



**DIRETTIVA TAL-AWTORITÀ TAX-XANDIR
DWAR PROGRAMMI U REKLAMI MXANDRA
MATUL IL-PERJODU
15 TA' APRIL - 25 TA' MEJJU 2019**

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-perjodu mill-15 ta' April sal-25 ta' Mejju 2019.

Isem u dħul fis-seħħ.

1. (1) Din id-Direttiva tissejjaħ id-Direttiva tal-Awtorità tax-Xandir dwar Programmi u Reklami mxandra matul il-perjodu bejn il-15 ta' April u l-25 ta' Mejju 2019

(2) Din id-Direttiva tidħol fis-seħħ minn nhar it-Tnejn 15 ta' April 2019.

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-perjodu 15 ta' April - 25 ta' Mejju 2019;

“elezzjonijiet” tfisser l-elezzjonijiet għall-Kunsilli Lokali u għall-Parlament Ewropew li se jinżammu nhar is-Sibt, 25 ta' Mejju 2019;

“kandidat” tfisser kandidat għall-elezzjoni tal-Parlament Ewropew u għall-elezzjoni tal-Kunsilli Lokali li se jsiru fil-25 ta' Mejju, 2019;

“programm” jinkludi *spots* sew jekk ikunu informattivi sew jekk ikunu xort'oħra; ifisser ukoll kull tip ta' kontenut inkluż anke rokna fi programm;

“reklam” tfisser reklam informattiv jew reklam li jkollu kontenut ta' natura politika jew element ta' propaganda, inkluż kull forma ta' PSAs; ħlief PSAs li għandhom informazzjoni dwar obbligi statutorji.

**BROADCASTING AUTHORITY DIRECTIVE
ON PROGRAMMES AND ADVERTISEMENTS BROADCAST
DURING THE PERIOD
15TH APRIL TO 25TH MAY 2019**

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 15th April to 25th May 2019.

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 15th April to 25th May 2019.

(2) This Directive shall come into force on Monday, 15th April 2019.

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 15th April to 25th May 2019;

“elections” means the elections for the Local Councils and for the European Parliament to be held on Saturday 25th May 2019;

“candidate” means a candidate for the European Parliament elections and for the Local Councils elections to be held on 25th May 2019;

“programme” includes spots whether informative or otherwise; it also means all types of content including a slot in a programme;

“advertisement” means an advertisement of an informative nature or an advertisement which contains political content or a propaganda element, including all forms of PSA's, except PSA's which inform about statutory obligations.



(2) Il-kliem u l-frazzjiet użati f'din id-Direttiva jfissru l-istess kif inhuma mfissra fl-Att dwar ix-Xandir.

Għoti ta' Skedi ta' Programmi lill-Awtorità.

3. (1) Mhux aktar tard min-nofsinhar ta' nhar il-**Hamis 11 ta' April 2019**, kull stazzjon tax-xandir irid jagħti lill-Awtorità skeda dettaljata tal-programmi u reklami biex tiġi approvata mill-Awtorità. Din l-iskeda trid tkopri l-perjodu mill-15 ta' April sal-25 ta' Mejju 2019. Fejn l-istazzjon ikun biġsieb li jxandar programmi ta' ġrajjet kurrenti, programmi ta' diskussjoni, programmi ta' ġurnalizmu investigattiv, programmi oħra li jinkludu mistiedna sabiex jagħtu opinjonijiet dwar ġrajjet kurrenti u programmi ta' natura simili għal dawn, waqt il-perjodu hawn fuq imsemmi, irid jibgħat lill-Awtorità s-suġġett ta' dak il-programm u dettalji dwar min ser jieħu sehem fih bid-dettalji kollha tal-preżentatur, parteċipanti u l-produttur sabiex l-Awtorità tkun tista' tagħti l-approvazzjoni tagħha. L-istess informazzjoni trid tintbagħat għall-programmi ta' ġeneri oħra li fihom jipparteċipaw kandidati. Minbarra skeda dettaljata, l-istazzjon għandu jipprovdi wkoll *ir-running order* li jagħti dawl tal-kontenut tal-programm.

(2) Wara li l-Awtorità tapprova din l-iskeda ta' programmi, l-istazzjon ma jkunx jista' jagħmel tibdiliet fl-iskeda msemmija ħlief eċċezzjonalment, wara li jitlob għal dan bil-kitba u jagħti d-dettalji kollha meħtieġa u bl-approvazzjoni tal-Awtorità. Din it-talba għal tibdil fl-iskeda ta' programmi trid tasal għand l-Awtorità mhux anqas minn tlett ijiem qabel id-data tal-bidla proposta.

(3) L-ebda produzzjoni jew programm jew reklam b'xejra politika ma jista' jixxandar minn stazzjon qabel ma tingħata l-approvazzjoni msemmija fis-sub-artiklu (1) u (2) ta' dan l-Artiklu sakemm dan ma jkunx parti minn skema approvata mill-Awtorità. Sakemm tiġi approvata l-bidla mitluba fl-iskeda ta' programmi mill-Awtorità, l-istazzjon m'għandux ixandar materjal promozzjonali dwar il-programmi li jkunu qed jiġu proposti li jixxandru mill-istazzjon inkwistjoni. L-ebda programm jew reklam ma jista' jinkoraġixxi lill-poplu li jivvota għal partit jew kandidat partikolari. Għandha tingħata attenzjoni biex jiġi żgurat illi l-programmi kollha u r-reklamar kollu ma jkunx fihom materjal li jista' jiġi interpretat li qed jiffavorixxi jew li qed jagħti *exposure* mhux f'waqtu lil xi partit politiku, jew

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

Submission of Programme Schedules to the Authority.

