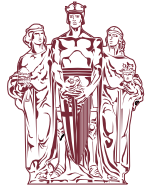


L-Awtorità tax-Xandir
———— MALTA ————
Broadcasting Authority Malta

ANNUAL REPORT 2023

Published in 2024 by the
Broadcasting Authority
7 Mile End Road
Hamrun HMR 1719
Malta

Compiled by the Broadcasting Authority



The Hon. Dr Robert Abela, K.U.O.M., B.A., LL.D., Adv. Trib. Melit, M.P.
Prime Minister
Office of the Prime Minister
Auberge De Castille
Valletta

17th July 2024

Honourable Prime Minister,

Broadcasting Authority Annual Report 2023

In accordance with sub-article (1) of Article 30 of the Broadcasting Act, Chapter 350 of the Laws of Malta, we have the pleasure to forward you the Broadcasting Authority's Annual Report for 2023.

Yours sincerely,

A stylized, handwritten signature in black ink, consisting of a large, sweeping loop at the top and several horizontal strokes below.

Frank V. Farrugia
Chairperson

A handwritten signature in black ink, appearing to read 'J. Spiteri' with a large, flowing initial 'J'.

Dr Joanna Spiteri
Chief Executive

CONTENTS

A WORD FROM THE CHAIRMAN	07
BROADCASTING AUTHORITY BOARD MEMBERS	09
MESSAGE FROM THE CEO	11
REVIEW OF THE YEAR BY THE CEO	12
BROADCASTING AUTHORITY EMPLOYEES	14
BROADCASTING LICENCES	15
ADMINISTRATIVE OFFENCES	21
BOARD DECISIONS	25
COURT CASES	57
OPERATIONS OF THE BROADCASTING AUTHORITY	58
PROGRAMME MONITORING DEPARTMENT	60
ICT & PROJECTS DEPARTMENT	62
INTERNATIONAL RELATIONS	71
AUDIENCE RESEARCH	76
FINANCIAL STATEMENTS.....	83

01

A WORD FROM THE CHAIRMAN



The year under review, although free from electoral campaigns, was a very busy year for the Authority. A record number of decisions were issued by the Authority's Board on an unprecedented number of complaints, mainly of a political nature. Of the more than 80 complaints that were lodged during 2023, the Board decided more than half in accordance with the provisions of the Code for the Investigation and Determination of Complaints (SL 350.06). The remaining complaints were either dropped by complainants or admitted to by the respective station. Besides, there were other decisions that needed to be made in respect of several charges that were issued by the Board *ex officio*.

The decision-making process is a very sensitive one and requires due diligence. In fact, the Authority's Board devotes considerable attention and time to analyse all the documents submitted before the actual hearings are held. These decisions, which are made public on the Authority's website, often serve as reference for discussions on current political issues.

The year 2023 also saw an addition to the Authority's Board with the appointment of a Board Secretary following a public call. This facilitated the administration

of the Board sittings and was pivotal to the efficient running of the Board. Such a sensitive role requires dedication and commitment and leaves a very positive impact on the running of Board sittings.

During 2023 we proceeded with the maintenance on the transmission tower in Għargħur. This project, which was commenced during the previous year following a procurement process, kickstarted in early 2023. The transmission tower had been in need of maintenance for a number of years, and it was high time the Authority gave its attention to this important and critical infrastructural site. Hence, following a number of measures and initiatives to revamp the site, we started the meticulous work on the tower. This proved to be quite a challenging task because, apart from the considerable safety measures which the Authority had to take, owing to the fact that this involved working at height on a dangerous steel structure, it also meant that the Authority had to draw up a work plan such that maintenance work would not disrupt FM radio and mobile telephony services. Owing to the fact that the back-up antenna is installed on the same tower, work proved to be even more challenging because the occasional necessary switching off (to avoid radiation emissions during maintenance work) impinged on radio services. For this reason, throughout the maintenance period, the Authority kept all users duly informed in order to minimize as much as possible the disruption of services to radio listeners.

The fact that the back-up antenna is installed on the same tower led the Authority to seriously consider installing a back-up antenna. However, although the area in Għargħur (an ex-NATO site) is excellently located, the Authority is looking into other suitable sites for its back-up antenna on account of the high-rise buildings in the surrounding area. The lessons we have learned from the COVID-19 pandemic have underscored the importance that FM transmissions remain uninterrupted and reachable by and accessible to all users. In times of emergency, it is crucial that the public continues to receive accurate and correct information from the authorities and that people are helped to stay

connected to their communities. This can only be made possible through reliable, efficient and uninterrupted FM transmissions. This led the Authority to embark on another project which was started during the year in review but which will be followed up in the coming year.

Transmission issues, which are within the remit of the Broadcasting Authority, will continue to offer further challenges in the coming years. During 2023 we initiated a study to identify an alternative transmission site for FM radio stations. Again, following the due tender process, the Authority started an analysis exercise, through simulation as well as on-site, to determine the best alternative transmission site for the erection of a transmission tower. This project will see a smooth transition between the two towers and will solve the back-up antenna issue we presently have at Għargħur. At present, whenever works are carried out on the Għargħur tower and the back-up antenna is switched on, it can only transmit on low power, creating an inconvenience to listeners. Our aim is to continually strive to safeguard public interest and ensure that media users continue to receive a reliable and excellent radio service.

During the year under review, the Authority embarked on another painstaking exercise to study the height assessment of the changing surrounding landscape. We are currently working together with the Malta Communications Authority (MCA) to carry out an exercise to take actual measurements at various heights within the Għargħur transmission tower area and draw up a report that will be submitted to the Planning Authority for its consideration regarding building height compliance around the area.

From a human resources aspect, 2023 was another successful year. Negotiations regarding a new collective

agreement between UHM Voice of the Workers and the Authority's team, led by the Chief Executive, were concluded. This was a step in the right direction in pursuing professionalism at the workplace. I am sure that such professionalism will be continued also in the drafting of those policies which are still missing at the Authority.

As in previous years, the Authority met with international organisations, such as the OSCE and representatives from the European Commission, to assist in the compilation of the rule of law report on Malta. During these high-level meetings various issues are discussed and policies and practices are shared. These are made official through reports which are made public within the EU and other international fora.

The end of 2023 also meant a confirmation of another two-year term of chairmanship of this constitutional body. Together, as board members, we will strive to ensure the proper functioning of democracy in relation to broadcasting. The Authority's Board is committed to work with impartiality, objectivity and fairness in all the decisions that need to be taken during the coming year, including those in respect of transmissions related to the European Parliament and the Local Council elections.

In conclusion, I would like to reiterate my appreciation for the support shown by my colleagues on the Board and my sincere thanks to the Chief Executive for her hard work, dedication and commitment throughout the year. Her unfailing input and expertise are pivotal in the leadership of the Authority. The efforts by the members of the management team, which she leads, and the tasks performed by all the staff members have led to the positive results obtained within such a sensitive field of work.

02 BROADCASTING AUTHORITY BOARD MEMBERS



Mr Frank V. Farrugia
Chairman

Broadcasting Authority Board

The Broadcasting Authority is entrenched in the Constitution of Malta. "The members of the Broadcasting Authority shall be appointed by the President, acting in accordance with the advice of the Prime Minister given after he has consulted with the Leader of the Opposition." – Article 118(2)



Mr Charlo' Bonnici
Member



Dr Peter Fenech
Member



Mr Frans Ghirxi
Member



Dr Alessandro Lia
Member



Dr Adriano Spiteri
Board Secretary

03 MESSAGE FROM THE CEO

The Broadcasting Authority – Not for the faint-hearted

2023 was another year full of work, pressure and deadlines. The Authority also strived to keep abreast of the changes brought about by the Audiovisual Media Services Directive (AVMSD). This necessitated continuous meetings with our European counterparts with whom we discussed interpretations and drew up guidelines on the implementation of the provisions of the AVMSD. In comparison with other European countries, the media market in Malta is small, nevertheless our challenges as regulator are similar to those of regulators of much larger countries, indeed sometimes even bigger, mainly because of our limited human and financial resources. In fact, this is the main issue which we face whenever we meet with other regulators, including relatively small regulators like Cyprus and Luxembourg, though their limitations are less severe than ours. Notwithstanding our limitations, however, we shall always strive to do our duty to the best of our ability.

We try to keep a good working relationship with all our stakeholders within the broadcasting industry, yet sometimes we still come up against a negative perception among old and new stakeholders, mainly due to the Audiovisual Media Services Directive. This being our main challenge in the coming months, we shall strive to keep an open and good relationship with all our stakeholders and serve as a reference point regarding information about and interpretation of the legislation when requested.

Although the Authority continues to interpret and implement the current relevant legislation, it strongly urges an overhaul of the Broadcasting Act and its subsidiary legislation. Over the previous years we have come up with various proposals for amendments that we consider necessary regarding a number of issues, including the licensing procedure, the composition of the Broadcasting Authority Board, and new media services that are to be included following the introduction of the Audiovisual Media Services Directive. Furthermore, considering the coming into force of numerous other EU regulations, we feel that it is very important that the Authority adapts itself from an entity that regulates radio and TV content to a more open Authority that regulates media services that do not necessarily act on commercial content but also on journalism and media. Such changes require a lot of thought and consultation that would result in a legislation which is



more oriented towards new developments and, at the same time, ready to defend media consumers, particularly the most vulnerable in society. The new legislation will also need to consider the highly politicised environment within which the various media operate in Malta as well as the new media landscape with its different platforms and diverse content targeting various audiences. The desired change in legislation has become so critical that we shall continue to reiterate it even during the coming year. During 2023, the Authority Board decided on a significant number of complaints. Board hearings involve the summoning of complainants and representatives of the various stations. The Authority's priority remains the safeguarding of the public interest and the correct and impartial application of the relevant legislation.

As a final note I would like to express my sincere appreciation to all the Authority's staff for their tireless work, dedication, drive and for giving their best on a daily basis, in spite of the occasional criticism we receive. I also extend my grateful thanks to all our stakeholders, as well as media producers, who co-operate with us in pursuit of a better media industry and, above all, for an ever more professional broadcasting content. Considering the work pressure experienced during the conduct of our duties, be they political or commercial, procedural or content-related, working within the Broadcasting Authority is definitely not for the faint-hearted.

We look forward to next year, 2024, during which we shall continue to conduct our duties with professionalism and dedication, including during the sensitive period presented by the European Parliament and Local Council elections in June. Without any doubt, the work of the regulator is not for the faint-hearted.

04

REVIEW OF THE YEAR BY THE CEO

Next year, 2024, the Authority will be facing another challenging year, partly on account of the European Parliament elections that are scheduled for June 2024. The Authority will need to work hard on political directives and guidelines to ascertain impartiality and balance in transmissions and a fair apportionment of time. The Authority will need to pull up its sleeves and strive to reach out to our stakeholders. Notwithstanding the criticism, which is common for a regulator, the Authority has the mission to regulate and educate. Our duty is to implement the legislation without hindering the creativity and the freedom of expression of the media industry. What was expected to be a “normal” year, 2023 turned out to be one of the busiest years ever, with a large number of complaints lodged. It was a year not without controversy. Before the Board sittings the executive arm of the Broadcasting Authority draws up reports on the complaints received. These reports are then submitted to the Board for a decision.

During 2023 the Authority continued working on:

- the implementation of the Broadcasting Act and its subsidiary legislation;
- audience survey and assessments;
- participation in European and Mediterranean regulatory networks;
- other administrative work which during previous periods had to be left aside because of more urgent matters and which needed an overhaul, including a revamp of the Authority’s website, the upkeep of the Għargħur transmitting site, and a revamp of some IT systems;
- strengthening the human resources within the Authority.

Human Resources

The Broadcasting Authority continued the discussions with UHM regarding the collective agreement for the employees. The collective agreement had expired and

both sides worked hard to conclude a new collective agreement that is beneficial to both parties. During the year a number of meetings were held to introduce and update certain policies. The negotiations were at the final stages at the end of 2023 and it is envisaged that a new collective agreement will be signed in the first quarter of 2024.

This exercise included the introduction of a number of new office and human resources policies and the updating of other policies that had required an overhaul for a long time.

New recruits at the Authority

Following the retirement of the charwoman, the Authority appointed a new charwoman, Ms Josette Borg, as a full-time employee.

Educational sponsorship

Ċertifikat fil-Qari tal-Provi bil-Malti

The Maltese language has become a topic about which there is an increased awareness within the broadcasting media industry. Throughout the years, the Authority has given its support and contribution to assist the media to make good use of the Maltese language in broadcasting. This year too, the Authority sponsored three media people to enrol in the course “Qari tal-Provi bil-Malti” which is run by the University of Malta and Il-Kunsill Nazzjonali tal-Ilsien Malti. Various journalists, presenters and producers showed interest in attending the course, of whom the Authority chose three for the 2023 course. The candidates who were sponsored and enrolled for this course were: Gino Tanti (WE Media), Shanaya Farrugia (ONE News) and Gavin Muscat (103 Malta’s Heart).

Hopefully, these media people will serve as a reference point for their colleagues within their own media organization. The CEO too joined these three participants on the course. She considers this course to be highly beneficial in her work, particularly in her enforcement, monitoring and administrative duties.



Left to Right: Gino Tanti, Frank V. Farrugia, Joanna Spiteri, Shanaya Farrugia and Kevin Papagiorcopulo (obo Gavin Muscat)

Implementation and regulation

Following the transposition of the Audiovisual Media Service Directive, the Authority continued to report about its obligations as prescribed by the said Directive. Furthermore, the Authority continued to follow other discussions among other European regulatory authorities to come up with guidelines and/or criteria regarding other audiovisual media services that fall under this Directive. In view of the significant number of complaints which the Authority received during 2023, a lot of work was performed in compiling and monitoring reports related to such complaints. 83 complaints were received during the year, 46 of which were decided by the Authority's Board while 37 were either not pursued further by complainants or were agreed to by the respective station.

New provisions under the AVMS Directive regarding commercial communications led to more flexibility within the broadcasting media. As a result, work related to commercial communications was less intense than in previous years, that is before the transposition of the said Directive.

Concluding remarks and the way forward on broadcasting legislation

It is well known that the media industry is a vibrant, changing, and evolving landscape. There is no doubt that the current Broadcasting Act is in dire need of reform. In view of this, the Authority continued to work on proposals for amendments to the Broadcasting Act (Chapter 350). Even our stakeholders agree that Chapter 350 and its subsidiary legislation need an overhaul if they are to be in sync with the current media landscape and new technologies.

05 BROADCASTING AUTHORITY EMPLOYEES



*The Broadcasting Authority's Management and Staff
| Safeguarding the Public Interest |
Paving the Way to a Bright Future*



Adriano Spiteri
Board Secretary

I was appointed Secretary to the Board in July 2023. My role, as delineated in S.L.350.06, the Code for the Investigation and Determination of Complaints, requires me to engage with complainants and broadcasters in order to communicate the date and time of the hearings and the decisions by the Board. My main remit is to minute board and hearing meetings.

I personally believe that the broadcasting law is in dire need of reform to better align itself to EU directives and regulations, as well as to cater for new and upcoming technologies, platforms and trends. I am all for the conversion of the Broadcasting Authority into a Media Authority, with its own independent and impartial tribunal.

06

BROADCASTING LICENCES

A robust licensing framework is paramount for various industries, and the audiovisual media industry is no exception. Whilst navigating through the dynamic realm of media regulation, which is consistently trying to catch up with the latest content delivery trends and technological developments, a proper licensing framework ensures that the Broadcasting Authority manages to keep up with its mission statement, i.e. safeguarding public interest primarily through orderly operations. In the realm of media, licensing frameworks provide a structured platform which fosters responsible and ethical content creation that is compliant with legal standards and obligations. In this context, the licensing framework set out in Part III of the Broadcasting Act is meant above all to ensure fair competition, diversity, pluralism, and quality. It empowers us to monitor and enforce industry standards whilst fostering transparency and accountability. Furthermore, through the creation of a structured environment, our licensing framework contributes to the growth of the industry, protects consumers, and cultivates an ecosystem where innovation and responsible practices thrive, ultimately benefiting both the stakeholders and the broader community.

Apart from a wide range of media services as explained hereunder, by virtue of Article 40(1) the Broadcasting

Authority also ensures the accessibility of these services by the general public. In simple terms, the Broadcasting Authority appoints and licences a network operator to run the general interest objective network which presently provides, free-to-air, 5 general interest objective services (television stations), and a Parliamentary Broadcast Television Service which compliments the public service offer (currently made up of TVM, TVMNews+ and TVMSports+).

The following is a list of services licensed (new or renewed) by the Authority in 2023:

- 16 Own-Broadcast Television Services
- 11 Short-Term Community Radio Services
- 5 One-Off Events
- 3 General Interest Objective Television Services (Niche)
- 3 Analogue Radio Services
- 3 Long Term Community Radio Services
- 2 General Interest Objective Television Services (Generalist)
- 2 Digital Radio Services
- 1 Parliamentary Broadcast Television Service
- 1 General Interest Objective Network (DTT: Free-to-air)
- 1 Satellite Television Services



Randolph Micallef
Chief Licensing & Compliance

Being responsible for licensing and compliance, a new role which was heretofore missing within the Broadcasting Authority's structure, is an extremely fulfilling job. This role gives me the opportunity to keep in touch with the latest developments in regulation as well as ensuring that the organization operates with integrity. I appreciate the dynamic nature of licensing and compliance as these constantly evolve to meet industry standards. Moreover, my role gives me the opportunity to represent the Broadcasting Authority in various international fora which help us develop better strategic initiatives leading to a culture of excellency.

2023 saw an increase in the Broadcasting Authority’s licence registry which closed off with 74 services (2 more than the previous year) distributed as follows:²

- 19 Community Radio Services (Long Term)
- 6 Digital Radio Services (Nationwide)
- 13 Analogue Radio Services (Nationwide)
- 6 On-Demand Audiovisual Media Services
- 17 Own Broadcasts Television Services
- 9 General Interest Objective Television Services
- 1 Commercial Television Service
- 3 Satellite Television Services

Radio Broadcasting Licences

Analogue Radio Services (Nationwide)

Three nationwide analogue radio services on the FM dial had their licences renewed during the year under review. In chronological order, the licence for Radju Marija was renewed on April 14th, the licence for ONE Radio was renewed on May 10th, whilst the licence for Campus 103.7 (formerly Campus FM) was renewed on November 17th. All these services were granted an eight-year term subject to technological developments which might affect future distribution. To this effect, in terms of nationwide analogue radio services, the Broadcasting Authority’s registry remained unchanged, with thirteen national stations available to the general public on the FM spectrum.

Apart from the renewals of existing services, the Authority also approved requests for a change in name of two radio stations. Hence, what was formerly known as XFM changed its name to Bay Easy. This radio service also requested and obtained a change in the managerial control of the service. Radio 103 Malta’s Heart also requested a change in name and the service has now rebranded itself to RTK 103. Furthermore, Calypso 101.8 requested a change of ownership, and this radio station is now owned and controlled by Y Ltd.

Community Radio Services

Community radio licences are divided into two types:

- long term
- short term

In both cases, these are characterised by an effective radiated power (E.R.P.) not exceeding 12 watts, which limits the services’ reach to a specified area/locality. Community radio licences are typically granted for a three-year term (long term) or for a brief period of not more than one month (short term).

In the year in review, the community radio services licensed were divided as follows:

- 3 Long Term Community Radio Services
- 11 Short Term Community Radio Services

Digital Radio Stations (Nationwide)

In 2023 the Broadcasting Authority renewed the licence to one national digital radio service and approved a new radio service which is to be known as Smooth 70s. Both stations, Pure Radio and Smooth 70s, are managed and owned by Digi B Network (which is also the company running the T-DAB network) and are dedicated exclusively to music. Pure Radio’s licence was renewed on the 11th of July while that for Smooth 70s was issued on the 3rd of November. In both cases, the Authority opted for the maximum 4-year term as per S.L.350.29 Digital Radio Broadcasting Regulations.

Furthermore, the Broadcasting Authority revoked the licence of the digital radio service registered as Bay Easy in view of rebranding strategy which led to the renaming of XFM to Bay Easy on the analogue platform.

Analogue Radio Services (Nationwide)

Service Name	Company	Term	Period	Freq.
Radju Marija	Radju Marja Ltd	8 years	30/03/2023 - 29/03/2031	102.3
ONE Radio	ONE Productions Ltd	8 years	11/05/2023 - 10/05/2031	92.7
Campus 103.7	Malta University Enterprises Ltd	8 years	18/11/2023 - 17/11/2031	103.7

² Excluding licences for Television Distribution Networks and Community Radio Services (Short-Term).

Community Radio Service

Service Name	Locality	Term	Period	Freq.	ERP ²	Term	
Tiġi Saltnatek	Hal Għaxaq	3 years	10/01/2023	09/01/2026	95.6	8.7	Long
Radio City	Il-Belt Valletta	3 years	23/01/2023	22/01/2026	98	11.5	Long
Radju Margerita	Ta' Sannat	3 years	01/08/2023	31/07/2026	96.1	3.6	Long
Radju Lauretana	Għajnsielem	16 days	25/03/2023	09/04/2023	89.3	4.3	Short
Radju Lauretana	Għajnsielem	8 days	28/05/2023	04/06/2023	89.3	4.3	Short
Radju Lauretana	Għajnsielem	8 days	05/08/2023	27/08/2023	89.3	4.3	Short
Radju Lauretana	Għajnsielem	30 days	09/12/2023	07/01/2024	89.3	4.3	Short
Radju Każin Banda San Filep	Haż-Żebbuġ	28 days	15/05/2023	11/06/2023	106.3	7.6	Short
TalĠilju FM	L-Imqabba	6 days	04/12/2023	10/12/2023	95.4	3.2	Short
Lehen il-Karmelitani	Iż-Żurrieq	31 days	01/07/2023	31/07/2023	101.4	8.5	Short
Lehen il-Karmelitani	Iż-Żurrieq	31 days	01/12/2023	31/12/2023	101.4	8.5	Short
Radju 15 t'Awwissu	Il-Qrendi	26 days	23/07/2023	16/08/2023	98.3	3.5	Short
Radju 15 t'Awwissu	Il-Qrendi	26 days	08/12/2023	02/01/2024	98.3	3.5	Short
Radio Leonardo	Hal Kirkop	9 days	12/08/2023	20/08/2023	105.2	4.9	Short

² ERP = Effective Radiated Power in watts.

Digital Radio Service (Nationwide)

Service Name	Company	Term	Period	Block	
Smooth 70s	Digi B Network	4 years	01/12/2023	30/11/2027	12A
Pure Radio	Digi B Network	4 years	25/07/2023	24/07/2027	6C

One-Off Events

One-off events making use of a broadcasting frequency need to apply for a broadcasting permit. Hence, the Broadcasting Authority, in collaboration with the Malta Communications Authority, assigns a radio frequency to each applicant to be used for a limited time to broadcast specific content. Like community radio services, one-off events are also characterised by a limited effective radiated power (E.R.P.) which does not exceed 1W. In 2023, the Broadcasting Authority issued 5 such permits as indicated in the table below.

Audiovisual Media Services Licensing

General Interest Objective Services

The year in review saw the renewal of all five commercial general interest objective services which are available as

DTT on the free-to-air general interest objective network run by the Public Broadcasting Services Ltd (Multiplex Licence). Furthermore, the Broadcasting Authority also renewed the licence of Parliament TV, which is a Parliamentary broadcast television service available on the same network. As mentioned, these channels, along with TVM, TVMNews+ and TVMSports+ (which form part of the public service offer) are available to everyone nationwide via the general interest objective network (DTT on free-to-air, known as Multiplex Licence). As indicated in the table below, all six channels were granted a further 5-year term which is in line with the term granted to PBS Ltd for the running of the general interest objective network. It is worth noting that this time round, ONE Productions Ltd opted to go for a niche service rather than a generalist, meaning that they have less onerous obligations in terms of the programme service provided.

One-Off Events

Event Organiser	Locality	Content	Period		Freq.
Jehovah's Witnesses in Malta	Tal-Qroqq	Jehovah's Witnesses Assembly	15/09/2023	24/09/2023	107.9
Jehovah's Witnesses in Malta	Tal-Qroqq	Jehovah's Witnesses Assembly	13/05/2023	14/05/2023	107.9
Jehovah's Witnesses in Malta	Tal-Qroqq	Jehovah's Witnesses Assembly	14/01/2023	15/01/2023	107.9
Socjetà Filarmonika La Stella	Victoria, Gozo	Film	12/02/2023	12/02/2023	89.1
Socjetà Filarmonika La Stella	Victoria, Gozo	Film	18/02/2024	18/02/2024	89.1

General Interest Objective Services

Service Name	Company	Term	Period		Type
NET Television	Media Link Communications Ltd	5 years	01/07/2023	31/03/2028	Generalist
Smash TV	Smash Communications Ltd	5 years	01/07/2023	31/03/2028	Generalist
F Living Channel	F Media Ltd	5 years	01/07/2023	31/03/2028	Niche
ONE	ONE Productions Ltd	5 years	01/07/2023	31/03/2028	Niche
Xejk	Xejk Media Communications Ltd.	5 years	01/07/2023	31/03/2028	Niche
Parliament TV	The Speaker of the House of Representatives	5 years	01/07/2023	31/03/2028	Parliamentary Broadcast
Multiplex	PBS Ltd	5 years	01/07/2023	31/03/2028	GIO Network (DTT)

Own Broadcast Television Services

The local audiovisual media sector is characterised by several own broadcast television services. These are television services provided by television distribution network operators exclusively to form part of their respective channel line-ups. In terms of live sport events, the year in review saw the renewal of the Total Sports Network package (available on both GO and Melita networks) as well as the Cablenet Sports package (available exclusively on GO's network). Moreover, both GO P.L.C. and Melita Limited also renewed their film-dedicated channels, namely GO Stars and Melita More. Melita Ltd also requested the renewal of its Weather & Information Channel as well as its Promotional Channel.

Own Broadcast Television Services

Service Name	Company	Term	Period		Network
Total Sports Network 1 (TSN 1) HD	GO P.L.C.	5 years	01/06/2023	31/05/2028	GOTV / Melita NexTV
Total Sports Network 2 (TSN 2) HD	GO P.L.C.	5 years	01/06/2023	31/05/2028	GOTV / Melita NexTV
Total Sports Network 3 (TSN 3) HD	GO P.L.C.	5 years	01/06/2023	31/05/2028	GOTV / Melita NexTV
Total Sports Network 4 (TSN 4) HD	GO P.L.C.	5 years	01/06/2023	31/05/2028	GOTV / Melita NexTV
Total Sports Network 5 (TSN 5) HD	GO P.L.C.	5 years	01/06/2023	31/05/2028	GOTV / Melita NexTV
Total Sports Network 6 (TSN 6) HD	GO P.L.C.	5 years	01/06/2023	31/05/2028	GOTV / Melita NexTV
Total Sports Network 7 (TSN 7) HD	GO P.L.C.	5 years	01/06/2023	31/05/2028	GOTV / Melita NexTV
Total Sports Network 8 (TSN 8) HD	GO P.L.C.	5 years	01/06/2023	31/05/2028	GOTV / Melita NexTV
Cablenet Sports 1 HD	GO P.L.C.	5 years	01/06/2023	31/05/2028	GOTV
Cablenet Sports 2 HD	GO P.L.C.	5 years	01/06/2023	31/05/2028	GOTV
Cablenet Sports 3 HD	GO P.L.C.	5 years	01/06/2023	31/05/2028	GOTV
GO STARS HD	GO P.L.C.	5 years	01/06/2023	31/05/2028	GOTV
Weather and Information Channel	Melita Ltd	5 years	01/06/2023	31/05/2028	Melita NexTV
Promotion Channel	Melita Ltd	5 years	01/06/2023	31/05/2028	Melita NexTV
Melita More	Melita Ltd	5 years	01/06/2023	31/05/2028	Melita NexTV
Melita More HD	Melita Ltd	5 years	01/06/2023	31/05/2028	Melita NexTV

Satellite Television Service

Apart from local services, the Broadcasting Authority also licenses services which are available in other European countries. One such service is Fight24, a satellite free-to-air channel exclusively devoted to mixed martial arts (MMA). The service was renewed for a further 4-year term on the 10th of October 2023.

Satellite Television Service

Service Name	Company	Term	Period		Sat.
Fight 24	MABN Ltd	4 years	01/09/2023	31/08/2027	Astra



Gordon Mifsud
Programme Monitor

Xogħli primarjament huwa li nsegwi programmi televiżivi u radjofoniċi differenti li jkunu assenjati lili u noħloq rapport dwarhom. Xogħli jkun li nirrapporta dak li jkun seħħ u ntqal waqt il-programmi kif ukoll waqt is-sensiliet ta' riklami li jixxandru qabilhom, matulhom u warajhom. Dan isir sabiex il-programmi mbagħad ikunu jistgħu jiġu eżaminati fl-istrutturi l-oħra tal-Awtorità għal nuqqasijiet li possibbilment ikollhom fejn tidhol il-liġi tax-xandir.



M'Grace Caruana
Senior Clerk

Ir-rwol tiegħi fl-Awtorità huwa ta' Senior Clerk li jinvolvi xogħol marbut mal-amministrazzjoni kif ukoll mal-kumpliment tal-istaff bħala IT Administrator. Waħda mill-funzjonijiet tal-Awtorità hija li tisma' u tiddetermina l-ilmenti taċ-ċittadini jew tal-partiti politiċi, u għalhekk parti minn xogħli jinvolvi traskrizzjonijiet f'konnessjoni mal-ilmenti li ħafna minnhom jiffukaw fuq żbilanċ jew problemi politiċi. Nixtieq nara aktar ilmenti min-naħa tal-pubbliku li għandhom dritt jilmentaw u li bis-saħħa tagħhom l-istazzjonijiet jagħmlu aktar ħilithom biex joffru programmi ta' kwalità. Nixtieq li l-Awtorità taħdem aktar favur il-lingwa Maltija, kemm dik mitkellma kif ukoll miktuba fuq kull mezz ta' xandir.

07

ADMINISTRATIVE OFFENCES

Administrative offences refer to non-criminal violations of laws and regulations governing administrative matters. The Broadcasting Authority imposes administrative sanctions by virtue of Article 41 of the Broadcasting Act. Most cases are brought forward by the Monitoring Department. When the Broadcasting Authority determines that a licensee has committed an offence against any provision of the Act, the Authority may apply (separately or concurrently) one of the following:

- issue a warning in writing;
- direct such person not to broadcast for a specified period and issue a notice accordingly;
- impose an administrative penalty.

In cases where an administrative penalty is imposed, the Broadcasting Authority ensures that the principle of a fair and public hearing is respected and guaranteed during every stage of the proceedings.

In 2023, the Chief Executive issued 14 charges against broadcasters. As said above, the related procedures are governed by Article 41 of the Broadcasting Act and Ordinance, S.L.350.07. In these cases, the Authority acts as a quasi-judicial body. Consequently, the Chief Executive acts as a prosecutor, a role which is quite distinct from the other functions of the Chief Executive's office.

