

Study to support the preparation of an EU instrument to help improve the resilience of our democracies and address the threats of interference in elections through greater transparency in political advertising, and other measures to promote resilient democracy in the EU

Mapping of national legislation – Malta

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
I. General information about the national legal framework		
National legal act(s) governing political advertising	<p>Chapter 350 of the Laws of Malta, Broadcasting Act, Act XII of 1991 as last amended by Act LVI of 2020: https://legislation.mt/eli/cap/350/eng/pdf</p> <p>Chapter 354 of the Laws of Malta, General Elections Act, Act XXI of 1991 as last amended by Act XI of 2019: https://legislation.mt/eli/cap/354/eng/pdf</p> <p>Chapter 544 of the Laws of Malta, Financing of Political Parties Act, Act XXIV of 2015: https://legislation.mt/eli/cap/544/eng/pdf</p>	<p><i>Please provide an overview of how political advertising is regulated in your Member State:</i></p> <p><i>Which legal act(s) is the principal piece of legislation governing political advertising (e.g. national elections act, specific act on political advertising, media act etc.)? How are they interlinked (e.g. via definitions or other common provisions)?</i></p> <p>The main legal instruments relevant to political advertising in Malta are the Broadcasting Act, the General Elections Act and the Financing of Political Parties Act. These Acts are not linked through definitions or common provisions, it is rather the separate provisions in each Act that are individually relevant.</p> <p><i>Please, specify the principal piece of legislation or other regulations, (self-/co-regulatory codes or guidelines) governing online political advertising, if applicable. Please, provide any other relevant legislation and self-regulatory/co-regulatory</i></p>

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		<p><i>instruments applicable to political advertising, political campaigning and parties/candidates funding.</i></p> <p>Online political advertising is not separately regulated in Malta. Provisions of the General Elections Act could be relevant insofar as they refer to means of communication other than the broadcast or print media as explained in Section III below.</p>
Legal and/or statutory definition of the notion of “political advertising” and “online political advertising” (if applicable)	<p>Regulation 2, Subsidiary Legislation 499.32, Placing of Billboards on the Road Regulations, Legal Notice 368 of 2004 as last amended by Act XV of 2009: https://legislation.mt/eli/sl/499.32/eng/pdf</p> <p>Article 2, Chapter 363 of the Laws of Malta, Local Government Act, Act XV of 1993 as last amended by Act LIX of 2020: https://legislation.mt/eli/cap/363/eng/pdf</p>	<p><i>Does your national legislation or regulations define political advertising?</i></p> <p>There is no definition of ‘political advertising’. However, Legal Notice 368 of 2004 defines ‘political billboard’ which is one form of political advertising and the Local Government Act defines ‘advertising’ generally as explained in the next row.</p> <p><i>Does your national legislation or regulations define online political advertising?</i></p> <p>There is no definition of online political advertising.</p>
If not applicable, provide other definitions/terms used in the legislation close to the notion of “political advertising”	Regulation 2, Subsidiary Legislation 499.32, Placing of Billboards on the Road Regulations, Legal Notice 368 of 2004 as last amended by Act XV of 2009: https://legislation.mt/eli/sl/499.32/eng/pdf	<p><i>Examples: “partisan advertising”, “campaign advertising”, “elections advertising and issues based advertising” etc.</i></p> <p><i>Please, specify whether the available definitions apply towards specific actors/persons. (e.g. political parties/candidates, media, civil society, online intermediaries or other service providers etc.).</i></p>

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	Article 2, Chapter 363 of the Laws of Malta, Local Government Act , Act XV of 1993 as last amended by Act LIX of 2020: https://legislation.mt/eli/cap/363/eng/pdf	<p>There are no overarching definitions/terms close to that of ‘political advertising’. However, Legal Notice 368 of 2004 defines one specific form of political advertising, namely, ‘political billboard’, as a billboard which is not affixed to the underlying ground, which is used for the display of material which relates exclusively to a general election or to a referendum or to an election for local councils and which is displayed not earlier than three months before the date on which such election or referendum is held and not later than one week from the official announcement of the result of such election or referendum. A ‘billboard’ is any sign, whether permanent or political, which is used to promote or advertise products, services, events or activities that are not directly related to the primary use or activity occurring on the site of the sign.</p> <p>Article 2 of the Local Government Act defines ‘advertisement’ as any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction, including any boarding or similar structure used or adapted for use for the display of advertisements.</p>
Evaluation of the current legislative framework and draft legislations on political		<i>Has an evaluation of the rules and practices in place for political advertising and/or online political advertising already been carried out and if so, what are the results?</i>

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advertising and/or online political advertising		<p>No evaluation identified.</p> <p><i>Further to that, is there any draft legislation currently discussed in your Member State relevant for political advertising and/or online political advertising? If so, please provide a brief overview.</i></p> <p>No draft legislation under discussion.</p>
II. Political advertising rules during pre-election campaigns		
Definitions of pre-election campaigns in the Member State (if applicable)	<p>Article 2, Chapter 544 of the Laws of Malta, Financing of Political Parties Act, Act XXIV of 2015: https://legislation.mt/eli/cap/544/eng/pdf</p>	<p><i>Are pre-election campaigns defined in your Member State? If so, how?</i></p> <p>Pre-election campaigns are not defined in Malta. On the other hand, as explained in Section III below, Article 2 of the Financing of Political Parties Act defines ‘general election period’ as the period beginning with the date on which the President of Malta dissolves Parliament with no specification as to the number of days or weeks. ‘European Parliament election period’ and ‘local council election period’ are defined as a period of six weeks before the date fixed for the European Parliament or local council elections. These periods constitute election periods under Maltese law and while some legal provisions apply equally to pre-election campaign periods and election periods, some rules apply exclusively to one or the other period as explained below.</p>

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National rules on paid political advertising during pre-election campaigns	<p>Article 13(4), Chapter 350 of the Laws of Malta, Broadcasting Act, Act XII of 1991 as last amended by Act LVI of 2020: https://legislation.mt/eli/cap/350/eng/pdf</p> <p>Regulations 10 and 12, Subsidiary Legislation 499.32, Placing of Billboards on the Road Regulations, Legal Notice 368 of 2004 as last amended by Act XV of 2009: https://legislation.mt/eli/sl/499.32/eng/pdf</p> <p>Article 47, Chapter 102 of the Laws of Malta, Electoral (Polling) Ordinance, Act XXXIV of 10939 as last amended by Legal Notice 409 of 2007: https://legislation.mt/eli/cap/102/eng/pdf. Note: this Act has been repealed however by virtue of Article 118 and the Fourteenth Schedule to General Elections Act, Articles 41 to 62 of that Ordinance remain applicable.</p> <p>Chapter 354 of the Laws of Malta, General Elections Act, Act XXI of 1991 as last amended by Act XI of 2019: https://legislation.mt/eli/cap/354/eng/pdf</p>	<p><i>Is paid political advertising during pre-election campaigns prohibited or allowed in your Member State?</i></p> <p><i>If prohibited, what is the scope of the ban of paid political advertising?</i></p> <p><i>In the opposite case, to which extent is paid political advertising allowed? What are the limitations applicable?</i></p> <p><i>Please, specify whether such rules during pre-election campaigns are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction.</i></p> <p>There are no general rules on paid political advertising during pre-election campaigns. There are however relevant rules that are of general application (not restricted to a specific period) in relation to the broadcast media. Article 13(4) of the Broadcasting Act requires the Broadcasting Authority to:</p> <ul style="list-style-type: none"> - organise from time-to-time schemes of political broadcasts (including political spots) which fairly apportion facilities and time between the different political parties; - produce properly balanced discussions or debates that afford access to persons from different interest-groups and with different points of view, and - produce commentaries or other programmes about questions relating to current public policy, wherein persons taking part can put forward differing views and comments.

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		<p>The Third Schedule to the Broadcasting Act contains the ‘Code for Advertisements and Teleshopping for Radio and Television Broadcasts’. One of the general standards set out therein is that advertising must not, except as authorised under a scheme of political broadcasts approved by the Broadcasting Authority in terms of Article 13(4) of the Broadcasting Act, and irrespective of whether they are broadcast in return for payment or for similar consideration or otherwise, be of a political nature. Therefore, beyond what is authorised under Article 13(4) of the Broadcasting Act, political advertising is banned.</p> <p>There are specific rules in relation to political billboards. Regulation 10(1) of Legal Notice 368 of 2004 prohibits the placing on a road of any political billboard without a permit from the Transport Authority. An exemption from the permit requirement is provided for in election periods as explained in Section III below. Outside election periods, a permit from the Transport Authority is necessary (Regulation 10(2)) as explained in Section IV below.</p> <p>Finally, reference is made to Article 47 of the repealed Electoral (Polling) Ordinance which remains applicable by virtue of the Fourteenth Schedule to the General Elections Act and is relevant insofar as it establishes that certain expenditure constitutes an illegal practice. This prohibits payments for the purpose of promoting or procuring the election of a candidate at any election with respect to the conveyance of voters to or from the poll or</p>