3. (1) Not later than noon of **Thursday 11th April 2019**, every broadcasting station shall submit a detailed schedule of programmes and advertisements for the Authority's approval. This schedule shall cover the period 15th April to 25th May 2019. Whenever the station intends to broadcast current affairs programmes, discussion programmes, investigative journalism programmes, other programmes that include guests airing opinions on current affairs and programmes of a similar nature, during the aforesaid period, it shall forward the topic of that programme to the Authority as well as details of the participants, including details of the presenter, guests and producer to the Authority for its approval. The said information shall be submitted for other programme genres in which candidates participate. Besides a detailed schedule, the station shall provide a running order which sheds light on the programme content.

(2) Following the Authority's approval of this programme schedule, no changes may be made by a broadcasting station to the said schedule. Exceptionally, with the prior approval of the Authority and following a written detailed request by a broadcasting station to that effect, a broadcasting station may request the Authority's approval to change its programme schedule. Such request must reach the Authority at least three days prior to the date of the proposed change.

(3) Until such approval as mentioned in sub-articles (1) and (2) of this Article is obtained, no production or programme or advertisement with a political content may be broadcast by a station unless this is part of a scheme approved by the Authority. Until the requested change in programme schedule is approved, the station shall not broadcast promotional material concerning programmes which the station in question intends to air. No programme or advertisement may encourage the public to vote for a particular party or candidate. Care should be taken to ensure that all programmes and all advertisements are free of material which could be interpreted as favouring or giving undue exposure to any political party, or candidate or Local Council or



kandidat jew Kunsill Lokali jew li jista' raġjonevolment jitqies li huwa immirat lejn għan politiku. Għalhekk b'mod partikolari, ma jkunx aċċettabbli :-

- (i) li fil-każ ta' reklami mtellgħa minn entitatjiet pubbliċi jew entitatjiet oħra, jidhru persuni li jkunu ressqi l-kandidatura tagħhom għal dawn l-elezzjonijiet, anki meta l-istess reklam ma jkunx jitqies bħala reklam politiku għall-fini tal-Att dwar ix-Xandir;
- (ii) li programm imsemmi fis-sub-artiklu (1) ta' dan l-Artiklu jiġi ppreżentat minn persuna li tkun ressqet għal dawn l-elezzjonijiet sakemm din il-persuna ma tkunx impjegata regolari mal-istazzjon li jkun qed ixandar il-programm. F'każijiet bħal dawn, l-Awtorità żżomm id-dritt li titlob prova li dik il-persuna hija impjegata b'mod full-time mal-istazzjon;
- (iii) li persuna li tkun ressqet għal dawn l-elezzjonijiet tidher f'sigla tal-ftuħ jew għeluq ta' programm.

(4) Huwa l-obbligu ta' kull stazzjon li programmi li għandhom x'jaqsmu ma' xi materja ta' kontroversja politika jew industrijali jew li jirreferu għall-*policy* pubblika kurrenti jridu jiġu ppreżentati b'imparzjalità. Fi programmi ta' diskussjoni li se jkunu se jitrattaw temi li b'xi mod huma marbuta mal-Kunsilli Lokali, irid ikun hemm rappreżentazzjoni wiesgħa ta' opinjonijiet differenti fuq is-sugġett trattat. L-istess prinċipju jgħodd għal programmi li jitrattaw l-elezzjonijiet tal-Parlament Ewropew.

(5) F'dan il-perjodu, ma jistgħux jixxandru attivitajiet politiċi organizzati għall-kandidati jew mill-kandidati tal-Parlament Ewropew jew kandidati tal-Kunsilli Lokali fuq l-ebda stazzjon.

(6) Il-partecipazzjoni ta' kandidati fuq dawn il-programmi indikati f'Artiklu 3(1) ta' din id-Direttiva għandha ssir abbażi ta' proporzjonalità u fi tħaris taż-żamma ta' imparzjalità u bilanċ.

(7) Kull partecipant sew jekk f'isem partit sew jekk indipendenti jrid ikollu l-ewwel intervent tiegħu fl-ewwel nofs tal-programm.

which might be reasonably considered as being directed towards a political end. In particular, therefore, it shall not be permissible:

- (i) in the case of advertisements commissioned by public entities or other entities, to allow persons who have submitted their candidature for this election 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;
- (ii) that a programme mentioned in sub-article (1) of this Article is presented by a person who has submitted his or her candidature for this election when such person is not a regular employee of the station broadcasting such programme. In such instances, the Authority reserves the right to ask for proof of the employee's full-time employment status;
- (iii) that a person contesting the elections appears in the opening or closing of a programme.

(4) Each station is obliged to see that programmes concerning any aspect of a political or industrial controversy or which refer to current public policy are presented with due impartiality. In discussion programmes dealing with topics which are in some way related to Local Councils, there should be a wide representation of different opinions on the subject. The same principle applies to programmes dealing with European Parliament elections.

(5) During this period no political activities may be broadcast for or by the candidates of the European Parliament or candidates of the local councils on any station.

(6) The participation of candidates in the programmes indicated in Article 3(1) of this Directive should take place according to proportionality and in adherence with safeguarding impartiality and balance.