2023	Station	Charges
Radio	Campus 103.7	1
	RTK 103	1
Television	NET TV	1
	ONE	4
	Tokis	1
	TVM	6
	Total	14



The table hereunder provides a detailed summary of the charges decided upon by the Authority in 2023 according to station (including admissions).

Station	Legislative Provision	Decision
Radio		
Campus 103.7 Transmission 2 nd October 2023	Paragraph 2(a)(ii) of the First Schedule to the Broadcasting Act	The station was found guilty, and a warning was issued.
RTK 103 Andrew Azzopardi on RTK103 14 th October 2023	Article 34(1)(a) of the Broadcasting Act	Pending ³
Television		
NET TV Il-Proprjetà 9 th November 2023	Article 16K(1)(a) of the Broadcasting Act	The station was found guilty, and a warning was issued.

³ Decision had not been delivered at the time of writing.

ONE Awla 10 th , 17 th , 24 th & 31 st October 2023	Paragraph 3(f) of S.L.350.10 Code on the Correct Use of the Maltese Language on the Broadcasting Media Regulations	The station was found guilty, and a warning was issued.
Taste & Travel 15 th , 22 nd , 29 th October 2023	Article 16K(1)(a) of the Broadcasting Act	Pending ⁴
Il-Klinika 21 st November 2023	Section 3 of S.L.350.18 Requirements as to Standards and Practice Applicable to Family Viewing and Listening	The station admitted the charge and did not request a hearing.
Kalamita 21 st November 2023	Article 16M(3)(d) of the Broadcasting Act	Pending ⁵
Tokis Prima facie 24 th October 2023	Section 3 of S.L.350.18 Requirements as to Standards and Practice Applicable to Family Viewing and Listening	The station admitted the charge and did not request a hearing.
TVM TVM News 29 th October 2022 ⁶	Article 16K(1)(a) of the Broadcasting Act and S.L.350.23 Requirements as to Advertisements, Methods of Advertising and Directions applicable to Tattoo Advertising	The station was found guilty of both charges and a fine was issued.
Popolin 4 th , 11 th , 25 th , 18 th & 25 th January and 1 st February 2023	Paragraph 3(a) and (f) of S.L.350.10 Code on the Correct Use of the Maltese Language on the Broadcasting Media Regulations	The station admitted the charge and did not request a hearing.
TVM News / TVMNews+ 23 rd & 24 th March 2023	Article 13(2)(c) of the Broadcasting Act	The station was not found guilty.
Love Island 19 th July 2023	Paragraphs 4 & 5 of the Third Schedule to the Broadcasting Act	The station admitted the charge and did not request a hearing.
TVM News 23 rd August 2023	Article 16K(1)(a) of the Broadcasting Act	The station was found guilty, and a warning was issued.
Moħħok Hemm 31 st October 2023, 1 st & 3 rd November 2023	Paragraph 3(f) of S.L.350.10 Code on the Correct Use of the Maltese Language on the Broadcasting Media Regulations	The station admitted the charge and did not request a hearing.
Popolin 8 th November 2023	Article 16L(4) of the Broadcasting Act	The station admitted the charge and did not request a hearing.

⁴ See supra, note 1.

⁵ See supra, note 1.

⁶ Charge issued in 2022 and decided in 2023.



Robert Gatt
Programme Monitor

My role at the Broadcasting Authority enabled me to gain a deeper understanding of the media industry, particularly the laws regulating broadcast media. In my opinion, content-wise, local media productions should dedicate much more attention to: (a) the correct use of the Maltese language (spoken and written); (b) the correct application of legal requirements covering indirect advertising and competitions that carry a prize; and (c) the ethical portrayal of vulnerability in minors with particular attention not to instrumentalise them or their condition.



David Paul Mallia
Programme Monitor

Working in the Monitoring Department has familiarised me with the practice of consuming media from a regulatory perspective. Key extracts of broadcasting legislation, often distilled to article and section numbers, become a kind of shorthand by which monitors dissect the creative and technical output of radio and TV programmes in their reports. Then something airs which grips the imagination and animates our office conversation, as it does to the whole country, a reminder that we are dealing with the only form of national culture that is crafted every day by ordinary workers for the enrichment of ordinary Maltese people everywhere.

08

BOARD DECISIONS

Decision about the complaint by Ms Anna Maria Buhagiar regarding the trial by jury report broadcast on TVM in the news bulletin of 9th of January 2023 and the morning news of the 10th of January 2023

The Authority registered a complaint lodged by Ms Anna Maria Buhagiar on the 10th of January 2023, regarding a report aired on TVM news of the 9th of January 2023, entitled 'Second Trial – Young man in the bar charged with rape and sexual humiliation'.

At a hearing held on 1 February 2023, the Authority heard Ms Anna Maria Buhagiar and Ing. Charles Dalli, Editor-in-Chief of PBS, accompanied by Dr Shaun Zammit.

Ms Anna Maria Buhagiar explained that in this news report there were extra details and that in her opinion some of the points were not of public interest. She said the news reports are considered ideal for family viewing and alleged a breach of Paragraph 1.2 of Subsidiary Legislation 350.18 – Requirements on Standards and Practice on Viewing and Listening to Family Programmes. She claimed that minors follow news as well and stated that while the report was not fit for children it also contained other redundant elements. Ms Anna Maria Buhagiar said that this type of reporting has a negative effect on children. Complainant argued that what is said in court should not be broadcast because there is the broadcasting law that must be observed. Finally, she complained of a violation of Article 13(a) of the Broadcasting Act because reporting offended religious feelings and had elements against good taste and decency. Complainant stated that the reporting had details that were also in breach of Paragraph 9.2 of Subsidiary Legislation 350.14 – Standards and Practice Requirements Applicable to Current Affairs News and Programmes.

In representation of PBS, Ing. Charles Dalli and Dr Shaun Zammit argued that one needs to distinguish between whether it was the case which was shocking or the report. They said that this was a trial which was dealt with in the Maltese Courts and was of public interest. They said that the report was dealing with a criminal trial and therefore had to report the charges and items that were used because they were the weapon used for the commission of the crime. They said that the public has

the right to be informed of the course of the trial, and when this was reported TVM news was not broadcasting violence. Ing. Charles Dalli denied that PBS vilified anything religious because PBS was only reporting what was said in the courtroom.

After the Authority took cognizance of both parties, and saw the documents and the respective video, it decided that even though this was a shocking case, PBS had the right to report an ongoing trial. Although PBS may have exercised further caution with the details in the broadcast, in this particular case the responsibility of the audience must be assumed. However, the Authority decided that the complaint is unfounded according to the provisions cited and rejected the complaint.

The Authority understands that as a public station, PBS should have high standards vis-à-vis other private stations, considering that it is the most watched station. In view of this, the Authority underlined that PBS had to inform tele spectators with a notice about the graphic reporting that it was about to follow. However, the Authority observed that a code of ethics for journalists is needed since news reports lack ethics and professionalism.

13th February 2023

Decision against PBS regarding a news report on success achieved by two Maltese tattoo artists, broadcast in the news bulletin of 29th of October 2022 on TVM

The Authority registered an accusation filed by the CEO regarding a news item report broadcast in the PBS news bulletin on 29th of October 2022. In this accusation, the CEO said that this report violated Article 16K(1)(a) of the Broadcasting Act and provisions of Subsidiary Legislation 350.23 – Requirements on Advertising, Advertising Methods and Directives on the Advertising of Tattoos.

PBS were represented by Charles Dalli, Editor-in-Chief, and Dr Shaun Zammit at this hearing held on the 1st of February 2023 after a deferment from the original session dated 30th December 2022.

Dr Joanna Spiteri, CEO, presented the accusation and referred to the news service which reported the success that two Maltese tattoo artists, Luke and Kersten Mercieca, had abroad. Dr Spiteri said that the manner in which this news report was presented led to fraudulent advertising and breach of Article 16K(1)(a) of the Broadcasting Act and consequently a breach of Subsidiary Legislation 350.23 – Requirements on Advertising, Advertising Methods and Directives on Advertising of Tattoos. She said that while they were being interviewed, the two Maltese appeared with a shirt and that their tattoo studio logo was visible. She said that the report also referred to aspects related to their personal studio including that their studio offers privacy to customers.

Ing. Charles Dalli, for PBS, said that the news report was a celebration of two Maltese artists who put Malta's name on the map after competing with 80 foreign artists and winning a competition held in the United States. He denied that this report was an advertisement and argued that the fact that they appeared with the logo on the T-shirt does not turn the news report into an advert. Dr Shaun Zammit, lawyer on behalf of PBS, said that in the report PBS was only reporting the success of these two Maltese.

After the Authority took note of the submissions and considered the documentation and respective video, it declared that it is not against the reporting of the success achieved, however, it considered that the reporting was not done within the framework of the rules defined in the Broadcasting Act.

The Authority decided that since the participants during the interview were wearing a T-shirt with their tattoo studio logo, an infringement of Article 16K(1)(a) of the Broadcasting Act occurred, and that there was a breach of Paragraph 2.2 of Subsidiary Legislation 350.23 – Advertising Requirements, Advertising Methods and Directives on Advertising of Tattoos. The Authority found the station guilty on the first charge and imposed a penalty of €2,330 on the infringement of Article 16K(1)(a). PBS was reprimanded on the second charge, namely the infringement of Subsidiary Legislation 350.23. The penalty shall be paid within 30 days of the date of notification of this decision.

13th February 2023

Decision about the complaint lodged by Mr Mark Amaira against ONE TV regarding the drama programme Jackpot 4

The Authority registered a complaint lodged by Mr Mark Amaira dated 11th of December 2022 regarding two episodes of Jackpot 4 which aired on 30th of November 2022 and 7th of December 2022 on ONE TV. Mr Amaira complained about misspelled subtitles in Maltese and argued that this was a breach of the obligations laid down in Subsidiary Legislation 350.10 – Code on the Good Use of the Maltese Language in the Media.

The hearing was adjourned to 5 January 2023. Mrs Ruth Vella Micallef, ONE's Chairperson, attended this hearing but Mr Mark Amaira failed to attend and failed to provide a notice.

In the absence of complainant and considering that the charges remained unsubstantiated, the complaint was rejected by the Authority.

11th January 2023

Decision about the complaint lodged by the Nationalist Party against PBS regarding the under-reporting of the party's statement on MUMN's industrial dispute with the Government, reported on the TVM news bulletin of the 4th of March 2023

The Authority registered a complaint filed by the Nationalist Party against the PBS news of the 4th of March 2023, regarding an under-reported statement by the Nationalist Party about the MUMN's industrial dispute with the Government relating to the Government's statement that there is no more extra budget for nurses.

The Authority heard Dr Francis Zammit Dimech and General Secretary Dr Michael Piccinino, on behalf and in representation of the Nationalist Party, as well as Ing. Charles Dalli, PBS Editor-in-Chief, assisted by Dr Shaun Zammit on behalf and in representation of PBS Ltd, at a hearing held on the 20th of March 2023.

Dr Michael Piccinino referred to a statement by the Nationalist Party implying that the Government does not have any money for nurses in view of the fact that the country was discussing how the Government passed on millions of euro to Steward Health Care. Dr Michael Piccinino and Dr Francis Zammit Dimech claimed that this statement was newsworthy.

Ing. Charles Dalli questioned whether this statement had to do with an article published by a local newspaper and explained that the station felt that this statement did not merit consideration as a news item. Dr Shaun Zammit commented about the second part of the statement and

said that it could not be included in the bulletin because PBS is neither a propaganda machine nor a notice board for political announcements.

The Authority, having taken note of and discussed the submissions of the parties, observed that this statement was divided into two parts. It felt that the first part contained an element for editorial discretion and that the second part was a political announcement. The Authority remarked that on similar occasions statements had to be clear and devoid of political announcements, leaving no doubt as to whether the editor should include it. The Authority points out that editorial discretion is always applicable and that the determination of the element of news value must also take into consideration the relevance of the argument. The Authority ruled that editorial discretion is subjective and stated that it will only take steps if editorial discretion goes against the interests of the party repeatedly. It also referred to the law and concluded that nothing at law provides that every statement shall be reported. For these reasons the Authority stated that it could not uphold the complaint.

The Authority directed PBS to read a summary in terms of Article 15 of the Broadcasting Act, in the bulletin of the 28th of March 2023:

During the hearing held on 20th of March, the Broadcasting Authority rejected the PN's complaint about the under-reporting of its statement that had maintained that the Government has no budget for nurses. The Authority said that the station had editorial discretion and that it had to decide whether there is an element of news value even due to the fact that the statement included a political announcement.

28th March 2023

Decision about the complaint filed by the Nationalist Party regarding the TVM news bulletin of 3rd of March 2023 about the reporting on the Senglea Belvedere project

The Authority registered a complaint filed by the Nationalist Party dated 5th March 2023 regarding reporting that appeared in the news bulletin of 3rd March 2023 about the Senglea Belvedere project. In this complaint, the Nationalist Party submitted that this news reporting was only intended to defend the project and was intended to serve as a pro-Government propaganda machine.

The Authority heard the General Secretary of the Nationalist Party, Dr Michael Piccinino, and Dr Francis Zammit Dimech on behalf and in representation of the Nationalist Party. For PBS appeared Ing. Charles Dalli,

Editor-in-Chief, assisted by Dr Shaun Zammit, at a hearing held on 20th of March 2023.

The Nationalist Party claimed that PBS broadcast this news report to dispel the criticism being made on social media in particular about the structure that had been built for this project. Dr Zammit Dimech said that this report was used as gatekeeping because the news was not reporting an event but that it was reported as a consequence of criticism that arose on social media. Dr Francis Zammit held that the report was about a topic which had become controversial on social media. He said that the propaganda exercise was carried out by the station because while public officials and government exponents were interviewed, no effort was made to interview other people to give alternative versions. Dr Michael Piccinino recalled that even the Hon. Adrian Delia wrote on social media about this controversy.

The station stressed that the complaint was not justified because PBS reported and provided information about the ongoing project in accordance with PBS guidelines. Ing. Charles Dalli said that the two interviewees were not government exponents but public officials. Dr Shaun Zammit said that the Authority must consider whether this report was factual and suggested that in the broadcaster's view the report had news value hence it had to be included in the news bulletin.

The Authority took note of the submissions by both parties and referred to the relevant documents. It confirmed that this project had news value and that PBS did well to report on it. The Authority noted that the fact that two public officials were interviewed, being persons able to convey information and views relating to the project, was also relevant to the report. Yet since the project attracted criticism due to a particular building, which building was mentioned by PBS in its report, such criticism had to be reported as well. The Authority upheld the complaint and directed PBS to read the following during the bulletin of the 28th March 2023, in terms of Article 15 of the Broadcasting Act:

In a hearing held on the 20th of March, the Broadcasting Authority upheld the Nationalist Party's complaint about the reporting of the Senglea Belvedere project. The Authority said that while PBS did well to report on this project, following criticism on social media, the same report should have included the criticism about a particular building in this same project.

28th March 2023

Decision about the Nationalist Party complaint concerning TVM news of 4th March 2023 about the failure to report their call for a national protest

The Authority registered a complaint lodged by the Nationalist Party against the TVM news bulletin of 4th March 2023 due to the failure to include the call for a national protest in its report.

During a sitting held on the 20th March 2023, the Nationalist Party was represented by the General Secretary, Dr Michael Piccinino, assisted by Dr Francis Zammit Dimech. Editor-in-Chief Ing. Charles Dalli and Dr Shaun Zammit appeared on behalf and in representation of PBS respectively.

The Nationalist Party claimed that on the 4th of March 2023, PBS reported the highlights of Dr Bernard Grech's message to the nation whilst failing to include his call for a national protest. Dr Michael Piccinino held that the latter constitutes news value.

Dr Shaun Zammit said that PBS broadcast the Opposition Leader's message and even the protest itself. Ing. Charles Dalli observed that the call for a national protest was not newsworthy and stressed that PBS cannot serve as a notice board for political parties.

The Authority took into account the submissions by the parties and considered that PBS had reported the Opposition's message extensively throughout that week and the inclusion of the call for a national protest was not justified.

The Authority also opined that reporting a call for a national protest classifies as political advertising rather than news. Hence, it did not uphold the Nationalist Party's complaint.

In light of this decision, in terms of Article 15 of the Broadcasting Act, the Authority directed the broadcaster to read the following summary in its news bulletin of 29 March 2023:

During a hearing held on 20th of March 2023, the Broadcasting Authority did not uphold the Nationalist Party's complaint about the failure to report its call for a national protest on TVM news. The Authority said that the complaint was unjustified because the reporting of a call for a national protest would tantamount to political advertising and is not news.

29th March 2023

Decision about the complaint by the Nationalist Party against PBS relating to the lack of sound-on-tape in TVM news bulletins

The Authority registered a complaint by the Nationalist Party against PBS relating to a systematic failure to take sound-on-tape comments by representatives of the Opposition. Three examples were mentioned, namely the news bulletins of the 28th February 2023, 1st March 2023 and 2nd March 2023.

Dr Michael Piccinino appeared for the audience held on the 20th of March 2023 on behalf of the Nationalist Party, assisted by Dr Francis Zammit Dimech. Editor-in-Chief Ing. Charles Dalli appeared for PBS, assisted by Dr Shaun Zammit.

Dr Michael Piccinino held that PBS was systematically refusing to take sound-on-tapes for speakers of the Opposition, whilst during its news bulletins on TVM, PBS did not afford the same treatment to Government speakers. He referred to three particular bulletins during the first week of March which aired on the 1st, 2nd and 3rd March 2023 and produced a list of sound-on-tape by Ministers and public officials contrasting them to those taken from speakers on behalf of the Opposition.

He said that this was a week during which the Nationalist Party carried out various activities related mainly to current events regarding hospitals. Dr Francis Zammit Dimech referred to the Constitutional provision on the fair distribution of time and said that PBS news should ensure that it complies with its Constitutional obligations.

For PBS, the Editor-in-Chief Ing. Charles Dalli denied the allegations. He explained that there should be a distinction between interviews with public officials and interviews with Government speakers. Ing. Charles Dalli referred to the guidelines and said that these provide for those circumstances when comments are taken for the news.

The Authority took note of the parties' submissions and referred to the relevant documents. It reiterated its position on a decision taken by the same Authority, in August 2022, where it was stated that the newsroom has an element of editorial discretion but there should be great care about the number of times that political comments are taken. The station should ensure appropriate representation in the number of interviews between Government speakers and Opposition speakers during news bulletins. The Authority also stated that one should be cautious in classifying the interviews of Government officials as some government representatives. In the three bulletins given as an example by the complainant, the public officials interviewed spoke professionally and did not include controversial comments. Despite this, the Authority noted that there was no Opposition spokesperson or representative.

However, throughout the week that this complaint was based on, the Authority warned that although the number of interviews with government speakers had fallen sharply, the station should make an effort to include interviews with Opposition speakers in news bulletins when possible. The Authority therefore upheld the complaint, whilst affording editorial discretion when this is required.

In the light of this decision, in terms of Article 15 of the Broadcasting Act, the Authority is requesting the broadcaster to read the following summary during the bulletin of 29th of March 2023:

The Broadcasting Authority investigated a complaint by the Nationalist Party which protested the fact that comments by speakers for the Opposition were not being broadcast during news bulletins and this in contrast to those interviews with speakers for the Government. The Authority observed that although the number of interviews with speakers for the Government had decreased since a previous ruling taken by the same Authority against PBS a few months before, however, no interviews were being held with speakers for the Opposition. The Authority therefore upheld the Nationalist Party's complaint.

29th March 2023

Decision about the complaint by the Nationalist Party against PBS Ltd concerning TVM news of 28th February 2023 and 1st March 2023

The Authority registered a complaint by the Nationalist Party against TVM news of 28th February and 1st March 2023 due to news related to the state of St Luke's Hospital and comments by the Opposition relating to this subject were left out of the main headlines.

Present for this hearing, held on the 20th of March 2023, were Dr Francis Zammit Dimech and General Secretary Dr Michael Piccinino for the Nationalist Party. For PBS appeared the Editor-in-Chief Ing. Charles Dalli assisted by Dr Shaun Zammit.

Dr Francis Zammit Dimech explained that the Opposition's view was consistently being left out of the news headlines and leads to discrimination against the Nationalist Party since main headlines have an impact of their own.

He referred to the news of the 28th February 2023 and 1st March 2023 in which the Nationalist Party's statements on the state of the hospitals were not included in the main headlines. He said that in light of this controversy, the statements of the Nationalist Party had news value and even had to be put in the main headlines.

Dr Michael Piccinino referred to a press conference held on 28th February 2023 by the Opposition outside the St Luke's Hospital building and the following day on 1st March 2023 when a video from inside the same hospital was broadcast. He said that these two stories deserved to make it to the main headlines.

Ing. Charles Dalli said that when stories have news element, they are listed with the main headlines and that the two stories mentioned by the complainant were treated fairly in the news bulletin.

Dr Shaun Zammit said that the hospital case was reported extensively by PBS and said that the station felt that the state of St Luke's Hospital was ancillary to the main topic.

The Authority took note of the submissions and referred to the related documents and videos. The Authority concluded that the case relating to the three hospitals was a case that was reported extensively by PBS as it was obliged to do, particularly since the matter was a national political controversy. The Authority also noted that the two reports referred to by the complainant namely the news conference outside the St Luke's Hospital building held by the Leader of the Opposition and other Opposition speakers as well as the video showing the state of St Luke's Hospital were in fact reported, but the Authority confirmed that these two reports did not form part of the main headlines.

While the Authority understands that there is an editorial discretion of what is broadcast in the bulletin, what is included as the main headlines and the order in which the reports are broadcast, the Authority feels that these two reports, putting in context the ongoing controversy, should have made it to the main headlines. The Authority therefore upholds this complaint.

In light of this decision the Authority requests PBS to read a summary of the decision in the bulletin of 29th March 2023 in terms of Article 15 of the Broadcasting Act as follows:

In a hearing held on 20th March 2023, the Authority upheld the Nationalist Party's complaint about the station's failure to include the two events related to the hospital controversy in the main headlines. The Authority felt that while editorial discretion applies for broadcast, in light of the hospital controversy in the country, these two events, which feature the Leader of the Opposition's news conference in front of St Luke's Hospital and the videos showing the state of the same hospital had to be included in the main headlines.

29th March 2023

Decision about the complaint lodged by ADPD against ONE NEWS due to the failure to report their news conference held on the 11th March 2023

The Authority registered a complaint by ADPD against ONE news since it did not report their news conference which took place on 11 March 2023.

ADPD Chairperson Carmel Cacopardo and ADPD General Secretary Ralph Cassar appeared at this hearing held on 20 March 2023. News Chief Sandro Mangion assisted by Dr Ramona Attard appeared for ONE.

Perit Cacopardo said that ADPD complained because ONE systematically fails to report ADPD conferences or statements. He referred to the recent judgment of the Constitutional Court, which rules that the impartiality in broadcasting is not limited to public broadcasting, and that other stations also have an obligation to be impartial. He said that the Constitution does not differentiate between the parties, and the obligation of impartiality must be made without political distinction. He argued that despite editorial discretion, private stations should also comply with the obligation of impartiality.

Dr Ramona Attard referred to Article 13(4) of the Broadcasting Act and Article 119 of the Constitution and said that these are being examined in a current court case. She said that the purpose of Article 119 of the Constitution was enacted when the only broadcast was state broadcasting but Article 13 of the Broadcasting Act then gives discretion to the Authority to view the wide range. Dr Ramona Attard said that when ONE station sees that there is news value in conferences or ADPD statements, they are reported and recalled that the channel has an editorial discretion as to what news is reported or broadcast.

After hearing the parties' submissions, the Authority made the following considerations:

- It noted that ADPD's press conference dealt with the hospitals and the current controversy surrounding the Court's ruling on the hospital contract.
- The Authority had, in its previous decisions, acknowledged that each newsroom has its own editorial discretion and hence the right to determine what constitutes newsworthiness. It follows that party statements enjoy no automatic right to be reported. Nevertheless, the Authority fails to understand how none of the ADPD conferences and statements were considered of news worthy for ONE since November 2022 when the last report on ADPD was broadcast by this station. This clearly indicates a systematic exclusion of ADPD by ONE.
- In view of Section 4 of Subsidiary Legislation 350.14, the Authority upholds this complaint because a news

bulletin must include accuracy and facts that contain news value. The Authority is therefore requesting that the ADPD's statement is reported in ONE's news bulletin of 30 March 2023.

30th March 2023

Decision about the complaint by Prof. Arnold Cassola against ONE NEWS for failure to report his statement of 6 March 2023 regarding the Constitutional Court's decision

The Authority registered a complaint by Prof. Arnold Cassola against ONE NEWS for failure to report a statement of 6 March 2023 regarding the Constitutional Court's decision.

For this hearing appeared Prof. Arnold Cassola as the complainant as well as Mr Sandro Mangion as Head and Editor of ONE News, assisted by Dr Ramona Attard.

Prof. Arnold Cassola said that he has been active in politics for over 30 years and as an independent candidate garnered the largest number of votes within his category. He claimed to represent just under 1% of the electorate according to the last European election results, hence he has political voice.

He referred to Article 119 of the Constitution which requires that there must be proper impartiality on matters of political controversy. He said that ONE has long ignored this Article and the Authority has not condemned this behaviour which is contrary to pluralism. He referred to the Court's ruling of the 27 February 2023 which stated that there should be proper impartiality and continued that he expects ONE to report his statements. However, he said that this judgment was ignored, forcing him to file complaints for every statement he was publishing and which ONE failed to broadcast. He also complained that ONE's newsroom was not even answering to his complaints.

Prof. Arnold Cassola said that he understands that every news channel has its own prerogative and editorial discretion but said that he is being excluded *a priori*. He explained that while his statements are reported by other media, ONE has never found news value in any of his statements and these are being systematically ignored.

Dr Ramona Attard said that to represent the people, one must be a member of Parliament. She explained that there is a law that sets out how to be a candidate for the elections and said that this is linked to the writ of the election and, in the context of this, independent candidates currently do not exist. Dr Ramona Attard said that ONE is a political station and has its own political

The Authority therefore rejected Prof. Arnold Cassola's complaint relating to the Constitutional Court's decision on how reporting is carried out by PBS, ONE and NET.

27th April 2023

Decision about the complaint by Prof. Cassola against NET NEWS for failure to report his statement of 12 March 2023 on the case of Jean Paul Sofia

The Authority registered a complaint by Prof. Arnold Cassola against NET NEWS for failure to report a statement of 12 March 2023 regarding the case of Jean Paul Sofia.

For this hearing appeared Prof. Arnold Cassola as the complainant, as well as Karl Gouder, Chief Operations Officer of MediaLink, Robert Cremona, Head of News of NET TV and Editor of MediaLink, and Dr Francis Zammit Dimech on behalf and in representation of MediaLink.

Prof. Arnold Cassola said that he has been active in politics for over 30 years and as an independent candidate garnered the largest number of votes within his category. He claimed to represent just under 1% of the electorate according to the last European election results, hence he has political voice.

He referred to Article 119 of the Constitution which requires that there must be proper impartiality on matters of political controversy. He said that NET TV has long ignored this Article. He stated that following a specific court judgement, he had started to file a complaint for every unreported statement. He said there had been a response from Mr Karl Gouder to his first complaint invoking editorial discretion. Prof. Cassola said that he understands that every station has the editorial discretion and considers the value of the news but said that other media find news value in his statements since these are reported.

Dr Francis Zammit Dimech said that under Maltese electoral law the status of candidate does not exist unless there is an election and nominations are opened. He said that if this is what Prof. Cassola is saying then any candidate who stood for election and was not elected will have to be reported. Dr Zammit Dimech also referred to Article 119 and said that this Article talks about the time to be distributed between persons of different political parties and not individuals.

He also said that editorial discretion must also be taken in the context of the provisions of the Constitution. He said that NET TV has sometimes reported statements by Prof. Arnold Cassola in the context of editorial discretion and newsworthiness.

The Authority heard the submissions and referred to the documents relating to the case. The Authority acknowledges that currently there is no candidate status because the status of candidate is declared by law. It said that although Prof. Arnold Cassola signs as an independent candidate, this status does not currently exist. It understands that everyone has the right to issue their statements but recognises that at the same time editorial discretion should apply to what is reported and that newsrooms have discretion to analyse the value of the news.

The Authority therefore rejected Prof. Arnold Cassola's complaint of his statement on the case of Jean Paul Sofia.

27th April 2023

Decision about the complaint by Prof. Arnold Cassola against ONE NEWS for failure to report his statement of 12 March 2023 on the case of Jean Paul Sofia

The Authority registered a complaint by Prof. Arnold Cassola against ONE NEWS for failure to report a statement of 12 March 2023 regarding the case of Jean Paul Sofia.

Prof. Arnold Cassola appeared for the hearing before the Authority. Sandro Mangion, who is the Head and News Editor of ONE NEWS, and Dr Ramona Attard appeared on behalf and in representation of ONE.

Prof. Arnold Cassola said that he has been active in politics for over 30 years and as an independent candidate garnered the largest number of votes within his category. He claimed to represent just under 1% of the electorate according to the last European election results, hence he has political voice.

He referred to Article 119 of the Constitution which requires that there must be proper impartiality on matters of political controversy. He said that ONE has long ignored this Article and the Authority has not condemned this behaviour which is contrary to pluralism. He referred to the Court's ruling of the 27 February 2023 which stated that there should be proper impartiality and continued that he expects ONE to report his statements. However, he said that this judgment was ignored, forcing him to file complaints for every statement he was publishing and which ONE failed to broadcast. He also complained that ONE's newsroom was not even answering to his complaints.

Prof. Arnold Cassola said that he understands that every news channel has its own prerogative and editorial discretion but said that he is being excluded *a priori*. He explained that while his statements are reported by other

media, ONE has never found news value in any of his statements and these are being systematically ignored.

Dr Ramona Attard said that to represent the people, one must be a member of Parliament. She explained that there is a law that sets out how to be a candidate for the elections and said that this is linked to the writ of the election and, in the context of this, independent candidates currently do not exist. Dr Ramona Attard said that ONE is a political station and has its own political agenda and has the right to exercise editorial discretion. She said that the statements are therefore reported according to their editor's discretion. Dr Ramona Attard referred to the court's judgement quoted during the hearing and said that this has no effect on ONE because this case was not against ONE. She also said that Article 13 of the Broadcasting Act gives flexibility when it comes to political parties' stations.

The Authority heard the submissions and referred to the presented documents relating. The Authority acknowledges that currently there is no candidate status because the status of candidate is declared by law. The Authority said that although Prof. Arnold Cassola signs as an independent candidate, this status does not currently exist. It understands that everyone has a right to issue statements but recognises that at the same time editorial discretion should rely on what is reported, hence newsrooms have discretion to analyse their news value.

