

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **C**
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



The Citizens' Right to Information: Law and Policy in the EU and its Member States

STUDY



DIRECTORATE GENERAL FOR INTERNAL POLICIES
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CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

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- Law and Policy in the EU and its Member States -

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Abstract

The study elaborates on the European Union citizens' right to be informed and to enjoy their right to access information. The approach adopted is two-fold: firstly, it aims at analysing the legal and factual situation of the media in the EU Member States; secondly, it explores the conditions under which the citizens can search for information of interest. Country reports represented in their integrality furtheron build the fundament for comparative analysis; another part of the study is dedicated to describing the relevant European benchmark applicable to the freedoms of the media and information.

This study was requested by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs.

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LIST OF ABBREVIATIONS

Art.	Article
AVMSD	Audiovisual Media Services Directive
CFI	Court of First Instance (now: General Court)
CFREU	Charter of Fundamental Rights of the European Union
CM	Committee of Ministers of the Council of Europe
CoE	Council of Europe
(A/V)DSL	Digital Subscriber Line
DG	Directorate General (European Commission)
DVB(-T/-C/-S/-H)	Digital Video Broadcasting (terrestrial, cable, satellite, handheld/mobile)
EC	European Community
eCD	eCommerce Directive
ECHR	European Convention on Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
ECJ	European Court of Justice
ECR	Series of Publication of Decisions of the EU Courts
EESC	European Economic and Social Committee
EP	European Parliament
EU	European Union
IPTV	Internet Protocol Television
ISP	Internet Service Provider
NGO	Non-Governmental Organisation
OJ	Official Journal of the European Union
OSCE	Organisation for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the Council of Europe
PSB, PSM	Public Service Broadcasting/Broadcaster, Public Service Media
Sec.	Section (§)
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union

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MALTA

2.2.18. Malta

2.2.18.1. Human Rights/Fundamental Guarantees, Legislation/Regulation, Codes of Conduct/Practice

2.2.18.1.1. *Human rights/Fundamental freedoms*

- Freedom of expression/Freedom of the media

As already the study in 2004 indicated and extended, the Constitution of Malta contains a provision guaranteeing freedom of expression, including freedom to receive and to communicate ideas and information without interference, in Article 41.

The entire text of Article 10 of the ECHR has been incorporated into Maltese Law, respectively in Article 10 of the First Schedule to the European Convention Act, and is directly enforceable by Maltese Courts.

- Freedom to receive and to access information

Freedom to access information is not explicitly endorsed by the Constitution.

- Safeguards on regulatory authorities

In Article 118, the Constitution establishes the Broadcasting Authority and in Article 119 it sets out its functions.

- Safeguards on "universal service"

Neither the Constitution of Malta, nor the Maltese case-law contains any provision on universal service.

2.2.18.1.2. *Media order (de lege lata and de facto)*

- "Market Entry"

In so far as the broadcasting media are concerned, Articles 10(1), 11(1)(a), 16I of the Broadcasting Act are relevant. Article 10(1) provides that 'Except as provided in this Act and in any other law, freedom to broadcast and to receive broadcasts is guaranteed'; article 11(1)(a) states that 'the principles of freedom of expression and pluralism shall be the basic principles that regulate the provision of broadcasting services in Malta' and Article 16I provides that 'Except as provided in this Act and in any other law, freedom to broadcast and to receive broadcasts is guaranteed.'

- Licensing schemes; remit psm; notification for print publications

The Broadcasting Act regulates the licensing/registration for commercial broadcasting stations, public service broadcasting stations, general interest broadcasting stations, and the providers of online services. The public service broadcaster's radio and television broadcasting stations are licensed by the Minister responsible for broadcasting.¹

¹ Article 10(4C) of the Broadcasting Act.

Commercial broadcasters are licensed by the Broadcasting Authority,² general interest objective broadcasting stations are licensed by the Broadcasting Authority (except with regard to stations owned by the public service broadcaster which continue to be licensed by the Minister responsible for broadcasting)³ and the notification of providers of online services is made to the Broadcasting Authority.⁴ In addition, the Broadcasting Authority also licences satellite radio⁵ and satellite television⁶ and community radio services.⁷

The Constitution of Malta, in Article 41 dealing with freedom of expression, provides that any person who is resident in Malta may edit or print a newspaper. However, the Constitution allows Parliament to enact laws:

- “(a) prohibiting or restricting the editing or printing of any such newspaper or journal by persons under twenty-one years of age; and
- (b) requiring any person who is the editor or printer of any such newspaper or journal to inform the prescribed authority to that effect and of his age and to keep the prescribed authority informed of his place of residence.”⁸

The Press Act further supplements the Constitution’s provision by allowing any person resident in Malta above the age of 18 years to edit a newspaper;⁹ to register with the Press Registrar in the case of newspapers;¹⁰ and obliges such person to deliver a free copy of a newspaper to the Press Registrar, Attorney General and Commissioner of Police.¹¹

- Media pluralism/ownership; competition law aspects

There are no anti-concentration rules in Maltese Media Law which apply to the print medium or to the new media. In the latter two cases, the matter is regulated by competition law. Anti-concentration rules are found only in the Broadcasting Act, Article 10, with regard to the broadcasting media. This provision allows a company to concurrently own, control or be editorially responsible for more than one nationwide radio service and one nationwide television service, except in the following cases:

- (a) only one nationwide radio service may be licensed on the FM frequency to the same organization, person or company;¹²
- (b) not more than two generalist nationwide television services may be licensed to the same organization, person or company;¹³

² Article 10(4A)(b) of the Broadcasting Act.

³ Article 10(4A)(a) of the Broadcasting Act.

⁴ Article 16O of the Broadcasting Act.

⁵ Article 10(4)(d) of the Broadcasting Act.

⁶ Article 10(4)(e) of the Broadcasting Act.

⁷ Article 10(4)(c) of the Broadcasting Act.

⁸ Article 41(3) of the Constitution of Malta.

⁹ Article 34 of the Press Act.

¹⁰ Article 35 of the Press Act. This requirement applies also to editors of broadcasting media even though these media might, in addition, need a licence from (or in the case of on-demand audiovisual media services to notify) the Broadcasting Authority.

¹¹ Article 37 of the Press Act. No such requirement is made for the broadcasting media or for on demand audiovisual media services as Article 43 of the Press Act does not extend the provisions of Article 37 of the same enactment to the broadcasting media/on-demand audiovisual media services.

¹² Article 10(6)(a) of the Broadcasting Act.

¹³ Article 10(6)(b) of the Broadcasting Act.

- (c) the same organisation, person or company may not own, control or be editorially responsible for more than one nationwide radio or television service predominantly transmitting news and current affairs;¹⁴
- (d) the same organisation, person or company may not own, control or be editorially responsible for more than one community radio service;¹⁵
- (e) any organisation which owns, controls or is editorially responsible for a nationwide radio service or a nationwide television service or a satellite radio service may not own, control or be editorially responsible for a community radio service.¹⁶

On the other hand local councils may not own, control or be editorially responsible for any broadcasting service (including a community radio service).¹⁷

The ordinary competition law applies in so far as media ownership is concerned. There have been no cases of relevance to this study which can be reported upon.

- Legal framework for psm; ability to fulfill their tasks

There is no provision in the Broadcasting Act which establishes a legal framework for public service media operations, whether broadcasting or online. The Broadcasting Act does state that all government broadcasting should be carried out through a company owned by Government but stops short from setting out the terms of reference of such company.¹⁸ It is the National Broadcasting Policy¹⁹ which attempts to fill in these legal gaps by setting out Public Broadcasting Services Limited's remit as a public service broadcaster. This is done through an agreement, a public service obligation, entered into between the Minister responsible for broadcasting and the said company.

As to the ability to fulfil their tasks and their actual performance, one of the difficulties encountered by the public service broadcaster has been that it did not benefit from the fees received by way of television licence fees. Up till 31 December 2011, when such television licence fees were still levied by the Government, the proceeds of such fee used to be absorbed by the Government for non-broadcasting use: the Government used to retain these fees as part of its income without passing it on to the public service broadcaster. Since 1 January 2012, broadcasting licences fees have been abolished and therefore are no longer collected. As the finances given by the Government to the public service broadcaster are relatively small, the public service broadcaster has had to compete with private broadcasters for advertising revenue. On the other hand, private broadcasting stations have been critical of this move as the public service broadcaster is competing with them for advertising revenue. The public service broadcaster practically farms out all its programmes except its news bulletin and some current affairs programmes.

¹⁴ Article 10(6)(c) of the Broadcasting Act.

¹⁵ Article 10(6A) of the Broadcasting Act.

¹⁶ Article 10(6A) of the Broadcasting Act.

¹⁷ Article 10(6D) of the Broadcasting Act.

¹⁸ Article 10(4D) of the Broadcasting Act.

¹⁹ Available at www.ba-malta.org/file.aspx?f=682.

- The role and functioning of regulatory authorities in these respects

The Broadcasting Authority has been designated by law as the competent authority to license satellite radio and television broadcasting²⁰ and has been designated by law as the competent authority to licence digital radio broadcasting.²¹

The regulatory authority does not as a rule have a say on what information is provided by broadcasting media except in the case of the public service broadcaster where the Authority has to approve the programme schedule of the public service broadcaster's television station (Television Malta – TVM) and during the electoral campaign for EU Parliamentary elections, general elections and referenda where the Broadcasting Authority approves programme schedules of all broadcasting stations (radio and television) to ensure that during that four to five week campaign all stations respect the constitutional provision concerning due impartiality and balance in political broadcasting.

- “Pursuit of Core Activity”

- Ordinary law safeguards for journalistic activity

Journalistic activity is primarily carried out under the provisions of the Press Act. In Malta journalists are not a warranted profession. There is no register of journalists. Journalists are given a Press Card from the Department of Information. This Card simply gives them access to Government-held activities but can in no way be compared to a licence to exercise the profession of a journalist.

Journalistic activity is also carried out under the provisions of the Criminal Code and, in the case of broadcasting, also under the Broadcasting Act. There are certain privileges which these laws grant to journalists. For instance, the Criminal Code does not allow the Police to arrest a journalist without warrant²² or to arrest a journalist for allegedly committing a contravention or a crime not subject to the punishment of imprisonment.²³

The general provision regulating the protection of journalistic sources is found in Article 46 of the Press Act. It reads in the relevant part as follows:

“No court shall require any person mentioned in Article 23 to disclose, nor shall such person be guilty of contempt of court for refusing to disclose, the source of information contained in a newspaper or broadcast for which he is responsible unless it is established to the satisfaction of the court that such disclosure is necessary in the interests of national security, territorial integrity or public safety, or for the prevention of disorder or crime or for the protection of the interests of justice:

Provided that the court shall not order such disclosure unless it is also satisfied that in the particular circumstances of the case the need for investigation by the court outweighs the need of the media to protect its sources, due regard being taken of the importance of the role of the media in a democratic society.”