(7) Each participant whether in the name of a party or be it an independent candidate shall have his first turn at participating during the first half of the programme.



(8) F'każ tal-sub-artiklu 4 t'hawn fuq, l-Awtorità tista' tapprova skeda ta' programmi proposta minn stazzjon wara li tkun sodisfatta li dan jaqbel ma' dak li hemm provdut f'Artiklu 119 tal-Kostituzzjoni. L-Awtorità għandha tara, b'mod partikolari, li fejn għandu x'jaqsam mal-għażla tas-sugġetti u ta' dawk li jkunu ser jieħdu sehem, l-istazzjon jimxi ma' dak li hemm maħsub fl-Artiklu 119 u f'din id-Direttiva.

(9) Għall-fini ta' din id-Direttiva, "natura politika" jew "xejra politika" jfissru opinjoni kontroversjali jew ta' propaganda marbuta fil-qofol tagħhom mas-soċjetà moderna li jkunu fil-qalba ta' dibattitu politiku u jinkludu wkoll il-kampanja tal-Elezzjonijiet tal-Parlament Ewropew u tal-Kunsilli Lokali.

(10) 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-Artiklu 13(2) tal-Att dwar ix-Xandir. Għall-fini ta' dan is-sub-artiklu, l-istazzjonijiet tal-partiti politiċi huma: *ONE Radio, NET FM, ONE u NET Television*.

Dibattiti bejn il-Prim Ministru u l-Kap tal-Oppożizzjoni.

4. L-aħħar dibattitu li jixxandar bejn il-Prim Ministru u l-Kap tal-Oppożizzjoni jkun dak imtella' fl-iskema tal-Awtorità tax-Xandir. Dan jgħodd kemm għar-radju u t-televizjoni.

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

5. Dawn it-tibdiliet għandhom japplikaw matul il-perjodu 15 ta' April sal-25 ta' Mejju 2019 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

(8) In the case of sub-article (4) above, the Authority may approve programme schedules proposed by broadcasting stations after it is satisfied that the provisions of Article 119 of the Constitution will be complied with. The Authority shall, in particular, ensure that in so far as choice of subjects and participants are concerned, the station complies with Article 119 and this Directive.

(9) For the purposes of this Directive, 'political nature' or 'political content' mean a controversial opinion or propaganda pertaining to modern society in general which lies at the heart of a political debate and includes campaigning for the European Parliament elections and elections of the Local Councils.

(10) 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 in terms of the schedules submitted to it 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 ONE Radio, NET FM, ONE and NET Television.

Debates between the Prime Minister and Leader of the Opposition.

4. The final broadcast debate between the Prime Minister and the Leader of the Opposition shall be that which forms part of the Broadcasting Authority scheme. This applies both to radio and television.

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

5. The following modifications to the Code for the Investigation and Determination of Complaints shall apply during the period 15th April to 25th May 2019:

- (i) Complaints shall be addressed to the Authority and not to broadcasting stations;
- (ii) In so far as the Authority may deem necessary, the Authority may request an explanation from the broadcasting station about the complaint;
- (iii) Any explanation or information requested by the Authority as aforesaid shall be provided



aktar tard minn nofsinhar tal-għada jew qabel, skont kif tordna l-Awtorità.

to the Authority by the broadcasting station not later than noon of the following day or earlier as the Authority may direct.

Regolamenti li l-istazzjonijiet iridu jseguw matul il-gurnata qabel l-elezzjonijiet u dakinhar tal-votazzjoni.

Regulations to be observed by Broadcasting Stations during the Day preceding the Elections and on Polling Day.

6. (1) Fil-gurnata ta' lejlet 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. L-elezzjonijiet qed jirreferu għall-elezzjoni tal-Parlament Ewropew u għall-elezzjoni tal-Kunsilli Lokali.

6. (1) During the day preceding the election and on polling day (hereinafter referred to as 'the campaign silent period'), all forms of broadcasting which might influence voters shall be prohibited.

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

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

- (i) għandhom jiġu evitati sitwazzjonijiet minn stazzjonijiet li matul il-perijodu ta' żmien is-skiet ikunu trasmessi programmi li jistgħu raġjonevolment jiġu interpretati li qed jixxandru bil-ħsieb li jinfluwenzaw il-votanti;
- (ii) trid tieqaf kull xorta ta' preżentazzjoni mix-xandir ta' avvenimenti tal-partiti politiċi, kandidati u ta' movimenti u organizzazzjonijiet oħra li għandha x'taqsam mal-elezzjonijiet. Dan ix-xandir jista' jkun kemm xandir ta' avvenimenti live jew irrekordjati;
- (iii) l-istazzjonijiet ma jxandrux tagħrif, dikjarazzjonijiet, stqarrijiet tal-Gvern lill-istampa u lix-xandir, kif ukoll dawk tal-Oppożizzjoni, tal-kandidati tal-Parlament Ewropew u Kunsilli Lokali, tal-politiċi, tas-Sindki jew Kunsilliera, 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 politika¹, għandu kontenut politiku jew li jista' b'xi mod jinfluwenza d-deċiżjoni tal-votanti. Lanqas ma jistgħu jixxandru reklami informattivi mtellgħa minn

