

Last Updated – April 2015

GIBRALTAR

Name of Regulatory Authority: Gibraltar Regulatory Authority (GRA)
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Gibraltar
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Basis for operation

Legal framework: Gibraltar Regulatory Authority Act 2000
General remit: TV, radio, networks and infrastructures,
electronic communications, data protection,
satellite coordination and postal services.
Funding mechanisms: Revenue from licensing and fees

Composition

The GRA is a body corporate.

Number and composition of members: A maximum number of 5 members, two of whom are the Chief Executive Officer and Deputy Chief Executive Officer.
Term of office: 5 years for the Chief Executive Officer and, on average, 2 years for independent board members.
Re-appointment possible: Yes
Proposal of members: Any person may propose independent board members
Appointment of members: Chief Minister
Revocation of mandate possible: Yes, based on GRA Act 2000 on grounds of incapacity or misbehaviour
Number of staff: 21
Chief Executive Officer: Paul Canessa
Deputy Chief Executive Officer: John Paul Rodriguez

Head of Communications and
Broadcasting:

Stewart Brittenden

Broadcasting Regulatory Manager: Francis Trenado

Competences

	national	regional	local
Granting of licences:			
terrestrial analogue broadcasters	✓	<input type="checkbox"/>	<input type="checkbox"/>
terrestrial digital broadcasters	✓	<input type="checkbox"/>	<input type="checkbox"/>
satellite analogue broadcasters	✓	<input type="checkbox"/>	<input type="checkbox"/>
satellite digital broadcasters	✓	<input type="checkbox"/>	<input type="checkbox"/>
cable analogue broadcasters	✓	<input type="checkbox"/>	<input type="checkbox"/>
cable digital broadcasters	✓	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

In the areas where your authority is not competent to grant licences, please specify the authority in charge: **N/A**

Granting of registrations:

terrestrial analogue broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
terrestrial digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
satellite analogue broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
satellite digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
cable analogue broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
cable digital broadcasters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

In the areas where your authority is not competent to grant declarations, please specify the authority in charge: **Government of Gibraltar / Minister for Broadcasting**

Frequency allocation: ✓

Supervision of: private broadcasters	✓	<input type="checkbox"/>	<input type="checkbox"/>
public broadcasters	✓	<input type="checkbox"/>	<input type="checkbox"/>
Others	✓	<input type="checkbox"/>	<input type="checkbox"/>

Handling complaints: ✓

Sanctioning: ✓ issue warning ✓ impose fine ✓ demand to broadcast announcement
✓ revoke licence ✓ suspend licence ✓ reduction in the licensing period
✓ suspend a programme / broadcast

- other (please specify):
- Rule making: codes rules (please specify):
- other (please specify):
- Consultative powers: please specify the areas covered:
Hold consultations with the Government of Gibraltar and Broadcasters
- Power of nomination: please specify:
 (e.g. chairman of PSB N/A
- Monitoring: programming
- financial performance
- others (please specify):
- Others: Please specify:
- Ensure correct use of radio magnetic spectrum**

Please add any information you deem important:

General Information on the media landscape in Gibraltar:

Introduction

Gibraltar has one television broadcaster and 2 radio broadcasters. Television is provided by the Gibraltar Broadcasting Corporation (GBC) which also provides one radio network. The remaining radio network is provided by the Services Sound and Vision Corporation (SSVC).

Broadcasting Act 2012

In October 2012, the Gibraltar Parliament passed the Broadcasting Act 2012. The Act transposed into Gibraltar law the Audiovisual Media Services Directive. It also created a licensing regime in relation to broadcasting for the first time in Gibraltar. Licences are required by all radio and television broadcasters which, prior to October 2012, were exempt under the Gibraltar Broadcasting Corporation Act which this Act repealed.

The Act transferred all regulatory powers to the GRA. These powers had, traditionally, been exercised by the Board of the GBC. As a result, a new Broadcasting Division was created in the GRA which is responsible for: the granting and enforcement of licenses to broadcasters, deal on all regulatory matters especially on broadcasting standards, issue codes of practice, encourage the promotion of media literacy as well as publishing information and advice to consumers, purchasers and other users of broadcasting services in Gibraltar.

The Act goes further than the requirements of the Directives in that it will also cover audio transmissions, especially with regards to commercial communications albeit in a less onerous manner.

Digital Broadcasting

The first phase of the DTT and DAB+ systems and network in Gibraltar was completed by the end of November 2012 with the official launch taking place on 18th December 2012. Currently, only the public service broadcaster, GBC, is transmitting its television services via DVB-T in SD and DVB-T2 in HD, and offering its radio services on DAB+.

As part of the second phase, Gibraltar will be expanding its transmitter sites to a total of six which were successfully co-ordinated with neighbouring countries in the ITU Regional Radiocommunications Conference 2006 (RRC06).

Communications Act 2006

The Communications Act 2006 came into effect on the 5th June 2006 and amended in May 2011 to implement the changes in the EU's regulatory package on electronic communications. This Act regulates broadcasting networks, but not the content of broadcasts.

Review of code on due impartiality, due accuracy and undue prominence

In the interests of best practice, the GRA decided to review the Code on due impartiality, due accuracy and undue prominence (the "Code") first published on 21st December 2012. The GRA consulted with all the relevant stakeholders which included the Gibraltar Broadcasting Corporation and political parties which are represented in the Gibraltar Parliament. The purpose of this consultation was to provide all stakeholders with an opportunity to comment on the proposed amendments prior to implementation. The GRA began the consultation process on the 15th September 2014 with the closing date being on the 15th October 2014.

The GRA had originally envisaged having the revised Code effective as from the 1st January 2015, which meant that publication needed to have taken place by mid-December 2014 so as not to affect the quotas of party political broadcasts which are allocated to the Government and the Opposition. However, upon receiving feedback, from most stakeholders, the GRA found that certain issues raised needed further clarification. Therefore, the GRA, referred the matter to the GRA Board and amended the Code after taking into account all the views expressed by stakeholders at the public consultation and additional comments received over the past few months. The Code was published on 13th April 2015 with a commencement date of 20th April 2015.

Investigation

On the 17th October 2014, under the provisions of section 62 of the Broadcasting Act 2012 (the "Act"), the Gibraltar Broadcasting Corporation ("GBC"), referred a complaint to the GRA, made by Panorama (the "Complainant"). The nature of the complaint was that GBC was "...not fulfilling its statutory and other obligations, and hence may be in breach of the Broadcasting Act 2012 and Codes..." given that "...there is a lack of equality in treatment and due impartiality".

The Complainant raised serious concerns about GBC's editorial judgement. However, having considered all of the above, the GRA found no evidence to prove that GBC

had acted in a discriminatory manner, nor had they committed a breach of the Act or Code. As a result of this, the GRA dismissed the Complainant's complaint against GBC.

Nevertheless, the GRA highlighted that, as the sole public service broadcaster, GBC had a duty to ensure that the broadcast of news and current affairs was made available to the whole community in an objective and impartial manner.

The entire closure statement is available to download from the GRA's website.