



**BROADCASTING AUTHORITY DIRECTIVE  
ON RADIO AND TELEVISION  
PROGRAMMES AND ADVERTISEMENTS  
BROADCAST DURING THE PERIOD  
29<sup>TH</sup> APRIL TO 8<sup>TH</sup> JUNE 2024**

In exercise of the powers conferred by Article 15 and 23 of the Broadcasting Act, the Broadcasting Authority is issuing the following directive for the period 29<sup>th</sup> April to 8<sup>th</sup> June 2024. These Directives presents a number of requirements for broadcasters for the coverage of the elections. All the legislative provisions under the Broadcasting Act and the Subsidiary Legislation 350.14 also applies.

**Legal provisions**

General provisions for broadcasters with regards to news and current affairs as per Article 13 (2) (b) to (f) of the Broadcasting Act :

- (b) that all news given in the programmes (in whatever form) is presented with due accuracy;
- (c) that sufficient time is given to news and current affairs and that all news given in the programmes (in whatever form) is presented with due impartiality;
- (d) that proper proportions of the recorded and other matter included in the programmes are in the Maltese language and reflect Maltese cultural identity;
- (e) that the programmes broadcast contain a substantial proportion of matter closely designed to appeal to the interest, tastes and outlook of the general public; and
- (f) that due impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policy.

And all the provisions of Subsidiary legislation 350.14.

Other programmes which are not news and current affairs but which would include national and local political content also fall under this Directive.

Every broadcaster should see that all advertising does not include political content, cannot promote political messages, political candidate or other interests related to these elections, or in some or in any other way promotes politics or any subject or theme which are of current political controversy. Every broadcaster should see the content of an advertisement, the context of when or how such an advert is broadcast and the objectives of who is producing such an advert or the advertising campaign.

**Aim of the Directive**

This Directive will cover radio and television broadcasting. Other audio visual media services are not covered in this Directive. This Directive will cover all transmission, broadcast, programme which refer to elections and is not exclusive to news and current affairs programmes but it also covers entertainment programmes or other light programmes which would include interviews or segments



in which politics is covered. Should such part of the programme consists of political content or a participant/guest in the programme, presenter, or contributor of the programme makes a reference in some way or another to political content or political controversy, then this type of content is to be regulated under this Directive.

This Directive does not apply to print media, social media and online news portals.

### **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 29th April to 8th June 2024.
- (2) As indicated above, this Directive shall come into force on Monday 29th April 2024.

### **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 29th April to 8th June 2024;

“elections” means the elections for the European Parliament elections and for the Local Councils elections to be held on 8th June 2024;

“candidate” means a candidate for the European Parliament elections and for the local Councils elections to be held on 8th June 2024 and any other who officially declared his/her nomination;

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

This Directive regulates all stations including the public broadcaster and the private stations.



### Submission of Programmes Schedules to the Authority

3. (1) By not later than noon of **Wednesday 24th April 2024**, every broadcasting stations shall submit, if possible, a detailed schedule of programmes and advertisements for the Authority's approval. This schedule shall cover the period 29th April to 8th June 2024.

(2) Whenever the stations 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 the details of the presenter, guests and producer to the Authority for its approval. In cases of discussions, debates or other similar programmes, the participation of every political party needs to be fairly apportioned. Should the Authority sees that there is no fairly and justly apportionment, the Authority can take appropriate measures during that period and/or will proceed in the same method as that used in the political broadcast scheme organised by the Authority. The detailed information on the content of the programmes should be sent every week as the Authority is aware that there might be updates on the subject and the guests given that such discussions treat current issues. The same information should be sent to other programme genres wherein candidates take part. Apart from a detailed schedule, the station should provide a running order which gives information on the programme content.

(3) Following the Authority's approval of this programm 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.

(4) Until such approval as mentioned in sub articles (1) and (2) of this Aricle 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 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 advertisments, 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.
- (iv) Any reporting or any information from the European Parliament or any report which has to do with the President of the European Parliament needs to be reported with caution. Any such reports should focus on the news value of the story and whether the issue is a current and topical one.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) Each participant whether in the name of a party or be it an independent candidate shall have its turn at participating during the first half of the programme. In the case where the programme consists of a number of interventions from the candidates, parties or independent candidates, attention should be given that not the same candidate or the same party will be placed at the end of each intervention or at the end of the programme.
- (9) 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 of this Directive.
- (10) For the purpose 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.
- (11) The Authority insists on the adherence of balance and impartiality as entrenched in Article 119 of the Constitution "...broadcasting facilities and time are fairly apportioned between persons belonging to different political parties".
- (12) The political stations are considered in the light of optional provision which may be exercised by the Authority in terms of Article 13 (2) of the Broadcasting Act.



#### **Debates between the Prime Minister and the Leader of the Opposition**

4. Should there be a leaders' debate including a debate between the Prime Minister and the Leader of the Opposition, the final debate should always be the debate which is 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 29th April to 8th June 2024:
  - (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 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 station during the day preceding the elections and on polling day**

6. (1) During the day preceding the elections and on polling day (hereinafter referred to as 'the campaign silent period'), all forms of broadcasting which might influence voters shall be prohibited. Elections referred here are the elections for the European Parliament and Local Council elections.