- (i) Broadcasting stations shall avoid a situation where during the silent period they broadcast programmes which could be reasonably interpreted as being broadcast with a view to influence voters;
- (ii) All forms of presentation on the broadcasting media of political party events, candidates, movements and other organisations involved in the elections shall cease. These broadcasts may be live or recorded;
- (iv) Broadcasting stations shall not broadcast information, statements, press and media releases issued by the Government, the Opposition, candidates of European Parliament Elections and Local Council elections, politicians, mayors and councillors, political parties and organisations and movements connected to the elections, and other forms of broadcasting which are openly or covertly of a political nature², have political elements or which may influence voters' decision. Nor may informative advertisements

¹ L-Awtorità tifhem li matul il-perjodu tas-silenzju jseħhu grajjiet li jkunu ta' natura politika jew public policy kurrenti li jiġu rrapurtati fl-aħbarijiet. Dan huwa permissibbli sakemm tali aħbarijiet ma jiġux meqjusa li jkunu b'mod impliċitu marbutin mal-Kunsilli Lokali jew mal-Parlament Ewropew.

² The 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 or the European Parliament.



- entitajiet pubbliċi, inkluż *Public Service Announcements*, sakemm dawn ma jkunux qed iħabbru obbligi statutorji u jkunu ta' natura urġenti;
- (iv) kull programm li għandu x'jaqsam ma' Kunsilli Lokali jew avvenimenti li jkunu ġew organizzati mill-Kunsilli Lokali m'għandhomx jixxandru f'dan il-perjodu;
- (v) dan li ġej ma jistax isir:
- propaganda;
 - tagħrif li għandu x'jaqsam mal-kampanja elettorali, u
 - avvizi maħsuba għall-prezentazzjoni ta' programmi, *logos*, *mottos* u simboli ta' partit politiku u ta' kandidat;
 - avvizi dwar kif persuna tista' tivvota u jiġi speċifikat kandidat jew partit. Madanakollu jista' jingħata tagħrif mhux politiku dwar kif wieħed għandu jivvota.
- (vi) ma tistax issir kull xorta ta' prezentazzjoni fix-xandir li b'xi mod hi dwar il-kampanja elettorali (bħalma huma prezentazzjonijiet, propaganda politika, programmi ta' diskussjoni, intervisti, eċċ);
- (viii) 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 incidenti li jinqalgħu fil-post tal-votazzjoni jew barra u wkoll dikjarazzjonijiet uffiċjali dwar kif inhi sejra l-votazzjoni hekk kif dawn joħorġu minn ħin għal ieħor mill-Kummissjoni Elettorali, basta li ma tkunx aħbar maħruġa mill-partiti politiċi jew mill-kandidati nfishom jew aħbar ipprovokata jew ġenerata mill-partiti politiċi jew mill-kandidati għall-gwadann politiku;
- (viii) 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 jkunu operati mill-partiti politiċi jew mill-kandidati jew Kunsilli Lokali.
- commissioned by public entities, including Public Service Announcements, be broadcast unless these announce statutory obligations and are of an urgent nature;
- (v) Any programme related to Local Councils or events organised by Local Councils shall not be broadcast during this period;
- (vi) The following shall be prohibited:
- Propaganda;
 - information related to the electoral campaign, and
 - announcements designed for presentation of programmes, logos, mottos and symbols of a political party and a candidate;
 - announcements regarding how to vote, specifically indicating a candidate or party. However, information on how to vote which does not contain political content may be given.
- (vii) All forms of media presentations concerning the electoral campaign (such as political propaganda, discussion programmes, interviews, etc) shall be prohibited;
- (vii) In reports on voting and other electoral activities, stations shall be allowed to prudently report facts of evident news value such as violations of voting procedures and on incidents in the polling stations or outside and official statements on the voting process 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 the political parties or candidates for political mileage;
- (vii) Stations shall not broadcast stories shown on electronic sites that breach regulations of the silent period, even if the said sites are operated by the political parties or by candidates or by the Local Councils.



(3) Jistgħu jixxandru, dikjarazzjonijiet u stqarrijiet dwar xi incidenti imsemmija 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 tisser kull xorta ta' preżentazzjoni ta' xandir li għandha x'taqsam b'xi mod mal-kampanja elettoral. 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 kandidati u Kunsilli Lokali li għandhom x'jaqsmu mal-elezzjonijiet;

"tagħrif li għandu x'jaqsmu ma' kampanja elettoral" tisser għabriet ta' aħbarijiet u programmi oħra li jagħtu:

- tagħrif dwar kull xorta ta' f'idma ta' propaganda li saret qabel ma waslet biex tibda l-kampanja ta' żmien is-skiet;
- dikjarazzjonijiet u stqarrijiet tal-partiti politiċi, kandidati u Kunsilli Lokali li għandhom x'jaqsmu mal-elezzjonijiet;
- tagħrif dwar x'jagħmlu dawk li għandhom funzjoni fl-uffiċċji tal-Gvern u l-uffiċċjali li għandhom x'jaqsmu mal-kampanja tal-elezzjonijiet u tagħrif ieħor li jsir minn entitatijiet tal-Gvern (ftuħ ta' bini gdid u proġetti 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, kandidati li għandhom x'jaqsmu mal-elezzjonijiet" tisser kull xorta ta' propaganda politika (avviżi, stqarrijiet, reklamar politiku, rekordings jew siltiet minn xi rekordings ta' gēmgħat 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-sub-artikoli preċedenti ta' dan l-Artiklu, l-ebda stazzjon m'għandu jxandar materjal dwar l-elezzjonijiet matul il-perjodu ta' żmien is-skiet. Dan japplika għal kull programm tat-televiżjoni u radju, inkluż l-aħbarijiet.