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		<p>the payment to a voter on account of the use of any house, land, building, or premises for the exhibition of any address, bill, or notice. If any payment or contract for payment is knowingly made in contravention of this rule either before, during, or after an election, the persons making or receiving such payment or contract will be guilty of an illegal practice. However, where it is the ordinary business of a voter as an advertising agent or publisher to exhibit for payment bills and advertisements, a payment to or contract with such voter, if made in the ordinary course of business, will not be deemed to be an illegal practice.</p> <p>These rules are not relevant for online advertising.</p>
National rules on financing of political parties/candidates in relation to political adverts	<p>Articles 24, 26, 29, 33-39, 43 Chapter 544 of the Laws of Malta, Financing of Political Parties Act, Act XXIV of 2015: https://legislation.mt/eli/cap/544/eng/pdf</p> <p>Articles 46 and 50, Chapter 102 of the Laws of Malta, Electoral (Polling) Ordinance, Act XXXIV of 10939 as last amended by Legal Notice 409 of 2007: https://legislation.mt/eli/cap/102/eng/pdf. Note: this Act has been repealed however by virtue of Article 118 and the Fourteenth Schedule to General Elections Act, Articles 41 to 62 of that Ordinance remain applicable.</p>	<p><i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i></p> <p>The Financing of Political Parties Act regulates the formation, inner structures, functioning and financing of political parties and their participation in elections. The provisions of the Act regulating donations and sponsorships bear some relevance to political adverts.</p>

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	<p>Twelfth Schedule, Chapter 354 of the Laws of Malta, General Elections Act, Act XXI of 1991 as last amended by Act XI of 2019: https://legislation.mt/eli/cap/354/eng/pdf</p> <p>Article 101 and Thirteenth Schedule, Chapter 363 of the Laws of Malta, Local Government Act, Act XV of 1993 as last amended by Act LIX of 2020: https://legislation.mt/eli/cap/363/eng/pdf</p>	<p>Article 33 of the Act states that political parties are entitled to accept donations (this includes contributions made by the members themselves) and Article 34 of the Act deals with non-permissible donations. Political parties are prohibited from receiving donations which are evidently made in the expectation of, or in return for, some specific financial or political advantage and/or from any public corporation or any parastatal body, company, or entity in which the State has a controlling interest. Political parties can however receive services from State sources under a special law regulating: (i) assistance in kind (such as air-time, access to means of communication and related matters); (ii) the proportions on the basis of which such assistance is to be provided to different political parties; and (iii) the timing of the assistance given before elections, after elections, during the European Parliament election period, the Local Council election period, the general election period and during referendum campaigns.</p> <p>Political parties are also prohibited from receiving donations given anonymously or given confidentially in an amount exceeding EUR 500 from the same source in any year or in excess of EUR 25,000 during one calendar year from the same source. Political parties are also prohibited from receiving donations consisting of a loan on more favourable terms than ordinary commercial terms at the time when the loan was made, or from a foundation, trust or a body corporate where the ultimate beneficial owner is not identifiable.</p>

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		<p>Article 35 of the Act sets out rules with respect to the value of donations. As a general rule, the value of any donation in the form of a gift (which could involve the provision of facilities or services such as advertising) to the political party, other than money, must be taken to be the cost price to the donor of the gift or property in question.</p> <p>Article 36 of the Act deals with sponsorship. A sponsorship of a political party is deemed to be made where: any money or property is transferred to the political party and the purpose or one of the purposes of the transfer is or may be, assumed to be: (i) to help the political party meet, to any extent, its expenses; or (ii) to secure that, to any extent, any such expense is not so incurred. Expenses may include, among others, expenses connected to any conference, meeting or other event organised by or on behalf of the political party; the preparation, production or dissemination of any publication by or on behalf of the political party; or any study or research organised by or on behalf of the political party. In line with Article 36(3) of the Act, the following activities do not constitute sponsorship:</p> <ul style="list-style-type: none"> - the making of any payment in respect of any charge for admission to a conference, meeting or other event or the purchase price of, or any other charge for access to, any publication; - the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate; - the provision, on commercial terms, of any property, services or facilities for the use or benefit of the political party.

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		<p>Article 37 of the Act deals with the registration of donations by source and Article 38 requires the treasurer of a political party to prepare a donation report each year, showing the amount received by the political party by way of donation. The donation reports must be submitted to the Electoral Commission in accordance with Article 39 of the Act. Article 43 of the Act provides for the public inspection of donation reports. The Election Commission must keep a record of all donation reports received and such reports must be made accessible to the public and posted on the website of the Electoral Commission.</p> <p>In addition, Article 24 of the Act requires the treasurer of a political party to prepare an annual statement of accounts, in respect of each financial year. This must include a statement of income and expenditure, the statement of the financial position at the end of the financial year, the statement of cash flows and supplementary notes. In line with Article 26 of the Act, the accounts of a political party must be audited each year according to generally accepted auditing standards. Article 29 states that where the Electoral Commission receives any audited accounts, as a result of the obligation of delivery of statements of accounts to it, it must, within one month after receiving the statement, make a copy of the statement available for public inspection, post the statement on the website of the Electoral Commission and keep it available for public inspection and on the said website for the period for which the statement is kept by it.</p>

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		<p>In addition to the Financing of Political Parties Act, requirements related to election expenses as set out in the provisions of the repealed Electoral (Polling) Ordinance (that remain applicable by virtue of the General Elections Act) and Local Government Act are relevant as explained in Section IV below.</p> <p>It is also worth noting that Article 46 of the Electoral (Polling) Ordinance sets maximum limits on the expenses of candidates. The reference to expenses would cover the cost of political advertising as well as other activities. The maximum sum paid and/or expenses incurred by or on behalf of a candidate at an election of members of the House of Representatives, and/or by his/her election agent, before, during, or after an election on account of or in respect of the conduct of such election, must not exceed EUR 20,000 from every electoral district contested by the candidate. Candidates or election agents who knowingly act in contravention of this will be guilty of an illegal practice.</p>
National rules on free political advertising (or free airtime) during pre-election campaigns	<p>Article 13(4) and (5), Chapter 350 of the Laws of Malta, Broadcasting Act, Act XII of 1991 as last amended by Act LVI of 2020: https://legislation.mt/eli/cap/350/eng/pdf</p>	<p><i>Are political parties in your Member State allocated free political advertising during pre-election campaigns? If so, on which media is free political advertising granted?</i></p> <p>Political parties can be allocated free time on the broadcast media. The relevant rules are not limited depending on the point in time of the election cycle.</p>

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		Article 13(4) of the Broadcasting Act requires the Broadcasting Authority to organise from time to time schemes of political broadcasts (including political spots) which fairly apportion facilities and time between the different political parties; to produce properly balanced discussions or debates that afford access to persons from different interest-groups and with different points of view, and also to produce commentaries or other programmes about questions relating to current public policy, wherein persons taking part can put forward differing views and comments. In order to fulfil this duty, the Broadcasting Authority has the right to order any person or all persons providing broadcasting services in Malta to provide, free of charge, such recording and other facilities as may be necessary for the production of the said programmes for radio and television, as well as to transmit, free of charge, on such days and at such times as the Broadcasting Authority directs, the same programmes. These powers of the Broadcasting Authority may only be exercised in so far as that exercise is reasonably justifiable in a democratic society (Article 13(5)).
National rules on political advertising on broadcast media during pre-election campaigns (incl. public service and private broadcasters)	Article 13 and Third Schedule, Chapter 350 of the Laws of Malta, Broadcasting Act , Act XII of 1991 as last amended by Act LVI of 2020: https://legislation.mt/eli/cap/350/eng/pdf	<i>Please, provide a brief description of the national rules on political advertising on broadcast media during pre-election campaigns.</i> The rules on political advertising on broadcast media as described below are not limited to pre-election campaigns .

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		<p>Article 13 of the Broadcasting Act sets out general rules on the provision of broadcasting services in Malta. These are relevant during pre-election campaign periods as well as other periods. Insofar as general interest broadcasting services are concerned and where the Broadcasting Authority allows news and current affairs programmes to be broadcast by sound and television broadcasting services, the Broadcasting Authority must satisfy itself that, so far as possible, that the programmes broadcast by any general interest broadcasting service comply with the requirements in the broadcasting licence, including that due impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policy (Article 13(2)(f)).</p> <p>The Broadcasting Authority must also ensure that, for the continued operation of the licence of a community radio service, the views and expressions of the licensee or of particular persons or bodies, on matters which are of political or industrial controversy or relate to current public policy do not predominate (Article 13(3)).</p> <p>Article 13(4) of the Act requires the Broadcasting Authority to organise from time to time schemes of political broadcasts (including political spots) which fairly apportion facilities and time between the different political parties represented in Parliament. In order to fulfil this duty, the Broadcasting Authority has the right to order any person or all persons</p>

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		<p>providing broadcasting services in Malta for reception in Malta to provide, free of charge, such recording and other facilities as may be necessary for the production of the said programmes for radio and television, as well as to transmit, free of charge, on such days and at such times as the Authority directs, the same programmes. These powers of the Authority may only be exercised in so far as that exercise is reasonably justifiable in a democratic society (Article 13(5)).</p> <p>The Third Schedule to the Broadcasting Act contains the ‘Code for Advertisements and Teleshopping for Radio and Television Broadcasts’. One of the general standards set out therein is that advertising must not, except as authorised under a scheme of political broadcasts approved by the Broadcasting Authority in terms of Article 13(4) of the Broadcasting Act, and irrespective of whether they are broadcast in return for payment or for similar consideration or otherwise, be of a political nature.</p> <p>The Fourth Schedule of the Broadcasting Act contains the application form for broadcasting radio services and requires applicants to disclose any connections with bodies of a wholly or mainly political nature.</p>
National rules on political advertising in print media during pre-election campaigns	Article 116, Chapter 354 of the Laws of Malta, General Elections Act , Act XXI of 1991 as last amended by Act XI of 2019: https://legislation.mt/eli/cap/354/eng/pdf	<i>Please, provide a brief description of the national rules on political advertising in print media during pre-election campaigns.</i>

