



GOVERNMENT OF MALTA

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# Government response to the Consultation on European Electronic Communications Framework: Transposition of the European Electronic Communications Code ('EECC')

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*Ministry for the Economy and Industry  
Palazzo Zondadari,  
197/198 Merchants Street  
Valletta VLT 1116  
Malta*

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# Executive Summary

## Introduction and overview

On the 11 December 2018, the European Union ('EU') published Directive (EU) 2018/1972 establishing the European Electronic Communications Code ('EECC or 'the Code'). The EECC replaces the former EU regulatory framework consisting of:

- the Framework Directive (2002/21/EC);
- the Access Directive (2002/19/EC);
- the Authorisation Directive (2002/20/EC); and
- the Universal Service Directive (2002/22/EC).<sup>1</sup>

The EECC recast and consolidated these four directives therefore providing for a comprehensive regulatory framework contained in one directive.

By way of background the former EU 2002 regulatory framework was transposed under Maltese law in 2004 following amendments to the Malta Communications Authority Act, the Electronic Communications (Regulation) Act, and the making of various subsidiary laws. In 2011 the aforesaid laws were again substantially amended to reflect the changes introduced by the EU in 2009. These laws will now be amended to incorporate the changes made by the EECC.

The core objectives of the EECC are to:

- promote investment in very high capacity networks and services through sustainable competition;
- support efficient and effective use of radio spectrum;
- maintain the security of networks and services; and
- provide a high level of consumer protection.

The EECC also sets out the objectives and functions of the national regulatory authority ('NRA') – namely in the case of Malta, the Malta Communications Authority ('MCA') - and where applicable other competent authorities or public bodies.

Malta as a member state of the EU is required to have in place national legislation transposing the EECC. In order to transpose the EECC, on the 11<sup>th</sup> January 2021 a [public consultation](#) was issued by the Ministry for the Economy and Industry proposing:

- amendments to the Malta Communications Authority Act ('Chapter 418');
- amendments to the Electronic Communications (Regulation) Act ('Chapter 399');
- amendments to the Utilities and Services (Regulation of Certain Works) Act ('Chapter 81');
- the making of new regulations entitled the 'Emergency Communications, the Single European Emergency Call Service ('112' number) and the European Harmonised Services of Social Value ('116' numbering range) Regulations' that will replace the current 'Single European Emergency

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<sup>1</sup> These Directives were amended by the EU in 2009 following the publication of Directives 2009/140/EC (the 'Better Regulation Directive') and 2009/136/EC (the 'Citizens' Rights Directive').

Call Service ('112' number) and the European Harmonised Services of Social Value ('116' numbering range) Regulations' ('S.L. 399.43'); and

- the making of new regulations entitled Electronic Communications Networks and Services (General) Regulations that will replace the current Electronic Communications Networks and Services (General) Regulations ('S.L. 399.28').

Interested persons were invited to make their submissions to the proposed draft laws by not later than the 15<sup>th</sup> March 2021.

## Responses to the consultation and process used to seek stakeholder views

This document is the response of Government to this consultation and sets out the decisions of Government after consultation with the Malta Communications Authority ('MCA') on these matters.

The public consultation came to a close on the 15 March 2021. The consultation document which included all the proposed changes to the law was available online as from the 11 January 2021 and responses were accepted electronically and on paper. In total there were six (6) responses.

Three responses were submitted by the three major electronic communications operators in Malta namely GO Plc ('GO'), Melita Limited ('Melita') and EPIC Communications Limited ('EPIC'). Another response was forthcoming from the Environment & Resources Authority ('ERA') the national authority in Malta responsible for the environment. Two responses were submitted by a private entity and an individual based outside Malta, namely DigitalEurope and Mr. John Hurley. A list of the respondents can also be found at Annex A.

One meeting was held at the express request of a stakeholder – GO - which meeting was held during the consultation period prior to the final submission of the stakeholder in question. GO verbally wished to highlight some concerns specifically in relation to Chapter 81 of the Laws of Malta, which concerns were subsequently reflected in the response by GO to the consultation in question.

## Summary of responses and decisions

The following is a summary of the responses received. We would like to thank all those who took the time to respond to the consultation.

### 1. Statistics.

- Total feedback received: 6
- Total feedback received from individuals: 1
- Total feedback received from organisations: 5
- Total feedback received through email: 6
- Total feedback received through online form: 1 (factored also as an email response)

- Total feedback received by post: nil

The following is a summary of the submissions received in response to the proposed changes to the various laws listed in the public consultation. For ease of reference the submissions and where relevant the assessments thereof are listed by referring to the provisions of the law in relation to which the submissions have been made. The order followed is the same as that adopted in the public consultation.

#### **Amendments to the Malta Communications Authority Act, Chapter 418**

- i. **Submission: Article 3(2) [‘establishment and composition of the Malta Communications Authority’]:** a respondent asked for clarification about the proposed rotation of the chairman and members making up the MCA Board, observing that as worded the provision could leave room for ‘unfettered discretion’.

**Assessment & decision:** as worded, the discretion of the Minister is confined to the strict parameters of the norms and does not give rise to unfettered discretion. An amendment is being included to cap any single term of office to a maximum of six years.

- ii. **Submission: Article 4(8) and (9) [‘Purpose, functions and powers of the Authority’]:** a respondent suggested that when taking any decisions that may impact the environment, the MCA should consult the competent national environment authorities. Another respondent argued that confidential information submitted to the MCA should not be shared by the MCA with other public authorities if not with the prior consent of the entity that provided the information.

**Assessment & decision:** subarticle (9) of article 4 as amended requires that the MCA consults and cooperates with other competent authorities responsible for other areas that may impact the sectors regulated by the MCA. Any confidential information that the MCA may share with any other public authority requires that the public authority concerned treats the information shared with the same degree of confidentiality.

