



L-Awtorità tax-Xandir
MALTA
Broadcasting Authority

DIRETTIVA TAL-AWTORITÀ TAX-XANDIR
DWAR PROGRAMMI U REKLAMI MXANDRA
MATUL IL-PERIJODU
8 TA' MARZU SAL-11 T' APRIL 2015

BROADCASTING AUTHORITY DIRECTIVE
ON PROGRAMMES AND ADVERTISEMENTS BROADCAST
DURING THE PERIOD
8TH MARCH TO 11TH APRIL 2015

BIS-saħħa tas-setgħat mogħtija lilha bl-artikli 15 u 23 tal-Att dwar ix-Xandir, l-Awtorità tax-Xandir qed toħroġ din id-direttiva għall-perijodu 8 ta' Marzu sal-11 t'April 2015.

IN exercise of the powers conferred by articles 15 and 23 of the Broadcasting Act, the Broadcasting Authority is issuing the following directive for the period 8th March to 11th April 2015.

Isem u dħul fis-seħħ.

1. (1) Din id-Direttiva tissejjaħ id-Direttiva tal-Awtorità tax-Xandir dwar Programmi u Reklami mxandra matul il-perijodu 8 ta' Marzu sal-11 t'April, 2015.

Citation and entry into force.

1. (1) The title of this Directive is the Broadcasting Authority Directive on Programmes and Advertisements broadcast during the period 8th March to 11th April 2015.

(2) Din id-Direttiva tibda sseħħ minn nhar il-Ħadd, 8 ta' Marzu 2015.

(2) This Directive shall come into force on Sunday, 8th March 2015.

Tifsir.

2. (1) Għall-għanijiet ta' din id-Direttiva:

“l-Att” ifisser l-Att dwar ix-Xandir;

“l-Awtorità” tfisser l-Awtorità tax-Xandir imwaqqfa bl-artiklu 118 tal-Kostituzzjoni;

“Direttiva” tfisser id-Direttiva tal-Awtorità tax-Xandir dwar Programmi u Reklami mxandra matul il-perijodu 8 ta' Marzu sal-11 t'April, 2015;

“elezzjonijiet” tfisser l-elezzjonijiet għall-kunsilli lokali li se jinżammu nhar is-Sibt, 11 t' April, 2015;

“kandidat” tfisser kandidat għall-elezzjonijiet tal-11 t' April, 2015;

“referendum” ifisser ir-referendum dwar il-kaċċa fir-Rebbiegħa li se jsir fil-11 t'April 2015;

“programm” jinkludi *spots* sew jekk ikunu informattivi sew jekk ikunu xort'oħra;

“reklam” tfisser reklam informattiv jew reklam li jkollu kontenut ta' natura politika.

Interpretation.

2. (1) For the purposes of this Directive:

“the Act” means the Broadcasting Act;

“Authority” means the Broadcasting Authority established by article 118 of the Constitution;

“Directive” means the Broadcasting Authority Directive on Programmes and Advertisements broadcast during the period 8th March to 11th April 2015;

“elections” means the local council elections to be held on Saturday, 11th April, 2015;

“candidate” means a candidate for the elections of 11th April 2015;

“referendum” means the referendum on spring hunting which will be held on 11th April 2015;

“programme” includes spots whether informative or otherwise;

“advertisement” means an advertisement of an informative nature or an advertisement which

(2) Il-kliem u l-frażijiet użati f'din id-Direttiva jfissru l-istess bħal dak li ngħatalhom fl-Att.

Skedi ta' Programmi.