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		<p>There are no relevant rules of general application to the print media in pre-election campaigns. However, Article 116 of the General Elections Act prohibiting the display of posters and other printed material applies ‘at any time in contemplation or in anticipation of an election’. During such time, it is unlawful for any person to display or cause to be displayed in a public place, or in a place accessible to the public or visible from any public place, any bill, poster or other advertisement intended or likely to influence voters in the exercise of the franchise, or to write or make or cause to be written or made on any wall or other place visible from a public place any word or sign intended or likely to influence voters in the exercise of the franchise. This prohibition does not apply to any bill, poster or other advertisement which is: worn or carried by a person; displayed on the inside of a private building even though it may be visible from a public place; displayed on a duly authorised billboard; displayed on a duly authorised streamer.</p> <p>Any person violating this prohibition is liable on conviction to a fine not exceeding EUR 1,164.69 or to imprisonment for a period of not more than six months, and in respect of any second or subsequent offence to both such fine and imprisonment. The Police are required to remove or otherwise cancel or delete anything displayed, written or made in contravention of Article 116 of the General Elections Act.</p>
National rules on political advertising on online media		<i>Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i>

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applicable to political parties, during pre-election campaigns		There are no rules on political advertising on online media applicable to political parties during pre-election campaigns.
Particular rules applicable to online platforms and intermediaries , such as social media, for political advertising during pre-election campaigns		<i>Are there any particular rules applicable to online platforms during pre-election campaigns in your Member State?</i> There are no particular rules for online platforms and intermediaries.
Specific rules relating to “ false information ”, fake news ” or “ disinformation campaigns ” during pre-election campaigns	Article 82, Chapter 9 of the Laws of Malta, Criminal Code , Order-in-Council of 30 January 1854 as last amended by Act LII of 2020: https://legislation.mt/eli/cap/9/eng/pdf Malta Press Club Code of Ethics : https://accountablejournalism.org/ethics-codes/Malta-Journalist	<i>Are there specific provisions in your Member State about the dissemination of “untrue information”, “false information”, “fake news” or ‘disinformation campaigns’ during pre-election campaigns?</i> There are no specific rules in the context of pre-election campaigns. However, reference may be made to Article 82 of the Criminal Code on the spreading of false news . The malicious spreading of false news which is likely to alarm public opinion or disturb public good order or the public peace or to create a commotion among the public or among certain members of the public is a criminal offence in Malta and is subject to the punishment of imprisonment for a term from one to three months. Moreover, if any disturbance results from the offence, or if the offence has contributed to the occurrence of any disturbance, the offender is liable to imprisonment for a term of not less than one month but not exceeding six months and/or to a fine not exceeding EUR 1,000).

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		It is also noted that the journalists' Code of Ethics which is a self-regulatory, non-legally binding measure of the Maltese press, states that: all information given or received should, as far as possible, be scrutinised for veracity and accuracy (point 2.6); whenever it is established that a significant inaccuracy, misleading statement or distorted report has been broadcast or published, it should be corrected promptly and prominently (point 2.7); direct quotes must be accurate, the emotions and feelings of sources should never be abused, journalists must never take advantage of sources' ignorance or lack of judgement; sources must be aware of the effect of their statements (point 2.8); plagiarism, malicious distortion of facts, slander, and the publication of libellous allegations and/or false and baseless allegations, bribery in money or in some other way to give or withhold information should be considered as grave offences against the profession of journalism and a betrayal of public trust in the profession (point 2.9).
III. Political advertising rules during elections period		
Definitions of elections period in the Member State (if applicable)	<p>Article 2, Chapter 544 of the Laws of Malta, Financing of Political Parties Act, Act XXIV of 2015: https://legislation.mt/eli/cap/544/eng/pdf</p> <p>Article 5, Chapter 467 of the Laws of Malta, European Parliament Elections Act, Act XVI of 2003 as last amended by Legal</p>	<p><i>How is the elections period defined in your Member State?</i></p> <p>Article 2 of the Financing of Political Parties Act defines:</p> <ul style="list-style-type: none"> - 'European Parliament election period' as a period of six weeks before the date fixed for the European Parliament elections in accordance with Article 5 of the European Parliament Elections Act. Article 5 of the European

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	<p>Notice 61 of 2019: https://legislation.mt/eli/cap/467/eng/pdf</p> <p>Article 8(6), Chapter 363 of the Laws of Malta, Local Government Act, Act XV of 1993 as last amended by Act LIX of 2020: https://legislation.mt/eli/cap/363/eng/pdf</p>	<p>Parliament Elections Act states that elections of members of the European Parliament must be held every five years commencing in 2004, on the second Saturday in June or on such other date as the Prime Minister may by notice in the Government Gazette establish.</p> <ul style="list-style-type: none"> - ‘general election period’ as the period beginning with the date on which the President of Malta dissolves Parliament, by Proclamation and ending with the date of the result of the poll. - ‘local council election period’ as a period of six weeks before the date fixed in Article 8(6) of the Local Government Act. Article 8(6) of the Local Government Act states that elections will be held on the same day as the elections for the European Parliament.
National rules on paid political advertising during elections period	<p>Article 13(4) and Third Schedule, Chapter 350 of the Laws of Malta, Broadcasting Act, Act XII of 1991 as last amended by Act LVI of 2020: https://legislation.mt/eli/cap/350/eng/pdf</p> <p>Regulation 10, Subsidiary Legislation 499.32, Placing of Billboards on the Road Regulations, Legal Notice 368 of 2004 as last amended by Act XV of 2009: https://legislation.mt/eli/sl/499.32/eng/pdf</p>	<p><i>Is paid political advertising during election period prohibited or allowed in your Member State?</i></p> <p><i>If prohibited, what is the scope of the ban of paid political advertising?</i></p> <p><i>In the opposite case, to which extent is paid political advertising allowed? What are the limitations applicable?</i></p> <p><i>Please, specify whether such rules during elections period are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction (e.g. enforcement of ‘silence periods’ online)</i></p> <p>In relation to the broadcast media, there are rules that are of general application (not restricted to a specific period). Article</p>