- iii. **Submission: Article 4A(1) [‘consultation and transparency mechanism’]:** a respondent pointed out that the minimum period for any public consultation undertaken cannot be of less than thirty (30) days. In doing so this respondent referred to the wording of Article 23 of the EECC.

**Assessment & decision:** Article 4A(1) has been amended to reflect this point.

- iv. **Submission: Article 4B(1)[‘development of codes of conduct and operating standards’]:** a respondent suggested that there should be a definition of ‘consumers’ in Chapter 418.

**Assessment & decision:** Article 2 is being amended to include a definition of ‘consumer’.

- v. **Submission: Article 29(1)(b)[‘enforcement powers of the Authority’]:** two respondents raised concerns that the faculty of entry into residences for the purpose of investigation may be in breach of Article 38 of the Constitution, protecting one’s property.

**Assessment & decision:** an amendment has been made to regulate the faculty of entry in line with the norms under Article 38 of the Constitution.

- vi. **Submission: Article 29(1)(j):** two respondents raised different issues relating to the faculty of the MCA to require an independent audit of regulated activities. The respondents argued that the draft legislation did not state when such an audit may be undertaken and whether the MCA is required to consider any written submissions made by the impacted undertaking. Furthermore it was argued that costs of any such audit should only be borne by the undertaking in relation to which an audit is done if it results that subsequent to the audit there was non-compliance. It was also argued that the minimum period of fifteen days for an undertaking to make its submissions further to a request to undertake an audit is too short.

**Assessment & decision:** The article in question requires that the MCA, before proceeding with such an audit, writes to the undertaking concerned giving its reasons therefor whereby the said undertaking then has the opportunity to make its submissions thereto. Subsequently in line with applicable procedure, the MCA is required to give a final ruling on the matter. If the undertaking considers that the MCA was not justified in proceeding with an audit, the undertaking may contest such a decision before the Administrative Review Tribunal ('ART').

- vii. **Submission: Article 31(2) ['other sanctions that the Authority may impose']:** A respondent queried as to what preventive measures the MCA can take with regard to a person – other than an authorised undertaking – which provides an unauthorised communications service or network. Another respondent asked for an explanation as to what constitutes a seriously and, or repeated infringement.

**Assessment & decision:** The enforcement measures listed in Part VI of Chapter 418, including those under articles 31 to 33, would apply to such persons. The inclusion of the proposed changes to article 31(2) are being done specifically to highlight instances that may constitute serious and repeated infringements.

- viii. **Submission: Article 32A ['orders to remove content on online interface etc.']:** Two respondents welcomed the inclusion of this provision. These respondents suggested some modifications.

**Assessment & decision:** article 32A - as proposed is being included in order to implement the requirements of Article 9(4)(g) of Regulation (EU) 2017/2394 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004. The wording used reflects the wording of relevant provision of the aforesaid Regulation in relation to the communications laws enforced by the MCA.

- ix. **Submission: Article 34 ['administrative infringements by bodies corporate']:** a respondent argued against the inclusion and effective application of this article which provides that where it is proven that an infringement by a body corporate was attributable to the gross negligence or consent of a director or a person having an executive role, then proceedings can also be taken against that person.

**Assessment & decision:** This article was introduced in 2004 but never brought into force. Its deletion is being considered.

- x. **Submission: Article 41 [‘appeal to the court of appeal’]:** a respondent argued that the right of appeal from a final decision of the Administrative Review Tribunal (ART) to the Court of Appeal should apply to appeals both on a point of law and of fact.

**Assessment & decision :** This submission is being adopted.

#### **Amendments to the Electronic Communications (Regulation) Act, Chapter 399**

- i. **Submission: Article 4A(2) [‘strategic planning and coordination of radio spectrum policy’]:** a respondent suggested that the MCA should consult with the competent public authorities in relation to matters that impact the environment.

**Assessment & decision:** this is catered for under article 4, as amended, of Chapter 418.

#### **Amendments to the Utilities and Services (Regulation of Certain Works), Chapter 81**

- i. **Submissions [general]:** a respondent submitted various proposals to Chapter 81 which are not directly tied to the amendments proposed in the public consultation, which deals with the effective transposition and implementation of the EECC.

**Assessment & decision:** At this juncture only the changes as proposed in the public consultation factoring also the responses thereto will be taken forward.

- ii. **Submissions: article 2 [‘definitons’]:** a respondent asked for further clarification on the definition of ‘associated services’.

**Assessment & decision:** the definition is being amended for more clarity.

- iii. **Submissions: article 4 [‘power to order placing of cables etc’]:** a respondent whilst not making any specific proposals for amendments to this article, raised some points, namely that:

- there does not appear to be in place a mechanism in relation to which an order under article 4(1) can be made;
- the MCA should assume the mantle of the infrastructure regulator; and
- the *audi alteram partem* norm does not appear to be catered for.

**Assessment & decision:** The proposed amendments provide that a network operator may apply to the infrastructure regulator for the issue of an order to install facilities on, over or under public or private property. The suggestion that the MCA assumes also the role of infrastructure regulator is not tenable. The MCA does not have the overall expertise to deal with infrastructure issues relating to all utilities given that its expertise resides strictly in the sphere of electronic communications services and networks. Furthermore it is to be noted that the infrastructure regulator when exercising any of its function under Chapter 81 is required under article 4D to act on basis of transparent and publicly available procedures

and to give reasons for its decisions. Where appropriate the infrastructure regulator is required to invite interested parties to make their representations.

- iv. **Submissions: Article 4D [‘exercise of functions by the competent infrastructure regulator’]:** a respondent argued that the period of six (6) months within which period the infrastructure regulator must give a decision is far too long in so far as orders requested under article 4(1) are concerned. The respondent argued that a decision needs to be taken in short order as this would otherwise impact negatively the undertaking of works relating to network rollout. The respondent suggested that a timeframe of five (5) working days would be more appropriate. The same respondent suggested that a ‘deemed refusal’ provision should be included if no decision is forthcoming within the proposed period by when a decision should be taken.