The Authority therefore rejected Prof. Arnold Cassola's complaint relating to the failure to report his statement regarding the case of Jean Paul Sofia.

27th April 2023

Decision about the complaint by Prof. Cassola against NET NEWS for failure to report his statement of 15 March 2023 on illegal works at Fomm ir-Riĥ

The Authority registered a complaint by Prof. Arnold Cassola against NET NEWS for failure to report a statement of 15 March 2023 on illegal works at Fomm ir-Riĥ.

For this hearing appeared Prof. Arnold Cassola, as the complainant, as well as Karl Gouder, Chief Operations Officer of MediaLink, Robert Cremona, head of news of NET TV and Editor of MediaLink, and Dr Francis Zammit Dimech on behalf and in representation of MediaLink.

Prof. Arnold Cassola said that he has been active in politics for over 30 years and as an independent candidate garnered the largest number of votes within his category. He claimed to represent just under 1% of the electorate according to the last European election results, hence he

has political voice.

He referred to Article 119 of the Constitution which requires that there must be proper impartiality on matters of political controversy. He said that NET TV has long ignored this Article. He stated that following a specific court judgement, he had started to file a complaint for every unreported statement. He said there had been a response from Mr Karl Gouder to his first complaint invoking editorial discretion. Prof. Cassola said that he understands that every station has the editorial discretion and considers the value of the news but said that other media find news value in his statements since these are reported.

Dr Francis Zammit Dimech said that under Maltese electoral law the status of candidate does not exist unless there is an election and nominations are opened. He said that if this is what Prof. Cassola is saying then any candidate who stood for election and was not elected will have to be reported. Dr Zammit Dimech also referred to Article 119 and said that this Article talks about the time to be distributed between persons of different political parties and not individuals.

He also said that editorial discretion must also be taken in the context of the provisions of the Constitution. He said that NET TV has sometimes reported statements by Prof. Arnold Cassola in the context of editorial discretion and newsworthiness.

The Authority heard the submissions and referred to the documents relating to the case. The Authority acknowledges that currently there is no candidate status because the status of candidate is declared by law. It said that although Prof. Arnold Cassola signs as an independent candidate, this status does not currently exist. It understands that everyone has the right to issue their statements but recognises that at the same time editorial discretion should apply to what is reported and that newsrooms have discretion to analyse the value of the news.

The Authority therefore rejected Prof. Arnold Cassola's complaint relating to the failure to report his statement about illegal works at Fomm ir-Riĥ.

27th April 2023

Decision about the complaint by Prof. Cassola against ONE NEWS for failure to report his statement of 15 March 2023 on illegal works at Fomm ir-Riħ

The Authority registered a complaint by Prof. Arnold Cassola against ONE NEWS for failure to report a statement of 15 March 2023 on illegal works at Fomm ir-Riħ.

Prof. Arnold Cassola said that he has been active in politics for over 30 years and as an independent candidate garnered the largest number of votes within his category. He claimed to represent just under 1% of the electorate according to the last European election results, hence he has political voice.

He referred to Article 119 of the Constitution which requires that there must be proper impartiality on matters of political controversy. He said that ONE has long ignored this Article and the Authority has not condemned this behaviour which is contrary to pluralism. He referred to the Court's ruling of the 27 February 2023 which stated that there should be proper impartiality and continued that he expects ONE to report his statements. However, he said that this judgment was ignored, forcing him to file complaints for every statement he was publishing and which ONE failed to broadcast. He also complained that ONE's newsroom was not even answering to his complaints.

Prof. Arnold Cassola said that he understands that every news channel has its own prerogative and editorial discretion but said that he is being excluded *a priori*. He explained that while his statements are reported by other media, ONE has never found news value in any of his statements and these are being systematically ignored.

Dr Ramona Attard said that to represent the people one must be a member of Parliament. She explained that there is a law that sets out how to be a candidate for the elections and said that this is linked to the writ of the election and, in the context of this, independent candidates currently do not exist. Dr Ramona Attard said that ONE is a political station and has its own political agenda and has the right to exercise editorial discretion. She said that the statements are therefore reported according to their editor's discretion. Dr Ramona Attard referred to the court's judgement quoted during the hearing and said that this has no effect on ONE because this case was not against ONE. She also said that Article 13 of the Broadcasting Act gives flexibility when it comes to political parties' stations.

The Authority heard the submissions and referred to the presented documents relating. The Authority acknowledges that currently there is no candidate

status because the status of candidate is declared by law. The Authority said that although Prof. Arnold Cassola signs as an independent candidate, this status does not currently exist. It understands that everyone has a right to issue statements but recognises that at the same time editorial discretion should rely on what is reported, hence newsrooms have discretion to analyse their news value.

The Authority therefore rejected Prof. Arnold Cassola's complaint relating to the failure to report his statement about illegal works at Fomm ir-Riħ.

27th April 2023

Decision about the complaint by Prof. Cassola against NET NEWS for failure to report his statement of 16 March on abuse by three Prime Ministers – Muscat, Abela and Gonzi and diplomatic passports

The Authority registered a complaint by Prof. Arnold Cassola against NET NEWS for failure to report a statement of 16 March on abuse by three Prime Ministers – Muscat, Abela and Gonzi and diplomatic passports.

For this hearing appeared Prof. Arnold Cassola as the complainant, as well as Karl Gouder, Chief Operations Officer of MediaLink, Robert Cremona, Head of News of NET TV and Editor of MediaLink, and Dr Francis Zammit Dimech on behalf and in representation of MediaLink.

Prof. Arnold Cassola said that he has been active in politics for over 30 years and as an independent candidate garnered the largest number of votes within his category. He claimed to represent just under 1% of the electorate according to the last European election results, hence he has political voice.

He referred to Article 119 of the Constitution which requires that there must be proper impartiality on matters of political controversy. He said that NET TV has long ignored this Article. He stated that following a specific court judgement, he had started to file a complaint for every unreported statement. He said there had been a response from Mr Karl Gouder to his first complaint invoking editorial discretion. Prof. Cassola said that he understands that every station has the editorial discretion and considers the value of the news but said that other media find news value in his statements since these are reported.

Dr Francis Zammit Dimech said that under Maltese electoral law the status of candidate does not exist unless there is an election and nominations are opened. He said that if this is what Prof. Cassola is saying then any candidate who stood for election and was not elected will have to be reported. Dr Zammit Dimech also referred to

Article 119 and said that this Article talks about the time to be distributed between persons of different political parties and not individuals.

He also said that editorial discretion must also be taken in the context of the provisions of the Constitution. He said that NET TV has sometimes reported statements by Prof. Arnold Cassola in the context of editorial discretion and newsworthiness.

The Authority heard the submissions and referred to the documents relating to the case. The Authority acknowledges that currently there is no candidate status because the status of candidate is declared by law. It said that although Prof. Arnold Cassola signs as an independent candidate, this status does not currently exist. It understands that everyone has the right to issue their statements, but recognises that at the same time editorial discretion should apply to what is reported and that newsrooms have discretion to analyse the value of the news.

The Authority therefore rejected Prof. Arnold Cassola's complaint relating to the failure to report his statement regarding the abuse by three Prime Ministers – Muscat, Abela and Gonzi and diplomatic passports.

27th April 2023

Decision about the complaint by Prof. Arnold Cassola against ONE NEWS for failure to report his statement of 16 March on abuse by three Prime Ministers – Muscat, Abela and Gonzi and diplomatic passports

The Authority registered a complaint by Prof. Arnold Cassola against ONE NEWS for failure to report a statement of 16 March 2023 on abuse by three Prime Ministers – Muscat, Abela and Gonzi because they hold diplomatic passports.

Prof. Arnold Cassola said that he has been active in politics for over 30 years and as an independent candidate garnered the largest number of votes within his category. He claimed to represent just under 1% of the electorate according to the last European election results, hence he has political voice.

He referred to Article 119 of the Constitution which requires that there must be proper impartiality on matters of political controversy. He said that ONE has long ignored this Article and the Authority has not condemned this behaviour which is contrary to pluralism. He referred to the Court's ruling of the 27 February 2023 which stated that there should be proper impartiality and continued

that he expects ONE to report his statements. However, he said that this judgment was ignored, forcing him to file complaints for every statement he was publishing and which ONE failed to broadcast. He also complained that ONE's newsroom was not even answering to his complaints.

Prof. Arnold Cassola said that he understands that every news channel has its own prerogative and editorial discretion but said that he is being excluded *a priori*. He explained that while his statements are reported by other media, ONE has never found news value in any of his statements and these are being systematically ignored.

Dr Ramona Attard said that to represent the people, one must be a member of Parliament. She explained that there is a law that sets out how to be a candidate for the elections and said that this is linked to the writ of the election and, in the context of this, independent candidates currently do not exist. Dr Ramona Attard said that ONE is a political station and has its own political agenda and has the right to exercise editorial discretion. She said that the statements are therefore reported according to their editor's discretion. Dr Ramona Attard referred to the court's judgement quoted during the hearing and said that this has no effect on ONE because this case was not against ONE. She also said that Article 13 of the Broadcasting Act gives flexibility when it comes to political parties' stations.

The Authority heard the submissions and referred to the presented documents relating. The Authority acknowledges that currently there is no candidate status because the status of candidate is declared by law. The Authority said that although Prof. Arnold Cassola signs as an independent candidate, this status does not currently exist. It understands that everyone has a right to issue statements but recognises that at the same time editorial discretion should rely on what is reported, hence newsrooms have discretion to analyse their news value.

The Authority therefore rejected Prof. Arnold Cassola's complaint relating to the failure to report his statement regarding the abuse by three Prime Ministers – Muscat, Abela and Gonzi and diplomatic passports.

27th April 2023

Decision about the complaint by Prof. Cassola against NET NEWS for failure to report his statement of 18 March 2023 on Chris Bonett's trip to London

The Authority registered a complaint by Prof. Arnold Cassola against NET NEWS for failure to report statement of 18 March 2023 about Chris Bonett's trip to London.

For this hearing appeared Prof. Arnold Cassola as the complainant, as well as Karl Gouder, Chief Operations Officer of MediaLink, Robert Cremona, Head of News of NET TV and Editor of MediaLink, and Dr Francis Zammit Dimech on behalf and in representation of MediaLink.

Prof. Arnold Cassola said that he has been active in politics for over 30 years and as an independent candidate garnered the largest number of votes within his category. He claimed to represent just under 1% of the electorate according to the last European election results, hence he has political voice.

He referred to Article 119 of the Constitution which requires that there must be proper impartiality on matters of political controversy. He said that NET TV has long ignored this Article. He stated that following a specific court judgement, he had started to file a complaint for every unreported statement. He said there had been a response from Mr Karl Gouder to his first complaint invoking editorial discretion. Prof. Cassola said that he understands that every station has the editorial discretion and considers the value of the news but said that other media find news value in his statements since these are reported.

Dr Francis Zammit Dimech said that under Maltese electoral law the status of candidate does not exist unless there is an election and nominations are opened. He said that if this is what Prof. Cassola is saying then any candidate who stood for election and was not elected will have to be reported. Dr Zammit Dimech also referred to Article 119 and said that this Article talks about the time to be distributed between persons of different political parties and not individuals.

He also said that editorial discretion must also be taken in the context of the provisions of the Constitution. He said that NET TV has sometimes reported statements by Prof. Arnold Cassola in the context of editorial discretion and newsworthiness.

The Authority heard the submissions and referred to the documents relating to the case. The Authority acknowledges that currently there is no candidate status because the status of candidate is declared by law. It said that although Prof. Arnold Cassola signs as an independent candidate, this status does not currently exist. It understands that everyone has the right to issue

their statements, but recognises that at the same time editorial discretion should apply to what is reported and that newsrooms have discretion to analyse the value of the news.

The Authority therefore rejected Prof. Arnold Cassola's complaint relating to the failure to report his statement regarding Chris Bonett's trip to London.

27th April 2023

Decision about the complaint by Prof. Cassola against ONE NEWS for failure to report his statement of 18 March 2023 on Chris Bonett's trip to London

The Authority registered a complaint by Prof. Arnold Cassola against ONE NEWS for failure to report a statement of 18 March 2023 about Chris Bonett's trip to London.

Prof. Arnold Cassola said that he has been active in politics for over 30 years and as an independent candidate garnered the largest number of votes within his category. He claimed to represent just under 1% of the electorate according to the last European election results, hence he has political voice.

He referred to Article 119 of the Constitution which requires that there must be proper impartiality on matters of political controversy. He said that ONE has long ignored this Article and the Authority has not condemned this behaviour which is contrary to pluralism. He referred to the Court's ruling of the 27 February 2023 which stated that there should be proper impartiality and continued that he expects ONE to report his statements. However, he said that this judgment was ignored, forcing him to file complaints for every statement he was publishing and which ONE failed to broadcast. He also complained that ONE's newsroom was not even answering to his complaints.

Prof. Arnold Cassola said that he understands that every news channel has its own prerogative and editorial discretion but said that he is being excluded *a priori*. He explained that while his statements are reported by other media, ONE has never found news value in any of his statements and these are being systematically ignored.

Dr Ramona Attard said that to represent the people, one must be a member of Parliament. She explained that there is a law that sets out how to be a candidate for the elections and said that this is linked to the writ of the election and, in the context of this, independent candidates currently do not exist. Dr Ramona Attard said that ONE is a political station and has its own political agenda and has the right to exercise editorial discretion. She said that the statements are therefore reported

according to their editor's discretion. Dr Ramona Attard referred to the court's judgement quoted during the hearing and said that this has no effect on ONE because this case was not against ONE. She also said that Article 13 of the Broadcasting Act gives flexibility when it comes to political parties' stations.

The Authority heard the submissions and referred to the presented documents relating. The Authority acknowledges that currently there is no candidate status because the status of candidate is declared by law. The Authority said that although Prof. Arnold Cassola signs as an independent candidate, this status does not currently exist. It understands that everyone has a right to issue statements but recognises that at the same time editorial discretion should rely on what is reported, hence newsrooms have discretion to analyse their news value.

The Authority therefore rejected Prof. Arnold Cassola's complaint relating to the failure to report his statement regarding Chris Bonett's trip to London.

27th April 2023

Decision about the complaint by Prof. Cassola against NET NEWS for failure to report his statement of 19 March 2023 on whether anyone from the OPM was involved in the murder of Daphne Caruana Galizia

The Authority registered a complaint by Prof. Arnold Cassola against NET NEWS for failure to report a statement of 19 March 2023 regarding the murder of Daphne Caruana Galizia.

For this hearing appeared Prof. Arnold Cassola as the complainant. Karl Gouder, Chief Operations Officer of MediaLink, Robert Cremona, head of news of NET TV and Editor of MediaLink and Dr Francis Zammit Dimech appeared on behalf and in representation of MediaLink.

Prof. Arnold Cassola said that he has been active in politics for over 30 years and as an independent candidate garnered the largest number of votes within his category. He claimed to represent just under 1% of the electorate according to the last European election results, hence he has political voice.

He referred to Article 119 of the Constitution which requires that there must be proper impartiality on matters of political controversy. He said that NET TV has long ignored this Article. He stated that following a specific court judgement, he had started to file a complaint for every unreported statement. He said there had been a response from Mr Karl Gouder to his first complaint invoking editorial discretion. Prof. Cassola said that he

understands that every station has the editorial discretion and considers the value of the news but said that other media find news value in his statements since these are reported.

Dr Francis Zammit Dimech said that under Maltese electoral law the status of candidate does not exist unless there is an election and nominations are opened. He said that if this is what Prof. Cassola is saying then any candidate who stood for election and was not elected will have to be reported. Dr Zammit Dimech also referred to Article 119 and said that this Article talks about the time to be distributed between persons of different political parties and not individuals.

He also said that editorial discretion must also be taken in the context of the provisions of the Constitution. He said that NET TV has sometimes reported statements by Prof. Arnold Cassola in the context of editorial discretion and newsworthiness.

The Authority heard the submissions and referred to the documents relating to the case. The Authority acknowledges that currently there is no candidate status because the status of candidate is declared by law. It said that although Prof. Arnold Cassola signs as an independent candidate, this status does not currently exist. It understands that everyone has the right to issue their statements, but recognises that at the same time editorial discretion should apply to what is reported and that newsrooms have discretion to analyse the value of the news.

The Authority therefore rejected Prof. Arnold Cassola's complaint relating to the failure to report his statement on whether anyone from the OPM was involved in the murder of Daphne Caruana Galizia.

27th April 2023

Decision about the complaint by Prof. Arnold Cassola against ONE NEWS for failure to report his statement of 19 March 2023 on whether anyone from the OPM was involved in the murder of Daphne Caruana Galizia

The Authority registered a complaint by Prof. Arnold Cassola against ONE NEWS for failure to report a statement of 19 March on whether anyone from the OPM was involved in the murder of Daphne Caruana Galizia.

Prof. Arnold Cassola said that he has been active in politics for over 30 years and as an independent candidate garnered the largest number of votes within his category. He claimed to represent just under 1% of the electorate according to the last European election results, hence he has political voice.

He referred to Article 119 of the Constitution which requires that there must be proper impartiality on matters of political controversy. He said that ONE has long ignored this Article and the Authority has not condemned this behaviour which is contrary to pluralism. He referred to the Court's ruling of the 27 February 2023 which stated that there should be proper impartiality and continued that he expects ONE to report his statements. However, he said that this judgment was ignored, forcing him to file complaints for every statement he was publishing and which ONE failed to broadcast. He also complained that ONE's newsroom was not even answering to his complaints.

Prof. Arnold Cassola said that he understands that every news channel has its own prerogative and editorial discretion but said that he is being excluded *a priori*. He explained that while his statements are reported by other media, ONE has never found news value in any of his statements and these are being systematically ignored.

Dr Ramona Attard said that to represent the people, one must be a member of Parliament. She explained that there is a law that sets out how to be a candidate for the elections and said that this is linked to the writ of the election and in the context of this, independent candidates currently do not exist. Dr Ramona Attard said that ONE is a political station and has its own political agenda and has the right to exercise editorial discretion. She said that the statements are therefore reported according to their editor's discretion. Dr Ramona Attard referred to the court's judgement quoted during the hearing and said that this has no effect on ONE because this case was not against ONE. She also said that Article 13 of the Broadcasting Act gives flexibility when it comes to political parties' stations.

The Authority heard the submissions and referred to the presented documents relating. The Authority acknowledges that currently there is no candidate status because the status of candidate is declared by law. The Authority said that although Prof. Arnold Cassola signs as an independent candidate, this status does not currently exist. It understands that everyone has a right to issue statements but recognises that at the same time editorial discretion should rely on what is reported, hence newsrooms have discretion to analyse their news value.

The Authority therefore rejected Prof. Arnold Cassola's complaint relating to the failure to report his statement on whether anyone from the OPM was involved in the murder of Daphne Caruana Galizia.

27th April 2023

Decision about the complaint by the Nationalist Party against PBS regarding the new bulletin of 24 March 2023 which failed to report a statement by the complainant on the MUMN industrial dispute

The Authority registered a complaint filed by the Nationalist Party regarding PBS news of 24 March 2023 due to PBS failing to report a PN statement on MUMN's industrial dispute with the Government over a collective agreement.

Present for the hearing held on 24 April 2023 were the PN General Secretary Dr Michael Piccinino and Dr Francis Dimech for the Nationalist Party. Ing. Charles Dalli, the Editor-in-Chief of PBS and Dr Mark Vassallo appeared on behalf and in representation of PBS respectively.

Dr Michael Piccinino explained the context for this complaint and said that MUMN on 24 March 2023 ordered directives for nurses and midwives. He said that in light of this order, the Nationalist Party issued a statement which was reported by the media but not by PBS. Dr Michael Piccinino explained that the PN's statement was issued in the context of the directives and said that the PN's political opinion is relevant in light of what was happening.

Dr Mark Vassallo referred to the Nationalist Party's statement and said that the news related to this statement had been reported *ad nauseam* in various TVM news bulletins. He said that even the political opinion of the Nationalist Party had been aired through the reporting of the speech by the Leader of the Opposition Dr Bernard Grech. Dr Vassallo referred to Subsidiary Legislation 350.14 and said that the Legislation deals with the reporting of opinions in news bulletins as well as the value of the news. Dr Mark Vassallo said that the statement dealt with in the complaint had no news value and did not make any contribution beyond what had already been reported by PBS.

In the counter-argument, Dr Francis Zammit Dimech said that the fact that the Opposition party gives political opinion on what is happening, this should be reported by the public broadcaster. He explained that the statement was contrasting the comments made by the insecurities and the lack of money for nurses, and that was why this statement had to be reported.

The Authority took note of the related submissions and documents and noted that PBS reported MUMN's statement on its dispute with the Government, when the press conference took place on 27 March 2023. The Authority also observed that what Dr Bernard Grech said about this matter was reported. Even voices and political observations had been reported, as a public station is obliged to do as long as there is news value. It also understands the station enjoys editorial discretion but PN's

statement about MUMN could have been reported. The Authority said that the public station has an obligation to report political observations if they contain news value according to editorial discretion.

In light of these considerations, the Authority concludes that while the station failed in deciding against broadcasting PN's statement, due to the alleged reaction to MUMN's call for a press conference, it does not find that this failure leads to PBS acting as a government propaganda machine.

Given that these issues have now been temporarily resolved, the Authority does not feel that a remedy should be provided other than to read the following:

During a hearing held on 24 April 2023, the Broadcasting Authority upheld the Nationalist Party's complaint about the failure to report PN's statement regarding the call for an industrial dispute between MUMN and the Government. The Authority said that PBS failed to report an excerpt from the PN's statement but said that this failure does not make PBS a pro-government propaganda machine.

3rd May 2023

Decision about the complaint by the Nationalist Party against PBS Ltd regarding TVM news of 24 March 2023 regarding the failure to report a statement on National debt statistics

The Broadcasting Authority registered a complaint filed by the Nationalist Party against the PBS news of 24 March 2023 regarding the failure to report a Nationalist Party statement on the state of debt of the country.

At a hearing held on 24 April 2023, Dr Michael Piccinino, General Secretary of the Nationalist Party appeared, assisted by Dr Francis Zammit Dimech. PBS were represented by Editor-in-Chief Ing Charles Dalli and assisted by Dr Mark Vassallo.

Dr Michael Piccinino referred to the statistics released by the NSO, previously reported by PBS, indicating the increase of National debt. He also made reference to a comment made by former Labour MP Rosianne Cutajar in published private chats in which she expressed her view that everyone is pigging out.

Dr Michael Piccinino explained that in this context, the Nationalist Party felt that it had to issue a statement on the extent of the country's debt and felt this, even more so in the context of people who are pigging out, was a subject of political controversy and of public interest. Dr Michael Piccinino, felt that the Party's statement had to be reported in the PBS bulletin. He complained that this statement

by the Nationalist Party had to be reported because this is the opinion of the Opposition in the context of all that was taking place. Dr Francis Zammit Dimech said that PBS had to recognise PN's right to comment on Government statistics and said that in this sense PN's statement is a reaction to the findings of the statistics.

Dr Mark Vassallo referred to PBS editorial guidelines which deal with political statements and that according to these guidelines, statements which give interpretation for statistics, economic reports and an adjustment to credit ratings issued by the Government or parties are not reported. However, according to the guidelines, references or reactions made during political speeches can be reported. Dr Mark Vassallo explained that since the Nationalist Party sent an ad hoc statement to react to the figures issued on government debt, this reaction through the statement should not have been reported.

Dr Mark Vassallo said that one cannot expect PBS news to become a notice board for political parties and also referred to Subsidiary Legislation 350.14 which differentiates between news and comment. He added that such statements classify as political comments and that the editor should have the editorial discretion not to include such comments, complying with the provisions of the law.

The Authority referred to the submissions and documents related to the case. It found that PBS had reported official figures issued by the NSO on how the country's debt increased. It also noted the PBS guidelines on news and current affairs which among other things state that reporting of political statements, giving interpretation of official statistics, are not reported. The Authority noted that it is important that each newsroom has its own guidelines which also follow the provisions of the law to create a model for producing news bulletins.

The Authority stated that while the observations and reactions of the items should always be reported according to editorial discretion, in this case, the reporting of a statement which reacted to official statistics is contrary to the guidelines operated by PBS and therefore the Authority felt that unless these guidelines are contrary to the regulations listed in Subsidiary Legislation 350.14, it cannot oblige the station to broadcast such statements.

In light of these considerations, the Authority decided to reject this complaint.

3rd May 2023

Decision about the complaint by the Nationalist Party against PBS regarding TVM news for failure to report on the content of chats between Rosianne Cutajar and Yorgen Fenech

The Broadcasting Authority registered a complaint filed by the Nationalist Party against PBS because there was no mention in TVM news of the content of the chats between Rosianne Cutajar and Yorgen Fenech.

During a sitting held on 24 April 2023, General Secretary Dr Michael Piccinino and Dr Francis Dimech appeared for the Nationalist Party, while Editor-in-Chief Ing. Charles Dalli and Dr Mark Vassallo appeared on behalf of and in representation of PBS respectively.

The Authority listened to Dr Michael Piccinino for the Nationalist Party who said that the content of the chats between MP Rosianne Cutajar and Yorgen Fenech had several points of public relevance. He mentioned among others that Rosianne Cutajar was vocal for Yorgen Fenech's support and that she would give him help with the statements. He also said that the chats showed a close relationship between Yorgen Fenech and former Prime Minister Joseph Muscat. In the chats they also mentioned that MP Rosianne Cutajar received a Bulgari bag and that she received an amount of money from Yorgen Fenech. Dr Michael Piccinino said that even what the MP Rosianne Cutajar stated about the Dragonara agreement had public relevance. Finally, the phrase that 'everyone pigs out' also had relevance to be reported in the news.

Dr Michael Piccinino added that even Prime Minister Robert Abela felt that this matter had political relevance, but in contrast, PBS felt that the case was not relevant and did not inform the public about the content of these chats which sparked controversy in the country and which were of public interest.

Dr Francis Zammit Dimech added that the content of these chats was of such public interest, that PBS had the duty to report and investigate them as a station, and not simply report their existence or report what other speakers said about these chats.

Dr Mark Vassallo presented a number of news reports that PBS broadcast in connection with these chats. He said that all the points mentioned in the PN's complaint were reported during the days after these chats were released. Furthermore, Dr Mark Vassallo said that due to a court delay regarding the chats, the station was not ready to report their content but reported the reactions and observations that were about them including from a spokesperson of the Nationalist Party and the Leader of the Opposition.

After the Authority heard the submissions of both parties, it noted the following:

- It is true that the issue of chats was of public interest due to their relevance.
- It also considered that several points from the chats between MP Rosianne Cutajar and Yorgen Fenech, including that the MP Rosianne Cutajar took money from him, as well as the comment that 'everyone was pigging out', were mentioned by means of the reporting of statements or comments by political speakers.
- The main value arising from the chats was broadcast on TVM news.
- TVM news also reported the Opposition Leader's comments about these chats during an interview conducted by a private station.
- The Authority noted that PBS, as a public station, must be at the forefront of reporting stories of public relevance, always within the parameters of the law. However, it also acknowledges that the public station should not violate the Court's publication ban.

In light of these considerations, the Authority concludes that during the period that this issue was highly discussed, PBS reported the observations and comments regarding this case without publishing these chats, in respect of the Court's publication ban. In this type of reporting, salient points were listed from these chats, which had relevance to the public. The Authority therefore considers that this complaint should not be upheld and consequently feels that no remedy should be granted.

3rd May 2023

Decision about the complaint by LifeNetwork Malta against PBS regarding the TVM news bulletin of 26 January 2023 about the speech by HE the President of Malta on the Holocaust

The Authority registered a complaint by LifeNetwork Malta against TVM's news of 26 January 2023 regarding the reporting of the speech by His Excellency the President of Malta during the commemoration of the Holocaust.

During the sitting held on 4 May 2023, Dr Miriam Sciberras was present for LifeNetwork Malta, assisted by Dr Paul Borg Olivier. For PBS, the Editor-in-Chief Ing. Charles Dalli and Dr Mark Vassallo appeared on behalf and in representation of PBS.

In his submissions, Dr Paul Borg Olivier referred to the President of Malta's speech at the commemoration of the Holocaust and said that in this speech President Dr George Vella made a similarity between the killing of babies through abortion and the Holocaust. He said that this part

of the speech was reported by other media houses but PBS chose to leave this comparison outside the reporting of the President's speech. Dr Paul Borg Olivier said that the issue of abortion is a matter of public interest and public controversy and the news could not censor this part of the speech.

Dr Paul Borg Olivier argued that although the speech dealt with the commemoration of the Holocaust, public broadcasting still had an obligation to report instances that go beyond the subject of the activity. He said that once the story came out it had to be reported in terms of Paragraphs 1 and 4 of Subsidiary Legislation 350.14.

Dr Mark Vassallo explained that the event was organised to commemorate the Holocaust and said that PBS reported excerpts from the President of Malta's speech on this commemoration. He said that in the summary of the President's speech, which was also uploaded by the Office of the President on his official page, as well as in the summary that the Office of the President posted on social media, this phrase, on which the complaint is being made, was also not included. He said that PBS did not hesitate to report the abortion controversy on other occasions but this particular activity, on which the complaint was made, dealt with the Holocaust.

The Authority heard the submissions of the parties and viewed the exhibited documents. While acknowledging that public broadcasting should report information that is not restricted to the subject of reporting and that abortion is a matter of public interest and of public controversy, the Authority has taken the view that the fact that this comment was not reported does not mean that the Public Broadcasting has failed in its duties. The Authority took into account the fact that the Office of the President did not choose to summarize this phrase regarding abortion in statements published on social media. It is also notable that in a speech lasting about fourteen minutes, other points were also mentioned or similarities were made between points by the President, however, they were not all reported because they were not salient points of the speech that dealt with the commemoration of the Holocaust.

In light of this the Authority agreed that it cannot uphold this complaint.

12th May 2023

Decision about the complaint by the Nationalist Party against PBS regarding TVM news bulletin of 15 April 2023 about the failure to report its statement for the story that appeared in relation to Air Malta

The Authority registered a complaint filed by the Nationalist Party against the PBS news of 15 April 2023 regarding a failure to report a Nationalist Party statement for the story that appeared in relation to Air Malta.

For the hearing held on 4 May 2023, Dr Michael Piccinino and Dr Francis Zammit Dimech were present for the Nationalist Party while for PBS, the Editor-in-Chief Ing. Charles Dalli and Dr Mark Vassallo appeared on behalf and in representation of PBS.

Dr Michael Piccinino referred to the story published in a local newspaper on 15 April 2023 about the winding down of Air Malta. He said that on that day the Nationalist Party issued a statement but PBS chose not to report it because it wanted to investigate the story from official sources.

Dr Michael Piccinino said that three days later, PBS took the comment from Minister Clyde Caruana and Opposition spokesperson Ivan J. Bartolo. He said that it was not possible to understand how PBS would take three days to investigate this story when in fact all that PBS did was to report these two comments. He said that PBS chose to wait for Minister Clyde Caruana instead of reporting the Opposition's statement immediately.

