

**TARIFFA GHAL XANDARA W OPERATURI BIL ‘CABLE’  
TARIFF FOR BROADCASTERS AND CABLE OPERATORS**



**(Tariffa “BC”)  
(TARIFF “BC”)**

**Issehh mill-1 ta’ Jannar, 2009  
Effective from 1st January 2009**

**1 L-ISKOP TAT-TARIFFA  
SCOPE OF THE TARIFF**

Din it-tariffa tapplika għal xandir jew xandir mill-ġdid fuq radju jew televiżjoni, komunikazzjonijiet lill pubbliku, jew ritrasmissjoniji bil ‘cable’ ta’ kull xogħol fir-ripertorju tas-Sočjeta’  
*This tariff shall apply to the broadcast or re-broadcast on radio or television, the communication to the public or the cable retransmission of any work in the Society's repertoire.*

**2 ESKLUŻŻJONIJIET  
EXCLUSIONS**

Din it-tariffa ma’ t’applikax għal wirja pubblika ta’ kull xogħol li jiffirma parti min-ripertorju tas-Sočjeta’ jekk dik il-wirja hija mogħtija permezz ta’ riċezzjoni ta’ xi xandira, xandir mill-ġdid, komunikazzjoni lill-pubbliku, jew ritrasmissjoni bil cable tad-Detentur.

*This tariff does not apply to the public performance of any work in the Society's repertoire if that performance is given by the reception of any of the Licensee's broadcasts, re-broadcasts, communications to the public or cable retransmissions.*

**3 RENDIKONT ANNWALI TA’ DHUL VERIFIKAT  
ANNUAL STATEMENT OF AUDITED REVENUE**

Fi żmien sitt ġimgħat mill-aħħar tas-sena ta’ liċenzja, id-Detentur għandu jipprovdi lis-Sočjeta’ rendikont, awtentikat min accountant kwalifikat sabiex jkun appuntat awditur ta’ kumpanija pubblika jew li huwa approvat mis-Sočjeta’, li jikkonferma d-dhul verifikat tad-Detentur li permezz tiegħu is-Sočjeta’ tkun tista tikkalkula id-dritt attwali pagabbli f’ dik is-sena tal-liċenzja

*Within six weeks of the end of a licence year a Licensee under this tariff shall furnish to the Society a statement, certified by an accountant who is qualified to be appointed auditor to a public company or who is approved by the Society, confirming the audited revenue of the Licensee to enable the Society to calculate the actual royalty payable in the licence year.*

**4 LISTA ANNWALI TA’ PROGRAMMI  
ANNUAL PROGRAMME RETURNS**

Id-Detentur għandu jipprovdi listi lis-Sočjeta’, fil mod u għal dawk il-perjodi ta’ żmien speċifikati mis-Sočjeta’, li għadhom jiddentifikaw għas-soddisfazzjon raġjonevoli tas-Sočjeta’, kull xogħol mużikali (u kull kelma assoċjata magħhom) inklużi f’ kull programm tad-Detentur.

*The Licensee shall supply lists to the Society, in such manner and for such time periods as specified by the Society, which shall identify to the reasonable satisfaction of the Society, all musical works (and any words associated therewith) included in any programme of the Licensee.*

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5 **DRITTIJET ANNWALI**  
**ANNUAL ROYALTY**

5.1 **Xandir Pubbliku**  
**Public Broadcasters**

Id-dritt annwali pagabbli għandu jkun 2% tad-dhul totali mix-xandir.  
*The annual royalty payable shall be 2% of Total Broadcasting Revenue*

5.2 **Xandara bir-Radju Kummerċjali**  
**Commercial Radio Broadcasters**

Fejn id-dhul nett mix-xandir huwa inqas minn € 564,314 / LM 242,260 fis sena, id-dritt annwali pagabbli għandu jkun 3% tad-dhul nett mix-xandir.  
*Where Net Broadcasting Revenue is less than € 564,314 / LM 242,260 per annum, the annual royalty payable shall be 3% of Net Broadcasting Revenue*

Fejn id-dhul nett mix-xandir huwa daqs jew aktar minn € 564,314 / LM 242,260 fis sena, imma inqas minn Lm 484,520 fis sena, id-dritt annwali pagabbli għandu jkun 4% tad-dhul nett mix-xandir.  
*Where Net Broadcasting Revenue is equal to or greater than € 564,314 / LM 242,260 per annum but less than Lm 484,520 per annum, the annual royalty payable shall be 4% of Net Broadcasting Revenue*

Fejn id-dhul nett mix-xandir huwa daqs jew aktar minn € 1,128,628 / LM 484,520 fis sena, id-dritt annwali pagabbli għandu jkun 5% tad-dhul nett mix-xandir.  
*Where Net Broadcasting Revenue is equal to or greater than € 1,128,628 / LM 484,520 per annum, the annual royalty payable shall be 5% of Net Broadcasting Revenue*

