



GOVERNMENT OF MALTA

Government response to the Consultation on An Act to amend the Broadcasting Act, Chapter 350 of the Laws of Malta, and Legal Notices to amend related Subsidiary Legislation

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Executive Summary

Introduction and overview

1. A brief introduction about the subject.

The Broadcasting Act and related Subsidiary Legislation is in the process of being amended in order to transpose Directive (EU) 2018/1808 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities.

2. The public consultation date.

Include the objective and purpose of the public consultation.

On 8 May 2020, the Government published a Draft Bill amending Chapter 350 of the Laws of Malta and a draft Government Notice amending Subsidiary Legislation 350.18. The draft amendments mostly reflect the provisions of the EU Directive. Government proposed to adopt minimum harmonisation in line with the provisions of the Directive, without compromising any stricter rules which are already included in the current Act. In order to ensure consistency between the main Act and some of the Subsidiary Legislation, amendments to the relevant secondary laws is also proposed. The scope of the consultation was to seek feedback from the general public, in particular from stakeholders in the audiovisual media services sector.

3. This consultation sought views on:

- *Widening (broadening) of the scope of the Directive*
- *Accessibility*
- *Protection of minors*
- *Provisions related to advertising and product placement*
- *Sponsorship of certain programmes including exceptions*
- *The setting up of a new Board on Media Literacy*
- *Provisions related to video-sharing platforms*
- *Amendment to the watershed in Subsidiary Legislation 350.18*
- *Amendments to the Third and Fifth Schedules - advertising proportion and penalties respectively*

Responses to the consultation and process used to seek stakeholder views

This document is the Government Response to this consultation and sets out the Government's decisions on these matters.

4. The closing date of the public consultation. Which methods were used to receive the feedback. The total amount of responses. From whom you received the feedback.

The consultation closed on 22 May 2020. The consultation document and the reply form were available online and responses were accepted electronically (through a designated email address and the online response form). In total, there were 5 responses. These were received from local authorities as well as from the industry.

5. Include (if any) meetings with stakeholders and list who the stakeholders were.

An online information session was scheduled for 15 May 2020, half way through the consultation period, to clarify any technical issues on the draft legislation. Although some individuals and organisations expressed their interest in participating, and invites were sent, there was no participation during the session.

Summary of responses and decisions

The following is a summary of the consultation responses received. We would like to thank all those who took the time to respond to the consultation and participate in stakeholder meetings around the consultation exercise.

6. Statistics.

- Total feedback received: 5
- Total feedback received by individuals: 0
- Total feedback received by organisations: 5
- Total feedback received through email: 3
- Total feedback received through online form: 2
- Total feedback received by post: N/A

7. Summary of feedback received.

Some of the feedback received concerned provisions from the EU Directive which are being transposed to a minimum therefore cannot be further reduced. These include comments on the definition of “advertising”, definition of “programme”, provisions related to accessibility, prohibition of pop-ups or product placement during certain programmes. Some respondents proposed changes which go beyond the scope of the Directive, including in relation to gender mainstreaming, discrimination and equality. One respondent objected to the proposed amendment to the watershed in the Subsidiary Legislation. Two respondents provided feedback on provisions related to gambling. One respondent commented on European Works.

8. Your assessment and the Government’s decision (list the Government’s decisions).

The comments were reviewed and divided into three categories:

1. related to the minimum transposition of the Directive which could not be taken on board;

2. suggestions which go beyond the scope of the transposition and which cannot be taken on board at this time;

3. fine-tuning of the text which could be taken into consideration.

Having reviewed the comments received under the third category, the Government has decided to accept some of the recommendations. Having analysed the comments received regarding gambling, it was noticed that there might be difficulties in interpreting the provisions set in these Amendments in light of other legislation, including the Subsidiary Legislation. Therefore Government has decided to make a further amendment by deleting the provision prohibiting the advertising of casinos and amending the subsidiary legislation to create a more homogenous approach to advertising of all gambling products.

Implementation

9. When you intend to implement the decisions

Subject to Parliamentary approval, it is intended that the changes come into force by 20 September 2020, in order to adhere to the transposition deadline of the EU Directive.

Contact Details

If you have any questions regarding this response, please contact: euaffairs.opm@gov.mt