**Assessment & decision:** The points raised by respondent are not directly tied to the amendments proposed in the public consultation. The proposal made by the respondent is being noted.

- v. **Submissions: Articles 5 and 7 [‘compensation’ and ‘where the owner may ask for the removal of a cable etc’]:** a respondent proposed some amendments and made some comments in relation to these two articles concerning the interpretation of certain terms and issues relating to compensation claims.

**Assessment & decision:** the public consultation did not envisage any specific amendments to these articles. Since the proposals made may impact the infrastructure works concerning other utilities and the remedies applicable thereto.

- vi. **Submissions: Article 8 [‘works carried out before commencement of Act’]:** a respondent observed that this article needs to be amended *in toto* as it refers to works made prior to Chapter 81 when it was first enacted in 1934.

**Assessment & decision:** There is agreement that this article needs to be amended however this concerns other public entities and utility providers and therefore merits a wider discussion with the entities.

- vii. **Submissions: article 25 [‘conduct of proceedings and determination of disputes’]:** a respondent noted that a respondent party to a dispute raised before the Utilities Networks Dispute Resolution Board should be tied to a specific maximum period by when this response should be submitted.

**Assessment & Decision:** this suggestion is agreed to and the law is being amended accordingly to provide for a maximum period of twenty (20) running days.

#### **Proposed (new) Electronic Communications Networks and Services (General) Regulations**

- i. **Submission: reg. 2(2) re definition of ‘gateway operator’:** a respondent noted this definition has been expanded to include submarine connections between the Maltese Islands. There should be a level playing field across all ISPs, as a measure to safeguard the

investments of all concerned parties.

**Assessment & decision:** the MCA ensures a level playing field across all ISPs within the parameters of the legislative framework.

- ii. **Submission: reg. 5(2) [‘general authorisation of electronic communications networks and services’]:** a respondent argued that local undertakings are at a disadvantage when compared to number-independent interpersonal communications service providers. The latter unlike local undertakings are not burdened with the costs and procedure to obtain and maintain a general authorisation, and therefore can operate with far less regulatory burdens while offering comparable services.

**Assessment & decision:** the regulation as proposed is strictly in line with Article 12(2) of the EECC which gives no latitude for modification. The EECC broadens the scope of the legislative framework to include number independent interpersonal communications services (NI-ICS). This is a move to a ‘level the playing field’ between ‘over-the-top’ and traditional telcoms services (number based interpersonal communication services, namely SMS and voice), applying regulation to voice over internet protocol, messaging and e-mail services. NI-ICS services are principally subject to EU instigated interoperability powers, consumer protection measures and security regulation.

- iii. **Submission: reg. 5(7):** a respondent suggested that with respect to those entities subject to a general authorisation requirement under subregulation 2, it may be desirable to make specific reference to the Guidelines for the notification template pursuant to Article 12(4) of EECC as published by BEREC.

**Assessment & decision:** Specific reference to the BEREC guidelines for the notification template pursuant to Article 12(4) EECC is not deemed necessary in this regulation.

- iv. **Submissions: reg. 5(9):** a respondent asked for clarification on what is to be understood by “additional requirements” which the Authority may impose on an undertaking. The same respondent queried whether the Authority’s decision on the General Authorisation will be reviewed?

**Assessment & decision:** “Additional requirements” refer to such measures as may be deemed necessary by the MCA to ensure the protection of end-users and, or to prevent any disruption to other authorised undertakings. In relation to the second point raised this is a matter that falls within the exclusive remit of the regulatory functions of the MCA.

- v. **Submissions: reg. 15(1) [‘information request to undertakings’]:** a respondent observed that it does not offer wholesale services, and that therefore being requested to design its networks to satisfy competitor requirements is a disincentive to investment. This respondent argued that the EU approach of ‘one size fits all’ is taken here, noting that whilst most amendments are beneficial for end-users and undertakings, one needs to keep in mind that the size of Malta compares to that of an EU city rather than a country. This therefore means that certain legislation being introduced might impact the local market in a negative manner due to the size and implications of the regulations.

**Assessment & decision:** the respondent did not propose any changes to the regulation and limited itself to stating its position on the measure in question which

is based on the relevant EECC norms.

- vi. **Submissions: reg. 17(1) ['geographical surveys of networks deployments']:** a respondent made a general comment that in contrast to some competing undertakings, it has made substantial investments to keep itself in line with current state of the art networks, adding that enforcing sharing of infrastructure might mean penalising it and may be a disincentive for future investment by it. Another respondent suggested that the MCA issues guidance on the geographical surveys thereby providing regulatory certainty for local undertakings, further suggesting that stakeholders should have the opportunity to submit their views during a public consultation process prior to official publication of such guidance.

**Assessment & decision:** the first comment does not envisage any changes to the law and constitutes a subjective comment which is debateable. In relation to the second comment it is envisaged that the MCA, when implementing the geographical surveys, will involve the operators as necessary to ensure that the final procedures meet the requirements of the EECC and are in line with the size and needs of the local market.

- vii. **Submissions: reg. 17(8):** a respondent argued that Article 29 of the EECC specifically requires that the competent authority may only impose a fine in the context of the procedure referred to in Article 22(3) of the EECC – namely if an undertaking knowingly or grossly negligently provides misleading, erroneous or incomplete information when responding to an invitation to declare an intention to deploy or upgrade to very high capacity network in a designated area.

**Assessment & decision:** the relevant norm – regulation 17(8) - is being amended accordingly so that the reference is limited to subregulation (7).

- viii. **Submission: reg. 25 ['joint authorisation process to grant individual rights fo use for radio spectrum']:** a respondent requested clarification when a joint authorisation is deemed to be an option for the issuing of rights.

**Assessment & decision:** Regulation 25 transposes Article 37 of the EECC; the purpose of which is to ensure that there are no regulatory obstacles with regard to undertaking joint authorisation procedures with other Member States. Whilst the regulation does not preclude joint authorisations, due to national circumstances notably that Malta has no physical borders with other countries, the implementation of regulation 25 is currently not foreseen.