(3) Statements and releases on the incidents mentioned in Paragraph (vii) of sub-article (2) of this Article which are issued during the campaign silent period may only be broadcast after all the polling stations are closed.

(4) For the purposes of this Article:

"propaganda" means all forms of media presentation related in any way to the electoral campaign. Propaganda also includes every presentation on all the broadcasting media of candidates, symbols, signs and other propaganda material of political parties and candidates and Local Councils 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 campaign silent period;
- Statements and releases of political parties, candidates, and Local Councils involved in the elections;
- Information on the activities of the holders of Government offices and officials related to the electoral campaign and other information from Government entities (inauguration of new buildings, infrastructure projects, results and achievements, in the form of reports in regular broadcasts or special broadcasts, etc.);

"announcements designed for presentation of programmes, logos, mottos and symbols of a political party, candidates involved in the elections" means all forms of political propaganda (announcements, releases, political advertisements, recordings or segments of recordings of rallies and other public appearances of those participating in the electoral campaign).

(5) Without prejudice to the foregoing provisions in the sub-articles above, no station may broadcast any material concerning the election during the silent period. This applies to every radio and television programme, including new bulletins.



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

- (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 Television, NET FM, 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; u l-kapijiet tal-partiti l-oħra li se jikkontestaw għall-Parlament Ewropew u/jew għall-Kunsilli Lokali. Jistgħu jidhru wkoll il-kandidati indipendenti li se jikkontestaw għall-Parlament Ewropew. Dawn li huma indikati f'dan il-paragrafu jridu jidhru biss deġli jivvutaw u jixtu l-vot. Bl-ebda mod m'għandhom jixxandru kummenti tagħhom fuq il-mezzi tax-xandir sal-għeluq tal-votazzjoni. Dan jinkludi wkoll kull kumment li l-uffiċjali tal-partiti jistgħu jagħmlu quddiem il-post tal-votazzjoni hekk kif ikunu għandhom kemm ivvutaw;
- (iv) l-istazzjonijiet ma jistgħu jwasslu l-ebda messaġġ li jista' jinfluwenza l-votant. Barra minn hekk m'għandhom l-anqas iheggu liċ-ċittadini biex imorru jivvutaw għal xi partit speċifiku jew biex ma jmorrox jivvutaw.

Stharrig tal-Opinjoni Pubblika.

7. L-Awtorità tirreferi wkoll għal Htigijiet dwar Standards u Prattika dwar id-Diversi Tipi ta' Stharrig tal-Opinjoni Pubblika Mxandra fuq is-Servizzi ta' Radju u Televizjoni li għandhom dispozizzjonijiet relatati mal-elezzjonijiet. Kopja ta' dawn il-Htigijiet hija mehmuża ma' din id-Direttiva. Ma jista' jsir l-ebda xandir ta' opinjoni pubblika dwar l-elezzjonijiet mit-Tnejn 20 ta' Mejju sal-għeluq tal-votazzjoni tas-Sibt 25 ta' Mejju 2019.

(6) On polling day it is permissible to broadcast 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 stations;
- (ii) whenever election candidates are mentioned, the stations owned by the political parties (NET Television, NET FM, 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 both vice Leaders; and the leaders of the other parties contesting the European Parliament election and/or Local Council election. Those mentioned in this paragraph should only be shown entering the polling stations and casting their vote. No comments of these persons may be broadcast on the broadcasting media until the closure of the polling stations. This also includes any comment party officials may make in front of the voting station as soon as they would have voted;
- (iv) stations cannot broadcast any message that shall influence voters. Besides, neither shall they encourage citizens to vote for any specific party or not to vote.

Public Opinion Polls.

7. 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. Broadcasting of public opinion polls regarding the elections is prohibited as from 20th May until voting ends on 25th May 2019.



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

8. (1) Mhux aktar tard minn nofsinhar ta' nhar l-Gimgha, 10 ta' Mejju, kull stazzjon tax-xandir irid jagħti lill-Awtorità skeda dettaljata tal-programmi għal matul il-perjodu ta' żmien is-skiet biex tiġi approvata mill-Awtorità. F'dan il-perjodu m'għandhomx jixxandru programmi li fin-natura tagħhom jitrattaw il-Kunsilli Lokali, il-Parlament Ewropew jew temi relatati.

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

3 t'April 2019

Provision of Programme Schedule during the Silent Period.

8. (1) No later than noon of Friday, 10th May, every broadcasting station shall forward to the Authority a detailed schedule of programmes to be broadcast during the silent period so that it may be approved by the Authority. During this period, no programmes which deal with Local Councils, the European Parliament and related topics may be broadcast.

(2) After the Authority receives these schedules, the Authority may, should it so require, hold a meeting with broadcasting stations to ensure that the schedules approved by the Authority are rigorously observed.

3rd April 2019

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LEĠISLAZZJONI SUSSIDJARJA 350.21

HTIĠIET DWAR STANDARDS U PRATTIKA DWAR ID-DIVERSI TIPI TA' STHARRIĠ TA' L-OPINJONI PUBBLIKA MXANDRA FUQ IS-SERVIZZI TA' RADJU U TELEVIŻJONI

22 ta' Marzu, 2007

IN-NOTIFIKAZZJONI TAL-GVERN 264 ta' l-2007.