Exceptions to this provision are found in the Criminal Code²⁴ and in special laws.²⁵

²⁰ Article 16C(1) of the Broadcasting Act.

²¹ Consumer Protection Laws (Amendment) Act, 2006, Act No. XV of 2006, now Article 16B of the Broadcasting Act.

²² See Article 355X(5) of the Criminal Code.

²³ See Article 355Y of the Criminal Code.

²⁴ Chapter 9 of the Laws of Malta.

Journalists are not afforded an absolute right to refuse to testify. On the contrary, there are laws which oblige any person, including a journalist, to testify.²⁶

Searches are regulated by Article 355E of the Criminal Code which, in relevant part, reads as follows:

"355E. (1) Saving the cases where the law provides otherwise, no police officer shall, without a warrant from a Magistrate, enter any premises, house, building or enclosure for the purpose of effecting any search therein or arresting any person who has committed or is reasonably suspected of having committed or of being about to commit any offence unless:

- (a) the offence is a crime other than a crime punishable under the Press Act and there is imminent danger that the said person may escape or that the *corpus delicti* or the means of proving the offence will be suppressed; or
- (b) the person is detected in the very act of committing a crime other than a crime punishable under the Press Act; or
- (c) the intervention of the Police is necessary in order to prevent the commission of a crime other than a crime punishable under the Press Act; ..."

There are no provisions on the Statute book which allow a person to shut up the press through libel suits. This is because the consequences for libel are not of such a nature which bring about the closure of the medium concerned. Nor are the damages involved of an exorbitant and prohibitive nature as the maximum amount to be inflicted cannot exceed five thousand Euro.

Defamation is a criminal offence in terms of Article 252 of the Criminal Code:

- "252. (1) Whosoever, with the object of destroying or damaging the reputation of any person, shall offend such person by words, gestures, or by any writing or drawing, or in any other manner, shall, on conviction, be liable to imprisonment for a term not exceeding three months, or to a fine (*multa*).
- (2) Where the defamation consists in vague expressions or indeterminate reproaches, or in words or acts which are merely indecent, the offender shall be liable to the punishments established for contraventions.
 - (3) Where the defamation is committed by means of writings, effigies or drawings, divulged or exhibited to the public, the offender shall be liable to imprisonment for a term not exceeding one year.
 - (4) Where the defamation is directed against an ascendant, and the offence is punishable with imprisonment, the offender shall also be liable to a fine (*multa*)."

²⁵ For a list of such laws see Kevin Aquilina, 'Protection of Journalistic Sources in Maltese Law: An Appraisal from the Viewpoint of the European Convention of Human Rights', *International Journal of Public Law and Policy*, Volume I, No. 3, pp. 245-263.

²⁶ Ibid.

- Specific positive content obligations

The Broadcasting Authority has produced several codes of conduct for broadcasters and advertisers known as Requirements as to Standards and Practice²⁷ in so far as broadcasters are concerned.

In so far as regulation of journalists and broadcasters is concerned, there are a number of standards and guidelines, very much similar to codes of ethics and codes of conduct/practice made by the Broadcasting Authority which apply however only to the broadcasting media. These comprise the following:

- (a) Requirements as to Standards and Practice applicable to News Bulletins and Current Affairs Programmes, Subsidiary Legislation 350.14;²⁸
- (b) Requirements as to Standards and Practice applicable to Participation in Media Programmes of Vulnerable Persons, Subsidiary Legislation 350.15;²⁹
- (c) Requirements as to Standards and Practice applicable to the Coverage of Tragedies in Broadcasting, Subsidiary Legislation 350.16;³⁰
- (d) Requirements as to Standards and Practice applicable to Disability and its Portrayal in the Broadcasting Media, Subsidiary Legislation 350.17.³¹

- Funding schemes for specifically desired content

No such schemes exist.

- Political advertising and/or broadcasting time

Each time a general election, a referendum, a European Union Parliament election or a local council election are held, the Broadcasting Authority organises a scheme under its patronage of election/referendum broadcasts. In so far as general elections, referenda and European Union Parliament elections are concerned, the Authority organises an ad hoc scheme of political broadcasts for those elections/referenda. Normally the Authority does not organise an ad hoc scheme of political broadcasts for local council elections as these broadcasts normally form part of the Authority's Scheme of Political Broadcasts. All these political broadcasts are transmitted on the public service radio and television channels.

²⁷ Requirements as to Standards and Practice exist on the following subjects: News Bulletins and Current Affairs Programmes (SL 350.14); Participation in Media Programmes of Vulnerable Persons (SL 350.15); Coverage of Tragedies in Broadcasting (SL 350.16); Disability and its Portrayal in the Broadcasting Media (SL 350.17); Family Viewing and Listening (SL350.18); Phone-in Programmes Aired on the Broadcasting Media (SL350.19); Crawls and Captions in Television Programmes (SL350.20); Various Types of Polls Broadcast on Radio and Television Services (SL 350.21); Conduct of Competitions and the Award of Prizes (SL 350.22); Promotion of Racial Equality (SL 350.26); Price of Telephone Calls and SMSs in the Broadcasting Media (SL 350.27); Programmes Involving the Participation of Certain Health Care Professionals in the Broadcasting Media (SL 350.30). These requirements are also supplemented by the Broadcasting Code for the Protection of Minors (SL 350.05); Broadcasting Code on the Correct Use of the Maltese Language on the Broadcasting Media (SL 350.10).

²⁸ Text available at

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10169&l=1>.

²⁹ Text available at

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10170&l=1>.

³⁰ Text available at

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10171&l=1>.

³¹ Text available at

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10172&l=1>.

The Broadcasting Authority is responsible for organising schemes for political broadcasts. These comprise a general party political scheme and specialise schemes such as those for general elections, EU Parliament elections, local councils elections and referenda. Such scheme includes political spots which are allotted to all political parties participating therein. The Broadcasting Authority has not allowed, outside of its scheme of political broadcasts, the airing of political spots by civil society organisations. The Authority has been taken to court and has lost the case.³² This notwithstanding, the Broadcasting Act has not been amended to be brought in line with the court's decision. The Broadcasting Act regulates such political broadcasting schemes in Article 13(4) and in paragraph 1 of the Third Schedule to the Broadcasting Act.

- Codes of conduct and their organisational framing

In so far as self-regulation is concerned, the Press Ethics Commission which is a self-regulatory structure, has its own *Code of Journalistic Ethics* which applies to journalists, irrespective of the medium upon which they publish their writings.³³

This Code of Journalistic Ethics essentially deals with unethical behaviour, reporting of crime and court proceedings, character assassination, conscientious objection, respect for minors under the age of eighteen years as well as the sanctions which the Press Ethics Commission may impose on journalists for breach of the Code of Journalistic Ethics.

In so far as all media are concerned, complaints can be made by members of the public to the self-regulatory structure known as the Press Ethics Commission but this mainly deals with complaints against journalists.

There is also a complaints mechanism in place in so far as broadcasting is concerned where any person may complain directly to the Broadcasting Authority in so far as unjust and unfair treatment and infringement of privacy by a broadcasting station is concerned.³⁴ In terms of Article 21A of the Broadcasting Act affected third parties may also complain with the Authority seeking effective compliance by broadcasters with the provisions of the Broadcasting Act and any subsidiary legislation made thereunder.

- The role and functioning of regulatory authorities in these respects

In so far as the print and new media are concerned, there are no specific regulatory authorities which are established to regulate the media although in certain respects, mainly advertising, they can be regulated by a sectoral regulator. The Broadcasting Authority has lost a case before the Civil Court, First Hall, which has ruled that the Authority has not respected the principle of *nemo iudex in causa propria* when considering an administrative offence. It was decided on 7 February 2012 and may be appealed by the Authority.³⁵

- Distribution Aspects

- Access to frequencies

Broadcasting frequencies are assigned by the Minister responsible for communications to the Broadcasting Authority in terms of Article 18 of the Broadcasting Act. The Authority then assigns these frequencies to broadcasters. The Minister is obliged by law to grant to

³² *Tony Zarb et. noe vs. Broadcasting Authority*, Constitutional Court, 3 November 2006.

³³ The Code of Journalistic Ethics is available at <http://www.maltapressclub.org.mt/ethics-new.htm>.

³⁴ Article 34 of the Broadcasting Act.

³⁵ *Smash Communications Limited vs. Broadcasting Authority et.*

the Authority such technical assistance it might require to carry out its duties in terms of the said provision.

- Access to distribution networks and control of actual conditions

The Broadcasting Authority does not licence distribution networks. Nor does it control actual conditions. The distribution networks for programme content come in the form of networks (platforms). In so far as distribution of television channels is concerned, networks enter into agreements with the television channels in question so that these television stations are carried on the platform's network. Such agreements are not regulated by the Broadcasting Authority but by competition law. The actual conditions imposed in these agreements are for the parties (the network operator and the television station in question) to decide and should there be a dispute between these parties the matter will have to be resolved through mediation, arbitration or court settlement.

However, in 2010 the Broadcasting Law was amended to make certain provisions concerning disputes with regard to one specific network operator: the general interest objective (GIO) station (and not the other network operators such as the cable television operator; the digital radio operator and the digital terrestrial television operator which continue to be regulated by competition law). Article 40 of the Broadcasting Act, in relevant parts, reads as follows:

"40. (1) The Authority shall appoint and license a network operator (hereinafter referred to as "the network operator") to run the general interest objective network licensed by the Malta Communications Authority in terms of the Electronic Communications (Regulation) Act.

(6) The Authority may make regulations to give better effect to the provisions of this article and may, without prejudice to the generality of the foregoing, make regulations in respect of the determination of disputes between the network operator and the general interest objective service, the regulation of the general interest objective network in order to ensure that the network operator abides by the provisions of this article and any regulations made thereunder and, generally to ensure that an uninterrupted service is provided by the network operator.