- ix. **Submission: reg. 27(2) ['availability of services in the event of catastrophic networks breakdown and, or force majeure']:** a respondent observed that whilst recognizing the need for continuous development to ensure that disruption of service is kept at a minimum in the event of *force majeure*, the enforcement of any decision posing ulterior obligations on service providers, should be reviewed by an independent expert mutually agreed by all parties.

**Assessment & objectives:** The MCA is required by law and in line with the EECC norms to motivate its regulatory decisions and where appropriate to consult as necessary with interested stakeholders.

- x. **Submissions: reg. 28(1) ['security of networks and services']:** a respondent requested that the use of the words 'where appropriate' - used in relation to encryption - be clarified. The same respondent further argued that financial support for affairs of national concern which

go beyond the scope of providing a service locally should be considered. Another respondent argued that any binding security framework should not be issued in isolation and should be preceded by a consultation with impacted operators assessing the security measures already implemented. This respondent argued that not doing so could lead to the imposition of new security obligations that might require unnecessary investments in relation to the operators' systems without necessarily ensuring the highest security standards to end-users. The same respondent suggested that there should be further guidance by the MCA to cater for newly introduced parameters.

**Assessment & decision:** The use of 'where appropriate' refers to the technical conditions where encryption may or may not be possible. The Law establishes the principle that where appropriate, the use of encryption is a valid tool suitable to prevent and minimize the impact of security incidents on users and on the networks and services. In relation to the second point the aim of the proposed legislation is to ensure the security of electronic communication networks and services, which is a national concern given the importance of providing such services to the society and the economy. The EECC does not contemplate any financial support as suggested. In relation to the points raised by the second respondent, the MCA consults with all interested parties in those areas that have a direct impact to the market.

- xi. **Submissions: reg. 28(4):** A respondent noted that the parameters as per subparagraph (e) '[impact on economic and societal activities]' is excessive, if not impossible, for an operator to determine.

**Assessment & decision:** the provision in question is directly taken from the EECC and is reflected under the proposed national norm.

- xii. **Submissions: reg. 30 (4) – ['implementation and enforcement']:** a respondent asked for confirmation that CSIRT refers to the National CSIRT.

**Assessment & decision:** This is confirmed (as reflected in S.L 460.35).

- xiii. **Submissions: reg. 36(1) ['duration of rights']:** a respondent argued that regulatory predictability might not be achieved through the sub-regulation (2), suggesting that the grant of the right of use of spectrum for wireless broadband services for a twenty (20) year period, with the possibility to extend the licence term for an additional five (5) years would be more appropriate. This respondent argued that a twenty (20) years licence duration would ensure regulatory predictability for the holders of the rights regarding conditions for investment in infrastructure which relies on the use of such radio spectrum leading to greater spectrum harmonisation, increased transparency and consistency around assignment processes.

**Assessment & decisions:** regulation 36 is in line with Article 49 of the EECC. The envisaged 15 plus 5 years' licence term does give regulatory predictability to the sector. For rights of use having such a term, prior to the expiry of the initial 15-year term, the MCA will publish the criteria for the extension of same rights for an additional period of 5 years.

- xiv. **Submissions: reg. 38(1) ['transfer or lease of individual rights of use for radio spectrum']:** a respondent suggested that the MCA should have the faculty to ask back for a right which is not in use. This will reduce the possibility of transferring/leasing rights at a higher cost which ultimately distorts the market.

**Assessment & decision:** a key objective of this regulation is to ensure that radio spectrum is used effectively and efficiently. This objective is reflected in the regulatory instrument adopted by the MCA and in conditions attached to rights of use for radio spectrum. In addition, regulation 34 provides for the adoption of rules for the avoidance of spectrum hoarding.

- xv. **Submissions: reg. 44(1) ['deployment and operation of small-area wireless access points']:** a respondent asked which is the competent authority responsible for town planning.

**Assessment & decision:** reference is made to Fourteenth Schedule which lists the Planning Authority.

- xvi. **Submissions: reg. 48(1) ['powers and responsibilities of the Authority with regard to access and interconnection']:** a respondent requested clarification as what is understood by 'adequate access'. The same respondent remarked that where the MCA imposes obligations on electronic communication providers to grant certain access then it should consider that there are different scenarios.

**Assessment & decision:** By 'adequate access', it is understood that the MCA will perform its functions in a way that promotes efficiency, sustainable competition, the deployment of very high capacity networks, efficient investment and innovation, whilst ensuring maximum benefit to end-users.

- xvii. **Submissions: reg. 49(4) – ['Access to in-building physical infrastructure']:** a respondent in relation to the words 'pricing where appropriate' requested clarification that a rights holder may not impose charges for any maintenance to the access provided and that any access provided should be adequate and acceptable to the public electronic communications network provider in order to claim a cost.

**Assessment & decision:** the rights holder is required to consider all reasonable requests for access from public electronic communications network operators under fair and non-discriminatory terms and conditions. In relation to the use of, and access to, the access point or in-building physical infrastructure by a public electronic communications network operator, the rights holder cannot impose any rent or other charges however so described on the public electronic communications network operator. Provided that where the rights holder incurs any reasonable cost in providing access to the public electronic communications network operator to carry out works related to the deployment, maintenance and repair of its network, the rights holder may recover such costs from the public electronic communication network operator on a cost-recovery basis.

- xviii. **Submissions: reg. 59(1) ['Access to civil engineering']:** one respondent said that the MCA should consider that any impositions do not negatively impact the provision of existing services and that an undertaking on whom obligations are imposed is not required to incur additional costs or be subjected to third party requirements. Another respondent observed that any market analysis should not be applied in isolation but should consider the position of all undertakings making use of passive infrastructure.