It-titolu ta' dawn l-htiġiet huwa Htiġiet dwar Standards u Prattika dwar id-diversi tipi ta' Stharriġ ta' l-Opinjoni Pubblika Mxandra fuq is-Servizzi ta' Radju u Televiżjoni. Titolu.

1. Dahla

1.1 Dawn il-Htiġiet dwar Standards u Prattika saru mill-Awtorità tax-Xandir bis-sahha ta' l-artikolu 20(3) ta' l-Att dwar ix-Xandir, Kapitolu 350 tal-Liġijiet ta' Malta.

1.2 Il-kwistjoni partikolari dwar ix-xandir ta' diversi tipi ta' stharrig li sar ta' l-opinjoni pubblika mniżżla f'dawn il-htiġiet, tajjeb li jissema minhabba fl-influenza li dan jista' jkollu fuq it-telespettaturi jew is-semmiegħa. L-Awtorità tax-Xandir għalhekk stharriget il-qagħda f'pajjizi barranin u sawret dawn ir-regoli biex jimxu fuqhom l-istazzjonijiet lokali tax-xandir.

2. Stharriġ ta' l-Opinjoni Pubblika

2.1 L-istharriġ ta' l-opinjoni pubblika hija biċċa għodda utli biex l-udjenza tgħarrafha kif taħseb li ser tmur votazzjoni. Madankollu, dan jista' jintuza wkoll biex jgħallat il-fehma tat-telespettaturi u tas-semmiegħa - l-aktar, jekk ngħidu ahna, dawn jixxandru fl-ahħar granet qabel xi elezzjoni ġenerali, l-elezzjoni parlamentari ta' l-Unjoni Ewropea jew xi referendum.

2.2 Xandar li jwassal ir-riżultati ta' stharrig dwar l-opinjoni pubblika irid mar-riżultati ta' l-istharriġ ixandar ukoll dan it-tagħrif li ġej:

- i. isem l-isponser/l-originatur ta' l-istharriġ;
- ii. isem l-individwu jew l-organizzazzjoni li mexxiet l-istharriġ;
- iii. id-dati ta' meta sar l-istharriġ;
- iv. biex l-informazzjoni tintqies tapplika għall-istharriġ, irid jingħad kemm intalbu biex jiehdu schem f'dan l-istharriġ u x'perċentwali minnhom irrifjuta li jiehu parti;
- v. biex l-informazzjoni tintqies tapplika għall-istharriġ, x'marġni ta' żball jista' jkollu l-istharriġ;
- vi. il-kliem eżatt ta' kull mistoqsija li għaliha ingħata t-tagħrif miksub;
- vii. il-marġni ta' żball, akbar minn dak rappurtat, li jista'

jkollha kull mistoqsija;

- viii. indirizz lil min tista' tikteb jew numru tat-telefon fejn tista' ċċempel, li jkunu juru l-indirizz u t-telefon fejn tista' tikkontattja l-isponser/l-originatur biex tikseb rapport bil-miktub ta' l-istharrig li jkun sar.

2.3. Dak li jkun inkarigat jagħmel l-istharrig għandu jagħti kopja miktuba tar-rapport bir-riżultati ta' l-istharrig lill-istazzjon tax-xandir, kif ukoll it-tagħrif kollu kif mitlub hawn taht, sakemm dan jista' jkollu x'jaqsam ma' l-istharrig:

- i. isem l-isponser/l-originatur ta' l-istharrig;
- ii. isem l-individwu jew l-organizzazzjoni li mexxiet l-istharrig;
- iii. id-dati ta' meta sar l-istharrig;
- iv. il-kliem eżatt ta' kull mistoqsija li għaliha ingħata t-tagħrif miksub;
- v. kif ingabret l-informazzjoni;
- vi. kemm kienet il-popolazzjoni li minnha ngabar il-kampjun;
- vii. id-daqs ta' l-ewwel kampjun u n-numru ta' nies ikkuntattjati għall-istharrig;
- viii. in-numru u l-perċentwali ta' nies ikkuntattjati li wiegħbu l-istharrig;
- ix. in-numru u l-perċentwali ta' nies ikkuntattjati li rrifjutaw jiehdu schem fl-istharrig;
- x. kif reġghu ġew kalkulati l-perċentwali meta thallew barra dawk li ma kkumentawx jew ma wiegħbux;
- xi. il-hinijiet ta' xi intervisti;
- xii. il-metodu ta' kif ittiched il-kampjun;
- xiii. in-numru ta' nies kuntattjati li ma setghux jintgħazlu;
- xiv. xi affarijiet oħra li thaddmu u setghu kellhom effett jew xi proċeduri oħra użati ta' normalizzazzjoni;
- xv. il-marġni ta' żball li jista' jkollu l-istharrig.

2.4. Programmi li jirrapportaw stharrig iridu wkoll jiżguraw li:

- i. qatt toqgħod fuq it-tifsir mogħti lir-riżultat ta' stharrig minn min jipublikah jew jorganizzah: ara x'kienu l-mistoqsijiet, l-informazzjoni u x-xejra;
- ii. qatt tuża kliem fl-istharrig li jista' jkattar it-twemmin aktar milli tabilhaq jisthoqqlu - ir-riżultati qatt ma "jippruvaw" jonkella "juru" iżda biss "jissuġġerixxu";
- iii. dejjem semmi l-marġni ta' l-iżball li jista' jkun hemm, u għandek tghidu meta l-qabża bejn iż-żewġ kontendenti tkun fil-marġni ta' żball kombinat;
- iv. dejjem għid jekk l-istharrig ikunx sar bit-telefon;
- v. qatt ma għandek thoss li xi wicħed haqu jintgħazel

aktar bhala "siwi ta' ahbar".