3. (1) Huwa l-obbligu ta' kull stazzjon li programmi li għandhom x'jaqsmu ma' xi materja ta' kontroversja politika jew industrijali jew li jirreferi għall-*policy* pubblika kurrenti jridu jkunu bilanċjati. Fi programmi li t-tema tagħhom tkun il-Kunsilli Lokali, irid ikun hemm rappreżentazzjoni wiesja ta' opinjonijiet differenti fuq is-suġġett trattat. L-istess prinċipju jgħodd għal programmi lit-tema tagħhom tkun il-kaċċa

(2) Waqt li l-Awtorità, b'konformità mal-liġi, tinsisti fuq iż-żamma ta' bilanċ u l-imparzjalità, l-Awtorità tifhem ukoll li jkun prattiku u fl-istess ħin konformi mal-liġi li l-kontenut tal-programmi fuq l-istazzjonijiet politiċi jitqies fid-dawl tad-dispożizzjoni fakoltattiva mogħtija lill-Awtorità skont l-artikolu 13(2) tal-Att dwar ix-Xandir. Għall-fini ta' dan is-sub-artikolu, l-istazzjonijiet tal-partiti politiċi huma: *One Radio, Radio 101, One u NET Television*.

Madankollu, din id-Direttiva tobbliga lil dawn l-istazzjonijiet li ta' lanqas darba fil-gimgha jistiednu esponent tal-Alternattiva Demokratika waqt programm li jkun jittrata l-elezzjonijiet tal-Kunsilli Lokali.

Applikazzjoni tal-Kodiċi għall-Investigazzjoni u d-Determinazzjoni tal-Ilmenti.

4. Dawn it-tibdiliet għandhom japplikaw matul il-perijodu 8 ta' Marzu sal-11 t' April 2015 għall-Kodiċi għall-Investigazzjoni u d-Determinazzjoni tal-Ilmenti:

- (i) l-ilmenti jkunu indirizzati lill-Awtorità u mhux lill-istazzjonijiet tax-xandir;
- (ii) l-Awtorità tista' titlob spjega mill-istazzjon tax-xandir dwar l-ilment imsemmi skont kemm tħoss hi li din tkun meħtieġa għall-każ;
- (iii) kull spjega jew tagħrif bħal dan irid jingħata lill-Awtorità mill-istazzjon tax-xandir mhux aktar tard minn nofsinhar tal-għada jew qabel, skont kif tordna l-Awtorità.

Regolamenti li l-istazzjonijiet tax-xandir iridu jobdu matul il-ġurnata qabel l-elezzjonijiet u dakinhar tal-votazzjoni.

5. (1) Matul il-jum qabel l-elezzjonijiet u dakinhar tal-votazzjoni (minn issa 'l quddiem magħruf bħala "il-kampanja ta' żmien is-skiet"), ma jista' jsir ebda xorta ta' xandir li b'xi mod jista' jinfluwenza l-votanti. Il-kelma elezzjonijiet tinkludi wkoll ir-referendum

contains political content.

(2) Words and phrases used in this Directive shall have the same meaning as is assigned to them in the Act.

Programme Schedules.

3. (1) Every station is legally bound to ensure that all programmes which concern any aspect of a political or an industrial controversy or which refer to current public policy should be balanced. Those programmes which deal specifically with Local Councils should include a wide representation of different opinions on the subject under discussion. The same principle applies for any programme which deals with hunting.

(2) Whilst 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 programme content by the political stations is considered in the light of the optional provision which may be exercised by the Authority in terms of article 13(2) of the Broadcasting Act. For the purposes of this sub-article, the political stations are Super 1 Radio, Radio 101, One and NET Television.

However, these stations are obliged under this Directive to ensure that a spokesperson for Alternattiva Demokratika is invited at least once a week on a programme which deals with Local Councils.

Application of the Code for the Investigation and Determination of Complaints.

4. The following modifications shall apply with effect from 8th March to 11th April 2015 to the Code for the Investigation and Determination of Complaints:

- (i) complaints shall be addressed directly to the Authority and not to broadcasting stations;
- (ii) in so far as the Authority may deem necessary, the Authority may require an explanation from the broadcasting station mentioned in the said complaint;
- (iii) any information or explanation required by the Authority as aforesaid shall be provided to the Authority by the broadcasting station not later than noon of the following day or earlier as the Authority may direct.

Regulations to be observed by broadcasting stations during the day preceding the elections and on the actual day of polling.