**Assessment & decision:** The rationale behind obligations on operators to meet reasonable requests for access or use of specific network elements and associated facilities - including civil engineering assets - is to ensure a sustainable competitive market at retail level to the benefit of end-users whereby a balance is sought between the need for such obligations

and the technical feasibility or economic viability.

- xix. **Submissions: reg. 60(1) [‘Obligations of access to, and use of, specific network elements and associated facilities’]:** A respondent observed that the splitting of the type of networks between “specific physical network elements” and “specific active or virtual network elements”, may imply that different networks ought to be treated equally irrespective of constraints which emerge specifically from the differences. This respondent said that this would be a disincentive to investment.

**Assessment & decision:** The term ‘specific’ is not to be interpreted in the context of implementing access remedy on the basis of a distinction between operators but rather in the context of the application of access remedy to specific parts of the network. The regulatory obligations under this regulation apply to different business cases - namely in the case of vertically integrated operators, wholesale only operators and voluntarily separated operators.

- xx. **Submissions: reg. 71(1) [‘Affordable universal service’] & reg. 72(2) [‘Provision of affordable universal service’]:** A respondent remarked that if an area is not serviced by a provider then that provider should not incur infrastructure costs to provide the service if this is technically and economically unfeasible. The same respondent asked what safeguards would be in place to ensure that any ‘special tariffs’ are not abused of, adding that social issues would be better addressed by state subsidies or refund schemes.

**Assessment & decision:** The concept behind the universal service is to provide a safety net to ensure that a set of minimum services is available to all end-users at an affordable price. With reference to the criteria for special tariffs and/or access of services by disabled users, it is the remit of the competent public entity/entities to specify eligibility criteria. Reference is also made to the MCA regulatory Decision Notice entitled “Review of Universal Service Obligations on Electronic Communication Services”.

- xxi. **Submissions: reg. 73(1) [‘Availability of universal service’]:** A respondent highlighted various difficulties it faces in market, placing it in what it described as ‘a less privileged position’ than other competing operators. This respondent submitted an alternative solution whereby a government agency undertakes the implementation of the necessary civil works infrastructures thereby allowing operators to reach these end-users at more manageable costs.

**Assessment & decision:** Amenable solutions may be considered where deemed necessary. With regards to carrying an unfair burden in providing a universal service, the regulations afford designated undertakings the possibility to request compensation.

- xxii. **Submissions: reg. 74(1) [‘status of the existing universal service’]:** A respondent contested the necessity of certain obligations such as public payphones, whose purpose is nowadays fulfilled by the widespread availability of mobile telephony plans both as prepaid and post-paid options.

**Assessment & decision:** Universal service obligations are regularly reviewed factoring market and technological developments. It is to be noted that in the MCA Decision Notice “Review of Universal Service Obligations on Electronic Communication Services”, the MCA no longer imposes public payphones as a USO under certain conditions.

- xxiii. **Submissions: reg. 77(1) [‘financing of universal service obligations’]:** A respondent

remarked that any funding mechanism should always take into account the profit made by the designated undertaking and that this must be deducted from the compensation for the universal service. This respondent strongly disagreed with any cost-sharing mechanism, adding that if notwithstanding such a mechanism is implemented then it is essential to take into account that undertakings need to plan ahead in terms of their annual budgets and expenses.

**Assessment & decision:** The net cost funding mechanism already takes into account the costs incurred and revenues received by the designated undertaking, as provided for in Part A of the Seventh Schedule. Reference is also made to the MCA Decision Notice “Review of Universal Service Obligations on Electronic Communication Services”.

xxiv. **Submissions: reg. 77(4) [‘financing of universal service obligations’]:** A respondent remarked that the limit as referred to in this regulation should be set after the MCA undertakes a public consultation in accordance with article 4A of Chapter 418 suggesting that this regulation should thus be amended accordingly.

**Assessment & decision:** in accordance with article 4A of Chapter 418, the MCA is required to undertake such a consultation within the parameters of that article.

xxv. **Submissions: reg. 80(2) [‘Numbering resources’]:** A respondent proposed that the restrictions in this sub-regulation should be extended to other third party service providers that are not authorised undertakings.

**Assessment & decision:** Since the allocation of numbering resources are subject to prior authorisation by the MCA, any undertaking whether authorised or not is required to adhere to such regulations.

xxvi. **Submissions: reg. 80(5) [‘Numbering resources’]:** A respondent suggested an amendment to the words “...the Authority may also make available such numbers to other non-EU Member State” since this text may be interpreted to mean, that non-EU countries may use such non-geographic numbers and not that authorised service providers can use such numbers in non-EU countries. Another respondent asked for clarification on the possible applications envisaged for regulation 80(5) and whether this is referring to wholesale or retail services. The same respondent queried whether the undertakings concerned could make use of numbers without having a General Authorisation, and if interconnection obligations would be imposed on local service providers in relation to such entities using non-geographic numbers outside Malta.

**Assessment & decision:** The proposed change by the first respondent is agreed to. With regard to points raised by the second respondent, the provision in question refers to the extraterritorial use of national non-geographic numbers, currently only allowed from the ‘4’ range for the provision of M2M/IoT connectivity services and other non-interpersonal communications which are subject to the MCA’s prior authorisation. The current eligibility criteria and conditions attached to the rights of use of numbers from the ‘4’ range as established in the respective Decision Notice “Numbering Resources for M2M/IoT Connectivity Services (and other Non-Interpersonal Communications Services (Non-ICS))” are envisaged to be retained. Any future amendments by the MCA will be made only following a public consultation.

xxvii. **Submissions: reg. 87(3) [‘information requirements for contracts’]:** A respondent raised various points in this regard. This respondent said that it was concerned about providing a

contract summary for prepaid services due to the nature of prepaid service itself and its provisioning, arguing that to include all the required information to fit the packaging of the prepaid SIM cards is not feasible. This respondent argued that no additional burdens or constraints should be imposed on consumers whilst activating their prepaid services. If any changes are introduced these should be preceded by an in depth analysis and after consultation with impacted stakeholders to determine what changes are needed and to estimate the associated impact on affected services, systems and procedures.

