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**L.N. 175 of 2025**

**EUROPEAN UNION ACT  
(CAP. 460)**

**European Media Freedom Act (Measures for Implementation)  
Order, 2025**

IN EXERCISE of the powers conferred by article 4 of the European Union Act, the Prime Minister, has made the following order:-

**PART I  
Preliminary**

Citation, scope  
and  
commencement.

**1.** (1) The title of this order is the European Media Freedom Act (Measures for Implementation) Order, 2025.

(2) The scope of this order is to implement the requirements of Regulation (EU) 2024/1083 of the European Parliament and the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU.

(3) The provisions of article 17 shall come into force on the 8th May 2027.

(4) In the case of conflict between the provisions of this order and the provisions of any other national law, this order shall prevail.

Interpretation.

**2.** (1) In this order, unless the context otherwise requires:

"EMFA" means Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act);

"Head of the Office" means the Head of the Office for Advertising and the Media established by article 3;

"Office" means the Office for Advertising and the Media.

(2) Unless the context otherwise requires, words and phrases used in this order shall have the same meaning as assigned to them in the EMFA Regulation.

## PART II

### Office for Advertising and the Media

3. (1) There shall be established a body to be known as the Office for Advertising and the Media, which shall perform such functions relating to the implementation of the EMFA Regulation as may be assigned to it in this order or by further order by the Prime Minister. The Prime Minister may also by order in the Gazette assign other functions to the Office related to advertising or to the media.

Establishment  
of the Office for  
Advertising and  
the Media.

(2) The Office shall be a body having a distinct legal personality from that of the Government and shall be capable, subject to the provisions of this Order or of any other law from time to time regulating public entities, to enter into contracts, to hold and dispose of property of any kind for the purpose of its functions, to sue and be sued and to enter into all such other transactions as are incidental or conducive for the proper and independent performance of its functions.

(3) The legal and judicial representation of the Office shall vest in the Head of the Office.

(4) The President acting on the advice of the Prime Minister, after having consulted with the Leader of the Opposition shall appoint as Head of the Office a person whose past experience shall include that of having held an office established by the Constitution.

(5) The performance of the functions of the Head of the Office shall be incompatible with the holding of any other public office or with the performance of any other professional or business activity.

(6) The Head of the Office shall be appointed for a term of seven (7) years and shall not be eligible for re-appointment.

(7) The Head of the Office may only be removed from office by the Prime Minister, after consultation with the Leader of the Opposition, before the expiry of his term of appointment for inability to discharge the functions of his office, whether arising from mental or physical infirmity or any other cause, or for misbehaviour. Any said removal shall however be subject to judicial review on points of law and points of fact before the First Hall of the Civil Court upon an application to be filed by the person aggrieved within thirty (30) working days from the removal and the provisions of the Code of Organization and Civil Procedure applicable to causes heard before the First Hall of the Civil Court shall apply to proceedings instituted under this sub-article:

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Provided that in giving judgment upon such an action the

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Court shall, if it considers it to be appropriate in the circumstances, be entitled to order the payment of compensation instead of annulling the removal.

Performance of  
functions of the  
Head of the  
Office

**4.** (1) The Head of the Office shall perform his duties independently and shall not be subject to the direction or control of any other person or authority in the exercise of his functions.

(2) The Head of the Office may regulate the functions of the Office as he deems fit and shall be allocated such resources and may be assisted by such persons with experience or qualifications in matters related to his functions according to a budget as may be agreed with the Ministry responsible for finance.

(3) Without prejudice to article 3, the conditions of tenure of the Head of the Office shall be such terms and conditions as specified at the time of his appointment to ensure his impartiality and independence.

(4) The Office shall every year, by not later than the 1st April, draw up a report of its workings and finances which shall be made available to the public and shall be sent to the Minister responsible for broadcasting and, or audiovisual media who shall lay a copy thereof on the Table of the House:

Provided that the first annual report of the Office may be published by the 1 April 2027 and shall cover the period from the commencement of operations of the Office until the 31st December 2026.

Powers of the  
Head of the  
Office.