Dr Francis Zammit Dimech argued that a public station should follow a story of national importance as it is evolving and should be investigated promptly. He said that PBS cannot rely solely on politicians' comments as it did in this case.

Dr Mark Vassallo said that it was an obligation on PBS to investigate the stories and to abide by official sources. Therefore, PBS had to carry out its own audits before reporting Air Malta's winding down which appeared in a local newspaper. He said that in fact PBS reported the story about Air Malta with comments from the Minister and a spokesperson from the Opposition on 18 April 2023 and that it was reported in the main headlines. Dr Mark Vassallo emphasised that in such a matter PBS exercised caution so as to ensure that the news was veracious.

After the Authority heard the submissions and referred to the videos and documents related to the case, it noted the following:

- This complaint essentially dealt with the extent to which PBS should have been express in their investigation of Air Malta winding down, which was reported on a local newspaper.
- The Authority feels that PBS did well not to rely on a story that was published by another journal but had to verify and investigate it as a newsroom.

- The Authority understands that the PBS newsroom could have been more express in investigating this case, more so when the crux of the investigation were the two comments aired in the 18 April 2023 bulletin following an interview with Minister Clyde Caruana and Opposition spokesperson Ivan J. Bartolo. It also understands that the public station should carry out audits and make its reports from official sources.

The Authority upheld the complaint because in the circumstances it transpired that there was a lack of expedition. In this case the Authority does not feel that there is room for remedy, but is asking the station to read the following:

During a hearing held on 4 May 2023, the Broadcasting Authority upheld the Nationalist Party's complaint about the failure to report its statement on Air Malta because PBS should have been more express in its investigation to report the winding down of Air Malta. While the Authority understands that PBS news should investigate in an accurate manner, the investigation may have been conducted with greater expedition.

16th May 2023

Decision about the complaint by the Nationalist Party against PBS regarding TVM news of 19 April 2023 about the failure to report events that took place during the Parliamentary session on 19 April 2023

The Authority registered a complaint by the Nationalist Party against TVM's news of 19 April 2023 regarding the failure to report what took place in the sitting of Parliament on 19 April 2023, in particular what Opposition Whip Robert Cutajar said, and instead only a Labour Party statement was reported.

The General Secretary of the Nationalist Party Dr Michael Piccinino and Dr Francis Zammit Dimech were present at the sitting held on 4 May 2023. Editor-in-Chief Ing. Charles Dalli and Dr Mark Vassallo appeared on behalf and in representation of PBS.

In his submissions, Dr Michael Piccinino said that, having left the Parliamentary sitting on 18 April 2023, the following day Opposition Whip Robert Cutajar explained the Opposition's position on the decision taken. Dr Piccinino said that PBS chose to report a Labour Party statement which reported what the Opposition did, but did not report anything from MP Robert Cutajar's speech. He said that while PBS found news value in the second statement of the Labour party, issued as a reaction to what

the Opposition did, it seems not to have found news value in Hon. Robert Cutajar's statement.

Dr Mark Vassallo said that PBS had acknowledged that it had made a mistake and in fact as soon as the PN's complaint was received, PBS immediately reported what the Hon. Robert Cutajar said. Dr Mark Vassallo admitted that it was a failure on the part of PBS, as this clarification had to be issued immediately and as it gave context to the actions taken by the Opposition on the previous day. The Authority referred to the submissions and took note of the clarification submitted by the station. The Authority noted that the station registered an admission on merit of the complaint, and provided an explanation that it was an error on the part of the station. Therefore, the complaint was upheld. In the circumstances, and in view of the clarification that has been given, the Authority does not feel that a remedy is necessary.

16th May 2023

Decision about the complaint by the Nationalist Party against PBS regarding the main headlines of TVM's news bulletin of 18 April 2023 about the reporting of Nationalist MPs reportedly leaving the discussions about Air Malta

The Authority had a complaint from the Nationalist Party against PBS regarding the way in which the main TVM news item of 18 April 2023 reported the decision of Nationalist MPs to leave the meeting during the discussion on Air Malta.

During a sitting held on 4 May 2023, the General Secretary, Dr Michael Piccinino, and Dr Francis Zammit Dimech appeared for the Nationalist Party, whilst the Editor-in-Chief Ing. Charles Dalli and Dr Mark Vassallo appeared on behalf and in representation of PBS.

Dr Michael Piccinino referred to what happened on 18 April 2023 where there was a request by the Leader of the Opposition to suspend the House to urgently discuss the Air Malta matter. Since this request was rejected by the Speaker, the Opposition walked out. Dr Michael Piccinino said that PBS chose to be a Labour Party propaganda machine because in the main headlines it failed to give the reason why the Opposition left the session. However, it reported the occurrence from the Labour Party's point of view. He said that in this way, it gave the viewers the wrong impression and made one think that the Opposition left because of the discussion on domestic violence.

Dr Mark Vassallo explained that although the lead item must be selective, the service was exhaustive and the news service reported everything clearly.

The Authority referred to the submissions of the parties and viewed the documents related to the complaint. The Authority understands that there is a limitation of what can be included in the main headlines. It also acknowledges that the selection of key points should remain at the discretion of the editor. The Authority therefore does not uphold this complaint and feels that it should draw the station's attention as to the need to present the main headlines in a way that they are not misinterpreted.

16th May 2023

Decision about the complaint by the Nationalist Party against PBS concerning TVM news of 18 April 2023 regarding Keith Schembri's testimony before the PAC

The Authority registered a complaint filed by the Nationalist Party against the PBS news of 18 April 2023 due to the censorship of key points stated in Keith Schembri's testimony before the PAC. The Nationalist Party complained that these were points of public interest and that they had to be reported.

Present for this sitting held on 4 May 2023 were the General Secretary, Dr Michael Piccinino, and Dr Francis Zammit Dimech who appeared for the Nationalist Party. The Editor-in-Chief Ing. Charles Dalli appeared for PBS.

Dr Michael Piccinino stated that Keith Schembri appeared before the PAC and said that what emerges from that hearing is of public interest. He said that in view of the number of replies of Keith Schembri during that hearing, the Nationalist Party feels that such replies were of public interest and had to be reported by PBS.

Dr Michael Piccinino mentioned some examples including that Keith Schembri forgot whether he had given his consent to open his company in Panama. He also stated that PBS did not report that Keith Schembri denied the remarks made by ex-Minister Edward Scicluna and former Assistant Police Commissioner Silvio Valletta under oath. They also failed to report that Keith Schembri chose not to answer any questions about what he did after Yorgen Fenech was being accused of murdering journalist Daphne Caruana Galizia. Dr Michael Piccinino said that facts came to light yet PBS felt that they had no relevance.

Ing. Charles Dalli said that PBS reported this session and made a concise account by reporting the salient points that emerged. He said that the newsroom constantly follows and reports these committees and feels that the salient points are reported each time.

In response, Dr Francis Zammit Dimech said that the salient points cannot overlook points that have news value

like the ones mentioned during this session.

The Authority considered the parties' submissions and noted that the newsroom reported Keith Schembri's claims during the PAC. It said that this was not a case of gatekeeping but of editorial discretion. The Authority therefore rejected this complaint.

16th May 2023

Decision about the ADPD complaint against ONE news regarding the failure to report a press conference by ADPD that took place on 1 April 2023 about the close ties between politicians and businessmen

At a hearing held on 4 May 2023, the Authority heard a complaint lodged by ADPD against ONE because the station failed to report an ADPD news conference held on 1 April 2023 on the close ties between politicians and businessmen.

ADPD Chairperson Perit Carmel Cacopardo, Deputy Chairperson Sandra Gauci and General Secretary Ralph Cassar appeared for ADPD. However, although ONE was notified on 27 April 2023, they did not appear at the hearing and, in terms of Paragraph 12(b) of Subsidiary Legislation 360.06, the Authority continued with the hearing.

Perit Carmel Cacopardo explained that the ADPD had held a press conference on the close ties of businessmen with politicians on 1 April 2023. The political argument was that this was harmful to democracy. He said that in this conference reference was made to current themes that were developing in this regard. He said that ONE is hiding behind the news value argument and is not reporting ADPD's news conferences or statements. Perit Carmel Cacopardo said that this is political censorship by ONE because ADPD's conferences and statements are never reported by the station.

The Authority heard submissions from ADPD and noted that ADPD's news conference on the close ties of politicians with businessmen, in the current context, had news value. The Authority therefore upheld the ADPD's complaint but felt that no remedy was required.

16th May 2023

Decision against a complaint by the Labour Party against TVM news of 29 March 2023 regarding the failure to report what happened in Parliament

The Authority registered a complaint filed by the Labour Party against PBS regarding the TVM news bulletin of 29 March 2023 because PBS did not report an event which took place in Parliament.

During the sitting held on 15 May 2023, Mr Ronald Vassallo, Head of Communications of the Labour Party, and Dr Ramona Attard, President of the Labour Party, appeared. Editor-in-Chief Ing. Charles Dalli and Dr Mark Vassallo appeared on behalf of and in representation of PBS respectively.

Dr Ramona Attard referred to the meeting of law enacting committee. She said that PBS did not report what happened at this hearing even though it had news value because the way the Nationalist MPs acted reflects the attitude of the Nationalist Party.

Dr Ramona Attard said that there is no justification for PBS not to report these hearings and explained that there was news value in such a hearing due to two points. First, this bill required two-thirds of the House; and secondly because the Opposition walked out of this Committee during this meeting. Dr Ramona Attard said that during this hearing there was also another incident where a Nationalist MP threatened a Government MP. She said that therefore the Labour Party feels that this should have been reported as the behaviour of the Nationalist MPs mirrors the character of the Opposition.

Dr Mark Vassallo, who appeared for PBS, explained that the station adheres to guidelines, except in exceptional circumstances, whereby Parliamentary Committees of this kind are not reported. He said that it was an editorial decision that this case was not reported and argued that in the absence of this, PBS does not feel that there was a lack of it or had a consequence of due impartiality or imbalance.

The Authority considered the submissions of the parties and related documents. It confirmed that there was no sufficient basis to justify the reporting on the committee. It noted that PBS did not report that particular session but this had no impact on impartiality. The Authority felt that the arguments put forward by the complainant did not substantiate the case. The Authority therefore rejected the complaint.

25th May 2023

Decision about the complaint by the Labour Party against PBS concerning the news bulletin of 30 March 2023 concerning the failure to include the annual report of the Malta Fiscal Advisory Council in the bulletin

The Authority registered a complaint filed by the Labour Party against PBS regarding TVM news bulletin of 30 March 2023 because PBS failed to include a report published by the Malta Fiscal Advisory Council.

Mr Ronald Vassallo, Head of Communication of the Labour Party, and Dr Ramona Attard, President of the Labour Party, appeared at the hearing on 15 May 2023. Editor-in-Chief Ing. Charles Dalli and Dr Mark Vassallo appeared on behalf of and in representation of PBS respectively.

Dr Ramona Attard said that the independent report of the Malta Fiscal Advisory Council was tabled in Parliament on 28 March 2023 and that a statement was published by the same Council on 30 March 2023. Dr Ramona Attard explained that this report is important because it was reflecting the economic situation of our country and highlighted the Government's measures on food prices. Dr Ramona Attard said that the fact that this report was ignored, caused an imbalance in the bulletin more so since in the 30 March 2023 bulletin, PBS chose to report the interpretation of Opposition Spokesperson Jerome Caruana Cilia about the report on food prices.

The Editor-in-Chief Ing. Charles Dalli said that PBS always reports ongoing events and said that although this report was not reported by PBS, this fact did not cause a lack of balance.

The Authority took note of the submissions of the parties and upheld the complaint. The Authority found that PBS failed to report an independent account issued by the Malta Fiscal Advisory Council, and chose to solely report on the comments made by the Opposition. The Authority noted that the report itself was of news value and that excluding it from the news bulletin whilst still reporting comments and observations about it led to a lack of impartiality. In view of the fact that the complaint has been upheld, the Authority requested that the following is read during the 8pm bulletin on this date, as form of remedy: At a hearing held on 15 May 2023, the Authority upheld the Labour Party's complaint against PBS for failing to include in the news bulletin of the 30 March 2023 the report issued by the Malta Fiscal Advisory Council. The Authority ruled that the inclusion of this independent report carried news value, given the importance of this report which looked into the financial situation in our country and should have been included in the news bulletin.

25th May 2023

Decision about the complaint by PN against PBS regarding the TVM news bulletin of 23 April 2023 regarding a Labour Party statement on energy

The Authority registered a complaint by the Nationalist Party against PBS regarding the news of 23 April 2023 reporting Prime Minister Robert Abela's Sunday activity, and later the Nationalist Party's statement on the subject of energy was reported. Following this statement, a statement was reported by the Labour Party in reaction to the PN's statement.

General Secretary Dr Michael Piccinino and Dr Francis Zammit Dimech appeared for the Nationalist Party during the sitting held on 15 May 2023. Editor-in-Chief Ing. Charles Dalli and Dr Mark Vassallo appeared on behalf and in representation of PBS.

Dr Michael Piccinino said that PBS reported what Dr Robert Abela stated during a political event held on a Sunday during which he alleged that the Nationalist Party wants to stop the energy subsidy. Dr Michael Piccinino said that due to this statement, the Nationalist Party was constrained to issue a clarification to counter what Dr Robert Abela said during this event. Dr Michael Piccinino said that subsequently the Labour Party issued its own statement as a response to PN's. He argued that in this way, the reporting of the PN's statement was presented between the reporting of Dr Robert Abela's speech and the statement issued by the Labour Party. He concluded that this lessened the significance of PN's statement.

Dr Michael Piccinino maintained that the Labour Party's statement was a repetition of Dr Robert Abela's remarks and therefore PBS was belabouring the point and that this was contrary to the common argument made by PBS itself stating that the station does not repeat statements as this runs antipodal to the spirit of content and news value.

Ing. Charles Dalli said that PBS reported Dr Robert Abela's speech and said that two statements – one from the Nationalist Party and the other from the Labour Party – emerged from this speech. He held that the Labour Party's statement was a reaction to PN's, and that the issue had nothing to do with repetition, therefore PBS felt the need to report it in the same service and bulletin.

The Authority referred to the submissions of the parties and the related documentation. It noted that PBS reported Dr Robert Abela's speech during a Sunday political event. Following this, PBS reported the two statements, one by the Nationalist Party and another statement by the Labour Party which responded to the PN's statement. The Authority understands that it is within the editorial discretion of the station to elicit matters containing news value during political speeches. It also understands that it falls under editorial discretion to report reactions to the

news that the station itself broadcasts. In light of this, the Authority does not uphold PN's complaint.

25th May 2023

Decision about the complaint by Mr Malcolm Borg against PBS regarding the Animal Diaries programme which aired on 22 April 2023

The Authority registered a complaint lodged by Mr Malcolm Borg regarding comments made by Ms Alison Bezzina, Commissioner for Animal Welfare, during the Animal Diaries programme which aired on TVM on 22 April 2023. Ms Bezzina was replying to a comment made by a telespectator who stated that her daughter does not want to eat meat.

During the hearing held on 15 June 2023, Mr Malcolm Borg, the complainant, appeared accompanied by Dr Mary Rose Micallef and Dr John Gauci. Editor-in-Chief Ing. Charles Dalli and Dr Shaun Zammit were present on behalf and in representation of the PBS respectively.

Mr Malcolm Borg explained that he runs the MCAST Agriculture Centre, the Active Farmers Association and heads the Advisory Council for the Ministry of Agriculture. Mr Malcolm Borg said that he filed this complaint against PBS due to comments made by the Commissioner for Animal Welfare, Ms Alison Bezzina, when the presenter asked the Commissioner to comment about a question asked by a worried mother whose daughter does not want to eat meat. Mr Borg claimed that Ms Alison Bezzina made a number of nutritional statements which, in his opinion, are dangerous because they are incorrect. For example, she said that to be healthy you have to eat meat. Mr Malcolm Borg said that Ms Alison Bezzina's comments promoted her personal agenda against the consumption of animal products. He also stated that Ms Alison Bezzina's comment, implying that children who love animals but eat animal products are hypocritical, was inappropriate. Mr Malcolm Borg mentioned that there was a potential substantial impact on meat business owners, restaurant owners and meat importers due to these comments.

Dr Mary Rose Micallef said that this interview served as a propaganda against the consumption of meat. She said that the use of the word "hypocritical" by the Commissioner for Animal Welfare was not appropriate in an educational broadcast. It said that the comments expressed in the interview lacked balance, to the detriment of all those involved in the meat sector.

Editor-in-Chief Ing. Charles Dalli retorted that this complaint deals with an animal awareness programme and has nothing to do with food or health. He explained that the Commissioner for Animal Welfare, Ms Alison Bezzina,

is invited to participate in every programme and that her comments were made in her capacity. Ing. Charles Dalli said that there are other thematic programmes on diets, cooking and food. Ing. Charles Dalli explained that Ms Alison Bezzina made no propaganda against meat consumption but simply replied to a question.

Dr Shaun Zammit referred to the studies presented by Mr Malcolm Borg and argued that conflicting studies exist. Dr Shaun Zammit said that the merit of this complaint should be decided in the context that *Animal Diaries* is a programme in favour of animals.

The Authority viewed the submissions and the related video and found that although the programme is thematic, the facts should be correct and opinions should not be presented as facts. The Authority feels that certain comments, said throughout this interview by the Commissioner for Animal Welfare, could be deemed as inappropriate. The Authority has therefore upheld the complaint and is directing that a form of clarification be read during the same *Animal Diaries* programme on Saturday 1st July 2023. This clarification should be part of the programme and should therefore be broadcast in the programme.

The clarification shall read as follows:

During the *Animal Diaries* programme aired on 22 April 2023, the Commissioner for Animal Welfare, Ms Alison Bezzina, was replying to a question asked by a tele spectator whose daughter refused to consume meat. During this interview, the Commissioner passed comments which may be deemed as inappropriate since they are based on personal opinion rather than facts. In this programme, Ms Alison Bezzina's comment that "you cannot love all animals but then at the same time eat them" could be felt as controversial. Other remarks may have been offensive to certain viewers namely the comment made to this tele spectator claiming that she "raised a girl with strong principles, knows her own mind ... and is not a hypocrite".

In the same interview, reference was also made to dietary nutrition in relation to meat consumption where the Commissioner partially referred to scientific studies. While there are scientific studies that speak in favour of a meat-free diet there are also studies that speak of the need to include meat in our diet. Therefore, the Authority feels that this too had to be said so as to ensure that accurate information is broadcast. The authority understands that while this is a thematic programme, dealing primarily with animal welfare, all the information provided must be complete and that one cannot confuse an opinion for fact.

23rd June 2023

Decision about the charge of the Broadcasting Authority, in line with S.L. 350.07, against PBS regarding the news bulletins of the 23 and 24 March 2023

The Authority issued a charge against PBS regarding the news bulletins of the 23 and 24 March 2023, alleging a breach of Article 13(2)(c) of the Broadcasting Act.

For this hearing held on 15 May 2023 appeared Dr Joanna Spiteri, CEO of the Broadcasting Authority, Editor-in-Chief Ing. Charles Dalli and Dr Mark Vassallo on behalf and in representation of the station respectively,

Dr Joanna Spiteri referred to the 23 March 2023 bulletin during which a report was published by Opposition Leader Dr Bernard Grech who attended the European People's Party summit in Brussels. She said that this report dealt with the matters discussed at the summit but did not include the sound-on-tape comments made by Dr Bernard Grech.

The charge also referred to the 24 March 2023 news bulletin that the European Leaders' Summit was reported which was attended by Prime Minister Dr Robert Abela. The same report included an interview in the form of a sound-on-tape by Dr Robert Abela.

The charge considered this as a breach of Article 13(2)(c) of the Broadcasting Act which states that "*sufficient time is given to news and current events and that all news in the programmes (in whatever form) is presented with due impartiality*".

Dr Mark Vassallo said that one cannot compare the Prime Minister's report at a European Leaders' summit with that of a summit of the European People's Party. He said that one was of a political nature and the other was a national one. Dr Mark Vassallo explained that the Council is the highest institution within the European Union, while at the summit there is generally a discussion about the topics which will be discussed at the Leaders' Summit. Dr Mark Vassallo said that the Authority should decide on the merits of the meeting whether the Leader of the Opposition should have been interviewed and not because the Prime Minister was interviewed during the Leaders' Summit.

The Authority took note of the parties' submissions. PBS reported on the Opposition Leader Dr Bernard Grech, who attended the European People's Party summit held in Brussels, but did not obtain a comment from Dr Bernard Grech. PBS reported the summit of Ministers in Brussels and also reported on the Prime Minister's comments, which comments were split into three sections and reported in one item.

The Authority referred to previous years and noted that in similar reports, hence when party leaders attend

meetings organised by their respective European Party Groupings, PBS had always broadcast their coverage without interviewing them. However, when the Head of State is representing Malta at a summit of European Leaders this is also reported and interviews are conducted to account for topics related to our country and therefore are of national importance. In such cases, the Head of State would also be providing information about the discussions that were taking place, what European decisions have been or will be taken and which could potentially affect our country. The Authority feels that since the practice has always been not to take comments from party leaders and the Leader of the Opposition at meetings of the European Party Groupings, it therefore feels that the charge should not be considered.

30th June 2023

Decision about a complaint by the Nationalist Party against PBS regarding the direct transmission of 17 July 2023

In this complaint, the Nationalist Party referred to a press conference by the Prime Minister broadcast live on 17th July 2023 on TVM and TVM News+.

The Authority discussed this complaint and feels that the national channel could have been more cautious in the way it handled the live transmissions related to the public inquiry case concerning Jean Paul Sofia. It is therefore ordering PBS to broadcast the video of two minutes and two seconds with the original address of the Leader of the Opposition immediately before the 8pm news bulletin today 19th July 2023. The Nationalist Party is being ordered to hand over this material to the Authority today until 5 p.m.

Prior to the transmission of this video PBS is requested to read the following as remedy:

This video, taken on the 17th July 2023, is being broadcast by order of the Broadcasting Authority as a remedy for the Nationalist Party's complaint.

19th July 2023

Decision about the PN complaint against PBS Ltd regarding the invitation of the prospective candidate, Mr Clint Flores, for analysis during the news on 25 June 2023

The Authority registered a complaint lodged by the Nationalist Party dated 26 June 2023 regarding the invitation of PBS to the prospective candidate for the elections of Members of the European Parliament ('MEPs'), namely Mr Clint Flores, who appeared on the news of 25 June 2023 as an 'expert on foreign affairs' to give an intervention on the conflict between the Ukrainian State and Russia. In this complaint, the Nationalist Party argued that this invitation gave an unfair advantage over all other candidates for the same European Parliament.

Through Ing. Charles Dalli, Editor-in-Chief of PBS Ltd, the broadcaster replied that the status of candidate is issued in accordance with the law according to a decision of 27 April 2023 (Prof. Cassola v PBS Ltd).

The Authority heard from the General Secretary of the Nationalist Party, Dr Michael Piccinino, who signed the complaint on behalf of and appeared in representation of the Nationalist Party, as well as Ing. Charles Dalli, who was assisted by Dr Mark Vassallo and Dr Edward Gatt on behalf and in representation of PBS Ltd at a hearing held on 17 July 2023.

The Nationalist Party contested that this case is different from that of Prof. Cassola vs PBS Ltd, decided on 27 April 2023, because while Prof. Cassola claimed that his statement should be broadcast because he is an election candidate, in this case, PBS Ltd voluntarily invited Mr Clint Flores. He also made references to the previous decisions of Ms Claudette Buttigieg, Mr Clyde Puli and Mr John Bundy, reiterating that while the aforementioned were broadcasters by profession, Mr Clint Flores cannot be viewed in the same way. Dr Piccinino exhibited material showing that Mr Flores had already started his political campaign for the election of MEPs on his social media and stressed that Mr Clint Flores is an economist and politician, not an expert on the theme of foreign affairs.

Dr Vassallo said that the broadcaster continued to adopt the position it had taken following the decisions of Ms Claudette Buttigieg, Mr Clyde Puli and Mr John Bundy and that it cannot be that the candidate can be excluded from broadcasting. On the guest's credentials, he said that although he is not a war expert, the fact remains that Mr Clint Flores is an economist who has spent 10 years living in Brussels and that therefore the newsroom also took into account the number of comments he had made on social media about the conflict between the Ukrainian state and Russia, so the station felt that the guest had the necessary credentials.

The Authority took note of the submissions of both parties and referred to the relevant documents. It also considered whether the prospective candidate had taken advantage of the fact that he was invited to give

an intervention on the situation between the two states during the news bulletin whilst he was campaigning for the MEP election on the same social media that the broadcaster newsroom follows.

The Authority therefore guides PBS that when it is known that a person intends to contest an election, as a public broadcaster, it must apply more caution as to the element of prominence. Although the Authority found the suitability of a guest is a subjective argument, PBS gave no reason why it felt it had to invite a person publicly known as a prospective candidate to give an intervention on this theme when an intervention on the same theme could easily be made by alternative persons. This is in order to avoid as far as possible exposures that create unnecessary forms of prominence during the preparation of a political campaign, initiated by active involvement and publicly communicated information from the same candidate or party, and which could also have a political impact that undermines the prevailing principle of balance.

The Authority feels that this invitation was made for the sake of prominence and is therefore upholding the complaint.

26th July 2023

Decision about the Nationalist Party's complaint against PBS Ltd concerning the decision not to broadcast footage of what took place in and outside Parliament on 12 July 2023

The Authority registered a complaint filed by the Nationalist Party dated 15 July 2023 regarding the refusal to broadcast footage of scenes that took place in Parliament and even outside Parliament on 12 July 2023, despite the commotion that broke out in the Strangers' Gallery, as well as the events outside Parliament immediately afterwards.

In a hearing held on the 17th July 2023, Dr Michael Piccinino appeared on behalf and in representation of the Nationalist Party and gave background to the PN's complaint. Dr Michael Piccinino said that there was a vote in Parliament on whether to hold a public inquiry and said that the result is known to everyone, likewise the reaction inside and outside Parliament where the victim's father and other relatives were seen confronting MPs as they were leaving Parliament. He reiterated that despite the footage on social media and other channels, the public broadcaster decided not to show the Government in an unfavourable light by acting as a gatekeeper.

Dr Mark Vassallo, who appeared for PBS Ltd, together with his colleague Dr Edward Gatt and the station's Editor-in-Chief Ing. Charles Dalli, referred to standing order 173A which provides guidance on audio-visual footage that can be taken during Parliament. He added that if a journalist wishes to take a video, the Speaker cannot give permission unless there is consent from both sides. Dr Vassallo said that for this reason PBS felt that it should not have participated in this violation even more so when the video taken was in a way that he defined as "illegal". Dr Mark Vassallo highlighted the sensitivity of this case and also referred to section 8 of Cap.350 which deals with the rights of tribute and privacy, although he remarked that they were not exactly analogous with the argument brought forth. Such principles were adhered to by the station for the purpose of good order and respect for the privacy of the victim's family.

In his reply, Dr Michael Piccinino defined PBS's conduct as obscene and particularly to use the argument of privacy when the family themselves uploaded videos on their social media. He referred to the footage in Parliament and noted that these were taken when the chamber was suspended during which time the Speaker did not act on them.

Dr Mark Vassallo concluded with a remark about the effective remedy demanded by the Nationalist Party and that it was one for the same party and not for the family.

Presented with these sub-applications, the Authority discussed the treatment of these events in other democracies in the European Union where public stations broadcast events that occur both inside and outside Parliament. The Authority also noted that Parliament TV had uploaded a caption with Malta's coat of arms when the sitting was suspended, such a caption lasted for a few minutes.

After due consideration on the importance of the events on 12 July 2023, on the news value that such events were worthy of, as well as on the reasons why according to PBS led to the exclusion of this matter from public awareness, the Authority decided to uphold this complaint due to the fact that events related to the highest institution of the country should not be hidden from PBS viewers who have a right to full information. The events that occurred in and outside Parliament were new and current affairs, which the public station was expected to report audio-visually.

26th July 2023

Decision about the complaint by the Nationalist Party against PBS Ltd regarding the failure to report a PN statement issued 200 days after the tragic death of Jean Paul Sofia in the TVM news of 22 June 2023

The Authority registered a complaint filed by the Nationalist Party dated 26 June 2023 regarding the failure to report the PN's statement issued 200 days since the tragic death of young Jean Paul Sofia.

During a hearing held on 17 July 2023, General Secretary Dr Michael Piccinino appeared for the Nationalist Party and argued that PBS is creating censorship when it refuses to broadcast a statement dealing with a call for public inquiry which had the support of a number of NGOs and which according to him has news value.

Dr Mark Vassallo, Dr Edward Gatt and Ing. Charles Dalli, Editor-in-Chief, appeared for PBS. Dr Mark Vassallo said that it is a pity that this tragedy is politicized because ultimately there is a family that is hurt. He exhibited copies of some of the news bulletins broadcast between 2 and 16 July 2023 and said that they confirm that PBS was reporting the theme.

Dr Michael Piccinino disagreed with PBS's opinion and explained that the fact that Prime Minister Robert Abela continues to delay a public inquiry is news in itself. He used the case of Vitals as an example and argued that if the Nationalist Party states that the Police Commissioner failed to investigate, the fact that six months later the Police Commissioner continues to refuse the investigation constitutes news value. Dr Mark Vassallo replied that according to this reasoning each day creates news value.

The Authority considered the arguments and facts presented and discussed the complaint in its entirety. However, the Authority did not find a reason to uphold a complaint of the failure to report a statement issued by a political party on the 200th day following the tragedy, since the station had already reported this theme.

26th July 2023

Decision about the PN complaint against PBS Ltd regarding the failure to report on a vigil organised by Ms Isabelle Bonnici, mother of Jean Paul Sofia, on 17 July 2023

The Authority registered a complaint filed by the Nationalist Party dated 15 July 2023 regarding the failure to report on the vigil organised by Ms Isabelle Bonnici, mother of Jean Paul Sofia.

During a hearing held on 17th July, 2023, on behalf of the Nationalist Party, General Secretary Dr Michael Piccinino argues that this vigil was endorsed across the board, also referring to NGOs, President Emeritus Marie-Louise Coleiro, as well as former Minister Evarist Bartolo. Dr Michael Piccinino referred to PBS's decision not to report that this activity was being organized and defined it as censorship.

PBS, represented by Dr Mark Vassallo, Dr Edward Gatt and Ing. Charles Dalli, Editor-in-Chief, remarked that extensive reporting of the theme was consistently carried out and that PBS were scheduled to broadcast an extensive feature about the event on that same evening. Dr Mark Vassallo said that PBS cannot act as a promoter of political parties and that, after all, it was the victim's mother, Ms Isabelle Bonnici, who organised the event not the Nationalist Party.

