *ad hoc* or other contractual basis should therefore also be considered as long as these meet strict standard levels.

17. The State's monopoly of broadcasting in Malta will be ended.

18. Malta's public broadcasting media will now include:

- (a) Public Broadcasting Services Ltd., with its television channel and two radio services;
- (b) The cable system's community and educational channels.

19. The public broadcasting media have the particular responsibility of providing news and current affairs programming which respect the Constitutional requisites of adequate impartiality, and which shall also be in line with journalistic principles aimed at ensuring a comprehensive and accurate information service in the interests of a democratic and pluralistic society. They should be leaders in providing quality television to the Maltese public with regard to programming, news and analysis and should be able to interpret the guidelines issued by the Authority in respect of news and current affairs not as rigid straightjacketing but as a flexible tool in the hands of creative journalists.

European standards

20. The Government will continue to play an active part in the work of the Council of Europe on media matters. It believes in the development of radio and

television services and in the removal of obstacles to the flow of television programmes across frontiers. At the same time, the Government desires that standards of programmes be improved and not be undermined by services received in Malta directly from other countries. The Government is cognizant of the need to ensure that programmes meet certain fundamental standards, particularly in matters such as taste and decency.

21. Through its participation in the Council of Europe, the Government has followed the question of international regulation. The policy adopted by the Government is clear. It will abide by the new European Convention on Transfrontier Television.

22. The Government is also following the work leading to the European Community Directive on satellite services. The Directive will cover such matters as satellite news gathering and VSAT operations (very small satellite terminals for reception only or for both transmission and reception).

23. The Government supports the aim and principles of the Community Directive of third October 1989 (89/552/EEC) assisting the television industry in Europe by eliminating obstacles to the free flow of television services and coordinating certain provisions concerning the pursuit of television broadcasting activities. The Government will therefore eventually revise Malta's laws, or where necessary enact new legislation and rules in the broadcasting field, in order to comply with the intention of the Directive.

24. The EC and Council of Europe instruments will contribute to the maintenance of programme standards throughout Europe, while removing the barriers which have hitherto inhibited the free flow of broadcasting services. These instruments are consistent with the approach of the Government towards domestic broadcasting services in establishing and enabling regulatory framework to allow increased broadcasting activities and opportunities for broadcasters and viewers.