**5.** Without prejudice to the provisions of the EMFA which may allow higher administrative penalties or grant further powers, for the purposes of fulfilling his duties, the Head of the Office shall have the power to:

(a) require any legal or natural person or entity to provide relevant information or produce relevant documents related to any matter provided in the EMFA Regulation or in any other law or regulations which the Office may from time to time be authorised to administer or enforce;

(b) request further information from public authorities or entities, including detailed information on the application of criteria and procedures in respect of any matter regulated or provided for in the EMFA Regulation or in any other law or regulations which the Office may from time to time be authorised to administer or enforce;

(c) subject to the right of a fair hearing, issue administrative penalties not exceeding two thousand and five hundred euro (€2,500) against any person who without good cause fails to comply with a request of the Office to provide any information which is required by it in terms of this order, in the case that the Head of the Office considers that the breach is not of a very serious nature and does not merit criminal prosecution;

(d) conduct investigations, including on-site inspections of relevant records, to ensure compliance with this order or with any other law or regulations which the Office may from time to time be authorised to administer or enforce;

(e) liaise with other competent authorities or regulatory bodies or seek the assistance of such authorities or bodies he may deem necessary for the purpose of the performance of the functions of the Office.

**6.** (1) Any person who without good cause fails to comply with any order of the Head of the Office issued in terms of this order shall be guilty of an offence and shall be liable upon conviction to a fine (*multa*) of not less than five hundred euro (€500) and not more than ten thousand euro (€10,000) and to a fine of fifty euro (€50) for each day on which the offence persists:

Offences and administrative penalties.

Provided that the Head of the Office may also opt to impose an administrative fine not exceeding two thousand five hundred euro (€2,500) instead of prosecution.

(2) Any administrative penalty imposed under this order shall be subject to appeal before the Court of Appeal (Inferior Jurisdiction) by application to be filed within twenty (20) days from the date when the said administrative penalty was served on the person upon whom it was imposed. The provisions of the Code of Organization and Civil Procedure regarding the hearing of appeals by the Court of Appeal (Inferior Jurisdiction) shall apply to the hearing of such apply.

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(3) The provisions of this article and of article 5(c) are without prejudice to any provisions of the EMFA Regulation which may provide for higher administrative penalties or other sanctions and the provisions of this article and of article 5(c) shall only apply where the provisions of the POLADS Regulation or EMFA providing for penalties or sanctions do not apply to particular situations.

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### **PART III** **Implementation of the EMFA**

Protection of  
journalistic  
sources.

**7.** For the purpose of the effective protection of journalistic sources and confidential communications, no state authority shall take measures which:

(a) oblige media service providers or their editorial staff to disclose information related to or capable of identifying journalistic sources or confidential communications or oblige any persons who, because of their regular or professional relationship with a media service provider or its editorial staff, may have such information to disclose it;

(b) detain, sanction, intercept or inspect media service providers or their editorial staff or subject them or their corporate or private premises to surveillance or search and seizure for the purpose of obtaining information related to, or capable of identifying journalistic sources or confidential communications or detain, sanction, intercept or inspect any persons who, because of their regular or professional relationship with a media service provider or its editorial staff, might have such information or subject them or their corporate or private premises to surveillance or search and seizure for the purpose of obtaining such information;

(c) deploy intrusive surveillance software on any material, digital device, machine or tool used by media service providers, their editorial staff or any persons who, because of their regular or professional relationship with a media service provider or its editorial staff, may have information related to or capable of identifying journalistic sources or confidential communications.

Derogations  
from EMFA  
Article 4(4) and  
(5).

**8.** (1) The provisions of paragraphs (a), (b) and (c) of article 7 may be derogated subject to the conditions provided in Article 4(4) and (5) respectively of the EMFA.

Cap. 391.

(2) Where by way of derogation from the provisions of paragraphs (a), (b) and (c) of article 7, an interception or an interference is carried out as provided in article 6(2) of the Security Service Act, the warrant authorising or approving such interception or interference shall, after being obtained in accordance with the Security Service Act be immediately reviewed by the person holding the office of Commissioner in accordance with article 12 of the Security Service Act and the said warrant shall not be executed and shall have no effect if in the said review the Commissioner finds a lack of a sufficient legal and factual basis to reasonably justify the execution thereof.