Ing. Charles Dalli quoted a decision of 29 March 2023 (PN vs PBS Ltd regarding the failure to report a call to the nation for national protest) which states that "the reporting of the call for a national protest was considered to be political advertisement and not news content". Ing. Charles Dalli highlighted the word "call".

Following the hearing of the parties the Authority proceeded to take a decision according to the arguments put forward by both sides. The Authority understands that the news bulletin should consist of news and current affairs and/or their developments. However, in the spirit of a previous decision of 29 March 2023, the Authority cannot expect that the call for such an event should be broadcast. The Authority therefore decided not to uphold this complaint.

26th July 2023

Decision on the Nationalist Party (PN) complaint against PBS regarding the failure to report a statement by the Chamber of Advocates

The Authority registered a complaint filed by Dr Michael Piccinino on 26 July 2023 against PBS Ltd due to the fact that TVM News did not publish the Chamber of Advocates' statement of the 20 July 2023.

The Authority invited the parties to a hearing on 9 August 2023. Dr Michael Piccinino and Dr Francis Zammit Dimech appeared for PN, while Dr Mark Vassallo and Ing. Charles Dalli appeared for PBS.

Dr Mark Vassallo said that a letter was sent in response to Dr Michael Piccinino by email explaining that the original communication had gone into a spam folder of

the newsroom. He also explained that he himself called the Chamber of Advocates and spoke to Dr Mifsud Bonnici to inform the Chamber about this. He presented a copy of the email as proof. He continued that the emails were sent to a long list in BCC and probably that was why they were tagged as spam but said that if PBS had received this immediately, it would have dealt with the content. He concluded the intervention by saying that the person in charge of checking the electronic mailbox had noticed this email in the spam folder and published it immediately. However, the person in charge of news bulletins failed to check the spam folder. Dr Mark Vassallo stressed that online material has nothing to do with broadcast content.

In his reply, Dr Michael Piccinino mentioned that three statements were issued that day, two of which are relevant to the discussion. One had to do with the Chamber of Advocates' statement about the attack on the Attorney General while the other was about Dr Robert Abela's comments about a national address. He said that PBS dealt with the first theme but not the second. He went on to argue that while the first theme was uploaded online, the second one was not.

Questioned whether he was satisfied with PBS's reply, Dr Michael Piccinino replied positively since, when PBS was made aware of this, it broadcast the three statements in one service.

Dr Francis Zammit Dimech referred to PN's letter which included a request for the issue of clear guidelines and stated that every viewer had the right to receive new information. Dr Mark Vassallo retorted that PBS had issued Standard Operating Procedures ("SOPs") to ensure that emails sent to the public station are not ignored simply because they are received in the spam folder.

The Authority considered the submissions of the parties, as well as the fact that the complainant was satisfied with the station's reply. It is therefore not in a position to intervene and notes PBS Ltd's procedural guarantees in so far as emails received in the spam folder will be checked and therefore understands that no similar issues will arise in the future.

16th August 2023

Hearing 11/2023 Number 4

Ref: 78/2023

Decision about a complaint by Mr Matthew Caruana Galizia against ONE regarding an interview with Dr Daniel Attard on ONE News of 13 July 2023 in which public and magisterial inquiries were mentioned.

The Authority received a complaint by Mr Matthew Caruana Galizia on 14 July 2023 regarding a broadcast on ONE News on Thursday 13 July 2023, in connection with the Daphne Caruana Galizia case, during which public and magisterial inquiries were mentioned.

On 17 July 2023, the Authority replied to Mr Matthew Caruana Galizia and invited him to follow the procedure as per S.L.350.06, Code for the Investigation and Determination of Complaints. He did so on 18 July 2023 by writing to ONE. The letter was addressed to Mr Sandro Mangion as the Head of the News Section. This communication was also sent to Mr Josef Caruana who was Head of the News Section at the time.

ONE did not reply to this complaint and Mr Matthew Caruana Galizia asked for a hearing. The Authority therefore invited the parties to the hearing on 9 August 2023.

Mr Matthew Caruana Galizia appeared for Daphne Caruana Galizia Foundation while Dr Ramona Attard appeared for ONE.

Mr Matthew Caruana Galizia explained that the complaint was about the broadcast on ONE where the information given about the Daphne Caruana Galizia public investigation was misleading and therefore the Daphne Caruana Galizia Foundation asked for clarification in a similar broadcast. He explained that the sequence of events was misinterpreted and that there was a public debate about the public inquiry into the Jean Paul Sofia case, where it was being said that this must take place before the magisterial inquiry. The guest, Dr Daniel Attard, concluded that in the case of Daphne Caruana Galizia the public inquiry started after the magisterial inquiry had ended and the arrest of the persons, which in this case was wrong and merited a correction.

Dr Ramona Attard said that the complaint was based on a misinterpretation of the Maltese language and read an excerpt from the transcript, where Dr Daniel Attard said "because it was only after the magisterial inquiry that the conspirators, executors and those who procured the explosives for the murder of Daphne Caruana Galizia, were summoned and not after the public inquiry". According to Dr Ramona Attard, the term 'wara' in Maltese has bearing on a timeline, whereas the phrase 'wara rizzultat ta' means 'following a magisterial inquiry'. She also referred to Cap. 273 Art. 3 and 5 which, according to her, stated that a public inquiry can never lead to people being summoned. She presented an article published on The Times of Malta on the 28th April 2023 entitled 'Do magisterial and public inquiries

reveal same things?' written by Neville Borg. Dr Ramona Attard insisted that Dr Daniel Attard was legally correct in his comment.

Mr Matthew Caruana Galizia replied that the complaint was not referring to Dr Daniel Attard's intention but that he was simply asking for clarification of what had been said. He added that when one evaluated the context of the debate at the time, where the Government's position was that a public inquiry cannot take place during a magisterial inquiry, this fact is crucial for interpretation and thus the validity of the complaint. He concluded that despite the legal interpretation, what is important is what the public understands from this broadcast and that according to him the public understood that there was a sequence and that a public inquiry can commence after a magisterial inquiry. This is not the case and hence why a correction was necessary.

The Authority considered the submissions of the parties, the transcription and the documents presented.

The Authority rejected the complaint because it considered that the arguments in favour of the complaint were of an interpretative nature and did not offer a basis for its recognition. However, the Authority rebuked the broadcaster for not replying to the complaint because the non-recognition of a complaint is disrespectful to the complainant and the same Authority.

16th August 2023

Hearing 11/2023 Number 5

Ref: 73/2023

Decision about the complaint by the Nationalist Party (PN) against PBS regarding TVM news of 1 August 2023, regarding the Court's decision on the development at Hondoq ir-Rummien

The Authority registered a complaint filed by Dr Michael Piccinino on 3 August 2023 against PBS due to the manner in which the PN's statement related to the Court's decision on the development at Hondoq ir-Rummien was broadcast.

Dr Michael Piccinino said that the newsroom reported the court's decision following the PL statement, where it then continued with the PN's statement, which was followed by a tweet by Dr Robert Abela. He said that the PN's statement was sandwiched between the PL's statement and Dr Robert Abela's tweet. He also said that if the newsroom considered that Dr Robert Abela's tweet was newsworthy it should have been reported together with the PL's statement and not after the PN's statement. Dr Michael Piccinino also said that this behaviour by the PBS

newsroom is reducing the effectiveness of PN's message and asked for an effective remedy.

Ing. Charles Dalli replied to this on 8 August 2023 and said that PBS reported the PN's and PL's reaction in relation to this fact in order to maintain due impartiality and balance. He also said that the statements were made in one story and not in separate stories and that in the same story reference was also made to a statement by Prime Minister Dr Robert Abela in reference to the same court decision on the proposed development in Hondoq ir-Rummien. Ing. Charles Dalli wrote that there is no justification for this complaint and it is not the case that he is given a form of remedy.

The PN disagreed with the response and requested a hearing proceeding in terms of S.L. 350.06.

The Authority appointed the hearing on 11 September 2023 following an objection by both parties on the dates previously given which were 6 September and 12 September 2023. Dr Paul Borg Olivier appeared for the PN, saying that the complaint filed by the General Secretary is sufficient and that he was just adding to what was there. He said that more than once PBS reiterated that tweets or messages on social media do not constitute statements that are reported in the news. He said that *dato ma non concesso*, PBS has repeatedly put forward this argument in its defence and also mentioned Donald Trump's tweets. He asked whether the statement was made in the capacity of a political party or as Prime Minister, adding that there had already been a statement from the Labour Party. He went on to say that the complaint was made because what was said by the Prime Minister was reasonably an excuse to sandwich the PN's message. This is because the Nationalist Party issued a statement which attracted a reaction from the Labour Party and a tweet by the Prime Minister. Dr Paul Borg Olivier said that the sequence is being contested in light of the Constitutional Court's judgement of February 2023 regarding budget advertisements and followed that it should be transported on the news sequence that one systematically or intentionally should see that the PN's message is not weakened. He went on to say that first there was the statement of the Labour Party, then that of the Nationalist Party and subsequently brought the statement of the Prime Minister. This created the sandwiching which the Constitutional Court had already referred to and hence the element of balance of opinion was not respected. He stressed that PBS itself has repeatedly insisted that the statements on social media do not constitute news. The Prime Minister's tweet was not a government statement as alleged, and so it should have been broadcast first, followed by that of the statement of the party in government and that of the Opposition, in order to uphold the element of balance.

He referred to previous decisions of the First Hall of the Civil Court and the Constitutional Court which required that balance of opinion is achieved. Dr Paul Borg Olivier said that it would be absurd if apart from a statement by the Nationalist Party, it should then issue a statement of the Leader of the Opposition as well in order to strike a balance. He concluded that the legal spirit, according to Cap.350, inspired by article 119 of the Constitution and subsidiary laws, safeguards the sense of balance that the public broadcaster, in particular, has an obligation to observe. Dr Paul Borg Olivier continued that the message of the Nationalist Party was weakened due to the way it was broadcast, which, according to him went against the spirit of the Constitutional Court in analogous situations.

Ing. Charles Dalli distinguished between a news report and a message which according to him Dr Paul Borg Olivier called an advert. He said that on 1 August 2023 the report complained of was a news item that gathers all aspects. He said that PBS gave a report of the latest development and there were three clearly mentioned views, namely what the two parties said and the Prime Minister's tweet. Ing. Charles Dalli said that the tweet was not being made by any individual but was a tweet by a Prime Minister containing other merits and hence must be reported. He added that he disagreed with the complaint as the sandwiching allegation and the arguments put forward by Dr Paul Borg Olivier. He concluded that the broadcaster should not be pressured on how to write a news item.

Dr Shaun Zammit, as the legal representative of PBS, said that the Authority should analyse whether a news report lacked balance and impartiality. He argued that when a person listens to a news report, they would not take note of the order. If the complaint is upheld it means that the newsroom is being dictated on how to deliver the news, even if it is balanced and impartial.

Dr Paul Borg Olivier countered that everyone has the right to observe the order of the news reports and that this was already done by the same board in previous complaints. He said that article 119 of the Constitution gives not only the element of impartiality but also that of balance. He therefore insisted that it was the duty of the Authority to analyse the news to ensure that the listener actually has the chance to understand, ponder and balance the two positions. He argued that the order of news reports has a direct impact on the viewer. He added that even if it were to be accepted that a tweet should be reported because it is by the Prime Minister, then he would take precedence over the party statement and therefore the broadcaster should have broadcast the Prime Minister's statement first, followed by that of the party in Government and that of the Opposition.

Dr Paul Borg Olivier argued that in other decisions, such as that of Jean Paul Sofia, the Authority had analysed how news are broadcast in ruling that the visual element was important. He continued that how news are broadcast, in this case, led to partiality in the order that the message was broadcast.

Ing. Charles Dalli said that from what he can deduct, the station is being dictated on how to broadcast news. Dr Paul Borg Olivier replied that this is up to the Authority.

Asked by the Authority whether there was any objection to the content, Dr Paul Borg Olivier replied that there is no complaint about this.

After considering the arguments put forward, the Authority proceeded to determine the complaint. While the sequence as well as the news value are two elements on which the editor has discretion, the Authority asserts its right to analyse whether these elements have been considered with genuineness, according to the final broadcast and the result it achieves. The Authority noted that the Nationalist Party conceded that the tweet was an official one of the Prime Minister and based the complaint on the sequence. The Authority feels that the report did not breach the element of balance. However, since in this political/judicial report there was a departure from the norm as regards the order, priority and sequence of news items, the Authority analysed in greater detail whether the result that the broadcast achieves is impartial.

While it has not been disputed whether the *tweet* was official by Dr Robert Abela as Prime Minister of Malta, whether the message had news value and whether it should have been broadcast, the Authority feels that this departure from the norm on the sequence as well as the lack of clarity from the broadcaster, arising from a PBS policy, conveniently created a lesion in the principle of impartiality. It is therefore upholding the Nationalist Party's complaint and guiding the broadcaster to remedy the situation by presenting an updated policy including reporting on social media. Such a document must be submitted within four weeks and passed on to the Authority within one week of any modification.

14th September 2023

Hearing 12/2023 Number 1

Ref: 81/23

Decision about the complaint by the Nationalist Party's ('PN') against PBS concerning the reporting of the decision of the Broadcasting Authority of 14 September 2023

The Authority registered a complaint filed by Dr Michael Piccinino as General Secretary of the Nationalist Party ("PN") on 15 September 2023. In his initial complaint he said that the Broadcasting Authority's decisions on matters of impartiality are of public interest and therefore they should be broadcast from a supposedly public channel. He also said that it is the failure to report this decision that is in violation of the Constitution and the Broadcasting Law.

During a sitting held on 5 October 2023, Dr Michael Piccinino appeared for the PN to explain that he had written to Ing. Charles Dalli as PBS editor, as required by law, and this about the fact that the event was of public importance. He explained that on the 14th of September the Broadcasting Authority issued a decision which had to be broadcast on the same day and that it was of news value. On 15 September 2023, PN complained about the failure of PBS to report the Authority's decision. PBS reported this on 19 September 2023 when the complaint was already lodged.

Dr Mark Vassallo replied for PBS and confirmed to the Authority that the report was broadcast on 19 September 2023. He went on to explain that PBS wanted to broadcast the report earlier on but it was waiting for clarification from the Broadcasting Authority about an earlier decision dated 14 September 2023, which included the word "conveniently". PBS wanted to confirm whether this term was correct or whether the Authority had mistaken it for the term "consequently".

Dr Michael Piccinino argued that PN, as the complainant, had nothing to do with the issues between PBS and the Authority and that such delays are to their detriment.

Having considered the arguments put forward, the Authority discussed the complaint and felt that in these circumstances the 4-day period complained by the PN was not a long enough period to somehow mitigate the effect of the broadcast report. Hence, the Authority did not uphold the complaint.

10th October 2023

Hearing 13/2023 Number 1
Ref: 81/23

Decision about the complaint lodged by Mr Mark Amaira against PBS concerning the failure to report a judicial protest initiated by him.

The Authority registered a complaint filed by Mr Mark Amaira against the PBS.

Mr Mark Amaira wrote to the station on 29 September 2023, in accordance with S.L. 350.06, complaining about the lack of balance in the reporting of the matter giving rise to his judicial protest. He argued that the failure to report his judicial protest was aimed at toning down his argument in order to protect the interest of a former employee of PBS.

PBS did not answer to his complaint within the three-day period as stipulated by S.L. 350.06. Therefore, the Authority organised the hearing on this complaint, following the request by the complainant.

At the hearing held on 4 December 2023, Mr Mark Amaira said that PBS gave more worth to Ms Norma Saliba's interest rather than his judicial protest which he paid for from his own pocket. He explained that he had burnt bridges with everyone in order to safeguard the Maltese language and he was doing so out of necessity.

Dr Shaun Zammit appeared for PBS, as the legal adviser, together with Editor-in-Chief Ing. Charles Dalli who said that the broadcaster's reports on the Maltese National Council started on the 31st August 2023 after it received a notification and a judicial protest by the same. He explained that on that day Mr Mark Amaira made a complaint, which was reported during the news bulletin. Ing. Charles Dalli said that the station has no access to judicial protests and that instead of sending his own protest to the station, in his letter Mr Mark Amaira argued that he was helping the station in obtaining 'likes' and 'views'.

Mr Mark Amaira replied that a day after the counter-protest, hence on 26 September 2023, he had written to PBS complaining that he was ignored by PBS and exhibited a document dealing with the four points that were mentioned in the counter-protest and which he claimed to have sent to PBS.

According to Mr Mark Amaira, PBS was failing in its journalistic duties to actively investigate news and stressed that, according to PBS, when a press release is not sent, the station claims that it cannot report unless it is privy to it, whereas when it is sent, PBS then argues that it does not report press releases. He reiterated that he issued a statement to reply to a news report in which he was mentioned.

Ing. Charles Dalli said that he had not received the judicial protest even though it had been requested by Mr Mark Amaira. He informed the Board that the station has

no access to such material. Dr Shaun Zammit explained that to date, the station has not received this document.

After the parties withdrew from the hearing, the Board discussed this complaint.

The Board is of the opinion that the public broadcaster failed to follow and investigate the facts in their entirety. Therefore, while uploading this complaint, it is guiding PBS to exercise its journalistic duties more wisely and effectively. The Board is of the opinion that once reference was made to the counter-protest or a response to Mr Mark Amaira's protest in the news bulletin, PBS should have logically reported a summary of the content of the judicial protest. The Board notes that the station requested a copy of this protest from Mr Mark Amaira and this has never been received. However, this still does not justify the station's failure to follow through on a previously reported matter.

12th December 2023

Hearing 15/2023 Number 6

Ref: 85/23

Decision about the complaint filed by Mr Mark Amaira against PBS due to spelling errors in the Maltese language during the *Moħħok Hemm* programmes.

The Authority registered a complaint filed by Mr Mark Amaira against PBS.

Mr Mark Amaira wrote to PBS on 10 November 2023. Through this correspondence, he made a series of references to Maltese orthography in relation to written questions that featured during the programme *Moħħok Hemm* during that same week.

Ing. Charles Dalli, Editor-in-Chief of PBS, responded to this correspondence on 15 November 2023 and said that during that period, over a thousand questions were asked, and that without disregarding the cited errors, he ensured that he would take necessary measures, so that no such errors will feature in the future. He also stated that PBS is working tirelessly to improve the quality of production that it registered an increase in audience.

Mr Mark Amaira felt that this answer was unsatisfactory and therefore filed a complaint in terms of S.L. 350.06.

During the hearing organised by the Broadcasting Authority on 4 December 2023, Mr Mark Amaira made references to various spelling errors in the Maltese language and stressed that according to Art. 4 of the S.L. 350.10, a station should appoint an expert in the Maltese language to act as a consultant and proofread such content.

Dr Shaun Zammit, legal adviser to PBS, said that the station had admitted that there were shortcomings with this programme and registered an admission to the charge issued in terms of the special administrative procedure S.L. 350.07 for which the station had already paid a fine.

The Authority noted that it had already flagged shortcomings in Maltese orthography, which shortcomings were during the same programme and within the same period. It confirmed that the station had paid the fine imposed by the Authority following notification on 9 November 2023.

While the Board is not upholding this complaint, it is warning PBS of its statutory obligations to adhere to S.L. 350.10 to ensure that the Maltese language is well written and spoken.

12th December 2023

Hearing 15/2023 Number 6

Ref: 91/23

Decision about the complaint lodged by Mr Mark Amaira against PBS due to code-mixing and code-switching in the X-Factor programmes

The Authority registered a complaint filed by Mr Mark Amaira against the public channel PBS concerning the X-Factor programmes.

Mr Mark Amaira wrote to the station on 12 November 2023 about code-mixing and code-switching throughout all X-Factor programmes broadcast for the past 15 days previous to the complaint. Mr Mark Amaira warned the public station that all linguistic experts confirm with various studies that code-mixing and code-switching are highly damaging to a language and normalise this practice, hence impacting the general public. In the same communication, he also asked PBS to confirm whether it had appointed a linguistic expert to consult the station as required by law in Paragraph 4 of S.L.350.10.

Ing. Charles Dalli, Editor-in-chief of PBS, replied on 15 November 2023. While he agreed with Mr Mark Amaira on the importance of the Maltese language, since the programme is essentially a reality show, there is always the possibility of comments or content of a spontaneous nature and that not every person expresses themselves in the same way.

Mr Mark Amaira chose to proceed with the complaint under S.L. 350.06.

During the hearing of this complaint held on 4 December 2023, Mr Mark Amaira said that a reality show entails the participation of random persons from different backgrounds. He argued that in this programme there

is a judge panel consisting of four individuals who are considered ‘influencers’ but who may lack proficiency in the correct use of the Maltese language. He said that he is holding PBS accountable for the quality of the broadcast content.

Ing. Charles Dalli, who appeared for this hearing together with Dr Shaun Zammit as the station’s legal adviser, said that Mr Mark Amaira was speaking in general and that he had not set a single example to support his claims. Ing. Charles Dalli confirmed that the station has an appointed linguistic expert to consult on the use of the Maltese language.

The Authority took note of the findings and proceeded to investigate this complaint.

The Board is not upholding this complaint but is directing PBS to provide it with the identity of the linguistic expert that it appointed in accordance with the provisions of Art. 4(a) of S.L. 350.10 within three weeks of this decision.

12th December 2023

Hearing 15/2023 Number 8

Ref: 92/23

Decision about the charge issued against Media Link Communications Ltd concerning the *Proprjeta* programme of 9 November 2023 broadcast on NET TV.

CEO Dr Joanna Spiteri issued a charge on behalf of the Broadcasting Authority against Media Link Communications Ltd concerning the *Proprjeta* programme on 9 November 2023 broadcast on NET TV.

The first part of this episode conveyed information on how to renovate a bathroom. During the footage, exhibiting various types of tiles, the company logo and the price were visible. During the same programme an advert was also made for ‘Maduma Home Interiors’. Thus, this constituted a breach of paragraph 4 of the Third Schedule to the Broadcasting Act, Cap. 350 of the Laws of Malta, which established that advertising and teleshopping shall be readily recognisable and distinguishable from editorial content.

During the second part of the programme, interior designer Jade Bøye was interviewed and that the same programme featured a sponsorship by Bøye Designs & Projects. Hence, a clear association was established between the commercial aspect and the editorial content. Several other references were made in breach of Art. 16K(1) (a) of Cap. 350.

Mr Karl Gouder, Chief Operations Officer, and Ms Rebecca Toutoungi appeared on behalf of the station during the hearing on 4 December 2023.

CEO Dr Joanna Spiteri gave a background about the charge and the legal provisions referred to.

Mr Karl Gouder registered an admission and explained that it was the first time that the producer was organising this programme. He said that Media Link Ltd understood its shortcomings and that it will do its utmost to prevent this from happening again.

After considering the facts and the station’s admission, the Board found the station guilty on both counts. The Board felt that in view of the fact the programme was a first for this production house, a warning would suffice. In light of this, the Board asked the station to adhere to its promises to adhere to the provisions.

12th December 2023

Hearing 15/2023 Number 9

Ref: 64/01

Decision about the accusation against PBS regarding the news bulletin of 23 August 2023

The Broadcasting Authority issued a charge against PBS in terms of S.L. 350.07 in connection with a service broadcast during the news bulletin of the 23rd August 2023 which included a feature about an academy offering self-defence instruction in light of the aggression suffered by Mr Joe Debono, known as Is-Sifu.

During this feature the importance of self-defence was emphasised. The feature gave an overview of the services offered by ‘AWTA (Malta)’. The feature included information on how to apply for such courses and details relating to the length of these courses, who is eligible to apply, and what this training entails. This feature showed students wearing a T-shirt with the AWTA logo.

The Authority felt that this report and interview were aimed to serve as an advertisement for this academy in violation of Art. 16K(1)(a) of the Broadcasting Act, Cap. 350.

The station chose to contest this charge. Dr Mark Vassallo asked for the monitoring report during the hearing on 5 October 2023.

The Board refused to allow the presentation of the monitoring report and warned the station of a previous hearing which it failed to attend. The hearing was eventually held on 4 December 2023. Dr Shaun Zammit appeared for this hearing as the legal adviser together with Ing. Charles Dalli as Editor-in-Chief of the PBS.

The Broadcasting Authority's CEO, Dr Joanna Spiteri, explained that the logo of this self-defence academy appeared several times during this feature and that information relating to how one could apply for such courses and other details in this regard turned this feature into an advertisement and in breach of Art. 16(K)(1)(a) of the Broadcasting Act. She argued that the logos and other information within this feature were not incidental since the feature was about the academy. Dr Joanna Spiteri reminded the Board that the station was well aware of how a feature can lead to such breaches because it had already been charged on 29 October 2022 by the same Board in its current composition for similar breaches.

Dr Shaun Zammit said that the feature did not mention the academy but the services it offers. He remarked that the feature mentioned that no one can attend a background check. According to him there was no element of advertising since the feature did not delve into matters such as where the academy is located.

The Board noted that the logo of this academy was clearly visible throughout this feature. It also noted that the feature primarily focused on the self-defence academy – AWTA – and not on what Mr Joe Debono went through. The fact that Mr Joe Debono was constantly being identified as Mr Joe Debono 'is-Sifu' turned this feature into an advertisement. The Board upheld the arguments brought forth in the charge and warned PBS to pay more attention to the visual element throughout such features to avoid similar circumstances that can turn the feature into an advertisement.

12th December 2023

Hearing 15/2023 Number 5

Ref: 65/01

Decision about the charge against Campus FM regarding a change of the station name prior to approval

The Board issued a charge against Campus FM in terms of S.L. 350.07 of the Laws of Malta, since the station, from 2nd October 2023 onwards, started to make use of the name 'Campus 103.7' instead of 'Campus FM', as originally licensed, without the necessary approval of the Broadcasting Authority and as listed in the conditions of the licence (general conditions: 12(2) (Doc. No. 741).

The station was accused of breaching paragraph 2(ii) of the First Schedule to the Broadcasting Act, Cap. 350.

The station chose to contest this charge. Mr Pierre Cassar and Ms Celaine Buhagiar appeared for the station.

Mr Pierre Cassar contended that the accusation is vitiated by the fact that Art. 2(ii) does not exist. He added that he is ready to withdraw in order for the Board to decide on this point.

After the parties withdrew, the Board discussed this point and later explained to the parties that the Board is a quasi-judicial one. Therefore, having considered the plea raised by the station that the article cited in the charge was not correct, since instead of Article 2(a)(ii) the charge listed Article 2(ii), it pointed out that while the issue raised by the station is correct, the accusation was explained in the previous paragraph. Therefore, the station fully understood what it was being charged with and that the reference to the article *per se* did not in any way prejudice the defence it could bring forth.

The Board explained that it was vested with the power to regulate its own procedure and that the Code of Civil Organisation (Cap. 12 of the Laws of Malta) permits the correction of any errors which do not have an impact on the merits of the case.

The Broadcasting Authority's CEO, Dr Joanna Spiteri, explained how the station jumped the gun and resorted to a change of name before receiving the go-ahead from the Authority.

Mr Pierre Cassar informed the Board that the station was undergoing a re-branding process and the name change from Campus FM to Campus 103.7 only meant that the station was referring to the frequency on which it broadcasts. Asked if the station had changed its name before or after the request for authorisation, Ms Celaine Buhagiar confirmed the former.

After the parties withdrew from the hearing, the Board upheld this charge and warned the station to observe the provisions imposed in the broadcasting licence more carefully.

12th December 2023

Hearing 15/2023 Number 4

Ref: 13/92

Decision about the charge issued against ONE Productions Ltd concerning *Awla* programme episodes broadcast on 10, 17, 24 and 31 October 2023

The Broadcasting Authority's CEO, Dr Joanna Spiteri, issued a charge against ONE Productions Ltd concerning four *Awla* programme episodes broadcast on ONE on the 10th, 17th, 24th and 31st October 2023 during which there were several shortcomings linked to the use of the Maltese language which occurred despite a warning previously given to the same station on the 3rd October 2023. This infringement was brought on the basis of Article 3(f) of Subsidiary Legislation 350.10. Dr Joanna Spiteri said that there were several grammatical errors during these four programmes, notwithstanding a warning relating to similar

errors during previous programmes.

The Chairperson of ONE, Mrs Ruth Vella Micallef, appeared for the station during a hearing held on 4 December 2023. She admitted to such breaches and informed the Board that the station had taken necessary measures since then.

The Board considered the arguments and facts presented and, in light of the station's admission, upheld the charge. The Board is therefore urging the station to ensure that these shortcomings relating to the misuse of the Maltese language do not re-occur.

12th December 2023

Hearing 15/2023 Number 10

Ref: 63/01

09

COURT CASES

Appeals Court case on a court case put forward by the Nationalist Party vs Public Broadcasting Services Ltd and the Broadcasting Authority

The Broadcasting Authority had appealed the judgement handed down on 14th July 2022 by the Civil Court in its Constitutional Jurisdiction wherein the Court had decided that the Broadcasting Authority and PBS failed to ensure impartiality and had discriminated against the Nationalist Party in a decision which was taken by the Authority's Board. An appeals court has upheld the decision against PBS and the BA. The ruling was handed down on 27th February 2023 by the Constitutional Court and confirmed the decision which was made in the original court sentence. This ruling was given by Chief Justice Mark Chetcuti and Judges Giannino Caruana Demajo and Anthony Ellul. The Constitutional Court confirmed the decision and raised the damages from €1,500 to €5,000. The decision claimed that PBS and the BA lacked impartiality and protection against discrimination, and the Appeals decision found the BA to have failed to ensure impartiality with the speed and proactivity needed in broadcasting.

Broadcasting Authority vs Media.Link Communications Co Ltd

The Broadcasting Authority initiated a civil court case against Media.Link Communications Co Ltd for failing to pay its due to the Authority. The first hearing was scheduled on 21st November 2023, and Media.Link Communications Co Ltd agreed on paying the outstanding dues as per the payment schedule. In such circumstances, the case was deferred to 21st March 2024 before proceeding to hear the merits of the case.

Nationalist Party vs Public Broadcasting Services Ltd and the Broadcasting Authority

On 30th August 2023, the Nationalist Party sued PBS and the BA claiming censorship and failing to fulfil the constitutional obligations leading to the violation of the party's freedom of expression and breaching the party's fundamental rights. In an application filed in the First Hall of the Civil Courts, the Nationalist Party claimed that its right to an effective remedy was breached since the BA ruled in favour of a complaint the party filed against PBS but it did not provide any effective remedy.

In July 2023 the PN filed a judicial protest against PBS and the BA, asking the court to condemn and stop the censorship of anything critical of the Prime Minister and which has been persistent for years.

The case revolves around a case which was filed by the Nationalist Party against the BA and PBS after PBS did not broadcast footage from inside and outside Parliament on 12 July 2023 when MPs had to vote on an Opposition motion calling for a public inquiry into the construction site death of Jean Paul Sofia. Then PN filed a complaint with the BA, and the BA ruled that PBS should have reported the events, but the PN complained that the BA failed to issue an effective remedy.