Provided that in the case of a dispute between the network operator and a general interest objective service licensee, such disputes shall be referred to a standing arbitral tribunal to be composed of one person appointed by the Broadcasting Authority who shall preside, one person appointed by the Malta Communications Authority and one person appointed in agreement between the Broadcasting Authority and the Malta Communications Authority. The said tribunal shall decide the complaint as expeditiously as possible and its decision shall be final."

So far no regulations have been made under Article 40(6) of the Broadcasting Act.

There are no distribution networks with regard to non-broadcasting media.

- Must-carry/must-offer rules for electronic media

General interest objective television services have to be carried by the GIO television network operator. It is the Broadcasting Authority which licences the GIO television services to be carried by the network operator on the latter's multiplex. These stations have to cater for a wide variety of programming which include news, current affairs,

education and cultural programmes amongst others.³⁶ Moreover, GIO television services have to offer, free to air and free of charge, their broadcasting content to such electronic communications networks as the Authority may direct.³⁷ The must-offer provision is thus limited only to GIO television services and does not extend to commercial television services such as teleshopping services or commercial televisions which are not of a GIO nature.

- Role of platform operators

The GIO is appointed and licensed by the Broadcasting Authority.³⁸ The conditions and fees imposed by the network operator upon the GIO television services have to meet the approval of the Authority.³⁹ Other platform operators exist for cable television and for digital terrestrial television⁴⁰ as well as for digital radio.⁴¹

- Access to Information

- Transparency of media ownership situations

Transparency of media ownership situations may be learnt through the shareholding of the companies owning the media. Such information can be obtained from the Registrar of Companies.

- Accountability of public service media

Public Services Broadcasting Limited (PBS Ltd.) is accountable to its sole shareholder – the Government of Malta – and is also accountable to the broadcasting regulator in terms of law. This is because the provisions of Article 119(1) of the Constitution of Malta and the Broadcasting Act (and the subsidiary legislation made thereunder) equally apply and bind the public service broadcaster. The public service obligation is a contract entered into between the Minister and PBS Ltd. Hence there are contractual obligations which the PBS Ltd. must respect vis-a-vis Government. The Minister responsible for broadcasting is individually accountable to Cabinet for the workings of the public service broadcaster⁴² and, in turn, Cabinet is collectively accountable to Parliament in so far as the workings of the public service broadcaster are concerned.⁴³

The public service broadcaster, although licenced by Government and not by the Broadcasting Authority, still has to comply with all the laws in force which apply to private broadcasting stations and, in addition, as a general interest objective station, has to comply with the criteria approved by the Broadcasting Authority for a GIO station.⁴⁴ It also has to comply with the National Broadcasting Policy⁴⁵ and certain provisions of the

³⁶ Article 40(2) of the Broadcasting Act.

³⁷ Article 40(5) of the Broadcasting Act.

³⁸ Article 40(1) of the Broadcasting Act.

³⁹ Article 40(7) of the Broadcasting Act.

⁴⁰ Licensed under article 3(3) of the Broadcasting Act.

⁴¹ Programme content on the digital radio is licensed by the Broadcasting Authority in terms of Article 16B of the Broadcasting Act.

⁴² Article 82(1) of the Constitution reads as follows: 'Subject to the provisions of this Constitution, the President, acting in accordance with the advice of the Prime Minister, may, by directions in writing, assign to the Prime Minister or any other Minister responsibility for any business of the Government of Malta including the administration of any department of government.'

⁴³ Article 79(2) of the Constitution reads as follows: 'The Cabinet shall have the general direction and control of the Government of Malta and shall be collectively responsible therefor to Parliament.'

⁴⁴ For the text of these criteria, see General Interest Objectives (Television Services) (Selection Criteria) Regulations, SL 350.32.

⁴⁵ See footnote 24 above for the text of the National Broadcasting Policy. The National Broadcasting Policy is referred to in Article 10(4E) of the Broadcasting Act.

Broadcasting Act which apply only to public service stations.⁴⁶ Whilst the Freedom of Information Act applies to records kept by the public service broadcaster, the same cannot be said for privately owned broadcasting stations.⁴⁷

- Freedom of information laws

Freedom to access information is spread over a number of laws. The general law is contained in the Freedom of Information Act. This law is supplemented by the Press Act, the National Archives Act⁴⁸ and by special laws. The latter comprise Local Government,⁴⁹ environmental regulation⁵⁰ and regulation of registries and archives (Public Registry;⁵¹ Land Registry;⁵² Company Registry;⁵³ and Court Archives).⁵⁴

Article 47 of the Press Act reads as follows:

"47. (1) The Government shall establish procedures to give representatives of the press the information which helps them fulfil their public tasks.

(2) Subarticle (1) shall not apply in the following cases:

- (a) where such information could foil, impede, delay or jeopardise the appropriate process of pending legal proceedings or where Government or another public authority would be legally entitled to refuse to grant such information in a court or other tribunal established by law;
- (b) where the granting of such information would entail the disclosure of information received by Government in confidence;
- (c) where such information would violate an overriding public interest or a private interest warranting protection;
- (d) where the information concerns matters related to national security or public safety;

⁴⁶ Such is the case with Article 13(2)(f) proviso which does not allow the public service broadcaster to be partial in its programmes by bearing in mind what has been broadcast on private stations. This balancing out provision applies only to private stations and the public service broadcaster must always ensure impartiality in terms of Article 119 of the Constitution. The public service broadcaster's programme schedule requires in terms of Article 23(1) of the Broadcasting Act prior approval by the Broadcasting Authority. Hence, the provisions relating to the public service broadcaster are more onerous than in the case of other General Interest Objective services and commercial broadcasters.

⁴⁷ Article 2 of the Freedom of Information Act defines a 'public authority' as '(a) the Government, including any ministry or department thereof; (b) a Government agency established in terms of the Public Administration Act or any other law; and (c) any body established under any law, or any partnership or other body in which the Government of Malta, a Government agency or any such body as aforesaid has a controlling interest or over which it has effective control'. Public Broadcasting Services Limited, a Government wholly owned and controlled by Government, falls under the definition of a 'public authority'.

⁴⁸ Chapter 477 of the Laws of Malta.

⁴⁹ Information as to meetings of local government authorities is regulated by Article 45 of the Local Councils Act, Chapter 363 of the Laws of Malta.

⁵⁰ See the Environment and Development Planning Act, Chapter 504 of the Laws of Malta, in particular Article 64, and Freedom of Access to Information to Environment Regulations, 2005, Subsidiary Legislation 504.65.

⁵¹ Chapter 56 of the Laws of Malta.

⁵² Chapter 296 of the Laws of Malta.

⁵³ Article 401(1)(g) of the Companies Act, Chapter 386 of the Laws of Malta.

⁵⁴ See, for instance, regulation 11 of the Civil Procedure (Regulation of Registries, Archives and Functions of Director General (Courts) and Other Court Executive Officers) Regulations, 2004, Subsidiary Legislation 12.21 and regulation 6 of the Criminal Procedure (Regulation of Registries, Archives and Functions of Director General (Courts) and Other Court Executive Officers) Regulations, 2004, Subsidiary Legislation 9.09.

(e) when the gathering of the information requested would place a disproportionate burden on the public administration.”

The Press Act, in Article 47(3), contains a provision which ensures that the Government does not discriminate amongst certain sectors of the media when releasing information. It provides for a general obligation of considering all media on the same footing:

“(3) It shall not be lawful for Government to issue general instructions that prohibit the giving of information to any newspaper or licensed broadcasting service holding a particular view or to any specified newspaper or licensed broadcasting service.”

Although Malta has enacted in 2008 a Freedom of Information Act, the most important provisions which empower journalists to obtain access to Government held information will come in force on 1 September 2012.

The regulatory authority is exempt from having its records accessible to the public in so far as its constitutional functions of ensuring balance and impartiality in broadcasting are concerned.⁵⁵ No such blanket prohibition exists, however, in so far as the Authority's functions under ordinary law is concerned.⁵⁶ Hence, in so far as ordinary law is concerned (as opposed to the supreme law of the land, the Constitution of Malta), the Broadcasting Authority may refuse to grant access to its records only in those cases listed in the Freedom of Information Act.⁵⁷

- Accessibility of products/services and distribution networks

There are no aid schemes in place to purchase reception devices. A viewer can have access free of charge to the general interest platform (there are currently 6 stations on offer) provided that viewers purchase at their own expense a set top box. Otherwise they can have access to these GIO stations through the cable television platform and the digital terrestrial television platform (which both carry the GIO stations in their lowest tier of subscription package, which is the case with the vast population of television viewers in Malta).⁵⁸

The broadcasting licence fee used to be paid by any person in Malta who owned one or more television sets. Such annual fee was paid to the Government. However, with effect from 1 January 2012 this fee has been abolished except for the collection of arrears of revenue due to Government prior to 1 January 2012.⁵⁹

Access to broadcasting services is affordable either because it is offered at a reasonable subscription price or even for free. In the case of analogue radio and digital radio the service is available free of charge. Digital terrestrial television and cable television is by subscription though at very affordable rates. Newspaper are sold at a cheap price. Hence information services are readily accessible and are reasonably priced.

⁵⁵ The Broadcasting Authority's constitutional functions are set out in Article 119(1) of the Constitution of Malta. The latter provision reads as follows: 'It shall be the function of the Broadcasting Authority to ensure that, so far as possible, in such sound and television broadcasting services as may be provided in Malta, due impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policy and that broadcasting facilities and time are fairly apportioned between persons belonging to different political parties.'

⁵⁶ Article 6(4)(g) of the Freedom of Information Act provides that the Freedom of Information Act does not apply to the Broadcasting Authority 'in so far as such documents relate to its functions under Article 119(1) of the Constitution'.

⁵⁷ Parts V and VI of the Freedom of Information Act, Chapter 496 of the Laws of Malta, which list those cases where the law does not allow access to public records.

⁵⁸ <http://www.dso.org.mt/assets/files/DSO%20May%202011%20Survey%20Results.pdf>.

⁵⁹ http://finance.gov.mt/image.aspx?site=MFIN&ref=2012_Budget_Speech_English, p. 74.

I am not aware of any public subsidisation or commercially-offered reduced rates for subscription to print publications.

- “Have a Say on ...”
 - Complaint procedures, “Ombudsmen”

The Ombudsman cannot investigate complaints with regard to the Broadcasting Authority as the Ombudsman Act specifically states so, the reason being that the Authority is established as an independent body by the Constitution of Malta.⁶⁰ The Ombudsman does not even have jurisdiction over private broadcasting stations or other media except for the public service broadcaster.

