



GOVERNMENT OF MALTA

Government response to the Consultation on the licensing regime for short-range radiocommunications apparatus operating below 9 kHz

August 2021

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Executive Summary

Introduction and overview

1. A brief introduction about the subject.

The installation or use of radiocommunications apparatus operating below 9 kHz is subject to the grant of an individual licence issued in accordance with the Electronic Communications (Regulation) Act (Cap. 399). Such licences are issued free of charge in view of the low transmit power.

In line with similar approaches adopted in other European jurisdictions, the Malta Communications Authority ('MCA') proposed to adopt a light-weight oversight regime and regulate radiocommunications apparatus operating below 9 kHz under the General Authorisations (Radiocommunications Apparatus) Regulations (S.L.399.40).

2. The public consultation date.

Include the objective and purpose of the public consultation.

On 22 June 2021, the MCA published a consultation paper setting out proposals to regulate radiocommunications apparatus operating below 9 kHz under the general authorisation framework. From a technical point of view the consultation proposed to base the emission related conditions in line with ERC Recommendation 70-03.

3. This consultation sought views on:

- *The implementation of the technical provisions of Annex 9 and Annex 10 of ERC Recommendation 70-03 with respect to apparatus operating below 9 kHz in the Fifth and Fifteenth Schedules of the General Authorisations (Radiocommunications Apparatus) Regulations.*

Responses to the consultation and process used to seek stakeholder views

This document is the Government Response to this consultation and sets out the Government's decisions on these matters.

4. The closing date of the public consultation. Which methods were used to receive the feedback. The total amount of responses. From whom you received the feedback.

The consultation closed on 9 July 2021. The consultation document and the reply form were available online and responses were accepted electronically and on paper.

No responses were received to the public consultation procedure.

5. Include (if any) meetings with stakeholders and list who the stakeholders were.

No meetings were held.

Summary of responses and decisions

The following is a summary of the consultation responses received. We would like to thank all those who took the time to respond to the consultation and participate in stakeholder meetings around the consultation exercise.

6. Statistics.

Not applicable

7. Summary of feedback received.

Not applicable

8. Your assessment and the Government's decision (list the Government's decisions).

The proposals put forward in the consultation are deemed to:

- reduce the administrative burden on both the licensees and the MCA,
- provide regulatory certainty on the use of radio spectrum below 9 kHz,
- adopt technical conditions in line with the harmonisation measures published in ERC Recommendation 70-03, and
- allow radiocommunications apparatus compliant with harmonised technical conditions to proliferate.

In consideration of the above and that no responses were received, it is considered that the proposals described in the consultation document are acceptable to the relevant stakeholders.

Implementation

9. When you intend to implement the decisions

In accordance with Directive 2014/53/EU, the adoption of technical regulations, such as the proposed measure under reference, is subject to notification requirements under Directive (EU) 2015/1535. This process gives the opportunity to other Member States to comment on the proposed measure described in the consultation document until 7 October 2021. The outcome of this notification process will determine whether from a technical point of view the licensing framework can be implemented as proposed.

Nonetheless, Act No. LII of 2021 has introduced changes to the general authorisation regime as applicable to radiocommunications apparatus. In October 2021, it will be determined whether the proposed measure will be implemented through revisions to the aforesaid SL399.40 or through a decision adopted by the MCA in accordance with this Act.

Contact Details

If you have any questions regarding this response, please contact the Malta Communications Authority on info.mca@mca.org.mt.