**Assessment & decision:** Article 102 of the EECC and the Commission’s Implementing Regulation (EU) 2019/2243 requires the provision of contract summaries for all types of plans and therefore this provision needs to be reflected under national law. Any changes by the MCA on regulatory matters dealing with information requirements for contracts will be factored following consultation with impacted stakeholders preceding a regulatory decision.

- xxviii. **Submissions: reg. 87(6) [‘information requirements for contracts’]:** A respondent argued that a different determination of the effective date of consumer contracts is being provided for – this contrary to what Article 102(3) of the EECC - adding that regulation 87(6) introduces a requirement for the ‘explicit’ consent to both the contract and contract summary which is not present in the EECC. A second respondent suggested that the wording be amended noting that as worded a contract is only effective after the consumer has explicitly confirmed his/her agreement to both contract and the contract summary, further observing that if there is a conflict between the contract and the contract summary, then the contract is ‘null and void’. A third respondent suggested that regulation 87(6) be amended to clarify that agreement by the consumer to the contract summary is only required where for objective technical reasons, it is impossible to provide the contract summary prior to the conclusion of the contract, but where the contract summary has then been provided without undue delay thereafter, adding that in all other cases, agreement by consumer to the contract itself should be required for the contract to take effect.

**Assessment & decision:** Regulation 87(6) is being amended in response to the issues raised by the respondents, whereby the proviso thereto is being deleted whilst ensuring that the MCA after due consultation can take the necessary regulatory measures.

- xxix. **Submissions: reg. 87(7) [‘information requirements for contracts’]:** A respondent requested that flexibility be adopted to enable contracting parties to expressly agree to alterations to the contract information and/or contract summary since this would allow providers to improve their services offerings.

**Assessment & decision:** Whilst Article 102(4) of the EECC provides that contract information provided to the clients before the contract is concluded, may be altered if contracting parties expressly agree so, this does envisage that a service provider may conclude contracts with consumers that divert from the EECC articles.

- xxx. **Submissions: reg. 87(8) [‘information requirements for contracts’]:** A respondent requested clarification on what is meant by the term “control”, noting that usage may not always be available in real time as at times this depends on external factors or third parties such as in the case of roaming and that any additional notifications mandated by the Authority require time, development, and come at a cost. Another respondent noted that if the MCA decides to establish norms on consumption monitoring these should be preceded by a public consultation with impacted stakeholders.

**Assessment & decision:** The EECC specifically requires that end-users are afforded access to facilities that enable them to track their consumption in a timely manner. Reg. 87(8) does not prescribe a specific facility to be offered but rather provides flexibility to service providers to design their own facilities as long as these satisfy this requirement. The introduction of new rules regarding additional notifications as defined in reg. 87(9) would be preceded by a public consultation.

xxxi. **Submissions: reg. 87(11) [‘information requirements for contracts’]:** see comments to reg. 87(6) above.

**Assessment & decision:** Reg. 87(11) is being deleted further to the comments made by various respondents in relation to reg. 87(6) above.

xxxii. **Submissions: reg. 88(2) [‘transparency, comparison of offers and publication of information’]:** A respondent suggested the addition of the following proviso: ‘For the avoidance of any doubt, the information required in connection with the aforementioned comparison tool shall be collected directly by the Authority from already publicly available sources and that there shall be no additional burden imposed upon any undertaking.’ The respondent explained that this was being proposed in order to clarify the methodology to be used by the MCA to collect the data required for the proper compilation of the information.

**Assessment & decision:** The EECC allows various options on the methodology that may be adopted by the MCA (as an NRA) to gather information to be included in the comparison price portal. It is considered that a flexible approach should be in place that does not necessarily require that the MCA is obliged to gather this information itself.

xxxiii. **Submissions: reg. 90(1) [‘remedies’]:** A respondent proposed the deletion of the words ‘continued or frequently recurring’ in order to eliminate any uncertainties surrounding the possible wide interpretation of what constitutes a continued or frequent discrepancy, especially taking into account the fact that certain services are not designed to be used in certain situations and for which other more appropriate services may be available. Another respondent commented that the use of the aforesaid words was too vague, asking whether the MCA would be providing guidance in this regard in its quality of service decisions. The same respondent further argued that an operator should not be responsible if the service is impacted for reasons that are beyond its control or caused by the customer.

**Assessment & decision** -The use of the text ‘any significant continued or frequently recurring discrepancy’ is based on the wording used in Article 105(5) of the EECC. With reference to *force majeure* instances, these are explicitly excluded as provided for in reg. 90(2). If any new measures are contemplated the MCA will consult with impacted stakeholders before introducing any new measures.

xxxiv. **Submissions: reg. 90(2) [‘remedies’]:** A respondent asked that regulation 90(2) be amended so that the requirement to provide compensation or a refund, applies only to instances of ‘significant and continued or frequently recurring discrepancy’ in quality of service (‘QoS’) levels; and that NI-ICS are expressly excluded from the scope of this provision. This is being requested in relation with Articles 104(1) and 105(5) of the EECC.

**Assessment & decision:** Reg 90(2) is being amended to address the point raised. It is however considered that the right to seek compensation should not only be limited to

instances where quality of service has not been met.

xxxv. **Submissions: reg. 91(1) & (2) ['contract duration and termination']:** A respondent requested that providers of NI-ICS and providers of transmission services used for the provision of M2M services should not be subject to the requirements in this regulation, regarding the maximum duration of fixed term contracts, automatic prolongation, and/or contract termination procedures arguing that such an amendment is necessary to reflect Article 105(1) of the EECC.