5. (1) During the day preceding the elections and on the actual day of polling during the elections (hereinafter referred to as "the campaign silence period"), all forms of broadcasting which might influence voters shall be prohibited. Elections also include the referendum

(2) Bla ebdha preġudizzju għas-sub-artiklu (1) ta' dan l-artiklu, matul il-kampanja ta' żmien is-skiet ser jidhlu fis-seħh dawn ir-regolamenti:

- (i) għandhom jiġu evitati sitwazzjonijiet minn stazzjonijiet tax-xandir li matul il-perijodu ta' żmien is-skiet ikunu trasmessi programmi li jistgħu raġonevolment jiġu interpretati li qed jixxandru bil-ħsieb li jinfluwenzaw il-votanti;
- (ii) trid tiegħaf kull xorta ta' preżentazzjoni mix-xandir ta' avvenimenti tal-partiti politiċi, kandidati u ta' movimenti u organizzazzjonijiet oħra li għandha x'taqsam mal-elezzjonijiet;
- (iii) l-istazzjonijiet tax-xandir ma jxandrux tagħrif, dikjarazzjonijiet, stqarrijiet tal-Gvern lill-istampa u lix-xandir, kif ukoll dawk tal-Oppożizzjoni, tal-kandidati, tal-politiċi, tal-partiti politiċi u ta' organizzazzjonijiet u movimenti li għandhom x'jaqsmu mal-elezzjonijiet, u kull xorta ta' xandir ieħor li bil-miftuħ jew bil-moħbi għandu natura politika, għandu kontenut politiku jew li jista' b'xi mod jinfluwenza d-deċiżjoni tal-votanti. Lanqas ma jistgħu jixxandru reklami informattivi mtellgħa minn entitajiet pubbliċi, inkluż *Public Service Announcements*, sakemm dawn ma jkunux ta' interess ġenerali u ta' natura urġenti¹;

(iv) dan li ġej ma jistax isir:

- propaganda,
- tagħrif li għandu x'jaqsam mal-kampanja elettorali, u
- avvizi maħsuba għall-preżentazzjoni ta' programmi, *logos*, *mottos* u simboli ta' partit politiku u ta' kandidat. Dan jgħodd ukoll għal dawk il-movimenti u għaqdiet marbuta mar-referendum;

(v) ma tistax issir kull xorta ta' preżentazzjoni fix-xandir li b'xi mod hi dwar il-kampanja elettorali (bħalma huma preżentazzjonijiet, propaganda politika, programmi ta' diskussjoni, intervisti, eċċ);

(vi) fir-rapporti dwar il-votazzjoni u attivitajiet oħra dwar l-elezzjonijiet, l-istazzjonijiet jithallew ixandru bil-prudenza kollha tagħrif dwar fatti li jkollhom valur ta' aħbar evidenti bħal ksur li seta' sar fil-proċeduri tal-votazzjoni kif ukoll dwar xi inċidenti li jinqalgħu fil-post tal-votazzjoni jew barra u wkoll

(2) Without prejudice to sub-article (1) of this article, during the campaign silence period the following rules shall apply:

- (i) broadcasting stations shall avoid a situation where during the silence period they broadcast programmes which could be reasonably interpreted that they are broadcasting with a view to influence voters;
- (ii) all forms of presentation on the broadcasting media of activities of political parties, candidates and other movements and organizations involved in the elections shall cease;
- (iii) broadcasting stations shall not broadcast information, statements, press and media releases issued by the Government, the Opposition, candidates, politicians, political parties and other movements and organisations involved in the elections, and other forms of broadcasting which are, openly or in a covert manner, of a political nature, have political content or which may influence the decisions of the voters. Nor may informative advertisements commissioned by public entities, including public service announcements be broadcast unless these are of public interest and of an urgent nature;¹

(iv) the following shall be prohibited:

- propaganda,
- information related to an electoral campaign, and
- announcements designed for presentation of programmes, logos, mottos and symbols of a political party and a candidate. This also includes those movements or groups involved in the referendum

(v) all forms of media presentations concerning the electoral campaign (such as free presentations, political propaganda, discussion programmes, interviews, etc.) shall be prohibited;