(3) The prior authorisation provided for in Article 4(4)(d) of the EMFA shall be obtained in accordance with the said procedure provided in sub-article (2) and the provisions of the said sub-article shall apply *mutatis mutandis* to the said prior authorisation.

9. The regular review referred to in Article 4(6) of the EMFA shall be carried out by the Commissioner who holds office in accordance with article 12 of the Security Service Act. Regular review.  
Cap. 391.

10. The right of media service providers, their editorial staff or any persons who, because of their regular or professional relationship with a media service provider or its editorial staff, may have information related to or capable of identifying journalistic sources or confidential communications to effective judicial protection, regarding breaches of Article 4(3) to (7) of the EMFA shall be enforceable by the First Hall of the Civil Court upon an application by the injured party and the provisions of the Code of Organization and Civil Procedure applicable to the trial of causes heard before the First Hall of the Civil Court, including the power of the Court to order hearings *in camera*, shall apply to proceedings instituted under this article. Judicial protection through the First Hall of the Civil Court.  
Cap. 12.

11. The Chief Executive Officer of the provider of public service media shall be appointed by means of a competitive process after an open call to be published at least one (1) month in advance in which the selection criteria shall be made public. Appointment of Chief Executive Officer of provider of public service media.

12. Decisions for the dismissal of the Chief Executive Officer or, where in place, the members of the management board of the provider of public service media before the end of their term of office shall be subject to judicial review on questions of law and questions of fact before the First Hall of the Civil Court upon an application by the injured party to be filed by not later than six (6) months from such dismissal, and the provisions of the Code of Organization and Civil Procedure applicable to the trial of causes before the First Hall of the Civil Court shall apply to proceedings instituted under this article. Dismissals in public service media.  
Cap. 12.

13. The monitoring function provided for in Article 5(4) of the EMFA shall be carried out by the Broadcasting Authority. Broadcasting Authority to carry out monitoring function of public service media.

14. The information to be made easily and directly accessible to recipients of services of media service providers and to be kept up-to-date in accordance with Article 6(1) of the EMFA shall in all cases also be provided to the Media Registrar appointed in accordance with article 20 of the Media and Defamation Act, who shall together with the Head of the Office develop a national media ownership database containing the said information, which shall be made available to the National media ownership database.  
Cap. 579.

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public by electronic means.

Tasks assigned under Chapter III of the EMFA to be performed by the Broadcasting Authority.

**15.** The Broadcasting Authority shall perform the tasks assigned to national regulatory authorities under Chapter III of the EMFA and in doing so, it shall not be precluded from taking into account any opinion issued by the European Board for Media Services established under the EMFA.

Power to request information.

**16. (1)** The Broadcasting Authority shall be entitled to request the following persons to provide, within a reasonable period of time, information and data that are proportionate and necessary for carrying out the tasks provided under Chapter III of the EMFA:

(a) natural persons to whom or the legal persons to which the said Chapter III of the EMFA applies; and

(b) any other natural or legal person that, for purposes related to its trade, business or profession, might reasonably be in possession of such information and data.

Offences and punishments.

**(2)** Any person who fails to comply with a request of the Broadcasting Authority made in accordance with the provisions of this order within the time stipulated by the Authority shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) of not less than five hundred euro (€500), but not more than ten thousand euro (€10,000), and to a fine (*multa*) of not more than fifty euro (€50) for each day during which the offence persists.

Compliance function of the Office in respect of devices and user interfaces.

**17.** The Office and, or such other public entity as the Minister responsible for broadcasting and, or audiovisual media may by order from time to time designate, shall be the competent authority to take or propose appropriate measures to ensure that manufacturers, developers and importers of devices and user interfaces controlling or managing access to and the use of media services providing programmes in Malta comply with the requirements of Article 20 of the EMFA and for this purpose the said Office or other public entity as aforesaid may demand the assistance of any other public authority.

Implementation of Article 21 of the EMFA by the Broadcasting Authority.

**18. (1)** The Broadcasting Authority shall be competent to take the regulatory or administrative measures provided for in Article 21 of the EMFA.