**Assessment & decision:** Regulation 91(2) is being amended to address this point.

xxxvi. **Submissions: reg. 91(5) to (7) ['contract duration and termination']:** A respondent suggested that regulation 91(5) as worded could lead to misinterpretation and suggested the addition of the following: 'and any applicable penalties in connection with loaned and/or non-returned equipment'. The same respondent suggested an amendment to the proviso to regulation 91(5) to eliminate misunderstandings that may arise, proposing the addition of the words 'which information can be provided through general, non-personal, public communications and information'. This respondent also observed that no definition of the term 'bundled terminal equipment' is provided, adding that any such reference should not extend to any loaned out equipment necessary for the provision of the services, which remain throughout the term of the agreement property of the operator concerned and consequently should not permit the end-user to choose whether to retain it or not. This respondent argued such devices should be clearly excluded from the ambit of regulation 90(6), in that in any penalties/charges associated with their non-return should not be on a pro-rata basis. A second respondent requested clarification whether the annual obligation to provide best tariff information is subsequent to the 24 month term. A third respondent noted regulation 91(6) prevented service providers from selling locked devices that cannot be used on another network, observing that the practice of locking devices creates additional burdens on end-users and can discourage end-users from switching to another provider. This respondent therefore proposed to ban the sale of locked mobile devices to remove this hurdle for customers.

**Assessment & decision:** The first suggestion made is being adopted with a minor modification as follows: 'and any applicable reasonable and justified charges in connection with unreturned loaned equipment'. The second proposal is not being adopted. It is noted that in accordance with this same regulation the MCA is empowered to issue guidelines on how service providers may provide best tariff information to its subscribers annually. In relation to the clarification sought, the obligation in question is not only subsequent the 24 month term. In order to avoid misinterpretation on the provision of best tariff advice, regulation 91 is being amended with the insertion of a new subregulation 91(6) (with subregulation 91(6) being renumbered). Furthermore regulation 91 is being amended to address the issue raised by the first respondent. With regard to the proposal made by the third respondent reference is made to recital (263) of the EECC which does not ban the sale of locked devices. In the case of switching, end-users are protected since subregulation 91(6) states that: 'the provider shall lift any condition on the use of that terminal equipment on other networks free of charge at the latest upon payment of compensation'.

xxxvii. **Submissions: reg. 92(1) ['modification of contractual conditions by providers and rights of end-users']:** A respondent remarked that the proposed amendments suggest that the contract can be terminated without incurring any further costs. This respondent said that it would like to ensure that such a cost solely relates to applicable services penalties and any cost related to termination, but does not impact customers' obligations to pay any

outstanding bills or amounts to be paid for a device subsidy or in relation to other aspects that may be contracted.

**Assessment & decision:** Any outstanding dues for services already provided to the customer would still be payable by the customer in the event that he uses his/her right to terminate the contract without penalties in the event of a negative change implemented by his/her service provider to his/her terms and conditions.

- xxxviii. **Submissions: reg. 92(2) ['modification of contractual conditions by providers and rights of end-users']:** A respondent noted that providers are required to notify end-users at least thirty (30) days in advance of any change in the contractual conditions in a clear and comprehensible manner and on a durable medium. This respondent sought assurance that the requirement of notifying end-users on a durable medium would continue to be satisfied by means of SMS notification in case of prepaid customers.

**Assessment & decision:** The point raised is dealt with under regulatory decisions taken by the MCA. The position remains as is under the current applicable MCA decision.

- xxxix. **Submissions: reg. 92(3) ['modification of contractual conditions by providers and rights of end-users']:** A respondent observed that regulation 92(3) requires providers of publicly available interpersonal communications services other than NI-ICS, to notify the MCA in writing of any proposed modification to contractual conditions, prior to notifying end-users. This respondent said that this norm exceeds the norms under Article 105 of the EECC and therefore should be removed.

**Assessment & decision:** This provision is of a procedural nature aimed at ensuring that obligations in the EECC which requires that notifications are made in a clear and comprehensible manner are adhered to.

- xl. **Submissions: reg. 92(5) ['modification of contractual conditions by providers and rights of end-users']:** A respondent remarked about the faculty of the MCA to increase the notification from 30 days up to a maximum of 90 days contending that a longer notification period will represent an unnecessary burden on providers in terms of planning and at the same time would have a negative impact on end-users who would have to be mindful of notified changes for a period of three (3) months.

**Assessment & decision:** Any decision to increase the notification period would be preceded by a public consultation by the MCA in order to have the views of all impacted stakeholders.

- xli. **Submissions: reg. 94(1) ['provider of switching and number portability']:** Two respondents emphasised the importance that before any binding processes are introduced, the MCA consults impacted stakeholders.

**Assessment & decision:** Any decision on such processes will be preceded by consultation by the MCA with impacted stakeholders.

- xlii. **Submissions: reg. 94(8) ['provider of switching and number portability']:** A respondent suggested that this sub-regulation should be subject to the settlement of any pending dues. Another respondent requested clarification on various points including whether current number portability specifications for both fixed and mobile would be amended to reflect the changes made; whether the right to port out a number within a month from termination means that operators have to wait for a month to send the E164 termination

notice; when porting fails clarification that the transferring provider may bill the customer until the porting is successful and is not liable for any delay beyond its control.

**Assessment and decision:** Since eligibility criteria does not only depend on the absence of overdue bills once pending dues do not necessarily qualify as a porting refusal, this sub-regulation is being amended accordingly. The points raised by the second respondent will be dealt with in the course of number portability processing updates by the MCA subsequent to the making of the new regulations consequential to the transposition of the EECC.

- xliii. **Submissions: reg. 95(1) ['billing']:** A respondent noted that no time frame is established for the retention of records adding that in accordance with data retention periods in line with data protection law it is not possible for a service provider to retain such information indefinitely.

**Assessment & decision:** Any data that is required to be retained is subject to applicable norms including retention periods established in accordance with data protection law.

- xliv. **Submissions: reg. 97(1) ['availability of services']:** A respondent asked if the measures to ensure uninterrupted transmission of public warnings are expected to be done through television services or otherwise.