Naturally, it remains always possible to take one’s case against the Authority or the media before the courts.

- Participation in media operators/(self-)regulatory bodies

There are no viewers’ and listeners’ councils in Malta but there is a Consumers’ Association which sometimes expresses itself on broadcasting matters, normally in so far as advertising rules on the broadcasting media are concerned. The Consumers’ Association is a non-governmental voluntary organisation.

As to co-regulatory bodies there are none and as to self-regulatory bodies there is mainly the Institute of Journalists. But there is no real affinity between the self-regulatory structure (the Institute of Journalists) and the regulatory structure (the Broadcasting Authority) except that for the last couple of years the Broadcasting Authority has been sponsoring on an annual basis the Malta Journalism Award relating to broadcasting organised by the Institute of Journalists.⁶¹

2.2.18.2. Main Players in the Media Landscape

General figures on the main players and their shares in audience reach, subscription, etc., is provided below.

2.2.18.2.1. Radio

In Malta, there are thirteen nationwide analogue FM radio stations and four nationwide digital radio stations. Three radio stations are owned by the public service broadcaster (Radju Malta; Radju Parlament 106.6; Magic Radio); two radios are owned by the political parties (Radio 101 by the Nationalist Party and One Radio by the Labour Party); one radio is officially owned by the Catholic Church (RTK) and there is also a second Catholic radio operating in Malta (Radju Maria); one radio station is owned by the University of Malta (Campus FM); the remaining five radio stations are of a commercial nature (Bay Radio, Calypso Radio; Vibe FM; XFM; Smash Radio).⁶²

2.2.18.2.2. Television

There are seven nationwide television stations in Malta. Two television stations are public service stations (TVM and Education 22); two television stations are owned by the political parties (NET TV by the Nationalist Party and One TV by the Labour Party); two

⁶⁰ Ombudsman Act, Chapter 385 of the Laws of Malta, Article 12 and First Schedule, Part A.

⁶¹ <http://www.ba-malta.org/prdetails?id=190>.

⁶² <http://www.ba-malta.org/prdetails?id=222>.

television stations are of a commercial nature (Smash TV; Favourite TV); one is a music television station (Calypso Music TV). There is also one fully dedicated teleshopping television station (ITV).⁶³

There are 16 satellite television broadcasting stations licensed by the Broadcasting Authority.⁶⁴

2.2.18.2.3. *Press and Publishing*

There are four daily newspapers published Monday to Saturday: *The Times of Malta*, *In-Nazzjon Taghna* (Our Nation) owned by the Nationalist Party, *L-Orizzont* (The Horizon) owned by the General Workers' Union, the largest trade union in Malta) and *The Malta Independent*. *The Times* and *The Independent* are owned by commercial interests.

There are four weekly newspapers published on a Sunday. These are: *The Sunday Times of Malta*, *The Malta Independent on Sunday*, *Il-Mument* (The Moment) published by the Nationalist Party, *Kulhadd* (Everybody) published by the Labour Party, *It-Torca* (The Torch) published by the General Workers' Union and *Malta Today* published by commercial interests.

Business Today and the *Malta Business Weekly* are published also on a weekly basis.

Lehen is-Sewwa and *Illum* are not mentioned in the 2004 report. *Lehen is-Sewwa* is owned by a Catholic Church organisation, Catholic Action, and has been in print since 1 September 1928. It is a weekly newspaper. *Illum* is also a weekly newspaper which goes back to 2006.

As to publishing, there are various books, magazines and leaflets published. A list of publishers is found at <http://www.ktieb.org.mt/>.

2.2.18.2.4. *Online media (non-linear audiovisual (media) services; websites)*

There are two subscription based on-demand audiovisual media services in Malta, one provided by the cable operator, Melita p.l.c.,⁶⁵ and another operated by the digital terrestrial television operator, Go p.l.c.⁶⁶ There is also one free on-demand service provided by di-ve.com.⁶⁷

Although no document could be traced which lists all Maltese owned websites or provides general information about them, all printed newspapers have their own electronic version of the newspaper on the web. All radio and television stations also have their own websites and some of them webcast the programmes on the world wide web. There is at least one portal which provides news information. Moreover, the Labour Party and the Nationalist Party have their own websites containing news items.

2.2.18.2.5. *Cable/Satellite network operators, IPTV & Internet Access Providers*

There are four platform operators: the public service broadcaster PBS Ltd. in so far as the 6 general interest obligation television stations are concerned; one cable radio and

⁶³ <http://www.ba-malta.org/prdetails?id=222>.

⁶⁴ *Broadcasting Authority Annual Report 2010*, Broadcasting Authority, 2011, p. 13, available at http://www.ba-malta.org/annual-report_2010.

⁶⁵ <http://www.melita.com/personal/bundles/entertainment-pack/video-on-demand/>.

⁶⁶ <http://www.gointeractivetv.com.mt/features.aspx?id=26>.

⁶⁷ http://public.di-ve.com/streaming/on_demand_event_library.aspx?backUrl=streaming/live_radio_streams.aspx.

cable television operator; one digital terrestrial television operator; and one digital radio operator. Whilst the GIO network and the digital radio network are accessible free of charge, the cable network and the digital terrestrial television are accessible via a subscription. The GIO network is also accessible via the cable network and the digital terrestrial television network at the cheapest tier of subscription.⁶⁸

There is only one cable operator in Malta, Melita Cable p.l.c. It provides subscriptions to 155 digital and HD television channels and 61 digital radio stations. There is a vast array of programming covering news, documentaries, movies, sports, education, children's programmes, entertainment, fashion, travel, etc.

Go p.l.c. is the sole digital terrestrial television broadcaster in Malta. It provides subscription to 112 digital television channels.⁶⁹

There is only one digital radio operator in Malta, Digi B Networks Ltd. The Broadcasting Authority has licensed 4 digital radio stations of local origin on the digital radio platform⁷⁰ in addition to 36 foreign digital radio stations and 11 simulcasted nationwide analogue radio stations.⁷¹

Although there is no registration system of internet service providers, it seems that there are around twelve internet service providers in Malta.⁷²

2.2.18.2.6. Audience/Readership/Usage/Subscription; Advertising market shares (all media)

As to audience ratings, the radio total daily average audience for the period October/December 2011 was as follows: One Radio 18.86%; Calypso Radio 14.99%; Bay Radio 14.03%; Radio Malta 12.52%; RTK 8.43%; Radio 101 5.54%; Radju Marija 4.79%; Magic Radio 4.49%; Vibe FM 4.35%; Smash Radio 4.15%; all community radio stations 2.58%; all foreign radio stations 2.49%; XFM 1.70%; Campus FM 1.08%.

In the television market, the total daily average audience for the period October/December 2011 was as follows: TVM 36.96%; One TV 20.82%; Net TV 6.39%; Favourite Channel 0.94%; iTV 0.15%. The other stations – Smash TV, Education TV and Calypso Music TV all scored less than 0.1%.

Melita Cable had 100,000 subscribers on 27 October 2011.⁷³ Go p.l.c. had 40,000 subscribers on 6 August 2009.⁷⁴ As at end of September 2011, there were 137,561 in total for digital cable and terrestrial television subscriptions with Melita Cable p.l.c. and Go p.l.c. and 11,107 analogue television subscriptions with Melita Cable p.l.c.⁷⁵

As to advertising market shares it is known that the public service broadcaster captures a significant part of the market. The Broadcasting Authority had commissioned Grant Thornton to report on the advertising market share of the broadcasting media. However this report is today dated and no reference continues to be made to it on the Broadcasting Authority's website.

⁶⁸ €7.76c per month subscription with Melita Cable p.l.c. and €5.00c per month subscription with Go p.l.c.

⁶⁹ <http://www.gointeractivetv.com.mt/packages.aspx>.

⁷⁰ <http://www.ba-malta.org/prdetails?id=199>.

⁷¹ <http://www.ba-malta.org/prdetails?id=130>.

⁷² <http://aboutmalta.com/internet/Providers.htm> (Waldonet has recently ceased operations).

⁷³ <http://www.melita.com/100000-views-for-melita%e2%80%99s-video-on-demand-service>.

⁷⁴ <http://www.digitaltvnews.net/content/?p=9594>.

⁷⁵ http://www.nso.gov.mt/statdoc/document_file.aspx?id=3195.

2.2.18.3. Conclusion and Recommendations

When one compares the situation of the media in Malta in 2012 with that of 2004 as detailed at pp. 141 to 145 of the Final report of the study on “the information of the citizen in the EU: obligations for the media and the Institutions concerning the citizen’s right to be fully and objectively informed”, drawn up by the European Institute for the Media on 31 August 2004, the following noteworthy developments should be chronicled with regard to the media sector:

- satellite broadcasting is now regulated by the Broadcasting Act;⁷⁶
- the enactment of a Freedom of Information Act, 2008;
- the transposition of the EU Audiovisual Media Services Directive;⁷⁷
- the further liberalisation (though not complete removal) of the concentration provisions in so far as the broadcasting media are concerned;⁷⁸
- the Press Ethics Commission is in the process of completing its revision of the self-regulatory Code of Ethics mentioned in paragraph 1.3 of the 2004 Report;
- changes have been made to the Broadcasting Act to remove the must-carry requirement in the said enactment and to restrict it only to general interest objective stations apart from obliging these stations to offer free of charge their programme content to the general interest objective platform operator;⁷⁹
- the Broadcasting Authority has been very much prolific in establishing Requirements as to Standards and Practice and Requirements as to Advertising, Methods of Advertising and Directions which did not exist in 2004;⁸⁰
- the Broadcasting Authority has lost another case before the Civil Court, First Hall, which has ruled that the Authority has not respected the principle of *nemo iudex in causa propria* when considering an administrative offence;⁸¹
- *Alternattiva Demokratika* (the Green Party) has, since 2004, sold its radio station. So the situation today is that only the two main political parties represented in *Parliament* (the Nationalist Party in Government and the Labour Party in Opposition) own a radio and television station (in addition to a newspaper, internet website and printing house). The Catholic Church continues not to own a television station;
- six television stations have been granted the status of a general interest objective television station by the Broadcasting Authority in terms of amendments made to article 40 of the Broadcasting Act in 2011.⁸² These are TVM and Education 22 as the de facto GIO stations⁸³ because of their public service remit and One TV (owned by the Labour Party), Net TV (owned by the Nationalist Party), Smash TV (owned

⁷⁶ This has been regulated by Act No. VIII of 2009, the Broadcasting (Amendment) Act, 2009.

