

SUBSIDIARY LEGISLATION 350.28**BROADCASTING (SHORT NEWS REPORTING)
REGULATIONS**

1st July, 2007

LEGAL NOTICE 198 of 2007.

- 1.** The title of these regulations is the Broadcasting (Short News Reporting) Regulations. Citation.
- 2.** The Prime Minister is, in terms of article 37(1) of the Broadcasting Act, hereby giving directions to the Broadcasting Authority to conform, through these regulations, with Malta's international obligations under article 9 of the Council of Europe's European Convention on Transfrontier Television done at Strasbourg on 5th May 1989, as amended. Directions in terms of article 37(1) of the Broadcasting Act. Cap. 350.
- 3.** (1) The right to short news reporting of an event where exclusive rights for their television broadcast have been acquired shall be regulated in terms of this regulation. Regulation of short news reporting.
- (2) For the purposes of this regulation:
- "event" means an event of high interest to the public which is transmitted on an exclusive basis by a primary broadcaster;
- "exclusive rights" means the rights acquired by a broadcaster contractually, from the organizer of an event or the owner of the premises where the event takes place, the authors or other right holders, with a view to the exclusive television broadcast of the event by that broadcaster for a given geographical zone;
- "primary broadcaster" means the broadcasting organization which holds the exclusivity for the television broadcast of an event;
- "secondary broadcaster" means any broadcasting organization wishing to provide information, by means of short reports, on an event in which the primary broadcaster holds the exclusive rights;
- "short report" means brief sound and picture sequences about an event such as to enable the viewers of the secondary broadcaster to have a sufficient overview of the essential aspects of such an event.
- (3) In order to enable the public to exercise its right to information, the property right of the primary broadcaster shall be the subject of limitations, in accordance with terms and conditions set out hereafter.
- (4) Any secondary broadcaster shall be entitled to provide information on an event by means of a short report. Such access shall be granted:
- (a) by allowing the secondary broadcaster to freely choose short extracts from the primary broadcaster's signal. Unless impossible for reasons of practicality, the secondary broadcaster shall identify the source of the extract as originating from the primary broadcaster; or

- (b) by having access to the site to cover the event, for the purpose of producing a short report:

Provided that the implementation of the provisions of this sub-regulation shall not be impeded, restricted or delayed by reason of any claim for charges made by the primary broadcaster or by the event organiser, as the case may be.

(5) For the implementation of the foregoing arrangements, the following aspects shall be taken into consideration:

- (a) if an organised event is composed of several organizationally self-contained elements, each self-contained element shall be deemed to be an event;
- (b) if an organised event takes place during several days, it shall give the right to produce at least one short report for each day; and
- (c) the short report shall be used exclusively by the secondary broadcaster and only in regularly scheduled news bulletins.

(6) Short extracts shall not -

- (a) exceed 90 seconds;
- (b) be transmitted before the event is concluded or, for sports events, before the end of a single day's play, whichever is the earlier;
- (c) be screened later than 24 hours after the event;
- (d) be used to create a public archive;
- (e) omit the logo or other identifier of the primary broadcaster.

(7) The primary broadcaster shall be entitled to appropriate compensation for technical costs incurred. In any event, no financial charge shall be required of the secondary broadcaster towards the cost of television rights.

(8) If the secondary broadcaster is granted physical access to the site, the event organiser or site owner shall be able to charge the secondary broadcaster for any necessary additional expenses incurred. Such charge shall be reasonable.

(9) Where an event organiser or a site owner refuses or impedes the secondary broadcaster from gaining physical access to the site, the secondary broadcaster shall be entitled to file an application with urgency before the Civil Court, First Hall demanding that the event organiser or site owner be ordered to grant such access forthwith.