2.5. Fil-programmi ghandu jithalla hin bizzejjed biex jinghataw id-dettalji kollha.

3. Stharrig bit-*Televoting* u l-Internet

3.1. Meta jsir stharrig bit-telefon (maghruf ukoll bhala "*televoting*" jew "*phone-in*") jew bl-internet (jigifieri, meta s-semmiegha jew it-tespettaturi jinghataw numru jew indirizz biex jirreġistraw il-vot), ghandu jkun jiftiehem car li billi r-rizultati jkunu nkisbu min-nies li wiehed ikun ga ghazel u mhux kif suppost b'xi kampjun maghzul statistikament, mhux bilfors ikunu jirraprezentaw il-popolazzjoni kollha. Meta wiehed jasal biex jaghti r-rizultati ta' stharrig bhal dan ghandu jahrab milli jsemmi frazjiet bhal, "il-bicca l-kbira tan-nies" u "il-pubbliku" aktar u aktar jekk b'dan il-kliem jista' jaghti impressjoni zbaljata li r-rizultat ta' l-istharrig seta' kien rapprezentattiv ta' l-opinjoni pubblika.

3.2. Dawn l-ahjar li jissejhu "stharrig tal-qlafat" ukoll jekk is-suggett ikun serju. Dawk il-programmi li jridu jhaddmuhom ghandhom jifhmu li fihom hafna nuqqasijiet. Ma jehdux kampjun ta' l-opinjoni: huma biss mezz fi programm biex juru certi opinjonijiet.

3.3. Ebda programm ma ghandu qatt jaghmel stharrig mit-telefonati biex jigbor taghrif serju dwar sapport ghal xi partit politiku. Jista' jkun li ghal affarijiet ohra l-istharri? bit-telefon jaghti rizultati interessanti u forsi wkoll li jimpressjonaw. Izda ma ghandux jinfiehem b'xi mod li rizultati bhal dawn jista' jkollhom xi tifsira aktar kbira.

3.4. Mistoqsijiet fl-istharrig bit-telefon iridu jkunu bi kliem meqjus u newtrali kif jitlob il-kontenut. Mistoqsijiet mghawga jaghtu tweġibiet mghawga.

4. *Vox pops*

4.1. Intervisti *vox pop* ma' nies fit-triq lanqas biss jaghtu hjiel ghal dak li tabilhaqq ikun qed jghid il-poplu. Jghoddu numru zghir wisq biex jistghu b'xi mod ikunu rapprezentattivi u fuq kollox lanqas huma maghzula bhala kampjun ta' kwota. Jista' jkun li l-*vox pops* tintuza kultant biex turi dak li jkunu qed jghidu n-nies fi stharrig maghmul sewwa dwar l-opinjoni pubblika. Jistghu wkoll jithaddmu f'diversi kontesti mhux politiċi sakemm ma jinghata ebda suggeriment li b'xi mod jistghu jirraprezentaw dak li tabilhaqq qed jahseb il-poplu bi hgaru. Ghaldaqstant kull meta ssir xi *vox pop* ghandu jinghad minn qabel li l-metodu li jkun qed jintuza ma ghandux valur xjentifiku u ghalhekk ma tistax toqghod fuqu.

5. Stharrig barra l-post tal-votazzjoni

5.1. L-istharrig li jsir barra l-post tal-votazzjoni (maghruf bl-Ingliż bhala *exit polls*) dakinhar stess meta n-nies tmur tivvota u li jipprova jara kif tabilhaqq in-nies tkun ivvutat, irid jixxandar wara li jaghmlu l-postijiet tal-votazzjoni; dan ghaliex jekk jixxandru waqt l-elezzjoni jew ir-referendum infushom, jistghu b'xi mod

jinfluwenzaw ir-riżultat ta' l-elezzjoni jew referendum apparti milli jkunu qed jiksru il-liġi Maltija.

6. Ma jista' jixxandar ebda stharrig fil-jiem minnufih qabel il-votazzjoni.

6.1. F'xi pajjiżi hemm regolamenti li ma jhallux jitqassmu riżultati ta' stharrig f'jum jew minnufih fil-granet ta' qabel l-elezzjoni. Il-ghan hu li bhalma jkun hemm waqfien ghal kollox fil-hidma politika "f'jum ir-riflessjoni", ghandha wkoll din il-liġi tghin lill-pubbliku biex jiehu decizjoni dwar kif ser jivvota bla ma jkollu x'jinfluwenzah minn barra, bhal nghidu ahna riżultati mbassra li jkunu qed jinghataw minn xi stharrig.

6.2. Ghaldaqstant ma jistghux jixxandru riżultati ta' ebda stharrig imsemmi hawn fuq li b'xi mod jistghu jikxfu l-identità ta' xi partit politiku jew xi kandidat jew ikunu favur jew kontra xi mistoqsija dwar referendum min-nhar it-Tnejn minnufih qabel il-votazzjoni sakemm jaghlqu kollha l-postijiet tal-votazzjoni.

SUBSIDIARY LEGISLATION 350.21

REQUIREMENTS AS TO STANDARDS AND PRACTICE APPLICABLE TO VARIOUS TYPES OF POLLS BROADCAST ON RADIO AND TELEVISION SERVICES

22nd March, 2007

GOVERNMENT NOTICE 264 of 2007.