(2) When the Broadcasting Authority takes such measures as provided in sub-article (1), any person who is individually and directly concerned with such measures shall have a right to appeal the regulatory or administrative measure before the Court of Appeal (Inferior Jurisdiction) by means of an application to be filed within twenty (20) days from the date from which the measure was communicated to such person. The provisions of the Code of Organization and Civil Procedure regarding the hearing of appeals by the Court of Appeal (Inferior Jurisdiction) shall apply to the hearing of such appeal. Cap. 12.

**19.** (1) Public authorities and entities which use public funds for the purpose of their advertising shall every six (6) months report to the Office the following details on state advertising contracts concluded by them with media service providers: Monitoring of State advertising reports to be filed with the Office.

(a) the name of the media service provider or provider of online platforms contracted;

(b) the total value of the contract;

(c) a description of the advertising services provided.

(2) The Office shall also ensure that public authorities or entities to which sub-article (1) applies make available to it information on state advertising expenditure on an annual basis.

(3) The Head of the Office may at any time report to the Prime Minister on any matter relating to the discharge of the functions of the Office relating to state advertising under this article.

**20.** (1) The Office shall monitor and report at the end of each financial year by not later than the 1st April of the following year on the allocation of state advertising expenditure to media service providers and providers of online platforms. Annual report by the Office on State advertising.

(2) The said annual report of the Office shall include detailed data on the allocation of funds for State advertising.

(3) The report shall be made publicly available in an easily accessible format which shall also be available through electronic means.

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## PART IV Amendments to the Broadcasting Act

Amendments to the Broadcasting Act. Cap. 350.

**21.** This Part amends the Broadcasting Act and it shall be read and construed as one with the Broadcasting Act, hereinafter in this Part referred as the "principal Act".

Amendment of article 16 of the principal Act

**22.** In the first proviso to article 16 of the principal Act the words "in paragraphs (i) to (vi)." shall be substituted by the words "in paragraphs (i) to (vi):" and immediately thereafter there shall be added the following new proviso:

"Provided further that prior to the Authority authorising any of the measures referred to in paragraphs (i) to (vi), it shall assess the effects of the proposed actions on competition, consumer choice, and the overall plurality of viewpoints in the media landscape and it shall take such assessment into consideration in deciding to grant or to withhold its consent."

Amendment of article 16G of the principal Act.

**23.** In article 16G of the principal Act the definition "programme" shall be substituted by the following new definition:

" "programme" means a set of moving images with or without sound, or sound, with or without moving images, constituting a single item, irrespective of its length, within a schedule or a catalogue established by a media service provider;"

## PART V Amendments to the Media and Defamation Act

Amendments to the Media and Defamation Act. Cap. 579.

**24.** This Part amends the Media and Defamation Act and it shall be read and construed as one with the Media and Defamation Act, hereinafter in this Part referred as the "principal Act".

Amendment of article 2 of the principal Act.

**25.** Article 2 of the principal Act shall be amended as follows:

(a) immediately after the definition "editor" there shall be added the following new definition:

" "editorial control" means the exercise of effective control both over the selection of programmes or press publications and over their organisation, for the purposes of the provision of a media service;"

(b) immediately after the definition "media" there shall be added the following definitions:

"media service" means a service where the principal purpose of the service or a dissociable section thereof consists in providing programmes or press publications, under the editorial responsibility or the editorial control of a media service provider to the general public, by any means, in order to inform, entertain or educate;

"media service provider" means a natural or legal person whose professional activity is to provide a media service and who has editorial responsibility or editorial control in respect of the choice of the content of the media service and determines the manner in which it is organised;"

**26.** In article 22 of the principal Act the words "of the interests of justice." shall be substituted by the words "of the interests of justice:" and immediately thereafter there shall be added the following new provisos:

Amendment of  
article 22 of the  
principal Act.

"Provided that when the editor, author, publisher or operator of a website referred to in sub-article (1) is a media service provider or an employee or contractor of a media service provider, the protection as provided in sub-article (1) shall also extend to members of the editorial staff of any such media service provider and to persons who because of their regular or professional relationship with the said media service provider or its editorial staff may have information which is protected under this article:

Provided further that the protection of sources provided for in this article shall be without prejudice and in addition to the protection of sources provided under Article 4 of Regulation (EU) 2024/1083 of the European Parliament and the Council of 11 April 2024 establishing a common framework for Media Services in the internal market and amending directive 2010/13/EU (European Media Freedom Act).".

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