⁷⁷ Mainly through the Broadcasting (Amendment) Act, 2010, Act No. IV of 2010.

⁷⁸ Broadcasting (Amendment) Act, 2011, Act No. VIII of 2011.

⁷⁹ *Ibid.*

⁸⁰ See footnotes 44 and 45 above.

⁸¹ See footnote 47 above.

⁸² Act No. VIII of 2011 available at <http://www.doi.gov.mt/EN/parliamentacts/2011/ACT%20VIII%20XANDIR.pdf>.

⁸³ Article 40(2) proviso of the Broadcasting Act.

by a commercial non-political company) and Favourite TV (owned by a commercial non-political party);

- the television licence fee has been removed as of 1 January 2012.

Although the Maltese citizen is well served as to the quantity of information available in the public domain, the difficulty concerns more the quality of the information. First, political parties own too much media and unfortunately they have brought an element of divisiveness amongst the population especially during tense periods such as during an election campaign. Contrary to other states in the European Union, political parties own their own broadcasting media. It is therefore being proposed that the Broadcasting Act should be amended not to allow political parties to own their own broadcasting stations. Instead a general interest objective television station should be run by the Broadcasting Authority where political parties are provided airtime to express their views in terms of a programme schedule approved by the Authority to ensure that all political parties are given an opportunity to air their views.

Second, there are difficulties within the media sector to establish media-wide self-regulatory mechanisms. The current self-regulatory structures are limited and do not garner a wide support of all the media industry. In this respect Government, through the Ministry responsible for broadcasting, should be tasked with bringing together all media industries so that the latter may develop its own self-regulatory structures. The Government should also identify which functions performed by it or by the Broadcasting Authority should be devolved upon self-regulatory structures. It is highly recommended that Government should assist the media industry in developing such self-regulatory structures through providing financial assistance and expert advice.

Third, although Malta has enacted a Freedom of Information Act the provisions which give access to government held information will come into force as late as 1 September 2012. So no reference to case law can be made in this respect. Journalists should be trained as to the provisions of the Freedom of Information Act. This should be done by the Malta Institute of Journalists in collaboration with Government entities such as the Faculty of Laws within the University of Malta or the Staff Development Organisation within the Office of the Prime Minister or both.

Fourth, Malta does not have a whistle blowing act on the statute book even though there is a bill which has been pending in the House of Representatives for more than a year.⁸⁴ Parliament should therefore give precedence to the whistle blowing bill to have it enacted as law whilst the institutions mentioned in the previous point should afford training to public administration employees.

Fifth, politicians tend to be very sensitive to criticism aimed at them and institute a number of libel suits, normally during election campaigns. However, these cases are usually decided after the relevant elections are over and the libel suits, when decided, would thus become irrelevant. It is thus important to revisit the law on libel so that new provisions are written down into the law to ensure a more liberal interpretation of the libel provisions in Maltese Laws with regard to public figures. Whilst libel laws should be strict with regard to private persons, they should be more liberal with regard to public figures allowing more criticism of the latter category of persons.

⁸⁴ Published in The Malta Government Gazette on 8 October 2010. For the text of the Bill, see: <http://www.doi.gov.mt/EN/bills/2010/Bill%2058.pdf>.

Sixth, there is no media court which can afford an expeditious hearing and determination of media related cases. It is thus recommended that a Media Court is established and all cases involving the media – whether of a criminal, administrative, disciplinary or civil nature – should be heard and determined by such court. This would bring about more specialisation, expeditiousness in the proceedings, decrease in courts, uniformity in sentencing and the development of a coherent and consistent body of case law.

Seventh, the law regulating political advertising needs to be amended to allow political advertising as the Maltese courts have held (basing themselves on ECHR case law). In this way, through amendments to the Broadcasting Act, the law regulating political advertising will be brought in line with Article 10 of the European Convention of Human Rights and the case law of the European Court of Human Rights.

Finally, administrative sanctions need to be revisited to be brought in line with the Council of Europe's Recommendation No R (91)1E of the Committee of Ministers to Member States on Administrative Sanctions adopted on 13 February 1991.⁸⁵ Appropriate legislation needs to be enacted to ensure that all sanctions of an administrative nature which may be imposed by the Broadcasting Authority (and eventually by the proposed Media Court) are in line with the said Recommendation.

All these measures would ensure that the information provided to the citizen is more accurate, less biased and, overall, more impartial, truthful and factually correct. This would be coupled with a more expeditious and human rights correct procedure which would implement the right to freedom of expression in a truly democratic society. Finally, it would ensure – through the establishment of a specialised Media Court – that the media sector is treated in a wholisitic and consistent manner.

⁸⁵ For the text of the Council of Europe's Recommendation, see: <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=34769&SecMode=1&Admin=0&DocId=392990>

5.2. List of Sources

References used for the drafting of this study, including case law of European and national courts, legislation and regulation, codes of conduct, doctrine, statistical data, articles in written and electronic press, have been comprehensively indicated in the relevant parts of this study, particularly in nos. 1 and 2, to which the reader is kindly referred.

5.3. About the Authors

- The Institute of European Media Law (EMR), Saarbrücken/Brussels

Organisation

The EMR was founded in 1990 as an association under private law being recognised to pursue not-for-profit goals in the public interest; today it is a partner to numerous national and European institutions. The Institute acts as a service provider and neutral platform in a number of fields of media law. Thanks to its network which comprises over 175 national experts from approx. 40 European countries, it is particularly able to carry out comparative legal studies. The EMR organises conferences and publishes research results in different publications, including its own series of books.

The EMR is composed of supporting and regular members. Together they form the General Assembly, which convenes at least on an annual basis. Supporting members of the association comprise public service as well as commercial TV and radio broadcasters from Germany and other European countries, the German media regulatory authorities and further donors. Regular members are media experts from Germany and neighbouring countries. The executive bodies of the EMR are the assembly of members and the board of directors. The board of directors brings together practitioners from the media; its composition reflects the neutral, cross-sectoral approach of the Institute's work. Beside the General Assembly, by which it is elected, the Board is the second organ of the association; for the latter's day-to-day operations, it nominates the Executive Board which consists of the Director, the Director for Scientific Affairs, and the General Manager.

The staff consists of the General Manager, 4 additional lawyers, one assistant and 10 scientific researchers (all with a legal education background). Their tasks cover the Institute's publication activities, studies and research, management and development of databases as well as assisting in the organisation of conferences. Focussing on different areas of media law, they are the contact persons for their respective fields of specialisation.

Fields of activity

One of the EMR's major activities is to carry out legal studies covering current aspects of media law on behalf of public and private institutions. The EMR has carried out studies for organisms such as the German Federal Government, the European Commission, European Parliament, and the Committee of the Regions, the Council of Europe, the German Länder media authorities as well as regulatory bodies of neighbouring countries, national and foreign public and private media enterprises as well as several associations.

Conferences

Serving as a platform for information and communication, the EMR via its conferences, dialogues, workshops and expert meetings contributes to the development of media law and policy. Almost 150 events in different formats have been organised regularly in collaboration with partners who aim at benefiting from the experience gathered over more than 20 years.

Scientific research

The Institute has conducted a variety of research projects which have been funded by different national and foreign institutions.. In order to support the EMR's research activities, an advisory council was established in 1997. Its current members are renowned experts in media law research and practice.

Publications

The EMR edits its own series of publications, published by Nomos, covering conference proceedings, studies and research findings as well as Ph.D. theses and *liber amicorum*.

Two electronic newsletters provide information on recent developments: abstracts on recent media law and policy from all over Europe and the U.S. on the one hand, and short notes on the most significant events in relation to the Institute.

The EMR is member of the Advisory Board of the European Audiovisual Observatory in Strasbourg and of the Editorial Board of IRIS. The Institute contributes to the various publications in this series, i.e. monthly abstracts on recent media law and policy developments in Central and Eastern Europe to the electronic newsletter 'Legal Observations', two lead-articles as well as additional information provided for the bi-monthly IRIS *plus* as well as conference reports and comparative legal analysis for the IRIS Special.

In the same way, the EMR's short reports focussing on Western Europe, the EU and the CoE and concentrating on broadcasting, telecommunications and new media law are published in the *Newsdienst MMR-Aktuell* of the German specialised legal journal *MultiMedia und Recht*.

Databases

The EMR offers a comprehensive service for the provision of legal information, namely established in the form of two online databases, DEMIS, which compiles all relevant jurisdiction that has been issued either on the European or on the German level, and EMIS which contains legal texts which have an impact on the media and which originate from the European Union, the Council of Europe and the European states; at present around 1,750 documents in English, French and/or German can be accessed via a cross-lingual retrieval system.

Partners

Based on the partnership agreement initially concluded in 1994 and renewed since, the European Audiovisual Observatory in Strasbourg is the most import partner of the EMR. The EMR is also in close contact with the Europa-Institut, Law Section, University of Saarland, the Hans-Bredow-Institute for media research at Hamburg University, and the Institute of Information Law at the University of Amsterdam.

EMR Media Network

The mutual co-operation established with media law experts all over Europe acting as correspondents under the umbrella of the EMR Media Network has enabled the EMR to include expert analysis into different projects for a considerable number of years.

- Dr Carlos de Almeida Sampaio (Portugal)

He obtained his Law Degree from the University of Lisbon Law School in 1974-1975. There he also received a Master in Legal and Economic Sciences in 1983. JD studies at the College of Law, University of Illinois, Champaign-Urbana, in 1993-1995: PhD at the University of Lisbon Law School. He was admitted to the Portuguese Bar in 1979. Then he was Assistant Professor of European Law, Fiscal Law and International Economic Law at the University of Lisbon Law School in 1979-2002. Invited Professor of the Law Degree and Post-graduation in European Studies, at the Portuguese Catholic University. From 1987-1992 he was Prime Minister's Senior Advisor for European Affairs. He was a Member of the Portuguese Court of Accounts Reform Commission. Member of Banco Pinto & Sotto Mayor Board of Directors (1992-1993). Non executive member of Siemens, S.A. Board of Directors (1993-2006).

The main projects on which he has advised in recent years include large industrial investments, establishing industrial projects of state-of-the-art technology in Portugal, and investment contracts and international distribution agreements. He has also advised large international groups on matters relating to the fields of electronics, communications and audiovisual.