(vi) it shall be allowed in the reporting on the voting and the other electoral activities for broadcasting stations to prudently report on facts of news value the possible violations of the voting procedures and on eventual incidents inside or out of the polling booths, and official statements on the voting process

¹ L-Awtorita tifhem li matul il-ġranet tas-silenzju jseħħu grajjiet li jkun ta' natura politika jew public policy kurrenti li jiġu rappurtati fl-aħbarijiet. Dan huwa permissibli sakemm tali aħbarijiet ma jiġux meqjusa li jkun b'mod impliċitu marbutin mal-Kunsilli Lokali.

¹The Authority understands that during the days of silence events of a political nature or current public policy occur which warrant news reporting. This is permissible as long as such news is not perceived to be intrinsically linked to Local Councils affairs.

dikjarazzjonijiet uffiċjali dwar kif inhi sejra l-votazzjoni hekk kif dawn joħorġu minn ħin għall-ieħor mill-Kummissjoni Elettorali, basta li ma tkunx aħbar maħruġa mill-partiti politiċi jew mill-kandidati nfushom jew aħbar ipprovokata jew ġenerata mill-partiti politiċi jew mill-kandidati għall-gwadann politiku. L-istess ħaġa tgħodd għal rappreżentanti tal-movimenti marbuta mar-referendum.

(vii) Stazzjonijiet ma jistgħux ixandru stejjer li jkunu qed jidhru fuq siti elettronici li jmorru kontra r-regolamenti tal-jumejn tas-silenzju, anki jekk l-istess siti ikunu operati mill-partiti politiċi.

(3) Jistgħu jixxandru dikjarazzjonijiet u stqarrijiet dwar xi incidenti msemmija f'paragrafu (vi) ta' sub-artiklu (2) ta' dan l-artiklu li joħorġu matul il-kampanja ta' żmien is-skiet meta jkunu għalqu l-postijiet kollha tal-votazzjoni.

(4) Għall-għan ta' dan l-artiklu:-

"propaganda" favur jew kontra tfisser kull xorta ta' preżentazzjoni ta' xandir li għandha x'taqsam b'xi mod mal-kampanja elettorali. Propaganda tinkludi wkoll kull preżentazzjoni fuq il-mezzi kollha tax-xandir ta' kandidati, simboli, sinjali jew għeliehem oħra u materjal propagandistiku ta' partiti politiċi u movimenti u organizzazzjonijiet li għandhom x'jaqsmu mal-elezzjonijiet;

"tagħrif li għandu x'jaqsmu ma' kampanja elettorali" tfisser ġabriet ta' aħbarijiet u programmi oħra li jagħtu:

- tagħrif dwar kull xorta ta' ħidma ta' propaganda li saret qabel ma waslet biex tibda l-kampanja ta' żmien is-skiet;
- dikjarazzjonijiet u stqarrijiet tal-partiti politiċi, kandidati u organizzazzjonijiet u movimenti li għandhom x'jaqsmu mal-elezzjonijiet;
- tagħrif dwar x'jagħmlu dawk li għandhom funzjoni fl-uffiċji tal-Gvern u l-uffiċjali li għandhom x'jaqsmu mal-kampanja tal-elezzjonijiet (ftuħ ta' bini ġdid u affarijiet tal-infrastruttura, varar ta' proġetti, riżultati u kisbiet, jew bħala rapporti f'xandiriet regolari jew speċjali, eċċ.);

"avviżi maħsuba biex jidhru fi programmi, logos, mottos u simboli/għeliehem ta' partit politiku, kandidat, moviment u organizzazzjoni oħra li għandhom x'jaqsmu mal-elezzjonijiet" tfisser kull xorta ta' propaganda politika (avviżi, stqarrijiet,

issued from time to time by the Electoral Commission provided that it shall not consist of a news item released by the political parties or by candidates or a news item provoked or brought about by political parties or candidates for political mileage.

The same principle applies to representatives for the referendum.