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	<p>Article 47, Chapter 102 of the Laws of Malta, Electoral (Polling) Ordinance, Act XXXIV of 10939 as last amended by Legal Notice 409 of 2007: https://legislation.mt/eli/cap/102/eng/pdf.</p> <p>Note: this Act has been repealed however by virtue of Article 118 and the Fourteenth Schedule to General Elections Act, Articles 41 to 62 of that Ordinance remain applicable.</p> <p>Article 114, Chapter 354 of the Laws of Malta, General Elections Act, Act XXI of 1991 as last amended by Act XI of 2019: https://legislation.mt/eli/cap/354/eng/pdf</p>	<p>13(4) of the Broadcasting Act requires the Broadcasting Authority to:</p> <ul style="list-style-type: none"> - organise from time-to-time schemes of political broadcasts (including political spots) which fairly apportion facilities and time between the different political parties; - produce properly balanced discussions or debates that afford access to persons from different interest-groups and with different points of view, and - produce commentaries or other programmes about questions relating to current public policy, wherein persons taking part can put forward differing views and comments. <p>The Third Schedule to the Broadcasting Act contains the ‘Code for Advertisements and Teleshopping for Radio and Television Broadcasts’. One of the general standards set out therein is that advertising must not, except as authorised under a scheme of political broadcasts approved by the Broadcasting Authority in terms of Article 13(4) of the Broadcasting Act, and irrespective of whether they are broadcast in return for payment or for similar consideration or otherwise, be of a political nature. Therefore, beyond what is authorised under Article 13(4) of the Broadcasting Act, political advertising is banned.</p> <p>There are specific rules in relation to political billboards in election periods. Regulation 10(1) of Legal Notice 368 of 2004 prohibits the placing on a road of any political billboard without a permit from the Transport Authority. However, a political</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		<p>billboard placed on a road at anytime from the issue of a general elections writ, as provided for in the General Elections Act, and the day of voting in those general elections is exempt from the permit requirement.</p> <p>Article 47 of the repealed Electoral (Polling) Ordinance which remains applicable by virtue of the Fourteenth Schedule to the General Elections Act is relevant insofar as it establishes that certain expenditure constitutes an illegal practice. This prohibits payments for the purpose of promoting or procuring the election of a candidate at any election with respect to the conveyance of voters to or from the poll or the payment to a voter on account of the use of any house, land, building, or premises for the exhibition of any address, bill, or notice. If any payment or contract for payment is knowingly made in contravention of this rule either before, during, or after an election, the persons making or receiving such payment or contract will be guilty of an illegal practice. However, where it is the ordinary business of a voter as an advertising agent or publisher to exhibit for payment bills and advertisements, a payment to or contract with such voter, if made in the ordinary course of business, will not be deemed to be an illegal practice.</p> <p>There is also a silence period set out in Article 114 of the General Elections Act prohibiting activities capable of influencing voters immediately before the election. During the day on which an election is held and during the day immediately preceding an</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		<p>election, it is prohibited for any person to address any public meeting or any other gathering whatsoever in any place or building accessible to the public, or on the broadcasting media, on any matter intended or likely to influence voters, or publish or cause to be published any newspaper, printed matter or other means of communication to the public containing any matter aforesaid, or issue or cause to be issued any statement or declaration on any matter aforesaid or knowingly distribute any newspaper, printed matter, or other means of communication, or any statement or declaration as aforesaid.</p> <p>Any person acting in contravention of this prohibition is liable on conviction to a fine not exceeding EUR 1,164.69 and/or to imprisonment for a term not exceeding six months. Anyone who aids or abets the commission of such an offence or attempts to commit such offence is also liable on conviction to the same punishment.</p> <p>The rules described above do not apply to online advertising with the possible exception of Article 114 of the General Elections Act that refers to ‘other means of communication to the public’ and it can therefore be interpreted that the silence period applies also to online media.</p>
National rules on financing of political parties/candidates in relation to political adverts	Articles 24, 26, 29, 33-39, 43 Chapter 544 of the Laws of Malta, Financing of Political Parties Act , Act XXIV of 2015: https://legislation.mt/eli/cap/544/eng/pdf	<i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for</i>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
	<p>Articles 46 and 50, Chapter 102 of the Laws of Malta, Electoral (Polling) Ordinance, Act XXXIV of 10939 as last amended by Legal Notice 409 of 2007: https://legislation.mt/eli/cap/102/eng/pdf. Note: this Act has been repealed however by virtue of Article 118 and the Fourteenth Schedule to General Elections Act, Articles 41 to 62 of that Ordinance remain applicable.</p> <p>Twelfth Schedule, Chapter 354 of the Laws of Malta, General Elections Act, Act XXI of 1991 as last amended by Act XI of 2019: https://legislation.mt/eli/cap/354/eng/pdf</p> <p>Article 101 and Thirteenth Schedule, Chapter 363 of the Laws of Malta, Local Government Act, Act XV of 1993 as last amended by Act LIX of 2020: https://legislation.mt/eli/cap/363/eng/pdf</p>	<p><i>sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i></p> <p>The Financing of Political Parties Act regulates the formation, inner structures, functioning and financing of political parties and their participation in elections. The provisions of the Act regulating donations and sponsorships bear some relevance to political adverts.</p> <p>Article 33 of the Act states that political parties are entitled to accept donations (this includes contributions made by the members themselves) and Article 34 of the Act deals with non-permissible donations. Political parties are prohibited from receiving donations which are evidently made in the expectation of, or in return for, some specific financial or political advantage and/or from any public corporation or any parastatal body, company, or entity in which the State has a controlling interest. Political parties can however receive services from State sources under a special law regulating: (i) assistance in kind (such as air-time, access to means of communication and related matters); (ii) the proportions on the basis of which such assistance is to be provided to different political parties; and (iii) the timing of the assistance given before elections, after elections, during the European Parliament election period, the Local Council election period, the general election period and during referendum campaigns.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		<p>Political parties are also prohibited from receiving donations given anonymously or given confidentially in an amount exceeding EUR 500 from the same source in any year or in excess of EUR 25,000 during one calendar year from the same source. Political parties are also prohibited from receiving donations consisting of a loan on more favourable terms than ordinary commercial terms at the time when the loan was made, or from a foundation, trust or a body corporate where the ultimate beneficial owner is not identifiable.</p> <p>Article 35 of the Act sets out rules with respect to the value of donations. As a general rule, the value of any donation in the form of a gift (which could involve the provision of facilities or services such as advertising) to the political party, other than money, must be taken to be the cost price to the donor of the gift or property in question.</p> <p>Article 36 of the Act deals with sponsorship. A sponsorship of a political party is deemed to be made where: any money or property is transferred to the political party and the purpose or one of the purposes of the transfer is or may be, assumed to be: (i) to help the political party meet, to any extent, its expenses; or (ii) to secure that, to any extent, any such expense is not so incurred. Expenses may include, among others, expenses connected to any conference, meeting or other event organised by or on behalf of the political party; the preparation, production or dissemination of any publication by or on behalf of the political party; or any study or research organised by or on behalf</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		<p>of the political party. In line with Article 36(3) of the Act, the following activities do not constitute sponsorship:</p> <ul style="list-style-type: none"> - the making of any payment in respect of any charge for admission to a conference, meeting or other event or the purchase price of, or any other charge for access to, any publication; - the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate; - the provision, on commercial terms, of any property, services or facilities for the use or benefit of the political party. <p>Article 37 of the Act deals with the registration of donations by source and Article 38 requires the treasurer of a political party to prepare a donation report each year, showing the amount received by the political party by way of donation. The donation reports must be submitted to the Electoral Commission in accordance with Article 39 of the Act. Article 43 of the Act provides for the public inspection of donation reports. The Election Commission must keep a record of all donation reports received and such reports must be made accessible to the public and posted on the website of the Electoral Commission.</p> <p>In addition, Article 24 of the Act requires the treasurer of a political party to prepare an annual statement of accounts, in respect of each financial year. This must include a statement of income and expenditure, the statement of the financial position at the end of the financial year, the statement of cash flows and supplementary notes. In line with Article 26 of the Act, the</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		<p>accounts of a political party must be audited each year according to generally accepted auditing standards. Article 29 states that where the Electoral Commission receives any audited accounts, as a result of the obligation of delivery of statements of accounts to it, it must, within one month after receiving the statement, make a copy of the statement available for public inspection, post the statement on the website of the Electoral Commission and keep it available for public inspection and on the said website for the period for which the statement is kept by it.</p> <p>In addition to the Financing of Political Parties Act, requirements related to election expenses as set out in the provisions of the repealed Electoral (Polling) Ordinance (that remain applicable by virtue of the General Elections Act) and Local Government Act are relevant as explained in Section IV below.</p> <p>It is also worth noting that Article 46 of the Electoral (Polling) Ordinance sets maximum limits on the expenses of candidates. The reference to expenses would cover the cost of political advertising as well as other activities. The maximum sum paid and/or expenses incurred by or on behalf of a candidate at an election of members of the House of Representatives, and/or by his/her election agent, before, during, or after an election on account of or in respect of the conduct of such election, must not exceed EUR 20,000 from every electoral district contested by the</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		candidate. Candidates or election agents who knowingly act in contravention of this will be guilty of an illegal practice.
National rules on free political advertising (or free airtime) during elections period	Article 13(4) and (5), Chapter 350 of the Laws of Malta, Broadcasting Act , Act XII of 1991 as last amended by Act LVI of 2020: https://legislation.mt/eli/cap/350/eng/pdf	<p><i>Are political parties in your Member State allocated free political advertising during elections period?</i></p> <p>Political parties can be allocated free time on the broadcast media. The relevant rules are not limited depending on the point in time of the election cycle.</p> <p>Article 13(4) of the Broadcasting Act requires the Broadcasting Authority to organise from time to time schemes of political broadcasts (including political spots) which fairly apportion facilities and time between the different political parties; to produce properly balanced discussions or debates that afford access to persons from different interest-groups and with different points of view, and also to produce commentaries or other programmes about questions relating to current public policy, wherein persons taking part can put forward differing views and comments. In order to fulfil this duty, the Broadcasting Authority has the right to order any person or all persons providing broadcasting services in Malta to provide, free of charge, such recording and other facilities as may be necessary for the production of the said programmes for radio and television, as well as to transmit, free of charge, on such days and at such times as the Broadcasting Authority directs, the same programmes. These powers of the Broadcasting Authority may</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		only be exercised in so far as that exercise is reasonably justifiable in a democratic society (Article 13(5)).
National rules on political advertising on broadcast media during elections period (incl. public service and private broadcasters)	Article 13 and Third Schedule, Chapter 350 of the Laws of Malta, Broadcasting Act , Act XII of 1991 as last amended by Act LVI of 2020: https://legislation.mt/eli/cap/350/eng/pdf	<p><i>Please, provide a brief description of the national rules on political advertising on broadcast media during elections period</i></p> <p>The rules on political advertising on broadcast media as described below are not limited to election periods.</p> <p>Article 13 of the Broadcasting Act sets out general rules on the provision of broadcasting services in Malta. Insofar as general interest broadcasting services are concerned and where the Broadcasting Authority allows news and current affairs programmes to be broadcast by sound and television broadcasting services, the Broadcasting Authority must satisfy itself that, so far as possible, that the programmes broadcast by any general interest broadcasting service comply with the requirements in the broadcasting licence, including that due impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policy (Article 13(2)(f)).</p> <p>The Broadcasting Authority must also ensure that, for the continued operation of the licence of a community radio service, the views and expressions of the licensee or of particular persons or bodies, on matters which are of political or industrial</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		<p>controversy or relate to current public policy do not predominate (Article 13(3)).</p> <p>Article 13(4) of the Act requires the Broadcasting Authority to organise from time to time schemes of political broadcasts (including political spots) which fairly apportion facilities and time between the different political parties represented in Parliament. In order to fulfil this duty, the Broadcasting Authority has the right to order any person or all persons providing broadcasting services in Malta for reception in Malta to provide, free of charge, such recording and other facilities as may be necessary for the production of the said programmes for radio and television, as well as to transmit, free of charge, on such days and at such times as the Authority directs, the same programmes. These powers of the Authority may only be exercised in so far as that exercise is reasonably justifiable in a democratic society (Article 13(5)).</p> <p>The Third Schedule to the Broadcasting Act contains the ‘Code for Advertisements and Teleshopping for Radio and Television Broadcasts’. One of the general standards set out therein is that advertising must not, except as authorised under a scheme of political broadcasts approved by the Broadcasting Authority in terms of Article 13(4) of the Broadcasting Act, and irrespective of whether they are broadcast in return for payment or for similar consideration or otherwise, be of a political nature.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		The Fourth Schedule of the Broadcasting Act contains the application form for broadcasting radio services and requires applicants to disclose any connections with bodies of a wholly or mainly political nature.
National rules on political advertising in print media during elections period	Article 116, Chapter 354 of the Laws of Malta, General Elections Act , Act XXI of 1991 as last amended by Act XI of 2019: https://legislation.mt/eli/cap/354/eng/pdf	<p><i>Please, provide a brief description of the national rules on political advertising in print media during elections period</i></p> <p>There are no relevant rules of general application to the print media in election periods. However, Article 116 of the General Elections Act prohibiting the display of posters and other printed material applies ‘at any time in contemplation or in anticipation of an election’. During such time, it is unlawful for any person to display or cause to be displayed in a public place, or in a place accessible to the public or visible from any public place, any bill, poster or other advertisement intended or likely to influence voters in the exercise of the franchise, or to write or make or cause to be written or made on any wall or other place visible from a public place any word or sign intended or likely to influence voters in the exercise of the franchise. This prohibition does not apply to any bill, poster or other advertisement which is: worn or carried by a person; displayed on the inside of a private building even though it may be visible from a public place; displayed on a duly authorised billboard; displayed on a duly authorised streamer.</p> <p>Any person violating this prohibition is liable on conviction to a fine not exceeding EUR 1,164.69 or to imprisonment for a period</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		of not more than six months, and in respect of any second or subsequent offence to both such fine and imprisonment. The Police are required to remove or otherwise cancel or delete anything displayed, written or made in contravention of Article 116 of the General Elections Act.
National rules on political advertising on online media applicable to political parties , during elections period	Articles 114 and 116, Chapter 354 of the Laws of Malta, General Elections Act , Act XXI of 1991 as last amended by Act XI of 2019: https://legislation.mt/eli/cap/354/eng/pdf	<i>Examples: Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i> There are no specific rules on online media. However, it could be argued that these could fall within the reference to ‘other means of communication to the public’ in Article 114 of the General Elections Act and that the silence period applies to online media too. It might also be argued that Article 116 of the General Elections Act, as described in the previous row, might also apply to online media.
Particular rules applicable to online platforms and intermediaries , such as social media, for political advertising during elections period	Article 114, Chapter 354 of the Laws of Malta, General Elections Act , Act XXI of 1991 as last amended by Act XI of 2019: https://legislation.mt/eli/cap/354/eng/pdf	<i>Are there any particular rules to online platforms during elections period in your Member State?</i> There are no specific rules on online platforms and intermediaries. However, it could be argued that these could fall within the reference to ‘other means of communication to the public’ in Article 114 of the General Elections Act.
Specific rules relating to “ false information ”, “ fake news ” or	Article 82, Chapter 9 of the Laws of Malta, Criminal Code , Order-in-Council of 30 January 1854 as last amended by Act LII of	<i>Are there specific provisions in your Member State about the dissemination of “untrue information”, “false information”,</i>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
<p>“disinformation campaigns” during elections period</p>	<p>2020: https://legislation.mt/eli/cap/9/eng/pdf</p> <p>Malta Press Club Code of Ethics: https://accountablejournalism.org/ethics-codes/Malta-Journalist</p>	<p><i>“fake news” or ‘disinformation campaigns’ during elections period?</i></p> <p>There are no specific rules in the context of election periods. However, reference may be made to Article 82 of the Criminal Code on the spreading of false news. The malicious spreading of false news which is likely to alarm public opinion or disturb public good order or the public peace or to create a commotion among the public or among certain members of the public is a criminal offence in Malta and is subject to the punishment of imprisonment for a term from one to three months. Moreover, if any disturbance results from the offence, or if the offence has contributed to the occurrence of any disturbance, the offender is liable to imprisonment for a term of not less than one month but not exceeding six months and/or to a fine not exceeding EUR 1,000).</p> <p>It is also noted that the journalists’ Code of Ethics which is a self-regulatory, non-legally binding measure of the Maltese press, states that: all information given or received should, as far as possible, be scrutinised for veracity and accuracy (point 2.6); whenever it is established that a significant inaccuracy, misleading statement or distorted report has been broadcast or published, it should be corrected promptly and prominently (point 2.7); direct quotes must be accurate, the emotions and feelings of sources should never be abused, journalists must never take advantage of sources' ignorance or lack of</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		judgement; sources must be aware of the effect of their statements (point 2.8); plagiarism, malicious distortion of facts, slander, and the publication of libellous allegations and/or false and baseless allegations, bribery in money or in some other way to give or withhold information should be considered as grave offences against the profession of journalism and a betrayal of public trust in the profession (point 2.9).
IV. Political advertising rules outside of elections period		
National rules on paid political advertising outside of elections period	<p>Article 13(4), Chapter 350 of the Laws of Malta, Broadcasting Act, Act XII of 1991 as last amended by Act LVI of 2020: https://legislation.mt/eli/cap/350/eng/pdf</p> <p>Regulations 10 and 12, Subsidiary Legislation 499.32, Placing of Billboards on the Road Regulations, Legal Notice 368 of 2004 as last amended by Act XV of 2009: https://legislation.mt/eli/sl/499.32/eng/pdf</p> <p>Article 47, Chapter 102 of the Laws of Malta, Electoral (Polling) Ordinance, Act XXXIV of 10939 as last amended by Legal Notice 409 of 2007: https://legislation.mt/eli/cap/102/eng/pdf. Note: this Act has been repealed however by virtue of Article 118 and the Fourteenth</p>	<p><i>Is paid political advertising during elections period prohibited or allowed in your Member State?</i></p> <p><i>If prohibited, what is the scope of the ban of paid political advertising?</i></p> <p><i>If allowed, are there restrictions on paid political advertising?</i></p> <p><i>Please, specify whether such rules outside of elections period are also applicable and enforceable online and whether they apply to actors registered outside the jurisdiction.</i></p> <p>There are no general rules on paid political advertising outside of election periods. There are however relevant rules that are of general application (not restricted to a specific period) in relation to the broadcast media. Article 13(4) of the Broadcasting Act that requires the Broadcasting Authority to:</p> <ul style="list-style-type: none"> - organise from time-to-time schemes of political broadcasts (including political spots) which fairly apportion facilities and time between the different political parties;