He was Partner of Cuatrecasas, Gonçalves Pereira & Associados since April 2008 to May 2012. Actually he is Partner of CSA-Correia, Seara, Caldas e Associados.

- Ms Ieva Andersone (Latvia)

She is an attorney-at-law qualified in Latvia, and practicing as a senior associate in SORAINEN Latvia office since 2005. Before joining SORAINEN, she worked as a legal counsel with the Latvian National Broadcasting Council.

Ieva has gained her legal qualification from the University of Latvia and a LL.M first class degree in European and Commercial law from the University of Cambridge (Trinity Hall).

Ieva's key areas of expertise include litigation & arbitration, competition, intellectual property and commercial contracts. Since 2011, Ieva is co-heading the competition & regulatory and commercial contract teams in SORAINEN Latvia office. Since 2005, she has been the Latvian correspondent for the IRIS newsletter on audiovisual media law published by the European Audiovisual Observatory, as well as has authored numerous publications on Latvian intellectual property and competition law. Ieva has also lectured on public international law and EU law at the Law Faculty of the University of Latvia and is a professional trade-mark attorney.

- Prof Dr Kevin Aquilina (Malta)

He is Associate Professor and Dean of the Faculty of Laws at the University of Malta. He is also Head of the Department of Media, Communications and Technology Law at the Faculty of Laws. He holds a doctorate of philosophy in law (Ph.D.) from the London School of Economics and Political Science of the University of London, a doctorate in law from the University of Malta (LL.D.) and a Masters in International Maritime Law (LL.M.) from the

International Maritime Organization's International Maritime Law Institute. He currently lectures on Media Law and Administrative Law. He has held the office of Chief Executive of the Maltese audiovisual broadcasting regulator – the Broadcasting Authority – and was Chairman of Press Ethics Commission. He has written extensively on Media Law and is a regular contributor to *IRIS – Legal Observations of the European Audiovisual Observatory*, of the Council of Europe.

- Dr Amedeo Arena (Italy)

He is Assistant Professor (Ricercatore) of European Union Law at the School of Law at the University of Naples "Federico II". He graduated in Law *summa cum laude* from the University of Rome and holds an LL.M. in European Law from King's College London and an LL.M. in International Legal Studies from New York University, where he was also a Fulbright Fellow. He completed a JSD in International Law and a Postdoctoral Research Fellowship at the Department of International and EU Law at the University of Naples "Federico II". He was a Visiting Scholar at the Institut voor Informatierecht at the University of Amsterdam and at the Centre of European Law at King's College London. Dr. Arena was awarded the "SIDI 2011" Prize by the Italian Society of International Law for an article on the Doctrine of Preemption in the EU. Dr Arena has authored and co-authored several publications on peer-reviewed Italian and international legal journals, as well as the first Italian collection of WTO legal texts (Naples, Editoriale Scientifica, 2009), a monograph on public services in the law of economic integration (Naples, Editoriale Scientifica, 2011) and a handbook on media law in Italy (Alphen aan den Rijn, Wolters Kluwer, 2012).

- Ms Cristina Bachmeier (Project Manager for the study)

Cristina Bachmeier graduated in law from Bucharest University, Romania, in 1999. From 1999 until 2001 she worked as a Director of Cabinet of the State Secretary in the Ministry of Justice in Bucharest. She was head of the department for law, human resources and administration of the Romanian subsidiary of Fuchs Gewuerze GmbH (2001-2006). Since June 2009, Cristina Bachmeier is a permanent member in the Romanian Advertising Council (RAC), active judge in the Ethical Committee of RAC and consultant for Copy Advice. She worked as an in-house lawyer for Intact Media Group (Antena 1, Antena 2, Antena 3, Euforia TV, GSP TV; Radio ZU, Radio Romantic) from 2006 until 2010 and was a legal representative at the Romanian Audiovisual Council and at the European Association of Commercial Televisions (ACT). In July 2011, she was admitted to the bar of Frankfurt/Main as a European lawyer. Since the end of 2010, she is following a postgraduate Master programme in order for her to obtain a LL.M. in Media Law at the Johannes Gutenberg University in Mainz, Germany. Since March 2012 she is working as a scientific researcher at the Institute of European Media Law (EMR).

- Dr Joan Barata Mir (Spain)

He is the Vice Dean for International Relations and Professor of Communication Law at the Blanquerna Communications School (Universitat Ramon Llull, Barcelona). He has also been Head of President's Cabinet and Secretary General of the Catalonia Audiovisual Council, and member of the Permanent Secretariat of the Mediterranean Network of Regulatory Authorities. He gained his PhD from the University of Barcelona, writing a thesis on Television and Public Service Theory, and is the author of several books and articles on audiovisual law and regulation. He is an international specialist in media law, and has assisted the elaboration of communications and audiovisual laws and regulations in several countries.

- Mr Marcel Betzel (Netherlands)

He is a policy advisor for the Dutch media authority, Commissariaat voor de Media (CvdM). He is involved in policy advisory work, research and legal affairs. He is dealing with topics like the implementation of the AVMS Directive, regulation of new media, jurisdiction issues and monitoring of media concentration developments in Dutch media. International affairs and relations are his main task and he represents his authority in the AVMS Directive Contact Committee of the European Commission, the Working group of the AVMS Regulatory Authorities and the European Platform of Regulatory Authorities (EPRA). Besides he is a board member of MEDIA Desk in the Netherlands which is involved in the MEDIA programme of the European Commission in order to promote European works in film sector and mainly provides assistance to Dutch applicants of these European funds. Furthermore he sometimes represents the Council of Europe (CoE) during expert missions to countries in transition (recently Azerbaijan, Armenia and Ukraine). Marcel Betzel studied law at the Maastricht University and University of Antwerp and Journalism at the Academy of Journalism in Tilburg. Before, he also worked as a legal consultant, music journalist at the Dutch public service broadcaster VPRO and guest lecturer for the post graduate programme radio and television journalism of the University of Groningen.

- Dr Christoph Bezemek, BA, LL.M. (Austria)

Assistant Professor of Law, teaches at Vienna University of Economics and Business (WU). Dr Bezemek has studied law and philosophy at the University of Vienna and at Yale Law School. He has held several appointments as Visiting Lecturer at domestic and foreign institutions of higher education; various publications and lectures in the field of Public Law.

- Dr Christophoros Christophorou (Cyprus)

He studied Education in Cyprus and Paris and Political Science in Athens and Lille (France), where he obtained his Ph.D. He has worked as school teacher, as a senior press officer in the Public Service (PIO - Cyprus) and as the first Director of the Cyprus Radio and Television Authority. As Cyprus representative to media experts groups at the Council of Europe and other European organizations he contributed to the drafting of modern media policies (1990-2001). As an external expert of the Council of Europe in media, regulation and elections, he participated in training and other seminars in most Central and Eastern Europe countries. Christophorou has also thirty years research work on political parties and elections and is the author of books and publications on elections, media and other subjects. He is assistant professor in Communications at the University of Nicosia.

- Mr Eugen Cojocariu (Romania)

He is a professional journalist from Romania. Head of Radio Romania International/RRI, part of Radio Romania/SRR, public service, Eugen has worked for RRI since 1992. He speaks English and French and was a correspondent in Chişinău (Republic of Moldova) and Paris. Eugen Cojocariu is member of more professional bodies (Professional Journalists Union of Romania/UZP, Southeast Europe Media Organisation/SEEMO, International Union of Francophone Press/UPF, World Federation of Journalists and Travel Writers FIJET Romania). In 2001 he won the Romanian's Press Club Prize for a radio talk-show and was nominated in 2003 for the same prize. Since 2009 Eugen is a nonpermanent Vice President of EURANET (European radio project financed by the European Commission), in charge with development and distribution, and member of the International Radio Group of the European Broadcasting Union/EBU. He graduated from Chemistry and Physics, then from

Political Sciences. Eugen holds a European Mastery on the Management of Cultural Enterprises, as well as a MBA degree in General Management.

- Prof Dr Mark D. Cole (Luxembourg)

He is Associate Professor of Law at the University of Luxembourg since March 2007 (Law of New Information Technologies, Media and Communications Law). Of British origin, he grew up in Switzerland and Germany where he studied law and political sciences. He holds a doctorate from the Johannes Gutenberg University of Mainz (Ph.D., 2003) where he was research assistant from 1999 to 2002 and again from 2005 to 2007 at the Chair in Public Law, International and European Law, Media Law. Additionally, he holds both German State Examinations in Law and gained practical experience in media law at the DG Competition of the European Commission, a law firm specialising in Intellectual Property Law and the legal department of a television broadcasting company. For three years he was Researcher at the Mainz Media Institute where he still teaches a class on European Media Law in the LL.M.-programme on Media Law. In addition he also teaches yearly a course on European Media Competition Law at the Europa-Institut Saarbrücken and is a member of the Research Advisory Council of the Institut für Europäisches Medienrecht (EMR), Saarbrücken/ Brussels. More information under www.medialaw.lu with details on a comparative research project concerning the EU Audiovisual Media Services Directive.

- Mr Jan Fučík (Czech Republic)

After having graduated from the Faculty of Law of the Charles University in Prague, he started to work in the public Czech TV, later as head of the legal department. He dealt with different aspects of the media law and cooperated in the preparation of Czech media laws during the past twenty years. He also took part in the work of the Legal Committee of the European Broadcasting Union in Geneva. He then started to work in the Council for Radio and Television Broadcasting. His task was to cooperate with European Union authorities and with the regulatory bodies of EU Member States with a similar field of competence, focusing in particular on obtaining and providing data and information required by law, by decisions issued on the basis of law or decisions made on the basis of law, or by the legal acts of the European Union and to cooperate in the field of television broadcasting regulation with the relevant bodies of the member states.

Today he is employed in the Ministry of Culture of the Czech Republic, Legal Department. His tasks focus on preparation of media regulation. He is a member of the Contact Committee according to the AVMS Directive and a member of the Standing Committee of the Transfrontier Television Convention of the Council of Europe. He acts as an IRIS correspondent for the Czech Republic for many years.

- Ms Katharina Grenz (Germany)

She obtained her law diploma (First State Exam), after finalising her legal studies at the University of Saarland, in December 2010. Currently, she is a trainee lawyer at the Regional Supreme Court of the Saarland, Saarbrücken. Since January 2010, she works as a research assistant at the Institute of European Media Law (EMR).