5.3 **Xandara tat-TV Kummerċjali.**  
**Commercial TV Broadcasters**

Id-dritt annwali pagabbli għandu jkun 2% tad-dhul totali mix-xandir.  
*The annual royalty payable shall be 2% of Total Broadcasting Revenue*

5.4 **Operaturi tal-‘Cable’**  
**Cable Operators**

Id-dritt annwali pagabbli għandu jkun 2% tad-dhul totali mix-xandir.  
*The annual royalty payable shall be 2% of Total Broadcasting Revenue*

5.5 Tnaqqis fir-rata ta' perċentagg applikabbli jista jigi meqjus, għad-diskrezzjoni tas-Socjeta' minn xandara u operaturi tal-cable li il-programm intier għandu inqas minn 15% muzika.  
*A reduction in the percentage rate applicable is available, at the discretion of the Society, to broadcasters and cable operators whose entire programming contains less than 15% music*

5.6 **Xandara b'Servizz Ristrett.**  
**Restricted Service Broadcasters**

Id-dritt pagabbli għal kull gurnata jkun ta' € 66.25 /LM 28.44  
*The daily royalty payable shall be €66.25 / LM28.44*

6 **TAXXA FUQ IL-VALUR MIŻJUD**  
**VALUE ADDED TAX**

Kull Detentur ta' Licenzja taht it-tariffi tas-Socjeta' jhallas lis-Socjeta', b'zieda mad-dritt dovut, somma import ta' Taxxa Fuq il-Valur Miżjud kalkolata skond ir-rata rilevanti fuq dak id-dritt.  
*A licensee under this tariff shall pay to the Society, in addition to the royalty due under this tariff, a sum in respect of Value Added Tax calculated at the relevant rate on the royalty payable.*

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7 **REVIZJONIGHALL-INFLAZZJONI**  
**INFLATION ADJUSTMENT**

Is-Socjeta' żżomm id-dritt, minghajr avviż, li żżid ir-rati monetarji f' din it-tariffa minn żmien għal żmien, basta illi kumulattivament tali żediet ma jaqbżux żiediet kontemporanji fir-rati ufficjali tal-inflazzjoni skond kif maħruġa mill-Ufficju Ċentrali ta' l-Istatistika. (L-Indiċi tal prezzijiet bl-immut Frar 2005 = 105.33; Dicembru 2002 = 100)

*The Society reserves the right, without notice, to increase the monetary rates in this tariff from time to time provided that cumulatively those increases shall not exceed contemporary increases in the official rates of inflation as issued by the Central Office of Statistics. (Retail Price Index Feb 2005 = 105.33; Dec 2002 = 100)*

8 **DEFINIZZJONIJIET.**  
**DEFINITIONS**

Li skop ta' din it-tariffa:

For the purpose of this tariff:

- (a) "Dhul totali mix-xandir" ifisser l-ammont totali ta' kull dhul minn kull nisel li jsir pagabbli lid-Detentur taht din it-tariffa għal kull sena, inkluż, imma mhux ristrett, għad-dhul minn reklami, donazzjonijiet, sottoskrizzjonijiet, sponsorship, t'partit jew negozju bi ftehim ('contra deals'), miżati minn licenzji, għajjnuna monetarja mill-gvern u sussidji oħra.  
*"Total broadcasting Revenue" shall mean the total amount of any revenue from any source which becomes payable to a Licensee under this tariff in any given licence year, including, but not restricted to, revenue from advertising, donations, subscription, sponsorship, barter or contra deals, licence fees, government subvention and other grants.*
- (b) "Dhul nett mix-Xandir" jfisser dhul totali minn reklami wara li titnaqqas il-commission attwali tal-aġenzija tar-reklamar, jekk applikabbli, soġġetta għal proviso li it-tnaqqis massimu permess għandu jkun 15%.  
*"Net broadcasting Revenue" shall mean the gross advertising revenue after deduction of actual advertising agency commission, if any, subject to the proviso that the maximum deduction permitted shall be 15%.*
- (c) "Ir-Ripertorju tas-Socjeta'" jfisser kull u kwalunkwe xogħol muzikali (inkluż kull kliem assoċjat), fejn id-drittijiet tax-xandir, ritrasmissjonijiet ikkomunikati lill pubbliku jew li jiġu trasmessi bil 'cable' huma kontrollati mis-Socjeta' jew kull Socjeta' oħra f'pajjiżi ma' min is-Socjeta' hija affiljata.  
*"The Society's Repertoire" shall mean all and any musical works (including any words associated therewith), in which the rights to broadcast, re-broadcast, communicate to the public or to re-transmit by cable are controlled by the Society or by any of the societies in other countries with which the Society is affiliated.*