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
	<p>Schedule to General Elections Act, Articles 41 to 62 of that Ordinance remain applicable.</p> <p>Chapter 354 of the Laws of Malta, General Elections Act, Act XXI of 1991 as last amended by Act XI of 2019: https://legislation.mt/eli/cap/354/eng/pdf</p>	<ul style="list-style-type: none"> - produce properly balanced discussions or debates that afford access to persons from different interest-groups and with different points of view, and - produce commentaries or other programmes about questions relating to current public policy, wherein persons taking part can put forward differing views and comments. <p>The Third Schedule to the Broadcasting Act contains the ‘Code for Advertisements and Teleshopping for Radio and Television Broadcasts’. One of the general standards set out therein is that advertising must not, except as authorised under a scheme of political broadcasts approved by the Broadcasting Authority in terms of Article 13(4) of the Broadcasting Act, and irrespective of whether they are broadcast in return for payment or for similar consideration or otherwise, be of a political nature. Therefore, beyond what is authorised under Article 13(4) of the Broadcasting Act, political advertising is banned.</p> <p>There are specific rules in relation to political billboards. Regulation 10(1) of Legal Notice 368 of 2004 prohibits the placing on a road of any political billboard without a permit from the Transport Authority. An exemption from the permit requirement is provided for in election periods as explained in Section III above. Outside election periods, a permit from the Transport Authority is necessary (Regulation 10(2)). The application to set up a political billboard outside election periods must be submitted to the Transport Authority indicating the dates</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		<p>during which the applicant intends to erect and maintain the billboard on the prescribed form and be accompanied by supporting documents such as a site plan, information on the dimensions of the billboards and how it will be constructed. Outside election periods, political billboards must display, in an intelligible form, throughout the time when they are erected, the permit number and the dates during which they can remain in place (Regulation 12(2)).</p> <p>Finally, reference is made to Article 47 of the repealed Electoral (Polling) Ordinance which remains applicable by virtue of the Fourteenth Schedule to the General Elections Act and is relevant insofar as it establishes that certain expenditure constitutes an illegal practice. This prohibits payments for the purpose of promoting or procuring the election of a candidate at any election with respect to the conveyance of voters to or from the poll or the payment to a voter on account of the use of any house, land, building, or premises for the exhibition of any address, bill, or notice. If any payment or contract for payment is knowingly made in contravention of this rule either before, during, or after an election, the persons making or receiving such payment or contract will be guilty of an illegal practice. However, where it is the ordinary business of a voter as an advertising agent or publisher to exhibit for payment bills and advertisements, a payment to or contract with such voter, if made in the ordinary course of business, will not be deemed to be an illegal practice.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		These rules are not relevant for online advertising.
National rules on financing of political parties in relation to political adverts	<p>Articles 24, 26, 29, 33-39, 43 Chapter 544 of the Laws of Malta, Financing of Political Parties Act, Act XXIV of 2015: https://legislation.mt/eli/cap/544/eng/pdf</p> <p>Articles 46 and 50, Chapter 102 of the Laws of Malta, Electoral (Polling) Ordinance, Act XXXIV of 10939 as last amended by Legal Notice 409 of 2007: https://legislation.mt/eli/cap/102/eng/pdf. Note: this Act has been repealed however by virtue of Article 118 and the Fourteenth Schedule to General Elections Act, Articles 41 to 62 of that Ordinance remain applicable.</p> <p>Twelfth Schedule, Chapter 354 of the Laws of Malta, General Elections Act, Act XXI of 1991 as last amended by Act XI of 2019: https://legislation.mt/eli/cap/354/eng/pdf</p> <p>Article 101 and Thirteenth Schedule, Chapter 363 of the Laws of Malta, Local Government Act, Act XV of 1993 as last</p>	<p><i>Please, provide a brief description of the national rules on financing of political parties/candidates in relation to political adverts (e.g. earmarking donations and contributions for advertising or specific campaigns, bank loans obtention for sponsoring advertising campaigns, entities or categories of actors not entitled to purchase or finance political adverts).</i></p> <p>The Financing of Political Parties Act regulates the formation, inner structures, functioning and financing of political parties and their participation in elections. The provisions of the Act regulating donations and sponsorships bear some relevance to political adverts.</p> <p>Article 33 of the Act states that political parties are entitled to accept donations (this includes contributions made by the members themselves) and Article 34 of the Act deals with non-permissible donations. Political parties are prohibited from receiving donations which are evidently made in the expectation of, or in return for, some specific financial or political advantage and/or from any public corporation or any parastatal body, company, or entity in which the State has a controlling interest. Political parties can however receive services from State sources under a special law regulating: (i) assistance in kind (such as air-time, access to means of communication and related matters); (ii) the proportions on the basis of which such assistance is to be provided to different political parties; and</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
	amended by Act LIX of 2020: https://legislation.mt/eli/cap/363/eng/pdf	<p>(iii) the timing of the assistance given before elections, after elections, during the European Parliament election period, the Local Council election period, the general election period and during referendum campaigns.</p> <p>Political parties are also prohibited from receiving donations given anonymously or given confidentially in an amount exceeding EUR 500 from the same source in any year or in excess of EUR 25,000 during one calendar year from the same source. Political parties are also prohibited from receiving donations consisting of a loan on more favourable terms than ordinary commercial terms at the time when the loan was made, or from a foundation, trust or a body corporate where the ultimate beneficial owner is not identifiable.</p> <p>Article 35 of the Act sets out rules with respect to the value of donations. As a general rule, the value of any donation in the form of a gift (which could involve the provision of facilities or services such as advertising) to the political party, other than money, must be taken to be the cost price to the donor of the gift or property in question.</p> <p>Article 36 of the Act deals with sponsorship. A sponsorship of a political party is deemed to be made where: any money or property is transferred to the political party and the purpose or one of the purposes of the transfer is or may be, assumed to be:</p> <ul style="list-style-type: none"> (i) to help the political party meet, to any extent, its expenses; or (ii) to secure that, to any extent, any such expense is not so