- Ms Pirkko-Liis Harkmaa (Estonia)

She is an Associate Partner and Attorney-at-law of LAWIN Lepik & Luhaäär in Estonia. She has been advising the firm's clients in data protection & privacy related matters since

joining the law firm in 1998 and currently leads the firm's data protection & privacy team. She is experienced in all aspects of data protection legislation, including employee and consumer data privacy, employee monitoring, international data transfers, personal data processing consent forms and policies. Her other fields of expertise include IT & communications, media, employment law, environmental law and general business and corporate law.

- Prof Dr Michael Holoubek (Austria)

Professor of Law, he teaches at Vienna University of Economics and Business (WU) and has held various positions in regulatory authorities, i.a. as member of the Austrian Private Broadcasting Authority and as member of the Federal Communications Board. Professor Holoubek has served as an expert in parliamentary hearings on many occasions. He has lectured on a variety of issues in the field of Constitutional and Administrative Law, Fundamental Rights, and European Law, both at domestic and at international conferences, and published extensively on a broad scope of subjects in these fields. In 2011 he has been appointed as member of the Austrian Constitutional Court.

- Ms Jurgita Iešmantaitė (Lithuania)

From 1991 to 1996 she studied law at the Vilnius University, Faculty of Law. Currently, she is the Deputy Executive Director at the Radio and Television Commission of Lithuania (RTCL). Her regular duties consist of discharge of management functions and the provision of consultations. Beside her regular duties she participates in the activities of WGs on drafting legislation. Before working at the RTCL, she worked as Senior Lawyer at the Lithuanian National Radio and Television (LRT). Her working area consisted in the safeguarding of the legitimacy of the activities of the public service broadcaster, the provision of consultations. She made contracts and participated in negotiations.

- Dr Petros Iosifidis (Greece)

He obtained his first degree in Sociology from Panteion University of Social and Political Sciences of Athens and completed his MA in Communication Policy Studies and PhD in Media Policy at City University and University of Westminster, respectively. He is currently Reader (Associate Professor) in Sociology and Media Policy at City University London. He is author of five books, has published extensively in referred journals, contributed chapters to books and presented papers in national and international conferences. He is associate editor of the 'International Journal of Digital Television' (Intellect UK) and co-editor of the book series 'Global Media Policy and Business' (Palgrave Macmillan). He has acted as an ESRC (Economic and Social Research Council) Peer Review College reviewer and as a national expert for European projects.

- Ms Christine Kirchberger (Sweden)

She obtained her Law Degree from the University of Vienna. After working as a trainee with the European Parliament and at two district courts in Austria, she obtained a Master's Degree in Law and Information Technology from the University of Stockholm. In 2001, Christine Kirchberger joined the Swedish Law and Informatics Research Institute (IRI) at Stockholm University as a junior lecturer. She has been teaching legal informatics to law students as well as computer scientists, both in Stockholm and other Swedish universities as well as at King's College in London. Christine Kirchberger has participated in several EU projects on IT-related legal issues, such as eHealth, electronic procurement and data

protection, and published several articles and blog posts on legal information retrieval and legal informatics in general. In 2010, she authored "Swedish Cyber Law", as part of Kluwer's International Encyclopaedia for Cyber Law.

- Dr Ewa Komorek (Ireland)

LL.B (Warsaw 2002), LL.M (Amsterdam, 2003), PhD (Trinity College Dublin, 2008); she is a lecturer in Media Law in the Griffith College Dublin and an adjunct lecturer in Trinity College Dublin. She formerly worked for the European Commission's DG Competition (Media Unit) and in the EU & Competition Departments of Linklaters and Hammonds law firms in Brussels. She also worked as a consultant in the EU & Competition team of A&L Goodbody Solicitors in Dublin, and as research assistant for the Sales Law Review Group in the Irish Department of Enterprise, Trade and Employment. She is the author of the book "Media Pluralism and European Law" (forthcoming, Kluwer Law International, 2012).

- Dr Philie Marcangelo-Leos (France)

She has a postgraduate degree in media law (1997) and a Ph.D. on pluralism in the audiovisual sector in public law (2003) (published by LGDY) from the University of Aix-Marseille III. Since 2005, she writes articles for several law journals of the Victoires-Editions group concentrating on media law (Légipresse, Légicom) and is editor of Légilocal, a journal which specializes in the law of local authorities (Groupe Victoires-Editions). She is also author of several articles on topics concerning transports and environment for the website localtis.info of the Caisse des dépôts et consignation and keeps the site legally up to date. In 2008, she contributed to the EMR study "The contribution of public service media to social and to the promotion of a culture of tolerance" on behalf of the Council of Europe.

- Prof Dr Roberto Mastroianni (Italy)

He is full Professor of European Union Law at the University 'Federico II' in Naples, Italy, where he also teaches Media Law. He graduated in Law at the University of Florence, Italy (1987), and holds a PhD in European Law from the University of Bologna (1991) as well as a LLM from the Penn State/Dickinson School of Law in Carlisle (PA), USA (1992). He specialized in International Copyright Law and in European Media Law at the Universities of Geneva, Amsterdam and New York (NYLS). Former Researcher of International Law at the University of Florence (1992-1997), he served as Referendaire at the European Court of Justice in Luxembourg, in the Cabinets of Advocate General Giuseppe Tesouro and Antonio Saggio (1997-2000). He practises law in Rome and Naples in the area of European Law and Media Law, and collaborates with several private and public companies and authorities. Among his publications are a treatise on International copyright Law (Milan, Giuffré, 1997), a book on the reform of Italian Broadcasting Law (Turin, Giappichelli, 2004), a monograph on the Audiovisual Media Services Directive (II ed., 2011) and several articles and notes on EU Law, International Law and Mass Media Law. He is the co-author of a European Law handbook (Diritto dell'Unione europea, with G. Strozzi, Turin, Giappichelli, 2011) and of a treatise on Procedural Law of the European Union (Il contenzioso dell'Unione europea, with M. Condinanzi, Turin, Giappichelli, 2010).

- Prof Dr Kaarle Nordenstreng (Finland)

Professor of Journalism and Mass Communication at the University of Tampere 1971-2009, earlier editor of radio youth programmes and head of research at the Finnish Broadcasting Company. He is author and editor of 50 books, including *Normative Theories of the Media:*

Journalism in Democratic Societies (with Christians et al. 2009) and *Finland's Media Landscape* (in Finnish, edited with Wiio 2012). His international tasks include consultation at UNESCO (1969-1975) and membership in European Science Foundation's Research Programme "Changing Media – Changing Europe" (2000-2004).

- Mr Juraj Polak (Slovakia)

He graduated in Comenius University at Faculty of Law in 2005. He worked for the Ministry of Interior Affairs in the administrative law and legislative department and was also secretary of the Minister's appealing committee (advisory body which gives recommendation to the Minister on how to handle appeals against decisions adopted by the bodies of the Ministry).

He is working for the Office of the Council of Broadcasting and Retransmission of the Slovak Republic (hereinafter only "Council") since 5 years where he works for the law and license department, and for a year and a half, he was deputy of the head of this department. His regular duties mostly include writing legal opinions on the matters handled by Council (mostly regarding complaints from citizens), writing answers to appeals against Council's decisions and representing the Council at courts.

Besides his regular duties he is the person responsible for international affairs that concern the Council. He represents it at EPRA meetings, meetings of the working group of the AVMS regulatory authorities. He frequently attends the Contact Committee meetings with delegate from the official government body. He is involved and he attends the recently founded CERF's (Central Europe regulatory forum) meetings as also other international events in which the Council is involved.

In 2009, he was member of a group which closely cooperated with the Ministry of Culture of the Slovak Republic on the transposition of the Directive 2007/65/EC into the Slovak legal system and he represented the Council at the meeting of the Government's legislative council when the relevant main legislative proposals were passed. He was also involved (with the Ministry as the officially responsible body) in writing the answers to the European Commission in the review process of the notifications of the Member States regarding the Directive's transposition.

He is also national correspondent for the Slovak Republic for the IRIS newsletter of the European Audiovisual Observatory.

- Dr Gábor Polyák (Hungary)

Associate professor at the University of Pécs and at the Corvinus University of Budapest. He graduated in law and media sciences at the University of Pécs. He obtained an LL.M. degree at the University of Vienna in ICT law. His PhD was made at the University of Pécs with the title 'Forming the Media System'. He is the chief editor of the Hungarian professional journal 'Infokommunikáció és Jog' ('Infocommunications and Law'). He is author of numerous publications and expert papers in media, informatics and telecommunications law. He worked as advisor at the National Radio and Television Authority (ORTT) during the presidency of László Majtényi. He is Fellow of the Bolyai Scholarship of Hungarian Academy of Sciences.

He was assisted in his contribution to the present study by Attila Mong, Krisztina Nagy, Ágnes Urbán and Zsófia Lehóczki, all of which are member of Standards Media Monitor (Mérték Médiaelemző Műhely), a civil and professional organisation committed to opinion

and press freedom, with the aim of evaluating the impacts of media laws and other media policy decisions.

- Dr Maciej Ramus (Poland; market analysis part)

He is currently lecturer (dozent) at the Faculty of Management of the University of Warsaw and strategy analyst at the Polish Radio S.A. In the nineties, Dr Ramus acted as Director General at the Ministry of Culture of the Republic of Poland, Advisor to the Polish Ministry of Finance, CFO and Vicepresident of the Polish Radio and Television.

- Leyla Rock (France, coordination of country report)

She graduated from the Faculty of Law of the University of Saarland, Saarbrücken, in June 2012, when she finalised her legal studies and passed the First State Exam. She is working at the Institute of European Media Law (EMR) since September 2010 and was involved as scientific assistant in the study "INVODAS – Interessenausgleich bei der Vorratsdatenspeicherung", conducted on behalf of the German federal Ministry of Education and Research (BMBF), where she significantly contributed to the editing and comparative analysis of country reports on Member States transposition of the Data Retention Directive.

- Prof Dr Søren Sandfeld Jakobsen (Denmark)

He is Professor at the Law Department of Aalborg University. His primary research areas cover Media, IT and Communications Law, on which subjects he has published a number of books, articles, reports, etc. His PhD dissertation (2004) concerned the legal aspects of the growing media convergence. He has previously worked as attorney-at-law and Head of the Legal Office of the Danish Ministry of Business and Industry. He is a member of several research groups and holds a number of honorary offices within his legal field.