The day of silence does not necessarily mean the prohibition of all types of news coverage or current issues. News report and current issues which are not directly and specifically related to the elections can be reported, broadcast and discussed. However, during both silent days, there shouldn't be any news reports or broadcasting content which is intentionally broadcast and reported to influence or manipulate the voters' decisions.

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

- (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 broadcast may be live or recorded;



- (iii) No programme repeats which would consists any political content material which goes against this Directive should not be allowed during both silent days;
- (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 nature<sup>1</sup>, have political elements or which may influence voters' decision. Nor may informative advertisements commissioned by public entities, including Public Service Announcements, be broadcast unless these announce statutory obligations and are of an urgent nature;
- (v) Newspaper analysis, news from other news sources or social media platforms which would contain political content or political controversy or other news analysis which entice or manipulate the public opinion cannot be broadcast during the silent period. Also there shouldn't be any references to such comments taken from social media or online platforms;
- (vi) Any programmes related to Local Councils events organised by Local Councils shall not be broadcast during this period;
- (vii) The following shall be prohibited:
  - a. propaganda;
  - b. information related to the electoral campaign, and
  - c. announcements designed for presentation of programmes, logos, mottos and symbols of a political party and a candidate;
  - d. announcements regarding how to vote, specifically indicating a candidate or party. However, information on how to vote which doe not contain political may be given.
- (viii) All forms of media presentations concerning the electoral campaign (such as political propaganda, discussion programmes, interviews, etc) shall be prohibited;
- (ix) In reports on voting and other electoral acitivities, stations shall be allowed to prudently report facts of evident news value such as violations of voting proceudres and on incidents in the polling stations or ourside 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 canidates or a news item provoked or brought about the poltical parties or candidates for political mileage;
- (x) 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.

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<sup>1</sup> The Authority understands that during the silent period, 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.



(3) Statements and releases on the incidents mentioned in Paragraph (viii) 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, recording 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 programmes, including news bulletins.

(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) whenever the broadcasting station decides to broadcast footage of the electoral process, only leaders and deputy leaders of all political parties contesting the European Parliament elections and/or Local Council elections may appear casting their vote or may be reported. Independent candidates may also appear or at least reported. As for the independent candidates of the European Parliament elections, if they do not appear casting their vote, but there should at least be a mention that they casted their vote. Those mentioned in this



paragraph should only be shown entering or exiting 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.

### **References to social media**

- 7. Any references to social media which deals with politics, election, political and industrial controversy have to be reported with caution and should adhere to the provisions in the Act and its Subsidiary Legislation. Apart from these obligations, broadcasters should see that all the references from social media need to be accurate, fair, objective and impartial.

### **Public opinion polls**

- 8. (1) The Authority refers to the Requirements as to Standards and Practice applicable to Various Types of Polls Broadcast on Radio and Television Services (SL 350.21) which contain provisions relating to elections.  
  
(2) Public opinion polls should not only give the results of the opinion poll but it should inform of the demographics of the audience by giving basic information of the audience being studied and should also be regulated by the Subsidiary Legislation mentioned above.  
  
(3) Public opinion polls are a tool which inform the audiences of the voting intentions of the general public and hence the broadcasting of public opinion polls regarding the elections is prohibited as from Monday 3<sup>rd</sup> June until voting ends on Saturday 8<sup>th</sup> June 2024.

### **Provision of Programme Schedule during the Silent Period**

- 9. (1) No later than noon of Wednesday 29<sup>th</sup> May 2024, 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.

### **Time allocation for any corrections of impartiality and balance**

- 10. (1) To ensure that all elements of balance and impartiality are adhered to, is directing each general interest broadcasting service where the Authority allows news and current affairs programmes to





be broadcast by such services, to allocate 20 minutes between 7pm and 11pm on the third day previous the elections, (i.e. Thursday 6<sup>th</sup> June 2024) wherein the Authority can instruct the station to broadcast any correction which is deemed necessary and which addresses the lack of balance and lack of impartiality. Failing to comply with this directive would imply non adherence to this Directive and possibly breach of Article 38 of Chapter 350.

### **Breach of the Directive**

**11.** (1) In the eventuality of breach of the Directive, the broadcasting station will have a charge issued which needs to be replied within 24 hours. Should the station is found guilty of the breach, the penalties are listed in Schedule 5 of the Broadcasting Act.

(2) The Authority will also monitor and broadcast for any repetitive and continuous breaches and in such cases reserves the right to issue a charge on each case of breach and potentially of a possible breach of Article 38 of Chapter 350.

(3) As for the effective remedy which the Authority may deem necessary, the Authority also refers to Section 10 of this Directive by directing the broadcasting station to broadcast an address/es to the party/candidate who was given a remedy by the Authority to ensure that the elements of balance and impartiality are ensured.

(4) The Authority refers to section 10 of the Directive and will be guided by this in case of any breaches that the board rules against a particular broadcaster in order to ensure that the elements of impartiality and balance are adhered to and that an effective remedy is granted.

In case of any language conflict it is the Maltese version that prevails.

18<sup>th</sup> April 2024

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