The case was still pending at the end of 2023.

10

OPERATIONS OF THE BROADCASTING AUTHORITY

During recent years, the Broadcasting Authority's operational aspect was characterised by various changes that took place within the Broadcasting Authority as part of the re-organisation plan of the organisation to be able to adapt itself to the changes occurring in the media sector. During 2023 the major operational focus was to up-skill and train staff members from a technical and intra-personal perspective.

Recruitment

Following the retirement of the charwoman, Ms Anna Bugeja, on December 31st, 2022, the Authority issued a public call for the new post of Domestic Services & Support Officer. However, applicants did not meet the eligibility criteria or basic requirements, and other public calls were issued with a different designation: Cleaner. After an interviewing process, Ms Josette Borg was recruited to fill this position on the 21st of August 2023.

Ms Borg is responsible for the general upkeep and cleaning of the offices and other premises used by the Broadcasting Authority. The main responsibility is to ensure that these premises are kept clean, sanitised, and well kept. Ms Borg may also be required to provide other support services that are within her competency as may from time to time be requested by the Management.

After issuing an internal call, on the 14th of April 2023 Mr David Paul Mallia was appointed as fire warden. He joined Ms Mary Grace Caruana in such duty.

As fire warden, Mr Mallia must assist in implementing and improving effective emergency procedures in the workplace, aid in preventing incidents, monitor the adequacy of the fire risk control measures, promote awareness about fire prevention amongst staff members, lead and coordinate the fire drills and real evacuation procedure, perform routine inspections of fire and emergency equipment, and investigate incidents that occur.

Training

As part of a continuous process to increase online threat awareness, in January 2023 the Authority, in collaboration with the Institute for the Public Service (IPS), organized an information session about this subject. During this session, staff members could understand the latest trends with regards to online threats and how one can prevent incidents while using certain software and technologies.

On the 28th of April 2023, the Authority, in collaboration with Richmond Foundation, organized a Mental Health Tool Kit, an information and practical session about mental health. During this day seminar, participants had the



Staff Training at the Richmond Foundation



Ms Caruana and Mr Mallia during their training session

opportunity to learn how one can deal with stress linked to personal and work-related scenarios and how one should act when he/she is under pressure. In addition, the Mental Health Tool Kit provided participants with practical ways on how one should take care of his/her own mental health.

As part of a continuous process to ensure fire safety, on Thursday 24th August 2023, fire wardens Ms Mary Grace Caruana and Mr David Paul Mallia attended a fire safety training course which was delivered by the International Safety Training College at their premises in Ħal Far, Birżebbuġa. During this course Ms Caruana and Mr Mallia took part in a theoretic and hands-on session to understand the essential knowledge and skills that ensure the safety of all employees in the event of a fire emergency.

In October and December 2023, different members of staff attended different training courses organised by the

Institute for the Public Service (IPS) with regards to working in a team, front office skills, customer care and Artificial Intelligence. The management team also attended training sessions with regards to conflict resolution and group dynamics.

Student Placement

Furthermore, during the months of July and August, the Broadcasting Authority gave Mr Caine Hudson, an MCAST student, a 4-week summer work experience as part of the Students Summer Work Opportunities Scheme organized by the Ministry for Education. During his experience, Mr Hudson helped in gathering quantitative data with regards to gender participation during discussion programmes as part of a research process performed by the Monitoring and Research Department for the GEMSAP initiative.



Group photo at the Christmas Event, 2023

11

PROGRAMME

MONITORING DEPARTMENT

Monitoring and Thematic Reports

The main purpose of the monitoring reports is to monitor radio and television broadcasts and ensure that such broadcasts adhere to the Broadcasting Act and Subsidiary Legislation. Apart from the daily reports, the monitoring department also draws up other ad hoc reports, both quantitative and qualitative, which focus on broadcasting trends.

The Monitoring Department also performs a number of thematic reports which focus on specific issues and trends arising from the daily monitoring of both radio and television services.

During this year the department monitored and compiled a thematic report which focused primarily on the portrayal of vulnerable persons during 'L-Istrina 2023', aired on 26th December 2023. L-Istrina can be considered as one of the main telethons organised and aired across all the main TV stations. The report showed a significant difference in the sort of "charitable model" used during this production. One could observe that minors' portrayal was diminished to a minimum and the production team still managed to adopt a "socially-inclined" model which portrays and leads more to a person's empowerment in different contexts rather than reinforcing helplessness.

This outcome contributes towards the protection of minors from social stigma. Thus, the telethon focused on the adult beneficiaries' experiences. Furthermore, this telethon was compliant with the provisions set out in Subsidiary Legislation 350.15, Requirements as to Standards and Practices Applicable to Participation in Media Programmes of Vulnerable Persons.

Throughout this year, the Monitoring Department also compiled compliance reports for the licence renewal of a community radio service, 3 nation-wide analogue radio services, a digital radio service, and 6 own-broadcast television services. Despite minor issues, which were pursued and addressed, all the above-mentioned services were granted a further term.

1. Rapport dwar it-Tražmissjoni ta' Radju Marija (January 2023)
2. Rapport dwar it-Tražmissjoni ta' Radju Margerita (February 2023)
3. Rapport dwar it-Tražmissjoni ta' Go Stars (March 2023)
4. Rapport dwar it-Tražmissjoni ta' Campus 103.7 (October 2023)
5. Rapport dwar it-Tražmissjoni ta' Cablenet Sports 1 (April 2023)
6. Rapport dwar it-Tražmissjoni ta' TSN1 (April 2023)
7. Rapport dwar it-Tražmissjoni ta' Promotional Channel (April 2023)
8. Rapport dwar it-Tražmissjoni ta' Weather & Info Channel (April 2023)
9. Rapport dwar il-Maratona L-Istrina 2023 (December 2023)
10. Rapport dwar it-Tražmissjoni ta' Maltin Biss (March 2023)
11. Rapport dwar it-Tražmissjoni ta' GO Tokis (January 2023)
12. Rapport dwar it-Tražmissjoni ta' Bay Easy (August 2023)

Other Monitoring Reports

The investigation of complaints is another crucial role the Monitoring Department is entrusted with. These complaints mainly related to the issue of alleged lack of impartiality resulting in unfairness to the complainant and the issue of poor use of the Maltese language during TV and radio programmes.



Adriel Vella
Chief Operations Officer

Minn żmien għal iehor l-Awtorità tkun taht il-lenti minhabba xi kontroversja marbuta ma' xi programm, xi deċiżjoni jew minhabba xi kampanja elettoral. Madankollu, l-operat tal-Awtorità tax-Xandir hu wiehed kontinwu. Ta' kuljum it-tim tal-monitoraġġ janalizza dak li jixxandar – mijiet, jekk mhux eluf, ta' messaġġi li semmiegħa u telespettaturi ta' kull età jirċievu permezz ta' programmi meta jsegwu x-xandiriet. Fi żmien fejn ix-xejriet tax-xandir dejjem qed jinbidlu, anke permezz ta' pjattaformi diġitali u online, l-irwol tal-Awtorità jibqa' dejjem relevanti, li hu li tanalizza l-messaġġi, tipproteġi lill-minuri u l-vulnerabbli, filwaqt li tifhem ix-xejriet tas-soċjetà li jinbidlu matul iż-żminijiet.



Elaine Galea
Programme Monitor

Ili naħdem l-Awtorit  tax-Xandir mill-2007. F'dawn is-snin  diedet il-pessjoni ta' messaġġi kummerċjali f'kull aspe t tal-ħajja b'mod speċjali permezz tal-aċċess ferm aktar wiesa' għall-internet. Ix-xogħol tagħna jgħin sabiex minkejja din l-exposure għal reklamar, jinżamm kontroll fuq l-istazzjonijiet televiżivi u tar-radju sabiex il-kontenut ikun ta' kwalit  għat-telespettaturi u s-semmiegħa. Dan apparti l-aspe ti l-oħra li naraw li jiġu mħarsa, fosthom il-protezzjoni tal-minuri u nies bla ħarsien xieraq, l-użu tal-lingwa Maltija fix-xandir, l-akuratezza u l-imparzjalit  fix-xandir, fost aspe ti oħra.



Lorenza Grech
Receptionist

My name is Lorenza Grech. I have been employed with the Broadcasting Authority for the past year and a half, where I fulfill my responsibilities as a receptionist and clerk. My role involves facilitating communication between licence holders, whether they are radio or television stations, and the corresponding personnel at the Authority. Additionally, I welcome and gather feedback from the public, directing it to the appropriate individuals. Daily, I perform various tasks, including the review of newspapers to identify articles relevant to the Authority's interests. I strive to carry out my duties to the best of my abilities, aiming to provide excellent service at the Broadcasting Authority.



Sonya Vassallo
Senior Clerk

There have been many changes in broadcasting during these past 24 years during which I have worked at the Authority. The public has become more aware of our duties and responsibilities. The Authority still has a very important role in safeguarding the public interest with high quality local broadcasting, and I feel honoured to be working within this Constitutional body.



Jean Pierre Caligari
Programme Monitor

I joined the Broadcasting Authority in November 2007 as a Monitoring Officer, and some years later I was promoted to Programme Monitor within the Monitoring Department. In this role my main tasks are to carry out general monitoring duties of all broadcasting stations and to support the Authority's research initiatives.

Since I hold a master's degree in the Maltese Language, the most cherished assignment I've been given throughout my 16 years' experience was my appointment (in 2017) as the Broadcasting Authority's representative on the National Council for the Maltese Language.

12

ICT AND PROJECTS DEPARTMENT

In 2023, the Authority experienced a year of remarkable productivity in both Information Technology (IT) and the development initiatives at the Għargħur transmission site. As the digital landscape continued to rapidly evolve, each initiative was a strategic stride towards not just keeping pace but setting the pace in the dynamic realm of Information Technology. Simultaneously, the Authority's commitment to critical infrastructure reached new heights at the Għargħur transmission site as the year 2023 saw enhancements to its facilities and to the way the site is governed.

Appointment of Site Custodian

The year started off with the appointment of a site custodian, who is responsible for overseeing the management, upkeep and security at the Għargħur transmission site, including its contents and facilities. The site custodian's proactive approach and diligent efforts throughout the year played a crucial role in enhancing the efficiency as well as the overall condition and functionality of this critical infrastructure site. Through effective communication and strategic planning, the custodian has not only addressed existing challenges but also implemented preventive measures to mitigate potential risks.

MoU between the Malta Broadcasting Authority and the Malta Police Force

The road leading to the Għargħur transmission site is quite narrow hence the entry and exit of emergency vehicles is considered limited especially if hindered by other non-emergency vehicles that are entering or exiting the street. The Authority has mitigated such risk by signing a Memorandum of Understanding (MoU) with the Malta Police Force (MPF) so that whenever an emergency occurs at the site, non-emergency vehicles approaching the street leading to the site are denied access until emergency vehicles enter and exit the street thus leaving a clear route for the movement of emergency vehicles.

Visit by the Health Department

As the Għargħur transmission site is considered a "critical infrastructure site", the Authority wanted to make sure that the Health Department can access the site with its emergency vehicles in case of emergency. Further to the MoU with the MPF, the Authority liaised with the Health Department to bring over an emergency vehicle (ambulance) to the site to make sure that non-emergency vehicles do not block access, and ambulances can reach the site without any issues. Although it was a bit challenging, due to the street being narrow, the ambulance managed to make it to the site, putting everyone's mind at rest.



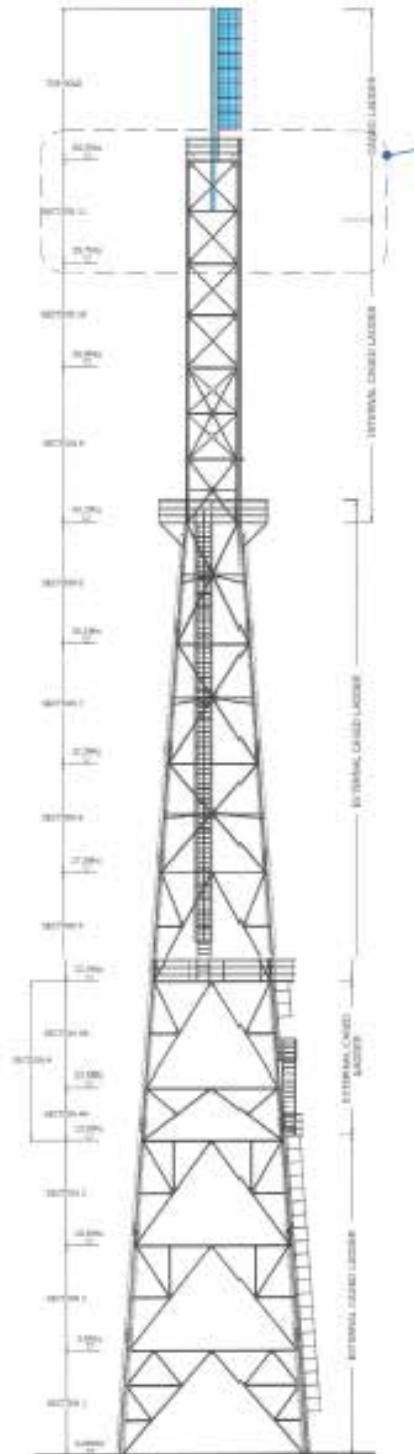


Maintenance of the Għargħur Tower

Following the appointment of a contractor in late 2022, the Authority started off with the maintenance of the Għargħur transmission tower in the first quarter of 2023. This project had been in the pipeline since 2021 as a lot of studies had to be carried out in advance to assess the condition of the 65m lattice tower. The maintenance of the tower was split into three phases, starting from the bottom part and progressing to the very top, following which it will receive its final coat of paint. Such work has involved a number of switch-offs and transfers from the master antenna onto the reserve antenna in order to prevent health and safety issues related particularly to the radiation

level present during the maintenance work. This resulted in intermittent disruptions to the radio service, and often caused an inconvenience to radio listeners. Although the maintenance work took longer than expected, works are now progressing at a more rapid pace. The project is in fact close to completion and the Authority is looking forward to be in a position to improve the operational efficiency in FM transmissions and offer better service to the nation.







Radiation Testing on the Reserve Antenna

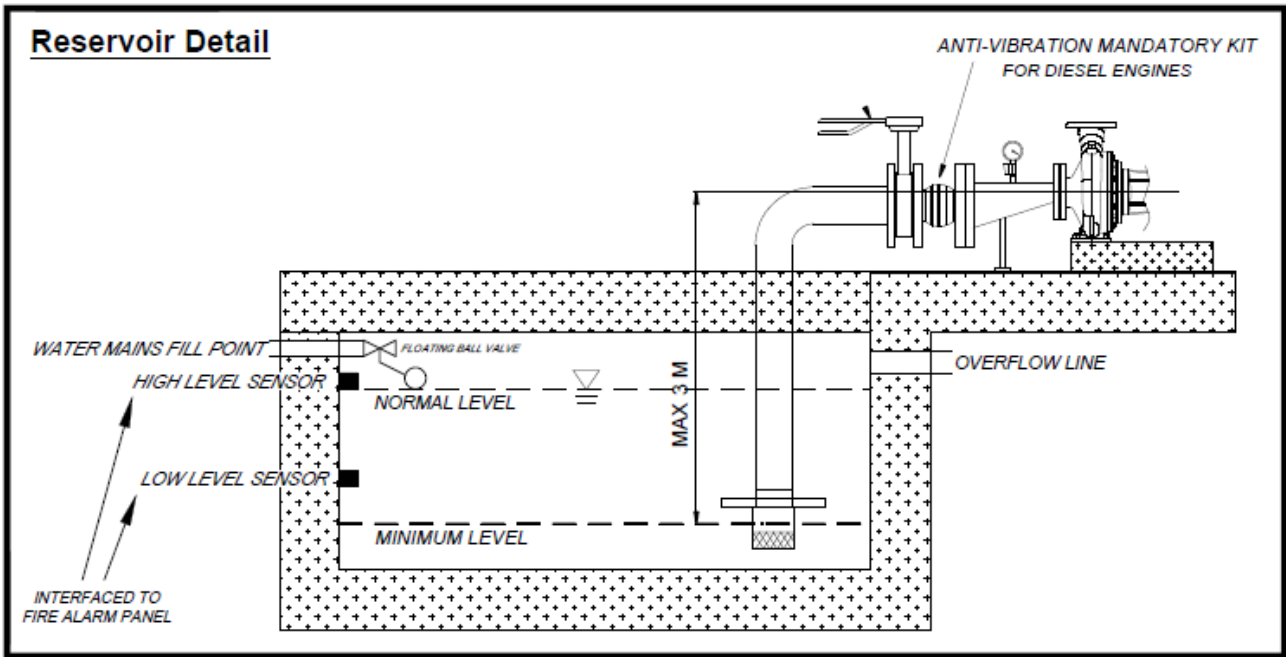
As part of the undergoing maintenance on the Gharghur tower, the master antenna had to be switched off during maintenance work on the top part of the tower. This was required to protect people working on the tower from high-power radiation generated by radio waves emitted from the antenna. As a result of this, while the master antenna was switched off, the Authority had to make frequent use of the reserve antenna so as not to halt operations. Since the reserve antenna is located between the middle and the bottom part of the tower, the power and the reach had to be limited so that radiation would not impact residents living in the surrounding area. The health and safety of these residents is of utmost importance to the Authority. For this reason, in cooperation with the Malta Communications Authority, it carried out a thorough and commendable radiation exercise in 2023 to assess the radiated power being emitted by the back-up antenna. The exercise involved radiation testing from street level and from the rooftops of a couple of homes in the area. Results showed that the radiated power was within the stipulated threshold and is therefore not causing any harm to neighbouring residents.

Alternative Back-up Transmission Site to Gharghur – RF Coverage Analysis

In the dynamic landscape of today's business environment, the importance of business continuity can never be overstated. The Authority is aware that the Gharghur transmission tower currently acts as a single point of failure for FM nationwide transmissions. Relevant discussions have been going on regarding the need of an alternative back-up site which would host a new transmission tower that can take over operations whenever there is a failure and/or when scheduled works on the current tower need to be carried out. Choosing the proper location to host this tower is not an easy decision as several factors must be taken into consideration, including the FM coverage strength across the Maltese islands. The new location would have to be as good as, if not better than, the current location in Gharghur when it comes to providing the best FM coverage. The Authority set the ball rolling in 2023 by appointing an expert company to provide radio coverage analysis of the Maltese islands and identify the best potential locations for the erection of an alternative transmission tower. The study kicked off in late 2023, and representatives from the appointed company will be coming to Malta in the first quarter of 2024 for on-site visits at the proposed potential locations. The Authority believes that this visit will be essential given the rapid increase in high-rise buildings making it more difficult for the FM signal to reach certain areas.

Water Reservoir for the Firefighting System

During 2023, the Authority intensified discussions on a potential firefighting system at the Gharghur transmission site. An architect and a fire engineer were appointed to assess the site vis-à-vis the equipment needed to host such system. It was agreed that the best solution would be to develop an underground water reservoir capable of holding enough water to support the firefighting system in case of fire. The location of the water reservoir was identified and a permit application for the relevant works was submitted to the Planning Authority. The application was approved towards the end of 2023 and the respective permit has been issued accordingly. Works on the water reservoir are expected to commence in 2024.



Launching of the Visitor Management System

The Authority has invested in a new system to digitalize the registration of visitors in and out of the premises, both at the head office in Hamrun and at the Għargħur transmission site. The purpose was to eliminate the manual process which brings with it a number of limitations when compared to a digital system. Besides aesthetics, it makes it faster and easier to sign in and out of the premises. Furthermore, the system provides real-time tracking, which is crucial for safety and security purposes, and it automatically notifies employees with visitors' arrivals. This investment aligns with the Authority's ongoing efforts to prioritize safety and improve operational efficiency.



Update on the new website

In the first quarter of 2023, a decision was taken to publish the tender for the development of a new website in the form of a DPS (Dynamic Purchasing System), which is a procurement procedure that speeds up the process and reduces administrative burden on all stakeholders. This required some adjustments to the tender document to adhere to public procurement regulations. The project had to commence in the last quarter of 2023, involving several meetings with regards to the design concept and the structure of the new website. The latter is still in development, progressing exceptionally well and shaping up to meet and exceed expectations, both in terms of functionality as well as design. As the completion phase approaches, it is anticipated that there will be a smooth transition to the launch stage. The Authority is confident that the new website will offer a seamless and user-friendly experience.

BA Web Portal

The automation of processes is a transformative force that enhances efficiency, reduces human error, and accelerates overall productivity. The Authority is actively considering the implementation of a web portal which will completely digitize all application forms, integrated with automated workflows. The respective clients would make use of this online portal to fill in, apply and pay the relevant fees, track the status of their application and, finally, receive the respective licence document via email. An internal exercise is underway involving the assessment of each application form and mapping out the process flow to identify and eliminate any gaps. Once the workflow of each application

has been simplified, then the technical requirements will start being drafted.

Upgrade of Network

Ensuring a robust and reliable network infrastructure is paramount for the smooth operation of the Authority. A well-established network serves as the backbone, facilitating efficient communication, data exchange, and the overall functionality of critical IT systems. In 2023, a pivotal network upgrade marked a significant leap forward in the Authority's IT infrastructure. Outdated switches were replaced with advanced ones, ushering a new era of efficiency and reliability. Complementing this enhancement, strategically positioned access points now blanket the premises, ensuring seamless connectivity for users even when away from their desks. This improvement not only facilitates uninterrupted workflow but also extends a welcoming Wi-Fi connection to guests, reinforcing the Authority's commitment to a collaborative environment. The main network cabinet has also undergone a transformation into a model of neatness and presentation through meticulous cable management and the implementation of a colour-coded system. This reflects the Authority's dedication to maintaining a high standard in quality and professionalism.

TV/Radio Capturing System

The Authority has initiated a comprehensive market analysis to explore a cutting-edge system that shall amalgamate the capturing of TV and radio channels. Such system is aimed at replacing the outdated 2014 system, which is progressively becoming obsolete and constrained by its limitations. Two prospective systems were identified, for which meetings were arranged with the respective suppliers to deliver a live demonstration of both systems. The Authority proactively also engaged with a European regulatory authority that is already utilising one of these systems to get feedback on the system's effectiveness by someone who has the same, or similar, responsibilities as the Authority's. Furthermore, communication was established with another European regulatory authority to witness an in-house developed system through another live demonstration. The Authority's overarching objective is to amass comprehensive information to holistically build up the requirements for a complete system.

Programme Reporting

The programme and news programme reporting tool is also considered outdated as it is lacking certain functionalities and features to adhere to today's standards. During 2023, the Authority initiated talks for a potential revamp of such tool. A gap analysis of the current tool





Georvin Zammit
Chief Technical Officer

The CTO assumes responsibility for overseeing the management and development of ICT operations within the Authority, whilst serving as the principal advisor on technological evolution, potential, and capability. The CTO also supervises the technologies, infrastructure, and protocols implemented at the Authority's transmission site in Għargħur. He has been entrusted primarily to revamp the Authority's website, enhance the overall digitization of existing systems and processes within the infrastructure, and manage the maintenance and upkeep of the Għargħur transmission site.



was carried out to address the limitations. The process is now underway to develop a new and online system that promises an improving, convenient and user-friendly environment to the Monitoring Department within the Authority.

Remote Hosting

Some of the most important benefits when it comes to hosting systems off-site include the avoidance of data loss due to disasters, improved security, and the elimination of hardware upgrade and/or maintenance costs. Following

a cost-benefit analysis, the Authority took the decision to start moving its servers/systems out of its premises and host them at the Malta Information Technology Agency (MITA), the public entity which provides ICT infrastructure, systems, and services to the Public Service. In 2023, the Authority started off this exercise with a test by migrating one of its systems to a virtual server hosted at MITA. The migration was successful, and the system is now running from a remote location without any issues. Therefore, the Authority shall be moving forward with this exercise by migrating, where applicable, the rest of the servers off premise.





Joe Francalanza
Site Custodian

My work at the Broadcasting Authority is carried out at the Għargħur transmitting station. My career started as a television technician with Xandir Malta. I was always interested in RF transmitters. In fact, I obtained the radio amateur licence and, as time went by, I have been called to work on the FM and MW transmitter for the national station. I also worked on television transmitters and was promoted to transmitter engineer. This was, and still is, my work and passion. At present I am site custodian at the Għargħur transmission site. With an experience spanning 43 years I am happy to give my expertise to the Authority in the technical and transmission section.

13

INTERNATIONAL RELATIONS

In the ever-evolving landscape of media regulation, networking on a European level emerges as a critical imperative. As digital communication transcends national borders, collaboration among European regulators becomes essential to formulate cohesive and effective regulatory frameworks. A unified approach fosters the exchange of best practices, harmonizes diverse regulatory measures, and ensures consistent standards across the continent. In an era marked by rapid technological advancements and the global dissemination of information, a well-established European network for media regulation not only safeguards cultural diversity but also promotes transparency, accountability, and the protection of fundamental democratic values. It is through such collaborative efforts that Europe can navigate the complexities of modern media, fostering a regulatory environment that serves the interests of its diverse societies.

Hence, the Broadcasting Authority, despite its limitations in terms of resources (being one of the smallest regulators in the EU) as well as remit (since it is a non-convergent regulator), strives to keep up with numerous networking commitments on a European level as described below.

European Regulators Group for Audiovisual Media Services (ERGA)

The European Regulators Group for Audiovisual Media Services (ERGA) is an advisory group whose role is to provide technical expertise to the Commission in its work to ensure a consistent implementation of the Audiovisual Media Services Directive (AVMSD) in the Member States and regarding related audiovisual media matters, as well as to facilitate cooperation among the national regulatory authorities or bodies, and between them and the Commission. Originally established by the Commission in 2014, ERGA has been recognised and established by the revised AVMSD which reinforced its role and tasks. Consequently, the Broadcasting Authority of Malta has been an active member of ERGA ever since.

2023 was a crucial year as the regulatory framework applying to media and online content services continued to evolve in view of the new rules, resulting from legislative and self-regulatory initiatives launched in the last years that were aimed at targeting more specifically the online environment:

- The Digital Services Act (DSA) and the Digital Markets Act (DMA), horizontal regulations covering as *lex generalis* all digital services.
- The vertical legislation applying as *lex specialis* to various aspects of the audiovisual environment (currently including, *inter alia*, the AVMS Directive and the Copyright Directive) which are being complemented by the Regulation on transparency and targeting of political advertising.
- The proposal for the new European Media Freedom Act (EMFA). The EMFA is expected to cover a wide range of substantive aspects related to audiovisual issues and media markets (including media market scrutiny, audience measurement, ownership transparency, regulatory cooperation).
- The strengthened EU Code of Practice on Disinformation. The Code created a permanent Taskforce which includes ERGA representatives and is chaired by the European Commission.

These topics led to the creation of new workstreams for ERGA. As a result, ERGA's work programme for 2023 covered a considerable number of topics, all of which were heavily interrelated with one another.

On this basis, in collaboration with our counterparts at EU level, our work focused on:

Consistent implementation and enforcement of the European framework for audiovisual media services, with specific focus on cross-border issues and procedures.

13. Supporting the Commission on the EMFA in preparing for its future application and contribute to the legislative debate with the European Parliament



and the Council. Media market-related issues/ procedures, including, e.g., media market scrutiny and audience measurement.

14. Preparing for the entry into application of the DSA⁷ and the DMA.
15. Monitor and contribute – where relevant – to the adoption and implementation of the Regulation on transparency and targeting of political advertising.
16. Support the Commission in the effective implementation of the strengthened Code of Practice on Disinformation and participate in the activities of the Permanent Taskforce.
17. Update of the ERGA Statement of Purpose for the post-2023 period.

57th EPRA Meeting – May 2023 (Oslo)

The 57th EPRA meeting took place from the 31st of May to 2nd June 2023 in Oslo. The event was hosted by the Norwegian Media Authority. Dr Joanna Spiteri, CEO of the Broadcasting Authority, joined around 160 delegates representing 52 member authorities, permanent observers and invited media experts. A delegation from the Ibero-American Platform for Regulators of the Audiovisual Sector (PRAI) also participated in the discussion which focused on securing public interest content in the digital age, with specific emphasis on «The future of content delivery” and «Public service media for the public good». The event was also designed to encourage interactive discussions among regulators and allow EPRA members to share the newest developments.

58th EPRA Meeting – October 2022 (Bucharest)

The Chief Executive Officer, Dr Joanna Spiteri, and Chief Licensing & Compliance, Mr Randolph Micallef, attended also the 58th EPRA meeting which took place from 18th

⁷ In terms of the DSA, Malta’s Digital Services Coordinator (DSC) is the Malta Communication Authority.



to 20th October 2023 in Bucharest. This time round, the event, which was hosted by the Romanian National Audiovisual Council, brought together more than 130 delegates representing 50 countries to discuss current issues pertaining to audiovisual media regulation in Europe. A guest delegation from the Mediterranean Network of Regulatory Authorities (MNRA), of which the Broadcasting Authority is also a proud member, also attended the meeting with the scope of reviving this network in view of the set-back caused by the Covid-19 pandemic.

Strengthening the media environment and adapting to the future was a key topic of the 58th EPRA meeting. Indeed, the discussion focused on two thematic sessions, namely, «A media market for the public good» and «The future of content delivery».

Mediterranean Network Regulatory Authorities (MNRA)

The Broadcasting Authority forms part of the Mediterranean Network for Regulatory Authorities (MNRA) together with twenty member authorities from eighteen countries and territories around the Mediterranean Sea. The plenary assembly was held on 28th and 29th September 2023 in Tirana, Albania, under the Vice President of MNRA, Armela Krasniqi, the Chairperson of Audiovisual Media Authority. The Chief Executive Officer represented the Broadcasting Authority during this plenary meeting.

During this meeting, the Mediterranean regulators discussed media regulation on video-sharing platforms, the European Freedom Act and, in particular, its provisions concerning quality journalism and fact-checkers. The President of ERGA and AGCOM gave an overview of recent European legislation on audiovisual and online content, with the implementation of the Digital Services Act (DSA). He spoke about the European Media Freedom Act (EMFA) which will protect the right of EU citizens to access quality media. Certain provisions were discussed during the meeting such as the protection of journalism and the cooperation between regulators and regulations on public service media. Discussion continued on the crucial role of platforms to fight disinformation. Reference to certain provisions of EMFA were made and discussed, for instance, whether platforms should be fully or partially exempt from media obligations, the provisions on the 2022 Code of Practice on Disinformation concerning quality journalism and fact-checkers, the promotion of quality journalism.

The panel discussion on video sharing platforms with the participation of regulatory bodies and a representative of Tik Tok was moderated by the Broadcasting Authority (Malta). During the panel discussion on video-sharing platforms, the Portuguese and the Greek regulators spoke on the importance of multilateral cooperation for the application of the Directive regarding video-sharing platforms. The Manager within Tik Tok demonstrated how Tik Tok complied with the provisions of the Audio-Visual

Media Services Directive, particularly those concerning the protection of young people.