- Dr Evgeniya Scherer (born Nikolova) (Bulgaria)

She has been a qualified lawyer for more than 10 years. She has received her diploma for Master in Law at the Sofia University "St. Kliment Ohridski" and at the University of Hamburg. She obtained her doctor's degree in 2009 from the University of Hamburg. Her dissertation concerns the digitalisation of television in Europe and especially in Germany and Bulgaria. In 2004, Dr Scherer was a lecturer in telecommunication and media law at the Institute for European and German Law with the Faculty of Law at Sofia University. As a senior consultant at Kambourov & Partners law office (2004-2006) she was involved in number of high-profile project-finance cases such as the privatisation of the national film-making monopolist Boyana Films EAD. Today she is acting as an attorney-at-law and a consultant in the media field in Bulgaria and in Germany. She has participated/participates in European and Bulgarian projects concerning media legislation and environment such as the EU-Twinning-Project „Strengthening the capacity of the Bulgarian Ministry of Culture to secure the development and implementation of a National Audiovisual Policy, including copyright protection" (2009-2010) and "The electronic media environment in Bulgaria in times of change and digitalisation" (2010-2012). She was involved as a national expert on behalf of EMR in two media studies, namely in the "Study on the monitoring of the compliance by television broadcasters with the provisions of Chapter IV of the "Television without Frontiers" Directive (2010-2011) and in "The Media in South-East Europe. A comparative Media Law and Policy Study" (2010-2011). Since 2010, Dr Scherer is a lecturer in European, German and Bulgarian media law at the University for Applied Sciences in Kehl, Germany. She has many related publications.

Dr Scherer is a founding member of the German School established at the German Embassy in Sofia and was a Board Member voluntary until March 2010. She speaks Bulgarian (native), German, English and Russian.

- Mr Alexander Scheuer (Responsible for the study)

Attorney at law, General Manager, Member of the Executive Board of the Institute of European Media Law (EMR), Saarbrücken/Brussels (2000 to date). Scheuer is a member of the Advisory Committee and of the IRIS Editorial Board, both at the European Audiovisual Observatory. Since 2003 he has been member of the Scientific Advisory Board (*Kuratorium*) of the Voluntary Self-Regulation of Private Televisions in Germany (*Freiwillige Selbstkontrolle Fernsehen, FSF*), Berlin. Editor and author of the Commentary "European Media Law", Castendyk/Dommering/Scheuer, Alphen a/d Rijn 2008; co-author of the Commentary on the EU- and EC-Treaties, Lenz/Borchardt (eds.), Köln, Basel, Genf, München, Wien (1999, 2003, 2006, 2010; chapters on free movement of workers, freedom of establishment). Scheuer has been responsible for several major studies in the area of media and telecommunications law, commissioned, at European level, *i.a.* by the European Commission (co-regulation; media market definitions), the Committee of the Regions, the Council of Europe and the European Broadcasting Union, as well as, at the national level, by different media authorities in Germany, Austria and Switzerland. He has published widely on European media, telecommunications, protection of minors and copyright law. Scheuer has held numerous speeches at international and national conferences and acted as a speaker and panel chairperson/moderator among others in several media expert seminars organized by the respective EU Council presidencies.

- Ms Birgit Schmeier (France, translation into English)

Birgit Schmeier's graduation in law from Saarland University, Germany (2010), was followed by LL.M. studies in South Africa at the University of Johannesburg (2011). She got a diploma after two years of French Law studies (D.E.U.G. in 2007). Since the end of 2007, she is working as a student and scientific assistant at the Institute of European Media Law. She is currently a Ph.D. student at Saarland University where she is also working as a research assistant.

- Dr David Stevens (Belgium)

He is research manager (since 2005) and researcher (since 1998) at the Interdisciplinary Centre for Law & ICT of the Faculty of Law of the Katholieke Universiteit Leuven (part of the Flemish Institute for BroadBand Technology).

His academic expertise relates to the evolving role of governments and national regulatory authorities in the telecommunications and media sectors. The most important projects on this subject were funded by the Fonds voor Wetenschappelijk Onderzoek Vlaanderen (Fund for Scientific Research Flanders), the federal and regional governments and private and public market players. In 2009, David defended his PhD on this matter. He regularly publishes on communications and media law in Belgian, European and international journals and is a frequent speaker at national and international conferences. Since 2010, he is a member of the editorial board of *Computerrecht*, a Dutch-Belgian journal on law & informatics published by Kluwer.

David is also actively involved in a number of government advisory bodies in the Belgian media and communications sectors, such as the 'Raadgevend Comité voor de Telecommunicatie' (as chairman since 2007) and the 'sectorraad media' of the 'Raad

Cultuur, Jeugd, Sport en Media (as chairman since 2008). These committees are permanent advisory bodies to respectively the federal Minister for Telecommunications and the Flemish Minister for the Media.

- Ms Pam Storr (Sweden)

She obtained her Law Degree from the University of Durham, England. She has since obtained two LL.M. degrees, in Law and Information Technology and in European Intellectual Property Law from the University of Stockholm. Pam Storr joined the Swedish Law and Informatics Research Institute (IRI) at Stockholm University in 2009 and is currently a lecturer within the field of IT law. She teaches primarily on the Master Programme in Law and Information Technology, and is currently course director for the programme. She is also the research coordinator at IRI and the editor for IRI's blog.

- Ms Miriam van der Burg (Netherlands)

She works as a researcher at the Strategy, Policy and Research department of the Dutch Media Authority (Commissariaat voor de Media, CvdM). This national regulatory authority is concerned with controlling compliance with the Media Act in the Netherlands. Moreover, the CvdM monitors developments in the media landscape since 2001. The annual report, called *Mediamonitor*, provides insight into the public information supply and particularly into the effects of media concentration on the diversity and independence of that information supply. Miriam is co-author of the *Mediamonitor* and is concerned with policy matters such as the performance contract of the national Public Broadcasting Service (Nederlandse Publieke Omroep). Before she started working at the CvdM, she finished a research master in Communication Science at the University of Amsterdam.

- Dr Krzysztof Wojciechowski (Poland; legal information parts)

In 1992 he graduated from the University of Warsaw, Faculty of Law and Administration. He obtained a training for the profession of legal adviser, in the Warsaw District Bar of Legal Advisers between 1997-2001 and is a legal adviser (*radca prawny*) in the Warsaw Bar. In 2003 he obtained a grade of doctor of law, on the basis of the thesis devoted to the protection of sports events and audiovisual sports transmissions. He works as a lecturer at the University of Warsaw, Faculty of Law and Administration, in the Institute of Civil Law, currently in the Department of Intellectual Property Law. He teaches civil law and intellectual property law, including European copyright law. As a legal adviser Dr Wojciechowski works for Polish public service television, Telewizja Polska (TVP), where he holds the position of the adviser to the Board of Management. He is involved in the works of European Broadcasting Union (EBU) and is a Chairman of the Statutes Group of EBU, member of the EBU Legal and Policy Committee and the Copyright Group. He has also cooperated with the Council of Europe and UNESCO. Currently he is a member of the Intergovernmental Council of UNESCO International Programme for the Development of Communications (IPDC). Dr Wojciechowski participated in legislative works in Poland on copyright and media. He is a member of the Copyright Committee in Poland – the arbitration board responsible for approval of tariffs and certain other matters relating to collecting societies. Dr Wojciechowski has also been an *ad hoc* expert of the National Broadcasting Council and the Ministry of Culture and National Heritage in Poland.

- Prof Dr Lorna Woods (United Kingdom)

Lorna Woods has research interests in the areas of broadcasting law and policy, regulation of the media (including the Internet), and related issues of freedom of expression and privacy. She is also known for her work in EC Law (particularly free movement rights and the law relating to public services) as well as the European Union and human rights. She practised as a solicitor for five years, working at Simmons and Simmons before returning to academia. She has taught at Sheffield University and Essex University before joining City University in 2008. She is currently Associate Dean for Research.

She is the co-author of 'EU Law' (9th ed.) (OUP, 2006), one of the leading textbooks in this field; (with Sabine Michalowski) 'German Constitutional Rights' (Ashgate, 1999); 'Free Movement of Goods and Services' (Ashgate, 2004); and (with Prof. J. Harrison) 'European Broadcasting Law and Policy' (Cambridge University Press, 2007) and has published widely in the field of European broadcasting law and policy. Professor Woods has been country expert in respect of a number of studies relating to regulation, self-regulation and co-regulation in the media and new media sectors, commissioned variously by the European Commission, DFID and a number of NGOs. She has also contributed to the UNESCO/Council of Europe round table on Ethics and the Internet.

- Ms Anne Yliniva-Hoffmann (Germany)

She is a lawyer and had been researcher at the Institute of European Media Law (EMR) until mid-June 2012. She studied Law in Marburg and Würzburg and graduated with a particular focus on Tax and Company Law. After her two-year legal clerkship she worked as a researcher and lecturer at the University of the German armed forces in Munich. The thematic priority of her research work at the EMR comprised general audiovisual media law as well as copyright and film law. Furthermore she had been responsible project manager for the EMR contributions to the *IRIS newsletter* and the *MMR*, specialists journals on the international/national audiovisual law sector.

- Prof Dr Suzana Žilič Fišer (Slovenia)

She is a graduated journalist and holder of an MSc in Political Science. She completed her postgraduate studies at the Central European University, Budapest. She continued her education at the Faculty of Social Science, University of Ljubljana, where she obtained her doctorate.

After her studies, she started to work as a journalist for a number of media institutions and newspapers (Večer) as well as for the national Radio-Television Slovenia (RTV Slovenia). In 1995, she continued her career at Pro Plus Company, where she became editor and executive producer and deputy director of production at POP TV. She held this post up until the end of 2001. At Pro Plus, she was head of the company's largest production department, the Maribor department. At the end of 2001, she was awarded a Chevening Research Scholarship from the British Council and the British Foreign and Commonwealth Office, so she left for London. Between 2001 and 2004 she was a researcher and lecturer at the University of Westminster and the European School of Economics, London.

From 2004 on, she is Lecturer and Head of Media Communications at the Faculty of Electrical Engineering and Computer Science, University of Maribor. She published several academic and research papers, books and co-authored other works in the fields of the media, media management and the realisation of public interest.

Between June 2006 and 2008 she was president of the Ministry of Culture's expert commission for the evaluation of projects for co-funding for media contents, and later on took part in the Ministry of Culture's expert commission for the preparation of a new media law. She has been involved in the ECOC 2012 project right from the start, first as a member of the temporary ECOC secretariat and later as a member of the Maribor 2012 Institute Council.

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

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