



Media Release 2/07

## Revision of the List of Major Events

In November 2006, the Broadcasting Authority had issued a consultation document proposing a review of the existing legal provisions on the transmission of major events and of the ancillary list of major events. The period of consultation closed on the 7<sup>th</sup> December 2006 and the Authority has now reviewed the various responses received. During this process of consultation the Authority had also consulted a number of organisations who have a direct interest in the matter.

In the light of this review, the Authority has now drawn up a revised list of major events which is being published as a Government Notice in the Government Gazette and which will enter into force on the date of its publication in the Gazette. A copy of this revised list is attached.

It has to be pointed out that this list of major events is being issued in terms of the provisions of Legal Notice 158 of 2000 [Broadcasting (Jurisdiction and European Co-operation) Regulations, 2000] which had transposed the provisions of Article 3c of the EU '*Television Without Frontiers Directive*'. This article, *inter alia*, provides that:

*"each Member State may take measures in accordance with Community law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events via live coverage or deferred coverage on free television. If it does so, the Member State shall draw up a list of designated events, national or non-national, which it considers to be of major importance to society".*

The Broadcasting Authority is, in the meantime, also taking steps to amend the above-mentioned Legal Notice so that additional provisions are introduced which would:

- define more accurately what constitutes a free television station reaching a substantial proportion of the public
- provide guidance on what could constitute a '*reasonable market rate*' payable by a secondary broadcaster to the primary broadcaster holding the exclusive rights for the transmission of a major event
- provide a mechanism for the settlement of disputes between a primary and secondary broadcaster on the determination of a '*reasonable market rate*'
- introduce the right of broadcasters to short news reporting of major events and other events in respect of which exclusive television broadcasting rights have been acquired by another (primary) broadcaster.

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Stqarrija għall-Media 2/07

### Reviżjoni tal-Lista tal-Ġrajjet Ewlenin

F'Novembru 2006, l-Awtorita' tax-Xandir kienet ippubblikat dokument ta' konsultazzjoni li kien qed jipproponi reviżjoni tal-provvedimenti legali dwar ix-xandir ta' ġrajjet ewlenin kif ukoll tal-lista relattiva tal-ġrajjet ewlenin. Il-perjodu ta' konsultazzjoni għalaq fis-7 ta' Diċembru 2006 u l-Awtorita' issa kkunsidrat ir-reazzjonijiet li rċeviet waqt dan il-proċess ta' konsultazzjoni. L-Awtorita' kienet ikkonsultat ukoll ma' numru ta' organizzazzjonijiet li għandhom interess dirett f'dan is-suġġett.

Fid-dawl ta' din il-konsultazzjoni, l-Awtorita' issa f'hejjet lista riveduta ta' ġrajjet ewlenin li għandha tiġi ppubblikata bħala Notifikazzjoni tal-Gvern fil-Gazzetta tal-Gvern u li tiġi fis-sehħ fid-data ta' din il-pubblikazzjoni. Kopja ta' din il-lista riveduta tinsab annesa ma' din l-istqarrija.

Irid jingħad li din il-lista tal-ġrajjet ewlenin qed tinfareġ skond il-provvedimenti ta' l-Avviż Legali numru 158 tas-sena 2000 (Regolamenti dwar Ġurisdizzjoni u Koperazzjoni Ewropea fix-Xandir, 2000) u li kienu daħħlu fil-liġi Maltija il-provvedimenti ta' Artikolu 3c tad-Direttiva ta' l-Unjoni Ewropea 'Televiżjoni Bla Fruntieri'. Dan l-artikolu, fost f'hejjeġ oħra, jipprovdi li:

*"Kull Stat Membru għandu jiehu l-passi meħtieġa skond il-liġi tal-Komunita' biex jiżgura li x-xandara li jaqgħu taħtha ma għandhomx ixandru fuq bażi esklussiva ġrajjet li dak l-Istat Membru jikkunsidra bħala ta' importanza prinċipali għas-soċjeta' b'mod illi ċċaħħad proporzjon sostanzjali tal-pubbliku mill-possibilita' li ssegwi dawk il-ġrajjet permezz ta' coverage dirett jew permezz ta' coverage differit fuq it-televiżjoni bla flas. L-Istat Membru għandu jhejji lista ta' ġrajjet speċifikati, nazzjonali jew le, li hija tikkunsidra li jkunu ta' importanza ewlenija għas-soċjeta"*

Sadannitant, l-Awtorita' tax-Xandir qiegħda ukoll tiegħu l-passi meħtieġa biex temenda l-Avviż Legali indikat fil-paragrafu preċedenti sabiex jiddaħħlu provvedimenti godda li jkunu:

- jiddefinixxu b'mod aktar preċiż x'jikkostitwixxi stazzjon televiżiv bla flas li jkun jilhaq proporzjon sostanzjali tal-pubbliku
- jipprovdu l-gwida meħtieġa dwar x'jista' jikkostitwixxi 'flas raġonevoli fis-suq' li għandu jsir mix-xandar sekondarju lil dak ix-xandar li jkun akkwista d-drittijiet esklussivi sabiex ixandar ġrajja ewlenija (ix-xandar primarju)
- jipprovdu mekkanizmu sabiex ikunu jistgħu jissolvew kwistjonijiet li jistgħu jinqalgħu bejn żewġ xandara, dak primarju u l-ieħor sekondarju, dwar 'flas raġonevoli fis-suq'
- jintroduċu d-dritt tax-xandara għar-rappurtaġġ ta' aħbarijiet qsar dwar ġrajjet ewlenin u ġrajjet oħra meta d-drittijiet esklussivi għax-xandir ta' dawn il-ġrajjet ikunu nkisbu minn xandar (primarju) ieħor.

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