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		<p>incurred. Expenses may include, among others, expenses connected to any conference, meeting or other event organised by or on behalf of the political party; the preparation, production or dissemination of any publication by or on behalf of the political party; or any study or research organised by or on behalf of the political party. In line with Article 36(3) of the Act, the following activities do not constitute sponsorship:</p> <ul style="list-style-type: none"> - the making of any payment in respect of any charge for admission to a conference, meeting or other event or the purchase price of, or any other charge for access to, any publication; - the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate; - the provision, on commercial terms, of any property, services or facilities for the use or benefit of the political party. <p>Article 37 of the Act deals with the registration of donations by source and Article 38 requires the treasurer of a political party to prepare a donation report each year, showing the amount received by the political party by way of donation. The donation reports must be submitted to the Electoral Commission in accordance with Article 39 of the Act. Article 43 of the Act provides for the public inspection of donation reports. The Election Commission must keep a record of all donation reports received and such reports must be made accessible to the public and posted on the website of the Electoral Commission.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		<p>In addition, Article 24 of the Act requires the treasurer of a political party to prepare an annual statement of accounts, in respect of each financial year. This must include a statement of income and expenditure, the statement of the financial position at the end of the financial year, the statement of cash flows and supplementary notes. In line with Article 26 of the Act, the accounts of a political party must be audited each year according to generally accepted auditing standards. Article 29 states that where the Electoral Commission receives any audited accounts, as a result of the obligation of delivery of statements of accounts to it, it must, within one month after receiving the statement, make a copy of the statement available for public inspection, post the statement on the website of the Electoral Commission and keep it available for public inspection and on the said website for the period for which the statement is kept by it.</p> <p>In addition to the Financing of Political Parties Act, requirements related to election expenses as set out in the provisions of the repealed Electoral (Polling) Ordinance (that remain applicable by virtue of the General Elections Act) and Local Government Act are relevant.</p> <p>In line with Article 50 of the Electoral (Polling) Ordinance, within 31 days after the date of the publication of the result of an election in the Government Gazette, the election agent of every candidate at that election must transmit to the electoral commissioners a return of the election expenses of the</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		<p>candidate, signed by the candidate and by his/her election agent. The return must contain a statement of all payments made by the candidate, the election agent, or by any persons on behalf of the candidate, or in his/her interest, for expenses incurred on account of, or in respect of, the conduct and management of the election, and a further statement of all unpaid claims in respect of such expenses, of which the candidate or the election agent are aware. The Twelfth Schedule of the General Elections Act on the ‘Return of election expenses’ states that under the head of receipts, must be shown the name and description of every person (including the candidate), club, society or association from whom any money, security, or equivalent of money was received in respect of expenses incurred on account of, in connection with, or incidental to the election, and the amount received from each person, club, society or association separately. Under the head of expenditure the cost whether paid or incurred of advertising must be shown.</p> <p>Similarly, Article 101 of the Local Government Act states that within 60 days of the publication of the result of an election, every candidate at that election must transmit to the commissioners a return of the election expenses, containing the particulars specified in the Thirteenth Schedule of the Local Government Act - ‘Return of Election Expenses’. The return must contain the same information as described above with respect to general elections including, under the head of expenditure, the cost whether paid or incurred of advertising.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		Article 46 of the Electoral (Polling) Ordinance sets maximum limits on the expenses of candidates . The reference to expenses would cover the cost of political advertising as well as other activities. The maximum sum paid and/or expenses incurred by or on behalf of a candidate at an election of members of the House of Representatives, and/or by his/her election agent, before, during, or after an election on account of or in respect of the conduct of such election, must not exceed EUR 20,000 from every electoral district contested by the candidate. Candidates or election agents who knowingly act in contravention of this will be guilty of an illegal practice.
National rules on free political advertising (or free airtime) outside of elections period	Article 13(4) and (5), Chapter 350 of the Laws of Malta, Broadcasting Act , Act XII of 1991 as last amended by Act LVI of 2020: https://legislation.mt/eli/cap/350/eng/pdf	<i>Are political parties in your Member State allocated free political advertising outside of elections campaigns?</i> Political parties can be allocated free time on the broadcast media . The relevant rules are of general application and are not limited depending on the point in time of the election cycle . Article 13(4) of the Broadcasting Act requires the Broadcasting Authority to organise from time to time schemes of political broadcasts (including political spots) which fairly apportion facilities and time between the different political parties; to produce properly balanced discussions or debates that afford access to persons from different interest-groups and with different points of view, and also to produce commentaries or other programmes about questions relating to current public

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		policy, wherein persons taking part can put forward differing views and comments. In order to fulfil this duty, the Broadcasting Authority has the right to order any person or all persons providing broadcasting services in Malta to provide, free of charge, such recording and other facilities as may be necessary for the production of the said programmes for radio and television, as well as to transmit, free of charge, on such days and at such times as the Broadcasting Authority directs, the same programmes. These powers of the Broadcasting Authority may only be exercised in so far as that exercise is reasonably justifiable in a democratic society (Article 13(5)).
National rules on political advertising on broadcast media outside of elections period (incl. public service and private broadcasters)	Article 13 and Third Schedule, Chapter 350 of the Laws of Malta, Broadcasting Act , Act XII of 1991 as last amended by Act LVI of 2020: https://legislation.mt/eli/cap/350/eng/pdf	<i>Please, provide a brief description of the national rules on political advertising on broadcast media outside of elections period</i> The rules on political advertising on broadcast media as described below are not limited to outside of election periods . Article 13 of the Broadcasting Act sets out general rules on the provision of broadcasting services in Malta. Insofar as general interest broadcasting services are concerned and where the Broadcasting Authority allows news and current affairs programmes to be broadcast by sound and television broadcasting services, the Broadcasting Authority must satisfy itself that, so far as possible, that the programmes broadcast by any general interest broadcasting service comply with the requirements in the broadcasting licence, including that due