In another panel discussion on media education, the UNESCO representatives presented the guidelines for regulating digital platforms. This was the result of what has been discussed during a global conference held in Paris in February 2023. On the second day, different working groups presented research studies on “Gender and Media” and “Media Literacy”. During this session a study carried out by the Gender and Media working group in 2022 within the MNRA presented the results of the study on the representation of women in news magazines and audiovisual sports programmes in the Mediterranean area. This study was presented by the Catalonia regulator, CAC. During this session, Dr Joanna Spiteri presented an assessment carried out by the Broadcasting Authority on the presence of men and women in televised debates, particularly on current affairs programmes in Malta. She indicated the need to draw up guidelines to encourage better representation of women on television. The next study will focus on the presence and representation of women in daily news programmes. The Broadcasting Authority (Malta) will be participating in this study together with other regulators.

The Media Education Group proposed to continue its work by organizing regular online meetings, as well as one face-to-face meeting, during the year to encourage exchanges between members.

Participation in the 5th Budapest Demographic Summit organised by the Hungarian Presidency

Nomination of BA in the panel discussion – How does the new media change families?

The Chief Executive was invited by the Hungarian Presidency, following the nomination by the National Media and Infocommunications Authority (NMHH), to be one of the speakers in a panel discussion regarding family and the media during the 5th Budapest Demographic Summit. This summit was held between the 14th and 15th September 2023 at the Museum of Fine Arts in Budapest.

The Budapest Demographic Summit is an international forum on demographic issues. This year, this summit was attended by 60 heads of state and heads of government, church leaders, opinion leaders, media personalities, thinkers, and NGO leaders from around the world. All personalities shared their thoughts on the values of the family, the future for families and future generations, and what are the challenges in today’s world for the traditional composition of families and children.

The central theme of this year’s forum was the family as the key to security. Families are the primary victims of conflicts and wars in the world and one can argue that peace is guaranteed through strong and cohesive families and their values.

This summit focused on the Hungarian Family Policy. During this summit, which is held every two years,





Governments, Church leaders, experts, and representatives from academic workshops and family organisations from around the world are present to dialogue and discuss the situation and the future of families.

Part of the conference focused on “Media in the Family”. The topic of the panel in which the Chief Executive of the Broadcasting Authority participated was: “How does the new media change families?” The keynote speech was delivered by Mr Maciej Świrski, Chairman of the National Broadcasting Council (KRRiT). The key questions and conclusions of the topic were based on the keynote speech. The other members of the panel were Mr Wolfgang Lutz, from the Austrian Academy of Sciences and the Vienna Institute of Demography, and Ms Orsolya Borsos, member of the Audiovisual Council of Romania. Prof Petra Aczel moderated the discussion. The discussion focused on how the media is affecting families and what changes have social media brought to family lives. Furthermore, the panel spoke on topical issues such as disinformation and hate speech in the media.

During the first part of the conference, a high-level session discussed ‘Family as the key to security’. In this session, heads of state and heads of government

shared their thoughts on how political decision makers can contribute to the security of families in the current challenging era. Politicians and heads of state who addressed the assembly included: Katalin Novák, President of Hungary; Aleksandar Vučić, President of the Republic of Serbia; Rumen Rade, President of the Republic of Bulgaria; Giorgia Meloni, Prime Minister of the Republic of Italy; Philip Isdor Mpango, Vice President of the United Republic of Tanzania; and Viktor Orbán, Prime Minister of Hungary.

Other speakers included some of the most important motivational speakers in the world, like Nick Vujici, an Aussie-American who was born without limbs but who, despite his physical limitations, through his courage and resilience became a motivational speaker, a successful entrepreneur, investor, producer and actor. Another motivational speech on the family, childbearing and the challenges within the families was by Jordan B. Peterson, a clinical psychologist and media commentator, renowned for his views on cultural and political issues. Another speaker was Gad Saad, a Canadian marketing professor renowned for evolutionary thoughts on psychology in marketing and consumer behaviour.



14

AUDIENCE RESEARCH

In accordance with Article 30(2) of the Broadcasting Act (Cap. 350 of the Laws of Malta) the Broadcasting Authority commissioned M. Fsadni & Associates to compile a report on audience data following an audience survey.

The data for the three commissioned surveys was collected:

1. from Sunday 21st May 2023 to Saturday 27th May 2023
2. from Sunday 23rd July 2023 to Saturday 29th July 2023
3. from Sunday 5th November 2023 to Saturday 11th November 2023.⁸

During each study, research data was collected via a structured questionnaire which was daily conducted with 200 participants from different age cohorts (12 years and over) over 7 consecutive days for a total aggregate of 2,100.

Audience Survey (May 2023)

An overview of TV viewership, radio listenership and online viewership gives these results:

- 9 in 10 Maltese residents are TV viewers.
- 88% of Maltese residents are TV viewers. Of these, 56% watch both local and foreign TV, 28% watch local TV stations only, and 4% watch foreign TV stations only.
- 2 in 3 Maltese residents are radio listeners.
- 61% of Maltese residents are radio listeners. This finding was observed across all age cohorts.
- 18% of Maltese residents watch online Maltese programmes (solely produced for online portals).
- 82% of all Maltese residents do not watch any Maltese programmes that are solely produced for online portals. The remaining 18% who watch online Maltese programmes hail from the younger age cohorts.

Television Viewership

87.6% of Maltese residents are TV viewers. Of these, 55.7% watch both local and foreign TV, 27.6% watch local TV stations only and 4.3% watch foreign TV stations only. TVM is the most followed local TV station with 62.2% of all TV viewers, followed by ONE (17.8%) and NET TV (14.6%). 18.7% of the participants follow foreign TV stations.

In addition, the study shows that the local TV station with the highest weekly average percentage audience share is TVM standing at 44.5%, followed by ONE TV at 12.8%, and NET TV at 10.2%.

When asked about their favourite local TV programme genre, the study showed that:

- **News** is the most favourite genre for local TV programmes, with 75.5% indicating this as one of their favourite genres. This genre was mentioned as one of the favourite genres by 8 in 10 of TV viewers aged 31+ years.
- **Drama** is the second preferred genre by local viewers with 41.4% (indicating this as one of their favourite genres for local TV programmes). This genre is significantly more popular amongst female TV viewers (59.4%) as opposed to male TV viewers (23.5%).
- **Discussions and Current affairs** were the third most favourite genre for local TV programmes, with 33.4% indicating this as one of their preferred genres.

When asked about their favourite local programme, a considerable number of respondents didn't watch local stations, thus only 1,748 respondents could give their preferred option. Their response showed that:

- TVM's news bulletin is the most favourite local TV programme of 10.2% of all local TV viewers. The TVM news bulletin was watched on TVM and not on TVMnews+, unless TV viewers planned to watch a programme on the latter station straight after the news bulletin.
- Moħħok Hemm (10.1%), Love Island Malta (9.6%) and Liquorish (9.1%) all proved to be among the most favourite local TV programmes with local TV viewers.

⁸ This audience survey was published in 2024.

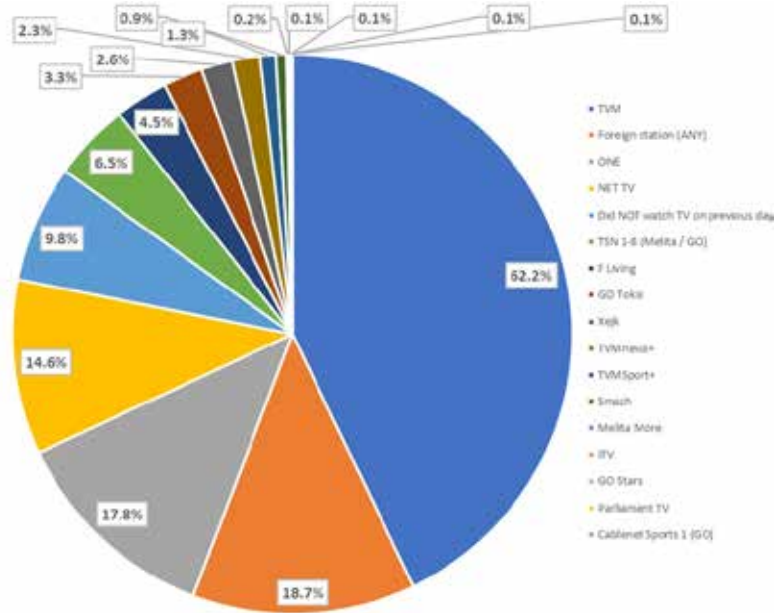


Figure 1: Most Followed TV Stations (Monday to Sunday)
 (The respondents were given the possibility of mentioning up to 3 TV stations which they had watched the previous day)

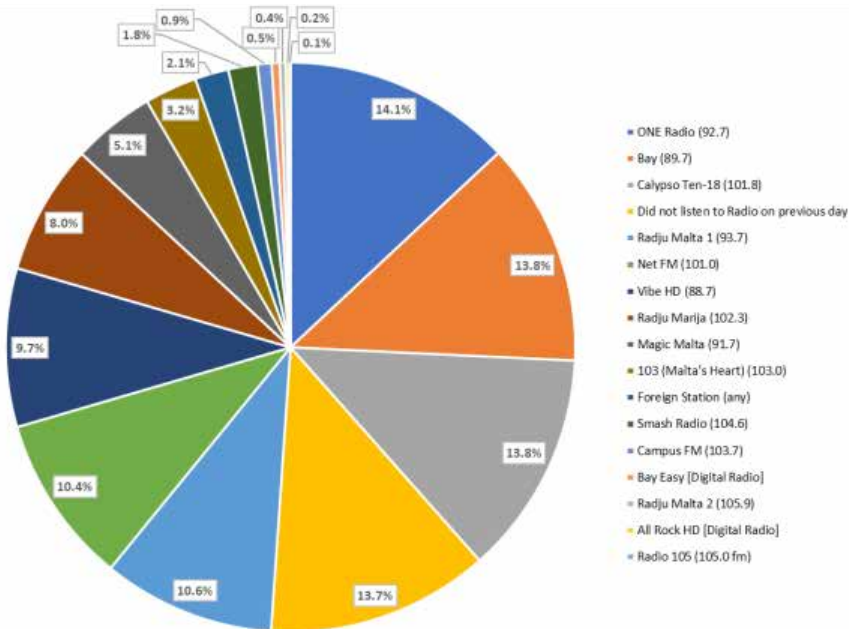


Figure 2: Most Followed Radio Stations (Monday to Sunday)
 (The respondents were given the possibility of mentioning up to three radio stations which they listened to the previous day)

Radio Listenership

The study showed that 2 in 3 Maltese residents were radio listeners (61.7%). This finding was observed across all age cohorts. Overall, across all radio stations, the three most followed radio time bands from Monday to Sunday were:

- 07:00 – 07:30 (150,414 radio listeners)
- 07.30 – 08:00 (149,757 radio listeners)
- 08:00 – 08:30 (133,775 radio listeners)

The respondents were asked what their favourite local programme was. The results were the following:

- Bay Breakfast with Daniel & Ylenia was the most favourite local radio programme, with 10.5% mentioning it as their preferred local radio programme. This radio programme was preferred by the younger age cohorts, 12-40 years.
- Bongu Calypso ma’ Twanny Scerri with 6.5% and The Morning Vibe with Abel, JD & Martina with 6.2% were the second and third most favourite local radio programmes. The former was listened to by the older age cohorts (41+ years old), whilst the latter was popular with the younger age cohorts (under 40 years old).
- 10.5% of radio listeners do not have a preferred local radio programme.

The study shows that the most followed radio stations were:

- One Radio (14.1%), which was closely followed by 89.7 Bay and Calypso Radio 101.8FM, where both stations have a 13.8% share each.
- The local radio station with the highest weekly average percentage audience share was Calypso Radio 101.8FM, standing at 17%, followed by One Radio (16%), Radju Marija and NET FM with 13% respectively.

Online Viewership

As for online viewership, 82% of all Maltese residents did not watch any Maltese programmes that were solely produced for online portals. The remaining 18.3% did watch online Maltese programmes. The younger age cohorts (12-40 years) seemed more inclined to watch these online Maltese programmes than the older cohorts.

The most used online portal/s or platform/s to watch Maltese programmes online were:

- Facebook was the most used platform for watching online Maltese programmes, with 2 in 3 of all online viewers (65.7%) mentioning it as one of the online platforms used for watching Maltese programmes online. This finding was evident across all age cohorts.
- 36.1% used Youtube for watching online Maltese programmes.
- A further 35.6% used timesofmalta.com to watch online Maltese programmes.

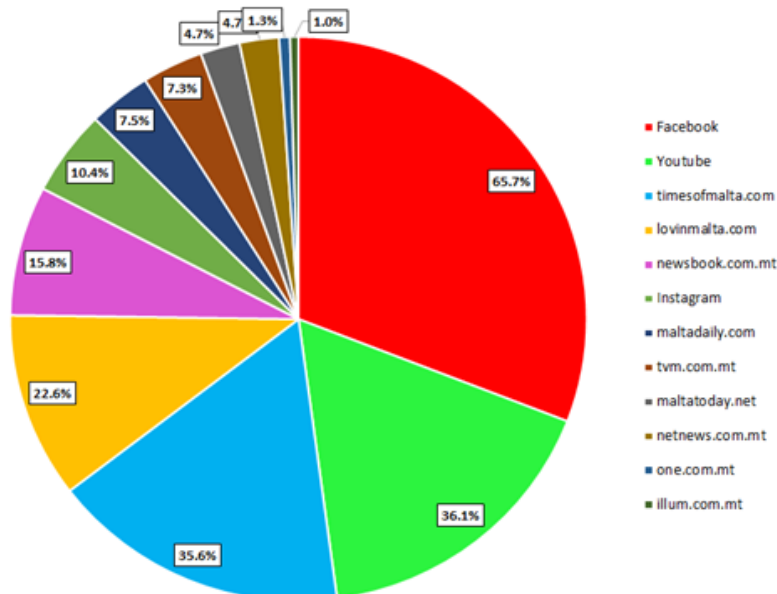


Figure 3: Online portal/s or platform/s used for watching Maltese programmes online

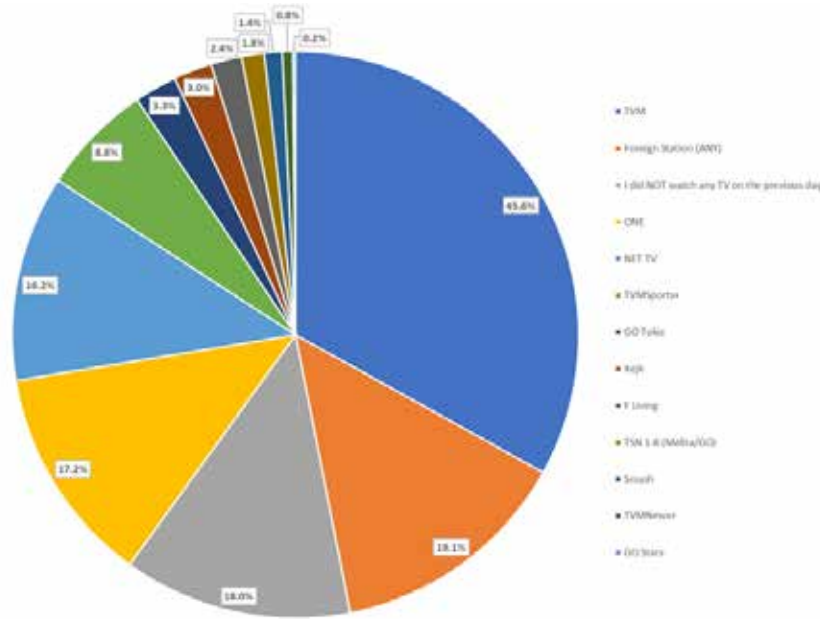


Figure 4: Most Followed TV Stations (Monday to Sunday)
 (The respondents were given the possibility of mentioning up to 3 TV stations which they had watched the previous day)

The most preferred programmes online were registered to be:

- Jon Mallia Podcasts, by 17.9% of online viewers
- Times of Malta (Mark Lawrence Zammit), by 13.2% of online viewers.

The study showed that the preferred source for local news was television, with 45.8%. Facebook was preferred by 27%. This news source was largely used by the younger cohorts aged up to 30 years. 13% preferred online news portals, whilst a further 6.1% used radio as their preferred source for local news.

Amongst those who prefer local news, their preferred source to obtain local news, amongst those who prefer TV for following local news, 61% preferred TVM, 20% preferred ONE, and 15.7% prefer NET TV. Amongst respondents who prefer local radio stations to listen to local news, Radju Malta1 (32.6%), ONE Radio (23.3%) and NET FM (17.1%) were the most preferred radio stations. Amongst respondents who preferred online portals to follow local news, Times of Malta (55.3%) and (24.2%) indicated that to follow local news they use different online portals equally.

Audience Survey (July 2023)

An overview of TV viewership, radio listenership and online viewership gave these results:

- 88.2% of Maltese residents were TV viewers. Of these, 64% watched both local and foreign TV, 18.2% watched local TV stations only, and 6% watched foreign TV stations only.
- 18% of these TV viewers did not watch TV during the week of assessment.
- 64.4% of the Maltese residents were radio listeners. This finding was observed across all age cohorts.
- 15.7% of these radio listeners did not listen to radio during the week of assessment.
- 19.6% of Maltese residents watched online Maltese programmes (solely produced for online portals).

Television Viewership

88.2% of Maltese residents were TV viewers. Of these, 64% watched both local and foreign TV, 18.2% watched local TV stations only, and 6% watched foreign TV stations only.

TVM was the most followed local TV station with 45.6% of all TV viewers, followed by foreign TV stations (19.1%), ONE (17.2%), and NET TV (16.2%). In addition, the study showed that the local TV station with the highest weekly average percentage audience share was TVM, standing at 24.8%, followed by NET TV (16.6%) and ONE TV at 14.8%.

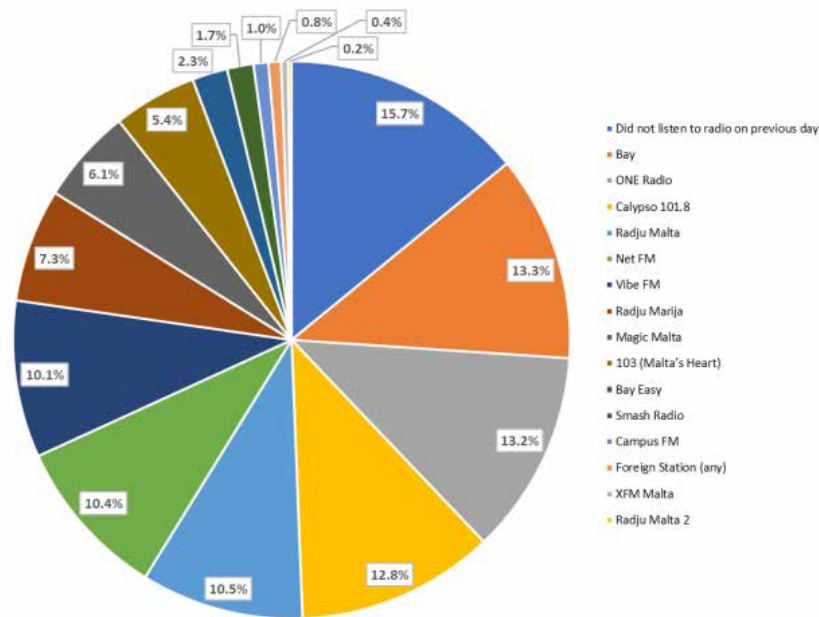


Figure 5: Most Followed Radio Stations (Monday to Sunday)

(The respondents were given the possibility of mentioning up to three radio stations which they had listened to the previous day)

When asked about their favourite local TV programme genre, the study showed that:

- **News** was the most favourite genre for local TV programmes with 84.5%, indicating this as one of their favourite genres. This genre was mentioned as one of the favourite genres by all seven age cohorts.
- **Drama** was the second preferred genre by the local viewers with 42.7%, indicating this as one of their favourite genres for local TV programmes. This genre was significantly more popular amongst female TV viewers (66.4%) as opposed to male TV viewers (19.1%).
- **Discussions and Current affairs** were the third most favourite genre for local TV programmes, with 33.9%, indicating this as one of their preferred genres.

When asked about their favourite local programme, a considerable number of respondents did not watch local stations. Thus, only 1,727 respondents could give their preferred option. Their response showed that:

- TVM's news bulletin was the most favourite local TV programme for 14.6% of all local TV viewers. The TVM news bulletin was largely watched on station TVM and not on TVMnews+, unless TV viewers planned to watch a programme on the latter station straight after the news bulletin.
- TVMSport+'s various football matches (7.9%), ONE news bulletin (5.2%) and NET TV news bulletin (3.8%) all proved to be among the most favourite local TV programmes with local TV viewers.

Radio Listenership

The study showed that 64.4% of Maltese residents were radio listeners (61.7%). This finding was observed across all age cohorts. Overall, across all radio stations, the two most followed radio time bands from Monday to Sunday were:

- 07:00 – 07:30 (153,698 radio listeners)
- 07.30 – 08:00 (130,490 radio listeners)

Respondents were asked what their favourite local programme was. The results were the following:

- Bay Breakfast with Daniel & Ylenia was the most favourite local radio programme, with 11.8% mentioning it as their preferred local radio programme. This radio programme was largely preferred by the younger age cohorts, 12-40 years.
- The Morning Vibe with Abel, JD & Martina was the second most favourite local radio programme with 8%. This programme was listened to by the younger age cohorts (under 40 years old).
- Bongu Calypso ma' Twanny Scerri, with 7.4%, and Magic AM, with 6.5%, were the second and third most favourite local radio programmes. Following, Bongu NET (Indri Attard) and The Morning Vibe with Abel, JD & Martina obtained 5.8% and 5.5% of preferences, respectively.

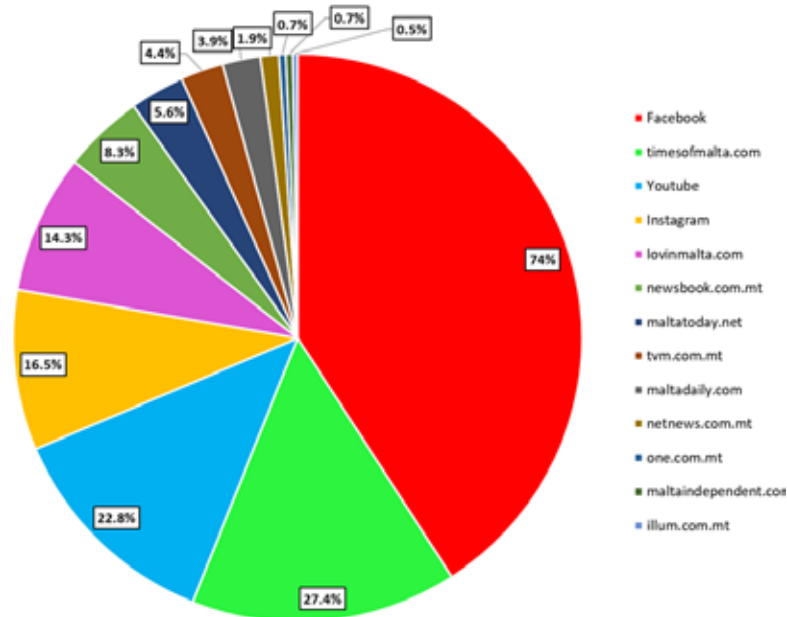


Figure 6: Online portal/s or platform/s used for watching Maltese programmes online

The study showed that the most followed radio stations were:

- Bay (13.3%), One Radio (13.2%), and Calypso 101.8 (12.8%)
- The local radio station with the highest weekly average percentage audience share was Calypso 101.8, standing at 18%, followed by ONE Radio (17%) and NET FM with 14% respectively.

Online Viewership

As for online viewership, 80.4% of all Maltese residents did not watch any Maltese programmes that were solely produced for online portals. The remaining 19.6% did watch online Maltese programmes.

The most used online portal/s or platform/s to watch Maltese programmes online were as follows:

- Facebook was the most used platform for watching online Maltese programmes, with 74% mentioning it as one of the online platforms used for watching Maltese programmes online. This finding was evident across all age cohorts.
- 27.4% use timesofmalta.com for watching online Maltese programmes.
- A further 22.8% used YouTube to watch online Maltese programmes.

The most preferred programme online was:

- Jon Mallia Podcasts, followed by 21.8% of online viewers
- Times of Malta (Mark Lawrence Zammit), followed by 13.3% of online viewers

The study shows that the preferred sources for local news were television (49.9%), Facebook (22.1%), and online news portals (20.6%). In addition, 6.4% used the radio as their preferred source for local news.

Amongst those who preferred local news, their preferred source to obtain local news, amongst those who preferred TV for following local news, 51.9% preferred TVM; 23.1% preferred ONE, and 21.2% preferred NET TV. Amongst respondents that preferred local radio stations to listen to local news, Radju Malta (26.8%), Calypso 101.8 (23.9%) and ONE Radio (18.3%) were the most preferred radio stations. Amongst respondents who preferred online portals for following local news, Times of Malta (56%) and (16%) indicated that to follow local news they used different online portals equally.

Concluding remark regarding the audience survey

The above audience surveys gave a snapshot of the trends in viewership and listenership and how the audience followed broadcasting content via linear services and online.

15 FINANCIAL STATEMENTS

Authority Board report	84
Report of the independent auditors	87
Financial statements:	
Statement of financial position.....	90
Statement of comprehensive income	91
Statement of changes in equity.....	92
Statement of cash flows.....	93
Notes to the financial statements	94

Authority Board's report

For the year ended 31 December 2023

The members of the Board of Broadcasting Authority (the 'Authority') present their report, together with the audited financial statements for the year ended 31 December 2023.

Principal activity

The Authority was established under the Broadcasting Ordinance XX of 1961 on 29 September 1961 – later incorporated in Articles 118 and 119 of the Constitution of Malta. It operates under the provisions of the Broadcasting Act, Chapter 350 of the Laws of Malta to exercise regulatory functions regarding sound and television broadcasting services in Malta and to issue licenses for the provisions of such services in accordance with said Act.

Review of business development and financial position

The financial position of the Authority as at 31 December 2023 is disclosed on page 8, while the results for the year under review are disclosed on page 9.

The Authority registered a surplus (after depreciation) of € 64,426 for the year ended 31 December 2023 compared to a surplus of € 108,105 for the previous year.

Income

Income from Radio Licence fees decreased by € 1,344 and income from Radio application fees decreased by €13,862.

Income from TV Licence fees has increased by € 964 and income from applications for TV Stations increased by €6,254.

Income from Penalties decreased by € 10,462 over the previous year.

Income from rent of transmitter remained in line with 2022 which amounted to €46,728.

Income generated from Gharghur generator amounted to €13,814 which remained in line with 2022 which amounted to €13,814.

Expenditure

Expenditure increased by € 125,537 over the previous year.

The Authority does not have any liabilities exceeding one year while those liabilities falling within one year are mainly non-financial contractual maturities.

Future developments

The Authority envisages to build a transmission backup site during the forthcoming year. The Authority is also planning to replace the ageing television transmissions recording system.

Authority Board's report - continued

Authority

The persons responsible for these financial statements are:

Frank V. Farrugia – Chairperson
Joanna Spiteri – Chief Executive
Alessandro Lia – Member
Francis Ghirxi – Member
Peter Fenech – Member
Charlo' Bonnici – Member

Statement of the Authority Board's responsibilities

The Authority is governed by a Board consisting of Chairperson, Chief Executive and four members. Their responsibility is to prepare financial statements in accordance with International Financial Reporting Standards as adopted by the European Union which give a true and fair view of the state of affairs of the Authority at the end of each financial year and of the gain or loss for the year then ended. In preparing the financial statements, the Authority:

- Selects suitable accounting policies and applies them consistently;
- Makes judgements and estimates that are reasonable and prudent; and
- Prepares the financial statements on a going concern basis, unless it is appropriate to presume that the Authority will not continue in business

The Authority is responsible for keeping proper accounting records, which disclose with reasonable accuracy at any time the financial position of the Authority and to enable it to ensure that the financial statements have been properly prepared in accordance with the provisions of the Act.

The Authority is also responsible for safeguarding the assets of the Authority and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

The Authority is responsible to ensure that it establishes and maintains internal control to provide reasonable assurance with regard to reliability of financial reporting, effectiveness and efficiency of operations and compliance with applicable laws and regulations.

In determining which controls to implement to prevent and detect fraud, management consider the risks that the financial statements may be materially misstated as a result of fraud.

Authority Board's report - continued

Auditor

The auditors, CSA Audit Ltd, have intimated their willingness to continue in office. A resolution proposing their re-appointment will be put before the members during the Broadcasting Authority Board Meeting of the 22 day of the month of May, 2024.

Approved by the Authority's representatives on 22 May 2024 and signed on its behalf by:



Frank V. Farrugia
Chairperson



Joanna Spiteri
Chief Executive

Registered office:
7,
Mile End Street,
Hamrun, HMR 1719,
Malta.

INDEPENDENT AUDITORS' REPORT

To the Members of Broadcasting Authority

Report on the audit of the financial statements

Opinion

In our opinion, the accompanying financial statements (the “financial statements”) of Broadcasting Authority (the “Authority”):

- Give a true and fair view of the financial position of the Authority as at 31 December 2023, and of its financial performance for the year then ended in accordance with International Financial Reporting Standards as adopted by the EU (‘IFRSs’); and
- Have been prepared in accordance with the requirements of the Maltese Broadcasting Act (Cap. 350) (the ‘Act’).

What we have audited

The Authority’s financial statements, which comprise of:

- the statement of financial position as at 31 December 2023;
- the statement of comprehensive income for the year then ended;
- the statement of changes in equity for the year then ended;
- the statement of cash flows for the year then ended; and
- the notes to the financial statements, which include material accounting policies and other explanatory information.

Basis for Opinion

We conducted our audit in accordance with International Standards on Auditing (ISAs). Our responsibilities under those standards are further described in the *Auditors’ Responsibilities* for the *Audit of the Financial Statements* section of our report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Independence

We are independent of the Authority in accordance with the International Ethics Standards Board for Accountants’ International Code of Ethics for Professional Accountants (including International Independence Standards) (‘IESBA Code’), together with the ethical requirements of the Accountancy Profession (Code of Ethics for Warrant Holders) Directive issued in terms of the Accountancy Profession Act (Cap. 281) that are relevant to our audit of the financial statements in Malta. We have fulfilled our other ethical responsibilities in accordance with these requirements and the IESBA Code.

INDEPENDENT AUDITORS' REPORT

To the Members of Broadcasting Authority

Other information

The board members are responsible for the other information. The other information comprises the 'Authority Board's Report', but does not include the financial statements and our auditors' report thereon.

Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information, and, in doing so, consider whether the other information is materially inconsistent with the financial statements, or our knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Responsibilities of the Board Members for the financial statements

The board members are responsible for the preparation of the financial statements that give a true and fair view in accordance with IFRSs and are properly prepared in accordance with the provisions of the Act and for such internal control as the board members determine is necessary to enable the preparation of financial statements that are free from material misstatements, whether due to fraud or error.

In preparing the financial statements the board members are responsible for assessing the Authority's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the board members either intend to liquidate the Authority or to cease operations, or have no realistic alternative but to do so.

The board members are also responsible for overseeing the financial reporting process.

Auditors' responsibility for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs, we exercise professional judgement and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.



INDEPENDENT AUDITORS' REPORT

To the Members of Broadcasting Authority

Auditors' responsibility for the audit of the financial statements

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the board members.
- Conclude on the appropriateness of the board members use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Authority's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause the Authority to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the board members regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

The Principal authorized to sign on behalf of CSA Audit Ltd on the audit resulting in this independent auditors' report is Norbert Bugeja.

A handwritten signature in blue ink, appearing to read 'Norbert Bugeja', with a long horizontal stroke extending to the left.

CSA Audit Ltd
Registered Auditors

22 May 2024



CSA Audit Ltd
Level 6, Carolina Court,
Giuseppe Cali Street, Ta' Xbiex, XBX 1425, Malta
Company Registration Number C 99176
www.csagroup.mt




Statement of financial position

		As at 31 December	
		2023	2022
		€	€
ASSETS			
Non-current assets			
Property, plant and equipment	7	5,087,949	5,058,337
Current assets			
Trade and other receivables	8	202,416	187,310
Cash at bank	9	960,110	927,654
Total current assets		1,162,526	1,114,964
Total assets		6,250,475	6,173,301
EQUITY AND LIABILITIES			
Equity			
Capital reserve		2,572,739	2,572,739
Revaluation reserve		3,418,357	3,418,357
Accumulated surplus/(deficit)		33,534	(30,892)
Total equity		6,024,630	5,960,204
Current liabilities			
Trade and other payables	10	225,845	213,097
Total equity and liabilities		6,250,475	6,173,301

The accompanying notes are an integral part of these financial statements.

The financial statements on pages 8 to 27 were authorised for issue by the board members on 22 May 2024 and were signed on its behalf by:


Frank V. Farrugia
Chairperson


Joanne Spiteri
Chief Executive

Statement of comprehensive income

	Note	Year ended 31 December	
		2023 €	2022 €
Revenue	12	1,151,796	1,070,234
Administration expenses	13	(1,088,459)	(962,922)
Other income		452	156
Operating surplus		63,789	107,468
Finance income		637	637
Surplus for the year		64,426	108,105
Other comprehensive income			
<i>Items that will not be reclassified subsequently to surplus or deficit</i>			
Revaluation of property, plant and equipment		-	232,000
Other comprehensive income for the year		-	232,000
Total comprehensive income for the year		64,426	340,105

The accompanying notes are an integral part of these financial statements.

Statement of changes in equity

	Capital reserve €	Reserve fund €	Revaluation reserve €	Accumulated surplus/(deficit) €	Total €
As at 1 January 2023	2,572,739	-	3,418,357	(30,892)	5,960,204
Total comprehensive income for the year					
Surplus for the year	-	-	-	64,426	64,426
Other comprehensive income	-	-	-	-	-
Total comprehensive income	-	-	-	64,426	64,426
As at 31 December 2023	2,572,739	-	3,418,357	33,534	6,024,630
As at 1 January 2022	2,572,739	37,270	3,186,357	(176,267)	5,620,099
Total comprehensive income					
Surplus for the year	-	-	-	108,105	108,105
Other comprehensive income	-	-	232,000	-	232,000
Total comprehensive income	-	-	232,000	108,105	340,105
Other movements					
Transfer between reserves	-	(37,270)	-	37,270	-
As at 31 December 2022	2,572,739	-	3,418,357	(30,892)	5,960,204

The accompanying notes are an integral part of these financial statements.

Statement of cash flows

	Note	As at 31 December	
		2023 €	2022 €
Cash flows from operating activities			
Surplus for the year		64,426	108,105
Add back:			
Depreciation		82,272	60,914
Provision for impairment		(4,358)	(12,838)
Loss on disposal		848	-
Movements in working capital:			
Trade and other receivables		(10,748)	24,697
Trade and other payables		12,748	15,973
Net cash generated from operating activities		145,188	196,851
Cash flows from investing activities			
Acquisition of property, plant and equipment		(115,232)	(31,906)
Disposal of property, plant and equipment		2,500	-
Net cash used in investing activities		(112,732)	(31,906)
Movement in cash and cash equivalents		32,456	164,945
Cash and cash equivalents at the beginning of the year		740,384	575,439
Cash and cash equivalents at the end of the year	9	772,840	740,384

The accompanying notes are an integral part of these financial statements.

Notes to the financial statements

1 Basis of preparation

1.1 Statement of compliance

These financial statements of Broadcasting Authority (the 'Authority') have been prepared and presented in accordance with the International Financial Reporting Standards as adopted by the EU (IFRSs) and with the requirements of the Broadcasting Authority Act.

The preparation of financial statements in conformity with IFRSs requires the use of certain critical accounting estimates. It also requires the Board to exercise their judgement in the process of applying the Authority's accounting policies (Note 4 - Critical accounting estimates and judgements).

These financial statements have been prepared under the historical cost convention, except for land and buildings which are carried at a revalued amount.

1.2 Functional and presentation currency

The financial statements are presented in Euro, which is the Authority's functional currency.

2 Summary of material accounting policies

The principal material accounting policies applied in the preparation of these financial statements are set out below. These policies have been consistently applied to all years presented, unless otherwise stated.

2.1 Property, plant and equipment

Recognition and measurement

The cost of an item of property, plant and equipment is recognised as an asset when it is probable that the future economic benefits that are associated with the asset will flow to the entity and the cost can be measured reliably. Property, plant and equipment are initially measured at cost comprising the purchase price, any costs directly attributable to bringing the assets to a working condition for their intended use, and the initial estimate of the costs of dismantling and removing the item and restoring the site on which it is located. Subsequent expenditure is capitalised as part of the cost of property, plant and equipment only if it enhances the future economic benefits of an asset in excess of the previously assessed standard of performance, or it replaces or restores a component that has been separately depreciated over its useful life. The carrying amount of the replaced part is derecognised. All other repairs and maintenance are charged to profit or loss during the financial period in which they are incurred.

After initial recognition, property, plant and equipment may be carried under the cost model, that is at cost less any accumulated depreciation and any accumulated impairment losses., or under the revaluation model, that is at their fair value at the date of the revaluation less any accumulated depreciation and any accumulated impairment losses.

2 Summary of significant accounting policies - continued

2.1 Property, plant and equipment - continued

After initial recognition, land and buildings are carried under the revaluation model while other items of property, plant and equipment are carried under the cost model. Revaluations are made for the entire class of land and buildings at least every five years or with sufficient regularity such that the carrying amount does not differ materially from that which would be determined using fair value at the reporting date. Any accumulated depreciation at the date of revaluation is eliminated against the gross carrying amount of the asset and the net amount is restated to the revalued amount of the asset.

Depreciation

Depreciation is calculated to write down the carrying amount of the asset on a systematic basis over its expected useful life. The depreciation charge for each period is recognised in profit or loss.

Land is not depreciated. Depreciation on other assets is calculated using the straight-line method to allocate the cost of the assets to their residual values over their estimated useful lives as follows:

	%
Building & improvements	1
Transmitting antenna	4 - 12
Furniture & fittings	10 - 20
Technical equipment	25
Studio equipment	20
Motor vehicles	20

Depreciation method, useful life and residual value

The depreciation method applied, the residual value and the useful life are reviewed on a regular basis and when necessary, revised with the effect of any changes in estimate being accounted for prospectively.

Derecognition of property, plant and equipment

An item of property, plant and equipment is derecognised upon disposal or when no future economic benefits are expected to arise from the continued use of asset. Any gains or losses arising on the disposal or retirement of property, plant and equipment are determined as the difference between the disposal proceeds and the carrying amount of the asset and are recognised in the profit or loss.

2.2 Financial assets and liabilities

2.2.1 Recognition, initial measurement and derecognition of financial assets

Receivables issued are initially recognised when they are originated. All other financial assets and financial liabilities are initially recognised when the Authority becomes a party to the contractual provisions of the instrument. A financial asset (unless it is a trade receivable without a significant financing component) or financial liability is initially measured at fair value plus, for an item not at FVTPL, transaction costs that are directly attributable to its acquisition or issue.

2 Summary of significant accounting policies - continued

2.2 Financial assets and liabilities - continued

2.2.1 Recognition, initial measurement and derecognition of financial assets - continued

A trade receivable without a significant financing component is initially measured at the transaction price.

2.2.2 Classification and subsequent measurement

Financial assets

On initial recognition, a financial asset is classified as measured at: amortised cost; FVOCI – debt investment; FVOCI – equity investment; or FVTPL.

Financial assets are not reclassified subsequent to their initial recognition unless the Authority changes its business model for managing financial assets, in which case all affected financial assets are reclassified on the first day of the first reporting period following the change in the business model.

A financial asset is measured at amortised cost if it meets both of the following conditions and is not designated as at FVTPL:

- it is held within a business model whose objective is to hold assets to collect contractual cash flows; and
- its contractual terms give rise on specified dates to cash flows that are solely payments of principal and interest on the principal amount outstanding.

Financial assets – Business model assessment

The Authority makes an assessment of the objective of the business model in which a financial asset is held at a portfolio level because this best reflects the way the business is managed and information is provided to management. The information considered includes:

- the stated policies and objectives for the portfolio and the operation of those policies in practice. These include whether management's strategy focuses on earning contractual interest income, maintaining a particular interest rate profile, matching the duration of the financial assets to the duration of any related liabilities or expected cash outflows or realising cash flows through the sale of the assets;
- how the performance of the portfolio is evaluated and reported to the Authority management;
- the risks that affect the performance of the business model (and the financial assets held within that business model) and how those risks are managed;
- how managers of the business are compensated – e.g. whether compensation is based on the fair value of the assets managed or the contractual cash flows collected; and
- the frequency, volume and timing of sales of financial assets in prior periods, the reasons for such sales and expectations about future sales activity.

Transfers of financial assets to third parties in transactions that do not qualify for derecognition are not considered sales for this purpose, consistent with the Authority's continuing recognition of the assets.

2 Summary of significant accounting policies - continued

2.2 Financial assets and liabilities - continued

2.2.2 Classification and subsequent measurement - continued

Financial assets – Assessment whether contractual cash flows are solely payments of principal and interest

For the purposes of this assessment, 'principal' is defined as the fair value of the financial asset on initial recognition. 'Interest' is defined as consideration for the time value of money and for the credit risk associated with the principal amount outstanding during a particular period of time and for other basic lending risks and costs (e.g. liquidity risk and administrative costs), as well as a profit margin.

In assessing whether the contractual cash flows are solely payments of principal and interest, the Authority considers the contractual terms of the instrument. This includes assessing whether the financial asset contains a contractual term that could change the timing or amount of contractual cash flows such that it would not meet this condition. In making this assessment, the Authority considers:

- contingent events that would change the amount or timing of cash flows;
- terms that may adjust the contractual coupon rate, including variable-rate features;
- prepayment and extension features; and
- terms that limit the Authority's claim to cash flows from specified assets (e.g. non-recourse features).

A prepayment feature is consistent with the solely payments of principal and interest criterion if the prepayment amount substantially represents unpaid amounts of principal and interest on the principal amount outstanding, which may include reasonable compensation for early termination of the contract. Additionally, for a financial asset acquired at a discount or premium to its contractual par amount, a feature that permits or requires prepayment at an amount that substantially represents the contractual par amount plus accrued (but unpaid) contractual interest (which may also include reasonable compensation for early termination) is treated as consistent with this criterion if the fair value of the prepayment feature is insignificant at initial recognition.

2.2.3 Financial assets - Subsequent measurement

Financial assets at amortised cost are subsequently measured at amortised cost using the effective interest method. Amortised cost is the initial measurement amount adjusted for the amortisation of any difference between the initial and maturity amounts using the effective interest method. The amortised cost is reduced by impairment losses. Interest income, foreign exchange gains and losses and impairment are recognised in profit or loss. Any gain or loss on derecognition is recognised in surplus or deficit.

2.2.4 Financial liabilities – Subsequent measurement and gains and losses

Financial liabilities are classified as measured at amortised cost or FVTPL. A financial liability is classified as at FVTPL if it is classified as held-for-trading, it is a derivative or it is designated as such on initial recognition. Financial liabilities at FVTPL are measured at fair value and net gains and losses, including any interest expense, are recognised in surplus or deficit. Other financial liabilities are subsequently measured at amortised cost using the effective interest

2 Summary of significant accounting policies - continued

2.2 Financial assets and liabilities - continued

2.2.4 Financial liabilities – Subsequent measurement and gains and losses - continued

method. Interest expense and foreign exchange gains and losses are recognised in surplus or deficit. Any gain or loss on derecognition is also recognised in surplus or deficit.

2.2.5 Impairment of financial assets

The Authority recognises loss allowances for ECLs on financial assets measured at amortised cost and debt investments measured at FVOCI to which the Authority is exposed. It measures loss allowances at an amount equal to lifetime ECLs, except for the following, which are measured at 12-month ECLs:

- debt securities that are determined to have low credit risk at the reporting date; and
- other debt securities and bank balances for which credit risk (i.e. the risk of default occurring over the expected life of the financial instrument) has not increased significantly since initial recognition.

Loss allowances for trade receivables are always measured at an amount equal to lifetime ECL. When determining whether the credit risk of a financial asset has increased significantly since initial recognition and when estimating ECLs, the Authority considers reasonable and supportable information that is relevant and available without undue cost or effort. This includes both quantitative and qualitative information and analysis, based on the Authority's historical experience and informed credit assessment and including forward-looking information.

The Authority assumes that the credit risk on a financial asset has increased significantly if it is more than 30 days past due, and it considers a financial asset to be in default when:

- the debtor is unlikely to pay its credit obligations to the Authority in full, without recourse by the Authority to actions such as realising security (if any is held); or
- the financial asset is more than 90 days past due.

Lifetime ECLs are the ECLs that result from all possible default events over the expected life of a financial instrument. 12-month ECLs are the portion of ECLs that result from default events that are possible within the 12 months after the reporting date (or a shorter period if the expected life of the instrument is less than 12 months).

The maximum period considered when estimating ECLs is the maximum contractual period over which the Authority is exposed to credit risk.

Measurement of ECL

ECLs are a probability-weighted estimate of credit losses. Credit losses are measured as the present value of all cash shortfalls (i.e. the difference between the cash flows due to the entity in accordance with the contract and the cash flows that the Authority expects to receive). ECLs are discounted at the effective interest rate of the financial asset.

2 Summary of significant accounting policies - continued

2.2 Financial assets and liabilities - continued

2.2.5 Impairment of financial assets - continued

Credit-impaired financial assets

At each reporting date, the Authority assesses whether financial assets carried at amortised cost and debt securities at FVOCI are credit impaired. A financial asset is 'credit-impaired' when one or more events that have a detrimental impact on the estimated future cash flows of the financial asset have occurred.

Evidence that a financial asset is credit-impaired includes the following observable data:

- significant financial difficulty of the borrower or issuer;
- a breach of contract such as a default or being more than 90 days past due;
- the restructuring of a loan or advance by the Authority on terms that the Authority would not consider otherwise;
- it is probable that the borrower will enter bankruptcy or other financial reorganisation; or
- the disappearance of an active market for a security because of financial difficulties.

Presentation of allowance for ECL in the statement of financial position

Loss allowances for financial assets measured at amortised cost are deducted from the gross carrying amount of the assets.

Write-off

The gross carrying amount of a financial asset is written off when the Authority has no reasonable expectations of recovering a financial asset in its entirety or a portion thereof. For each of its financial assets that subject the Authority to credit risk, it makes an individual assessment with respect to the timing and amount of write-off based on whether there is a reasonable expectation of recovery. The Authority expects no significant recovery from the amount written off. However, financial assets that are written off could still be subject to enforcement activities in order to comply with the Authority's procedures for recovery of amounts due.

2.2.6 Subsequent measurement and gains and losses

Financial liabilities

Financial liabilities are classified as measured at amortised cost or FVTPL. A financial liability is classified as at FVTPL if it is classified as held-for-trading, it is a derivative or it is designated as such on initial recognition. Financial liabilities at FVTPL are measured at fair value and net gains and losses, including any interest expense, are recognised in profit or loss. Other financial liabilities are subsequently measured at amortised cost using the effective interest method. Interest expense and foreign exchange gains and losses are recognised in profit or loss. Any gain or loss on derecognition is also recognised in profit or loss.

2 Summary of significant accounting policies - continued

2.2 Financial assets and liabilities - continued

2.2.7 Derecognition

(i) Financial assets

The Authority derecognises a financial asset when:

- the contractual rights to the cash flows from the financial asset expire; or
- it transfers the rights to receive the contractual cash flows in a transaction in which either:
 - substantially all of the risks and rewards of ownership of the financial asset are transferred; or
 - the Authority neither transfers nor retains substantially all of the risks and rewards of ownership and it does not retain control of the financial asset.

The Authority enters into transactions whereby it transfers assets recognised in its statement of financial position but retains either all or substantially all of the risks and rewards of the transferred assets. In these cases, the transferred assets are not derecognised.

(ii) Financial liabilities

A financial liability is derecognised when the obligation under the liability is discharged or cancelled or has expired. Where an existing financial liability is replaced by another from the same lender on substantially different terms, or the terms of an existing liability are substantially modified, such an exchange or modification is treated as a de-recognition of the original liability and the recognition of a new liability, and the difference in the respective carrying amounts is recognised in statement of comprehensive income.

2.2.8 Offsetting

Financial assets and financial liabilities are offset and the net amount presented in the statement of financial position when, and only when, the Authority currently has a legally enforceable right to set off the amounts and it intends either to settle them on a net basis or to realise the asset and settle the liability simultaneously.

2.3 Impairment of non-financial assets

Assets that are subject for depreciation are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use. For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash flows (cash-generating units). Non-financial assets that suffered an impairment is reviewed for possible reversal of the impairment at the end of each reporting period.

2 Summary of significant accounting policies - continued

2.4 Cash and cash equivalents

Cash and cash equivalents are carried in the statement of financial position at face value. In the statement of cash flows, cash and cash equivalents includes cash in hand, deposits held at call with banks.

2.5 Provisions

Provisions for legal claims are recognised when the Authority has a present legal or constructive obligation as a result of past events, it is probable that an outflow of resources will be required to settle the obligation, and the amount has been reliably estimated. Provisions are not recognised for future operating losses. Provisions are measured at the present value of the expenditures expected to be required to settle the obligation using a pre-tax rate that reflects current market assessments of the time value of money and the risks specific to the obligation. The increase in the provision due to passage of time is recognised as interest expense.

2.6 Reserves

The accumulated fund includes all current and prior period retained surpluses and deficits.

2.7 Revenue

The Authority recognise revenue from the sources as disclosed in note 12.

To determine when to recognise revenue, the Authority follows a 5-step process:

- Identify the contract(s) with a customer
- Identify the performance obligations in the contract
- Determine the transaction price
- Allocate the transaction price to the performance obligations in the contract
- Recognise revenue when (or as) the entity satisfies a performance obligation.

Revenue is measured based on the consideration to which the Authority expects to be entitled in a contract with a customer and excludes amounts collected on behalf of third parties. The Authority recognises revenue when (or as) it satisfies a performance obligation by transferring control of a promised good or service to the customer.

3 New or revised standards or interpretations

New standards adopted at 1 April 2023

During the year ended 31 December 2023, the Authority has applied a number of amendments to IFRS issued by the International Accounting Standards Board (IASB) that are mandatorily effective for an accounting period that begins on or after 1 January 2023. Their adoption has not had any material impact on the disclosures or on the amounts reported in these financial statements.

- Amendments to IAS 1 Presentation of Financial Statements and IFRS Practice Statement 2 Making Materiality Judgements—Disclosure of Accounting Policies
- Amendments to IAS 8 Accounting Policies, Changes in Accounting Estimates and Errors—Definition of Accounting Estimates

3 New or revised standards or interpretations - continued

New and revised IFRS Accounting Standards in issue but not yet effective and not yet adopted by EU

At the date of authorisation of these financial statements, the Company has not applied the following new and revised IFRS that have been issued and are not yet effective.

- Amendments to IAS 1 - Classification of Liabilities as Current or Non-current
- Amendments to IAS 1 - Non-current Liabilities with Covenants*
- Amendments to IAS 7 and IFRS 7 - Supplier Finance Arrangements*
- Amendments to IFRS 16 - Lease Liability in a Sale and Leaseback

* These amendments had not yet been adopted by the EU.

These amendments are not expected to have a significant impact on the financial statements in the period of initial application and therefore no disclosures have been made.

4 Critical accounting estimates and judgements

Estimates and judgements are continually evaluated and based on historical experience and other factors including expectations of future events that are believed to be reasonable under the circumstances.

In the opinion of the Board, the accounting estimates and judgements made in the course of preparing these financial statements are not difficult, subjective or complex to a degree which would warrant their description as critical in terms of the requirements of IAS 1.

5 Measurement of fair value

A number of the Authority's accounting policies and disclosures require the measurement of fair values, for both financial and non-financial assets and liabilities.

The Authority has an established control framework with respect to the measurement of fair values. The management has overall responsibility for overseeing all significant fair value measurements, including Level 3 fair values.

The management regularly reviews significant unobservable inputs and valuation adjustments. If third party information, such as architect valuations, is used to measure fair values, then the management assesses the evidence obtained from the third parties to support the conclusion that these valuations meet the requirements of the Accounting Standards, including the level in the fair value hierarchy in which the valuations should be classified.

When measuring the fair value of an asset or a liability, the Authority uses observable market data as far as possible. Fair values are categorised into different levels in a fair value hierarchy based on the inputs used in the valuation techniques as follows.

- Level 1: quoted prices (unadjusted) in active markets for identical assets or liabilities.
- Level 2: inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly (i.e. as prices) or indirectly (i.e. derived from prices).
- Level 3: inputs for the asset or liability that are not based on observable market data (unobservable inputs).

5 Measurement of fair value - continued

If the inputs used to measure the fair value of an asset or a liability fall into different levels of the fair value hierarchy, then the fair value measurement is categorised in its entirety in the same level of the fair value hierarchy as the lowest level input that is significant to the entire measurement.

The Authority recognises transfers between levels of the fair value hierarchy at the end of the reporting period during which the change has occurred. Further information about the assumptions made in measuring fair values is included in note 7 to the financial statements.

6 Financial risk management

6.1 Financial risk factors

The Authority is exposed to a variety of financial risks: market risk credit risk and liquidity risk. The Authority's risk management is coordinated by the Board members and focuses on actively securing the Authority's short to medium term cash flows by minimising the exposure to financial risk. The Authority did not make use of derivative financial instruments to hedge certain risk exposures during the current and preceding financial years.

(a) Market risk

(i) Cash flow and fair value interest rate risk

The Authority has no material interest-bearing assets and liabilities, and its income and operating cash flows are substantially independent of changes in market interest rates.

(b) Credit risk

Credit risk is the risk that one party to a financial instrument will fail to discharge an obligation and cause the other party to incur financial loss. Credit risk arises from cash and cash equivalents and trade and other receivables.

The Authority's exposure to credit risk is limited to the carrying amount of financial assets recognized at the end of the reporting date, as summarised below:

	Note	2023 €	2022 €
Trade and other receivables	8	191,220	173,789
Cash at bank	9	960,110	927,654
		1,151,330	1,104,443

The maximum exposure to credit risk at the reporting date in respect of the financial assets mentioned above is equivalent to their carrying amount as disclosed in the respective notes to the financial statements. The Authority does not hold any collateral as security in this respect. The amounts disclosed above in respect of trade and other receivables exclude prepayments.

6 Financial risk management - continued

6.1 Financial risk factors - continued

(i) Impairment Loss

The Authority establishes an impairment allowance that represents its estimate of expected losses in respect of trade and other receivables. This allowance represents specific provisions against individual exposures and a collective provision where necessary, unless this is considered to be immaterial.

(c) Liquidity risk

The Authority is exposed to liquidity risk in relation to meeting future obligations associated with its financial liabilities, which comprise trade and other payables (Note 10). Prudent liquidity risk management includes maintaining sufficient cash reserves to ensure the availability of an adequate amount of funding to meet the Authority's obligations.

The Authority monitors liquidity risk by reviewing expected cash flows and ensures that no financing facilities are expected to be required over the coming year. The Authority's liquidity risk is not deemed material in view of the matching of cash inflows and outflows arising from expected maturities of financial instruments and commitments. The financial liabilities are payable on demand.

6.2 Capital risk management

The Authority's equity, which constitutes its capital base, is disclosed in the statement of financial position. The Authority's objectives when managing capital are to safeguard the respective entity's ability to continue as a going concern in order to provide returns and benefits for stakeholders, and to maintain an optimal capital structure to reduce the cost of capital.

In view of the nature of the Authority's activities and its financial position, the capital level as at the end of the reporting period is deemed adequate by the board members.

6.3 Fair values of financial instruments

At 31 December 2023 and 2022 the carrying amounts of cash at bank, receivables and payables reflected in the financial statements are reasonable estimates of fair value in view of the nature of these instruments or the relatively short period of time between the origination of the instruments and their expected realisation.

Broadcasting Authority
Annual Report and Financial Statements - 31 December 2023

7 Property, plant and equipment	Freehold land €	Building & improvements €	Transmitting antenna €	Furniture & fittings €	Technical equipment €	Studio equipment €	Motor vehicles €	Total €
Cost/revalued amount								
As at 1 January 2022	2,483,000	1,946,000	873,549	626,968	139,872	161,057	56,850	6,287,296
Revaluation	127,000	105,000	-	-	-	-	-	232,000
Additions	-	-	12,476	19,430	-	-	-	31,906
As at 31 December 2022	2,610,000	2,051,000	886,025	646,398	139,872	161,057	56,850	6,551,202
As at 31 December 2023	2,610,000	2,051,000	886,025	646,398	139,872	161,057	56,850	6,551,202
Additions	-	-	97,164	17,382	686	-	-	115,232
Disposals	-	-	(6,439)	-	-	-	-	(6,439)
As at 31 December 2023	2,610,000	2,051,000	976,750	663,780	140,558	161,057	56,850	6,659,995
Depreciation								
As at 1 January 2022	-	-	555,160	526,084	137,620	161,057	52,030	1,431,951
Charge for the year	-	-	32,265	22,595	1,234	-	4,820	60,914
As at 31 January 2022	-	-	587,425	548,679	138,854	161,057	56,850	1,492,865

Broadcasting Authority
Annual Report and Financial Statements - 31 December 2023

7 Property, plant and equipment - continued	Freehold land €	Building & improvements €	Transmitting antenna €	Furniture & fittings €	Technical equipment €	Studio equipment €	Motor vehicles €	Total €
Depreciation								
As at 1 January 2023	-	-	587,425	548,679	138,854	161,057	56,850	1,492,865
Charge for the year	-	20,510	35,563	25,316	883	-	-	82,272
Released upon disposal	-	-	(3,091)	-	-	-	-	(3,091)
As at 31 December 2023	-	20,510	619,897	573,995	139,737	161,057	56,850	1,572,046
Net book value								
31 December 2023	2,610,000	2,030,490	356,853	89,785	821	-	-	5,087,949
31 December 2022	2,610,000	2,051,000	298,601	97,719	1,017	-	-	5,058,337
31 December 2021	2,483,000	1,946,000	318,390	100,884	2,251	-	4,820	4,855,345

The fair value of land and buildings within the property, plant and equipment was determined by an external, independent property valuer having appropriate recognised professional qualification and recent experience in the location and category of the property being valued. The fair value measurement for all land and buildings has been categorised as a Level 3 fair value based on the inputs to the valuation technique used, being reference to recent available market data for similar properties or, in the absence of such data, the replacement cost.

8 Trade and other receivables

	2023	2022
	€	€
Trade receivables	205,858	192,785
Impairment allowance	(16,995)	(21,353)
	188,863	171,432
Other receivables	2,357	2,357
Indirect taxation	3,520	5,773
Accrued income and prepayments	7,676	7,748
	202,416	187,310

9 Cash at bank

	2023	2022
	€	€
Cash at bank	960,110	927,654
Less fixed deposit accounts	(187,270)	(187,270)
Cash and cash equivalents – cash flow statement	772,840	740,384

10 Trade and other payables

	2023	2022
	€	€
Trade payables	34,195	28,398
Deferred income and accruals	191,650	184,699
	225,845	213,097

11 Taxation

With reference to the Broadcasting Act, Part 9 article 39 sub-article 2, Government subventions are deemed to be exempt from any liability for the payment of income tax and duty on documents. Hence no taxation was recognised in these financial statements given the Authority's main source of income is the Government's subventions.

12 Revenue

	2023	2022
	€	€
Government subvention	700,000	600,000
Master Antenna Facility Fees	60,554	60,541
Radio License Fees	139,954	141,298
Radio Application Fees	17,402	31,264
TV Application Fees	41,669	35,415
TV License Fees	128,877	127,913
Transmitter Rents Receivable	46,728	46,729
Gharghur site generator fees	13,814	13,814
Penalties income	2,798	13,260
	<u>1,151,796</u>	<u>1,070,234</u>

13 Expenses for the year

	2023	2022
	€	€
Audit fee	3,540	1,769
Depreciation	82,272	60,914
Wages and salaries	762,837	645,299

Staff costs incurred during the year are analysed as follows:

	2023	2022
	€	€
Board members' honoraria	89,114	75,050
Wages and salaries	631,148	532,259
	<u>720,262</u>	<u>652,604</u>
Social security contributions	42,575	37,990
Wages and salaries	762,837	645,299

The average number of persons employed during the year, including board members was made up as follows:

	2023	2022
	No	No
Board members	5	5
Operations	24	19
	<u>29</u>	<u>24</u>

14 Related party transactions

Broadcasting Authority operates under the provisions of the Broadcasting Act, Chapter 350 of the Laws of Malta to exercise regulatory functions regarding sound and television broadcasting services in Malta and to issue licenses for the provisions of such services in accordance with said Act.

	2023	2022
	€	€
<i>Transactions with related parties (further to note 12):</i>		
Government subvention	700,000	600,000

15 Capital commitment

The Authority is committed to build a Transmission backup site. This project mainly depends on the commitment and issuance of funds by the government.

16 Comparative information

Certain comparative figures disclosed in the main components of these financial statements have been reclassified to conform with the current year's presentation format for the purpose of fairer presentation.

17 Other information

The Broadcasting Authority a body corporate was established under the Broadcasting Ordinance XX of 1961. The registered office is 7, Mile End Street, Hamrun HMR 1719.