(vii) Stations cannot broadcast any items featured on any electronic news portals that are in breach of the dispositions imposed for the days of silence, even if such portals are owned by political parties.

(3) Statements and releases on the eventual incidents mentioned in paragraph (vi) of sub-article (2) of this article which are issued during the campaign silence period may only be broadcast after all the polling booths have closed.

(4) For the purposes of this article:-

"propaganda" for and against means all forms of media presentation related in any way to the electoral campaign. Propaganda also includes all other on-air presentations of candidates, symbols, signs and other propaganda material of political parties and other organizations involved in the elections;

"information related to an electoral campaign" means news reports and other programmes which present:

- information on any form of campaign activities that took place before the deadline for the start of the campaign silence period;
- statements and releases of political parties, candidates and other organisations and movements involved in the elections;
- information on the activities of the holders of Government offices and officials related to the electoral campaign (inauguration of new buildings and infrastructure projects, promotion of projects, results and achievements, either in the form of reports in regular or special broadcasts, etc.);

"announcements designed for presentation of programmes, logos, mottos and symbols of a political party, candidate and other movements or organizations involved in the elections" means all forms of political propaganda (announcements, releases, political

reklamar politiku, rekordings jew siltiet minn xi rekordings ta' ġemgħat ta' nies u dehriet oħra fil-pubbliku ta' dawk li qed jieħdu sehem fil-kampanja tal-elezzjonijiet).

(5) Mingħajr preġudizzju għal dak li jingħad fis-subartikoli preċedenti ta' dan l-artikolu, l-ebda stazzjon m'għandu jxandar materjal dwar l-elezzjonijiet matul il-perijodu ta' żmien is-skiet. Dan japplika għal kull programm tat-televiżjoni u radju, inkluż l-aħbarijiet.

(6) F'jum il-votazzjoni hu permess li jixxandar dan li ġej:

- i) l-andament tal-votazzjoni, jiġifieri informazzjoni dwar kemm ivvutaw nies u informazzjoni dwar x'ikun qed jiġri fil-postijiet tal-votazzjoni;
- ii) kull meta jissemmew il-kandidati tal-elezzjonijiet, l-istazzjonijiet tal-partiti politiċi (NET TV, Radio 101, One Radio, u One) għandhom isemmu l-ewwel il-kandidati tal-partit rispettiv tagħhom, imbagħad jissemmew il-kumplement tal-kandidati skont il-polza tal-vot; u l-istazzjonijiet l-oħra kollha li jagħzlu li jsemmu l-kandidati tal-elezzjonijiet għandhom isemmuhom fl-ordni li jidhru fih fil-polza tal-vot;
- iii) jistgħu jidhru biss fuq l-istazzjonijiet ir-rappreżentanti tal-partiti segwenti: PL - Mexxej u żewġ Deputati Mexxejja; PN - Kap, u ż-żewġ Viċi Kapijiet; AD - Chairperson u Deputat Chairperson. Dawn iridu jidhru biss diegħlin jivvutaw u jixħtu l-vot. Bl-ebda mod m'għandhom jixxandru kummenti tagħhom fuq il-mezzi tax-xandir sa l-għeluq tal-votazzjoni. Dan jinkludi wkoll kull kumment li l-uffiċjali tal-partiti jistgħu jagħmlu quddiem il-post tal-votazzjoni hekk kif ikunu għadhom kemm ivvutaw;
- iv) jistgħu jidhru wkoll l-uffiċjali ewlenin tal-movimenti jew għaqdiet prinċipali nvoluti fir-referendum. Dawn ukoll iridu jidhru biss diegħlin jivvutaw u jixħtu l-vot. Bl-ebda mod m'għandhom jixxandru kummenti tagħhom qabel jew wara li jkunu ivvutaw.
- v) l-istazzjonijiet ma jistgħu jwasslu l-ebda messaġġ li jista' jwassal biex jinfluwenza l-votant. Barra minn hekk m'għandhom l-anqas iheggu lin-nies biex imorru jivvutaw jew biex ma jmorrux jivvutaw.

Stħarriġ tal-Opinjoni Pubblika.