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		<p>impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policy (Article 13(2)(f)).</p> <p>The Broadcasting Authority must also ensure that, for the continued operation of the licence of a community radio service, the views and expressions of the licensee or of particular persons or bodies, on matters which are of political or industrial controversy or relate to current public policy do not predominate (Article 13(3)).</p> <p>Article 13(4) of the Act requires the Broadcasting Authority to organise from time to time schemes of political broadcasts (including political spots) which fairly apportion facilities and time between the different political parties represented in Parliament. In order to fulfil this duty, the Broadcasting Authority has the right to order any person or all persons providing broadcasting services in Malta for reception in Malta to provide, free of charge, such recording and other facilities as may be necessary for the production of the said programmes for radio and television, as well as to transmit, free of charge, on such days and at such times as the Authority directs, the same programmes. These powers of the Authority may only be exercised in so far as that exercise is reasonably justifiable in a democratic society (Article 13(5)).</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		<p>The Third Schedule to the Broadcasting Act contains the ‘Code for Advertisements and Teleshopping for Radio and Television Broadcasts’. One of the general standards set out therein is that advertising must not, except as authorised under a scheme of political broadcasts approved by the Broadcasting Authority in terms of Article 13(4) of the Broadcasting Act, and irrespective of whether they are broadcast in return for payment or for similar consideration or otherwise, be of a political nature.</p> <p>The Fourth Schedule of the Broadcasting Act contains the application form for broadcasting radio services and requires applicants to disclose any connections with bodies of a wholly or mainly political nature.</p>
National rules on political advertising in print media outside of elections period	Article 116, Chapter 354 of the Laws of Malta, General Elections Act , Act XXI of 1991 as last amended by Act XI of 2019: https://legislation.mt/eli/cap/354/eng/pdf	<p><i>Please, provide a brief description of the national rules on political advertising in print media outside of elections period</i></p> <p>There are no relevant rules of general application to the print media outside of election periods. However, Article 116 of the General Elections Act prohibiting the display of posters and other printed material applies ‘at any time in contemplation or in anticipation of an election’ as explained in Sections II and III above.</p>
National rules on political advertising on online media applicable to political parties , outside of elections period		<i>Examples: Data protection and privacy rules, rules applicable to political parties for addressing electronic political communication...</i>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		There are no rules on political advertising on online media applicable to political parties outside of election periods.
V. Rules and obligations applicable to online platform operators and intermediaries of political advertising		
Particular rules applicable to online platforms and intermediaries such as social media for political advertising		<p><i>Are there any particular rules applicable to online platforms in your Member State (e.g. disclosure requirements to users, record-keeping requirements, reporting requirements)?</i></p> <p><i>If so, which are the online platforms operators and other intermediaries concerned by the legislation/guidelines/self-regulatory code?</i></p> <p><i>Are there any particular rules applicable to online platforms to set up means to fight disinformation?</i></p> <p>There are no particular rules applicable to online platforms and intermediaries for political advertising. While certain rules might be interpreted to cover also online media as described in previous rows, these remain largely unregulated.</p>
VI. Transparency rules for political parties/candidates funding		
Rules on direct public funding¹ to political parties and/or candidates	Article 34(b), Chapter 544 of the Laws of Malta, Financing of Political Parties Act , Act XXIV of 2015: https://legislation.mt/eli/cap/544/eng/pdf	<p><i>Are there provisions for direct public funding to political parties in your Member State? Please give a brief description.</i></p> <p>Article 34(b) of the Financing of Political Parties Act prohibits political parties from receiving donations from any public</p>

¹ Public funding refers to funds or resources provided by the State/Government to political parties and/or candidates. Depending on the form in which public resources are made available, public funding is divided into direct public funding or indirect public funding. Direct public funding corresponds to the allocation of direct public funds to political parties and/or candidates in the form of money, usually as bank transfers but at times in cash or cheque. See more information at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/default>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
	Article 13(4) and (5), Chapter 350 of the Laws of Malta, Broadcasting Act , Act XII of 1991 as last amended by Act LVI of 2020: https://legislation.mt/eli/cap/350/eng/pdf	corporation or any parastatal body, company, or entity in which the State has a controlling interest. Political parties can however be permitted to receive services from State sources under a special law regulating assistance in kind (such as air-time, access to means of communication and related matters); the proportions on the basis of which such assistance is to be provided to different political parties and the timing of the assistance given before elections, after elections, during the European Parliament election period, the Local Council election period, the general election period and during referendum campaigns. As explained in the next row, the Broadcasting Authority organises schemes of political broadcasts and grants access to these schemes to all political parties and independent candidates contesting elections.
Rules on indirect public funding² to political parties and/or candidates	Article 12(1)(f), Chapter 123 of the Laws of Malta, Income Tax Act , Act LIV of 1948 as last amended by Act VIII of 2020: https://legislation.mt/eli/cap/123/eng/pdf Fifth Schedule, Chapter 406 of the Laws of Malta, Value Added Tax Act , Act XXIII of 1998 as last amended by Act VIII of 2020: https://legislation.mt/eli/cap/406/eng/pdf	<i>Are there provisions for indirect public funding for electoral campaigns in your Member State? Please give a brief description and specify transparency provisions.</i> Political parties benefit from indirect public funding in the form of tax exemptions and access to broadcast media: <ul style="list-style-type: none"> - Article 12(1)(f) of the Income Tax Act exempts the income of any political party including the income of clubs adhering to political parties from income tax. As

² Indirect public funding is when resources with a monetary value are provided by the Government to political parties and/or candidates. Such resources may be, for instance, granting of media access (free advertising slots in publicly owned media), interest-free loans for paying registration fees or mounting a basic election campaign, free printing and distribution of ballot papers, use of Government buildings for meetings and rallies, tax-free donations etc. . See the list of indirect public funding of parties and candidates at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/pca02a4>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
	Article 13(4) and (5), Chapter 350 of the Laws of Malta, Broadcasting Act , Act XII of 1991 as last amended by Act LVI of 2020: https://legislation.mt/eli/cap/350/eng/pdf	<p>non-profit making organisations, political parties also benefit from a VAT exemption under the Fifth Schedule to the Value Added Tax Act for the supply of services for the benefit of their members in return for a subscription fixed in accordance with their rules.</p> <ul style="list-style-type: none"> - Article 13(4) of the Broadcasting Act requires the Broadcasting Authority to organise political broadcasts which fairly apportion facilities and time between the different political parties. To fulfil this duty, the Broadcasting Authority can order any person or all persons providing broadcasting services in Malta to provide, free of charge, such recording and other facilities as may be necessary for the production of the said programmes for radio and television, as well as to transmit, free of charge, on such days and at such times as the Broadcasting Authority directs, the same programmes (Article 13(5)).
Rules on free or subsidised access to media for political parties and/or candidates	Article 13(4) and (5), Chapter 350 of the Laws of Malta, Broadcasting Act , Act XII of 1991 as last amended by Act LVI of 2020: https://legislation.mt/eli/cap/350/eng/pdf	<p><i>Are there provisions for free or subsidized access to media for political parties in your Member State? Please give a brief description and specify transparency provisions.</i></p> <p>As stated above, Article 13(4) of the Broadcasting Act requires the Broadcasting Authority to organise political broadcasts which fairly apportion facilities and time between the different political parties. In order to fulfil this duty, the Broadcasting Authority can order any person or all persons providing broadcasting services in Malta to provide, free of charge, such</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		<p>recording and other facilities as may be necessary for the production of the said programmes for radio and television, as well as to transmit, free of charge, on such days and at such times as the Broadcasting Authority directs, the same programmes (Article 13(5)).</p> <p>No additional provisions relevant to this free access and transparency were identified.</p>
Rules on foreign contributions to political parties and political campaigns	<p>Article 56(2), Constitution of Malta: https://legislation.mt/eli/const/eng/pdf</p> <p>Articles 2, 3, 4, 5 and 6, Chapter 300 of the Laws of Malta, Foreign Interference Act, Act XI of 182 as last amended by Legal Notice 423 of 2007: https://legislation.mt/eli/cap/300/eng/pdf</p> <p>Article 34(c), Chapter 544 of the Laws of Malta, Financing of Political Parties Act, Act XXIV of 2015: https://legislation.mt/eli/cap/544/eng/pdf</p>	<p><i>Is there a ban on contributions from foreign interests (i.e. foreign countries and governments, foreign companies, foreign organisations, foreign private persons) to political parties and/or to candidates during political campaigns in your Member State?</i></p> <p>Article 56(2) of the Constitution of Malta states that the election of members of the House of Representatives must be free of illegal or corrupt practices and foreign interference.</p> <p>The Foreign Interference Act regulates the limitation on the political activities of aliens. ‘Alien’ is defined in Article 2 as a person who is not a citizen of Malta or a body of persons directly or indirectly controlled by persons who are not citizens of Malta, including any State or Government. Where it refers to a broadcast, ‘alien’ means any broadcast transmitted from a station or installation situated outside the territory of Malta and which is not authorised by the Broadcasting Authority. Article 2 contains other relevant definitions:</p>