The title of these requirements is the Requirements as to Standards and Practice applicable to various types of Polls broadcast on Radio and Television Services. Citation.

1. Introduction

1.1 These Requirements as to Standards and Practice have been made by the Broadcasting Authority in virtue of article 20(3) of the Broadcasting Act, Chapter 350 of the Laws of Malta.

1.2 The specific issue of broadcasting of the various types of polls listed in these requirements carried out is worth mentioning because of its potential influence on viewers and listeners. The Broadcasting Authority has thus surveyed the situation in foreign jurisdictions and has drawn up the following rules to be followed by local broadcasting stations.

2. Opinion polls

2.1. Opinion polls are a useful tool to inform the audience of voting intentions. However, they can also be used as a tool of manipulation of the viewers and listeners - especially if they are, for instance, broadcast on the last days before a general election, a European Union parliamentary election or a referendum.

2.2. A broadcaster who broadcasts the results of an opinion survey must broadcast the following information with the results of the survey:

- i. the name of the sponsor/originator/originator of the survey;
- ii. the name of the individual or organization who conducted the survey;
- iii. the dates when the survey was conducted;
- iv. to the extent that the information is applicable to the survey, the number of individuals contacted for the survey and the percentage of those who refused to take part in the survey;
- v. to the extent that the information is applicable to the survey, the margin of error for the survey;
- vi. the exact wording of each question for which data are reported;

- vii. for each question for which the margin of error is greater than that reported, the margin of error for the question;
- viii. a mailing address or telephone number, indicating it as the address or telephone number at which the sponsor/originator can be contacted to obtain a written report regarding the survey.

2.3. The person carrying out the survey should provide to the station a copy of a written report on the results of the survey, including the following information to the extent that it is applicable to the survey:

- i. the name and address of the sponsor / originator of the survey;
- ii. the name and address of the individual or organization who conducted the survey;
- iii. the dates when the survey was conducted;
- iv. the exact wording of each question for which data are reported;
- v. the method used to collect the information;
- vi. the population from which the sample was drawn;
- vii. the size of the initial sample and the number of individuals contacted for the survey;
- viii. the number and percentage of individuals contacted who answered the survey;
- ix. the number and percentage of individuals contacted who refused to take part in the survey;
- x. the method used to recalculate percentages when those who expressed no opinion or those who did not respond are omitted;
- xi. the times of any interviews;
- xii. the sampling method;
- xiii. the number of ineligible individuals contacted;
- xiv. any weighting factors or normalization procedures used;
- xv. the margin of error for the survey.

2.4. Further, programmes reporting polls are to ensure that they:

- i. never rely on the interpretation given to a poll's result by the publication or organisation which commissioned it: look at the questions, the data, and the trend;
- ii. never use language which gives greater credibility to the polls than they merit - results never "prove" or even "show", they simply "suggest";
- iii. always report the expected margin of error, and where

the gap between the two leading contenders is within the combined margin of error say so;

- iv. always say if it was a telephone poll;
- v. never be tempted to single out one as more "newsworthy".

2.5. Time must be allowed in programmes for all the proper details to be given.

3. Televoting and Internet Polls

3.1. When reporting ring-in (also known as "televoting" or "phone-in") polls or internet polls (that is, those where readers are given a number or address to register a vote), it should be made clear that, as the results have been generated by self-selected respondents, and not by proper statistical sampling, they are not necessarily representative of the whole population. In reporting the results of such polls, expressions such as "most people" and "the public" should be avoided if likely to give a misleading opinion that the poll results are representative of public opinion.

3.2. These may accurately be called "straw polls" even when the subject is serious. Programmes which want to carry them out need to understand their severe limitations. They do not sample opinion: they are simply a programme device which illustrates certain viewpoints.

3.3. Phone-in polls must never be used by programmes as a means of gathering serious information on party political support. In other contexts, phone-in polls may produce interesting, even impressive results. But it must not be implied that those results have any wider significance.

3.4. Questions in phone-in polls should be as neutrally worded as the context calls for. Slanted questions give slanted results.

4. Vox pops

4.1. Vox pop interviews with people in the street do not even indicate what the public generally is saying. They are too small in number to be representative and they are not selected as a quota sample. Vox pops may sometimes be used to illustrate the kind of things people are saying in properly conducted political opinion polls. They can also be used in a wide variety of non-political contexts, provided there is no suggestion that they represent the views of the population at large. Thus, each vox pop should be preceded by an announcement that the methodology followed is not a scientific and reliable one.

5. Exit-polls

5.1. Exit polls, which are conducted outside polling stations on voting day and assess what people have actually voted, are to be broadcast only after the closure of the polling booths as, if they are given during the election or referendum itself, they could have an influence on the outcome of the elections and would also be in breach of Maltese law.

*REQUIREMENTS AS TO STANDARDS AND PRACTICE
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6. Prohibition of broadcast of polls on the days immediately preceding polling

6.1. Some countries have regulations restricting the dissemination of poll results on the day or the immediate days preceding the election. As with the general prohibition of electoral activity on 'reflection day', the reasoning behind such rules is to enable the public to take a decision on their vote without external influences, such as the predicted results which opinion polls indicate.

6.2. It is therefore prohibited to broadcast the results of any of the above-mentioned polls that would identify a political party or a candidate or are in favour or against a referendum question from Monday immediately preceding polling day till the close of the polling booths.