6. L-Awtorità tirreferi wkoll għal Ftigijiet dwar Standards u Prattika tal-2007 dwar id-Diversi Tipi ta' Stħarriġ tal-Opinjoni Pubblika Mxandra fuq is-Servizzi ta' Radju u Televiżjoni li għandhom dispożizzjonijiet relatati mal-elezzjonijiet. Kopja ta' dawn il-Ftigijiet hija mehmuża ma' din id-Direttiva.

advertisements, recordings or segments of recordings of rallies and other public appearances of the participants in the electoral campaign).

(5) Without prejudice to the foregoing provisions of this article, no station may broadcast any material concerning the elections during the silent period. This applies to all television and radio programmes, including news bulletins.

(6) On polling day it is permissible to broadcast only the following:

- i) the process of voting, that is, information about the number of persons who have cast their vote and information as to what is happening in the polling booths;
- ii) whenever election candidates are mentioned, stations owned by the political parties (NET TV, Radio 101, One Radio and One) shall first mention the candidates of their respective party and then they shall mention the rest of the candidates as they feature on the ballot paper; and all the other stations which opt to refer to election candidates shall mention them in the order in which they appear on the ballot paper;
- iii) only the following party representatives may appear on broadcasting stations: PL - Leader and both Deputy Leaders; PN - Leader and Deputy Leaders; and Alternattiva Demokratika - Chairperson and Deputy Chairperson. They should only be shown entering the polling booths and casting their vote. No comments of such persons may be broadcast on the broadcasting media up till the closure of the polling stations. This also includes any comment by party officials near the polling station as soon as they would have voted;
- iv) it is also permissible to broadcast images of the main officials of the movements or groups involved in the referendum. These should only be shown entering the polling booths and casting their vote. Under no circumstance should a station broadcast comments from these officials before or after they cast their vote.
- v) stations cannot air any message intended to influence voters. Moreover, they shall not encourage people to vote or not to vote.

Public Opinion Polls.

6. The Authority refers to the Requirements as to Standards and Practice Applicable to Various Types of Polls Broadcast on Radio and Television Services which contain provisions relating to elections. A copy of these Requirements is attached to this Directive. Opinion polls regarding

Ma jista' jsir l-ebda xandir ta' opinjoni pubblika dwar l-elezzjonijiet mit-Tnejn 6 t'April sal-għeluq tal-votazzjoni tas-Sibt 11 t'April 2015.

Għoti ta' Skeda għall-Perijodu ta' Żmien is-Skiet.

7. (1) Mhux aktar tard minn nofsinhar ta' nhar it-Tnejn, 6 t' April 2015, kull stazzjon tax-xandir irid jagħti lill-Awtorità skeda dettaljata tal-programmi u għal matul il-perijodu ta' żmien is-skiet biex tiġi approvata mill-Awtorità. F'dan il-perijodu m'għandhomx jixxandru programmi li fin-natura tagħhom jitrattaw il-Kunsilli Lokali, kaċċa jew temi relatati.

(2) Wara li l-Awtorità tirċievi dawn l-iskedi hija tista', jekk tħoss il-ħtieġa, iżżomm laqgħa mal-partiti politiċi biex tiżgura li l-iskedi tal-istazzjonijiet politiċi li jkunu ġew approvati mill-Awtorità jiġu rigorożament osservati mill-istazzjonijiet politiċi.

4 ta' Marzu 2015

the elections may not be broadcast as from Monday 6th April until closure of voting on Saturday 11th April 2015.

Provision of Programme Schedule during the Silence Period.

7. (1) Not later than noon of Monday, 6th April 2015, all broadcasting stations shall forward to the Authority a detailed schedule of programmes and to be broadcast during the silence period so that it may be approved by the Authority. During the silent period no programmes may be broadcast which deal with Local Councils, hunting and related themes.

(2) After the Authority receives these schedules, the Authority may, should it so require, hold a meeting with political parties in order to ensure that the programme schedules of political stations which had been approved by the Authority are rigorously observed by political stations.

4th March 2015