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		<ul style="list-style-type: none"> - ‘political’: where this term does not refer to a party, person, club or similar institution, is restricted in meaning to matters connected with the elections in Malta, or which may be reasonably deemed to influence such elections, and matters connected with the internal or foreign affairs of Malta. - ‘programme’ includes any advertisement. <p>The Foreign Interference Act bans contributions from foreign interests. There are however some exceptions as described below.</p> <p>Article 3(1) of the Act establishes a prohibition for an alien to perform, do, hold, take part in, aid or abet, or allow any restricted activity in Malta. Article 3(2) of the Act, includes in the definition of ‘restricted activity’:</p> <ul style="list-style-type: none"> - Any activity, or participation in any activity, of a political nature or having a political purpose at any time during the period commencing nine months prior to the date on which Parliament is dissolved and the date of the publication of the results of an election. However, according to Article 3(3) of the Act, this type of activity does not qualify as a ‘restricted activity’ outside this nine-month period, provided that the person intending to hold or organising such activity notifies the Secretary of the Monitoring Committee in writing five days in advance. In urgent cases, the Secretary has discretion to accept notification at a shorter notice. <p>The Monitoring Committee is set up by Article 6 of the Act. It</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		<p>consists of the Minister and two members of Parliament (one designated by the Prime Minister and one by the Leader of the Opposition). The Clerk of the House of Representatives is the Secretary of the Committee.</p> <p>- The provision at any time to or for the benefit of a political party, person, club or similar institution, whether directly or through an intermediary agent, of any money, equipment or other material, by way of gift or otherwise not against equivalent valuable consideration, excluding books and other publications intended for sale or distribution not exclusively or mainly for Malta, unless authorised by the Monitoring Committee. This does not include anything which, taking into account the value and any other circumstances, may be reasonably considered as a bona fide gift of no political significance.</p> <p>In line with Article 3(5) of the Act, the prohibition for an alien to perform, do, hold, take part in, aid or abet, or allow any restricted activity in Malta does not apply to any activity organised by an international organisation of which Malta is a member, subject to the condition that if it is a political activity, this is not organised by a particular political group within any such organisation.</p> <p>Article 4 of the Foreign Interference Act deals specifically with broadcasting received in Malta. According to Article 4(1), where an alien programme of a political nature broadcast from outside Malta is received in Malta and, by reason of the language</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		<p>used or of the contents of the programme, such broadcast may reasonably be deemed to be intended to be received primarily in Malta, it is unlawful for any person who is a citizen of Malta or who is ordinarily resident in Malta, whether on his own behalf or on behalf or for account of any other person, to participate in any such broadcast or in any manner to aid or abet the making of such broadcast, or to do anything which may be of assistance or encouragement to such broadcast or to its reception in Malta, and in particular, to publish the times or other details of any such broadcast. A person whose actions or voice appear or are reproduced on any programme broadcast as aforesaid, except where such person is merely a spectator, will be deemed to have participated therein unless s/he proves that the programme was recorded without his/her knowledge or that the programme was recorded or broadcast against his/her express instructions (Article 4(2)). A person who advertises, or invites or encourages others to advertise any goods, service or other matter on a broadcasting station from which programmes are broadcast in contravention of Article 4(1), will be deemed to have participated in such broadcast (Article 4(3)).</p> <p>The provisions of Article 4 of the Act do not apply if the broadcast is made with the written permission or concurrence of the Broadcasting Authority, given in observance of its functions under the Constitution as if such broadcasting originated in Malta, and in strict compliance with any condition, limitation or restriction to which such permission or concurrence may have</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		<p>been subjected. Article 5 sets out penalties for violations of Article 4 of the Act.</p> <p>In accordance with Article 6(5) of the Act, the Monitoring Committee must not authorise the receipt of any money, equipment or other material by any political party unless it is appropriately balanced by similar or equivalent contribution to the other political parties, taking into account the size of their representation in Parliament, and the decision must be taken by unanimous vote.</p> <p>In addition, the ban on anonymous donations under Article 34(c) of the Financing of Political Parties Act may be relevant in the context of foreign contributions.</p>
VII. Monitoring and enforcement of national rules on political advertising by national authorities		
National (or regional/local if applicable) authority or body responsible for monitoring national rules on political advertising	<p>Articles 60 and 119, Constitution of Malta: https://legislation.mt/eli/const/eng/pdf</p> <p>Article 6, Chapter 300 of the Laws of Malta, Foreign Interference Act, Act XI of 182 as last amended by Legal Notice 423 of 2007: https://legislation.mt/eli/cap/300/eng/pdf</p>	<p><i>Who is responsible for monitoring national rules on political advertising, (e.g. political communications and advertisement messages, the balanced presence and equity of all political candidates)?</i></p> <p>The Broadcasting Authority is responsible for monitoring the broadcast media in Malta. According to Article 119(1) of the Constitution of Malta, the Broadcasting Authority must 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</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
		<p>controversy or relating to current public policy and that broadcasting facilities and time are fairly apportioned between persons belonging to different political parties.</p> <p>The Electoral Commission established by Article 60 of the Constitution of Malta is responsible for monitoring all matters related to elections in Malta.</p> <p>The Monitoring Committee set up by Article 6 of the Foreign Interference Act monitors compliance with the restrictions in that Act.</p>
Particular measures for supervising online political advertising within and outside elections periods		<p><i>How are national rules on political advertising, including online, ensured in your Member State, if these exist? What are the enforcement powers of the relevant authority/body, as well as procedural safeguards?</i></p> <p>There are no particular measures for supervising online political advertising within and outside election periods.</p>
Sanctions, penalties and remedy measures applicable in violation of the law	<p>Articles 46 and 47, Chapter 102 of the Laws of Malta, Electoral (Polling) Ordinance, Act XXXIV of 10939 as last amended by Legal Notice 409 of 2007: https://legislation.mt/eli/cap/102/eng/pdf.</p> <p>Note: this Act has been repealed however by virtue of Article 118 and the Fourteenth Schedule to General Elections Act, Articles</p>	<p><i>How are national rules on political advertising enforced in your Member State and what sanctions and remedy measures are applicable?</i></p> <p>The various laws relevant to political advertising in Malta set out sanctions for non-compliance:</p> <ul style="list-style-type: none"> - Violations of the maximum limits on the expenses of candidates or the making of prohibited election-related

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-co-regulatory codes or guidelines</u>	Summary of the rules
	<p>41 to 62 of that Ordinance remain applicable.</p> <p>Articles 114 and 116, Chapter 354 of the Laws of Malta, General Elections Act, Act XXI of 1991 as last amended by Act XI of 2019: https://legislation.mt/eli/cap/354/eng/pdf</p> <p>Article 82, Chapter 9 of the Laws of Malta, Criminal Code, Order-in-Council of 30 January 1854 as last amended by Act LII of 2020: https://legislation.mt/eli/cap/9/eng/pdf</p> <p>Article 5, Chapter 300 of the Laws of Malta, Foreign Interference Act, Act XI of 182 as last amended by Legal Notice 423 of 2007: https://legislation.mt/eli/cap/300/eng/pdf</p> <p>Article 30, 31 and 40, Chapter 544 of the Laws of Malta, Financing of Political Parties Act, Act XXIV of 2015: https://legislation.mt/eli/cap/544/eng/pdf</p>	<p>expenses constitute illegal practices under Articles 46 and 47 of the Electoral (Polling) Ordinance.</p> <ul style="list-style-type: none"> - Violations of the silence period set out in Article 114 of the General Elections Act are liable on conviction to a fine not exceeding EUR 1,164.69 and/or to imprisonment for a term not exceeding six months. - Violations of Article 116 of the General Elections Act prohibiting the display of posters and other printed material in contemplation or in anticipation of an election are subject to a fine not exceeding EUR 1,164.69 or to imprisonment for a period of not more than six months, and in respect of any second or subsequent offence to both such fine and imprisonment. - The spreading of false news as per Article 82 of the Criminal Code is punished by imprisonment for a term of not less than one month but not exceeding six months and/or to a fine not exceeding EUR 1,000. - Any alien, and any other person who aids or abets any such alien, and any intermediary agent, acting in contravention of, or failing to comply with the Foreign Interference Act or who does anything unlawful under the Act is liable, upon a first conviction, to a fine not exceeding EUR 2,329.37, upon a second conviction to a fine between EUR 2,329.37 and EUR 11,646.87 and upon a third or subsequent conviction, to imprisonment for a term not exceeding six months and to a fine not exceeding EUR 11,646.87, and, in the case of a continuing offence, to an additional fine not exceeding

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		<p>EUR 232.94 for each day during which the offence continued (Article 5(1) of the Foreign Interference Act).</p> <ul style="list-style-type: none"> - Failure by a political party to submit a proper statement of accounts is subject to an administrative fine of up to EUR 10,000 (Article 30(1) of the Financing of Political Parties Act). - Making false statements on behalf of a political party is subject to an administrative fine of up to EUR 10,000 and an administrative sanction involving suspension from holding office in a political party for up to three months (Article 31 of the Financing of Political Parties Act). - The making of inaccurate declarations in donation reports is subject to an administrative fine of EUR 10,000 (Article 40(4) of the Financing of Political Parties Act).

Annex – List of relevant legislation

- In this Annex, please list all the sources provided in the second column of the table

Name of the sources	Link to the sources	Sources translated into EN
Constitution of Malta	https://legislation.mt/eli/const/eng/pdf	
Chapter 9 of the Laws of Malta, Criminal Code, Order-in-Council of 30 January 1854 as last amended by Act LII of 2020	https://legislation.mt/eli/cap/9/eng/pdf	
Chapter 102 of the Laws of Malta, Electoral (Polling) Ordinance, Act XXXIV of 10939 as last amended by Legal Notice 409 of 2007	https://legislation.mt/eli/cap/102/eng/pdf	
Chapter 123 of the Laws of Malta, Income Tax Act, Act LIV of 1948 as last amended by Act VIII of 2020	https://legislation.mt/eli/cap/123/eng/pdf	
Chapter 300 of the Laws of Malta, Foreign Interference Act, Act XI of 182 as last amended by Legal Notice 423 of 2007	https://legislation.mt/eli/cap/300/eng/pdf	
Chapter 350 of the Laws of Malta, Broadcasting Act, Act XII of 1991 as last amended by Act LVI of 2020	https://legislation.mt/eli/cap/350/eng/pdf	
Chapter 354 of the Laws of Malta, General Elections Act, Act XXI of 1991 as last amended by Act XI of 2019	https://legislation.mt/eli/cap/354/eng/pdf	
Chapter 406 of the Laws of Malta, Value Added Tax Act, Act XXIII of 1998 as last amended by Act VIII of 2020	https://legislation.mt/eli/cap/406/eng/pdf	

Chapter 467 of the Laws of Malta, European Parliament Elections Act, Act XVI of 2003 as last amended by Legal Notice 61 of 2019	https://legislation.mt/eli/cap/467/eng/pdf	
Chapter 544 of the Laws of Malta, Financing of Political Parties Act, Act XXIV of 2015	https://legislation.mt/eli/cap/544/eng/pdf	
Subsidiary Legislation 499.32, Placing of Billboards on the Road Regulations, Legal Notice 368 of 2004 as last amended by Act XV of 2009	https://legislation.mt/eli/sl/499.32/eng/pdf	