**Assessment & decision:** As reflected in the regulation this norm applies only to providers of voice communications services.

- xlv. **Submissions: reg. 101(1) ['must carry' obligations']** – a respondent remarked that some current 'must carry' channels do not provide Electronic Programme Guides ('EPG') data adding that this should be reconsidered given the additional cost incurred to carry EPG. The same respondent noted that regulation 101[3] provides that the MCA may determine appropriate remuneration. This respondent requested clarification whether such remuneration is made to service providers or to channel owners.

**Assessment & decision:** The EECC provides for the extension of national must-carry obligations to data supporting connected TV services and EPGs allowing for the imposition of obligations on providers of both electronic communications networks and electronic communications services. The MCA may impose reasonable 'must carry' obligations for the transmission of specified radio and television broadcast channels and related complementary services, and services used for the distribution of radio or television broadcast channels to the public, where a significant number of end-users of such networks and services use them as their principal means to receive radio and television broadcast channels. There is no obligation to ensure remuneration for operators in return for 'must carry' obligations. However, where remuneration is provided then it is important to ensure that there is no discrimination between providers of electronic communications networks

and services, and that this is applied in a proportionate and transparent manner.

- xlvi. **Submissions: First Schedule – Part E conditions which may be attached to rights of use for numbering resources – item 6 thereof:** A respondent asked for clarification about item 6.

**Assessment and decision:** The transfer of rights in case of numbering resources may be applicable in exceptional circumstances at the discretion of the MCA such as in the case of short codes when the terminating operator is changed.

- xlvii. **Submissions: First Schedule – Part E conditions which may be attached to rights of use for numbering resources – item 10 thereof:** A respondent asked for further information and clarification about item 10.

**Assessment and decision:** Item 10 refers to circumstances such as in the case of the ‘4’ range which refers to numbering resources utilised for the provision of M2M/IoT connectivity services and other non-interpersonal communications services.

- xlviii. **Submissions: Sixth Schedule – Part A Facilities and services referred to in regulations 75 and 102 – item (a) ‘itemised billing’ paragraph 1:** A respondent asked for clarification on what the term “control” entails, adding that if further requirements are made then the MCA should discuss these with the services providers as any technical development comes at a cost and requires ample time and resources.

**Assessment and decision:** Reference is made to the MCA regulatory decision ‘Standard and Itemised Bills’ which specifies requirements on the provision of ‘Itemised Bills’ that need to be adhered to. If any measures contained in this decision need to be amended a consultation will first be undertaken seeking the views of stakeholders.

- xliv. **Submissions: Sixth Schedule – Part A Facilities and services referred to in regulations 75 and 102 – item (b) ‘selective barring for outgoing calls or premium SMS or MMS or, where technically feasible, other kinds of similar applications, free of charge itemised billing’ paragraph 1:** A respondent argued that ‘other kinds of similar applications’ is too generic and should not be included.

**Assessment and decision:** The text ‘other kinds of similar applications’ reflects the wording used in the EECC. Any additional facilities as contemplated in this provision which the MCA may introduce will be preceded by a public consultation where stakeholders will be invited to submit their views.

- i. **Submissions: Sixth Schedule – Part A Facilities and services referred to in regulations 75 and 102 – item (d) ‘phased payment of connection fees’ paragraph 1:** A respondent sought clarification on the definition of the term “connection fee” and if this means that installation fees would be allowed to be made by instalments.

**Assessment and decision:** This provision empowers the MCA to introduce rules to address any issues in this regard. In doing so, stakeholders will be consulted beforehand.

- ii. **Submissions: Sixth Schedule – Part A Facilities and services referred to in regulations 75 and 102 – item (g) ‘cost control’ paragraph 1:** A respondent argued that further alerts invade the right of a customer to use the service freely, setting one’s own consumption levels as necessary, stating that customers should be afforded a reasonable degree of responsibility to manage their own usage especially for premium services, and therefore

regulation should not be excessively burdensome on operators.

**Assessment and decision:** Whilst comments made are noted, if the MCA decides to introduce measures as empowered by this provision, it will first engage in a public consultation to gather the views of interested stakeholders.

- lii. **Submissions: Eighth Schedule – Part A Information requirements for providers of publicly available electronic communications services other than transmission services used for the provision of machine-to-machine services – subparagraphs (3) and (4) thereof:** A respondent remarked that it should be clear that the term “remaining credit” encompasses any amounts of credit left that were purchased and topped up directly by the customer and therefore excludes any bonus credit provided by the operator. The same respondent in relation to sub-regulation (4) remarked that it should be clarified that service providers are not responsible for security incidents, threats, or vulnerabilities which the customer exposes himself to.

**Assessment and decision:** The first point will be addressed during the Numbering Plan process update to be undertaken by the MCA once the regulations implementing the EECC are in place. In relation to the second point, subscriber contracts provided by service providers sufficiently provide information to clarify the responsibilities that service providers assume in such circumstances. Therefore change to the said provision is not warranted.

- liii. **Submissions: Eighth Schedule – Part B Information requirements for providers of internet access services and publicly available interpersonal communications services– subparagraphs (2) thereof:** A respondent remarked that this provision requires that operators must provide the individual elements of the bundle to the extent they are also marketed separately, noting however that it is not clear if this requirement refers to divulging the price of each service within the bundle, or to separating the price of bundles services from that of the equipment. If such requirement refers to the former, the respondent voiced its disagreement that the apportionment of individual bundle elements should be made public. The respondent argued that the consumer is benefiting for a price for subscribing to more than one service and any savings in that regard can be made by comparing the cost of the bundle with the total costs if such services were to be purchased on a standalone basis. Prices of standalone services and bundles are both publicly available and one can easily make an informed choice.

**Assessment and decision:** This norm means that service providers are required to list in a contract, information about the price of all elements of the bundle (including individual services) only if such elements are marketed separately.

- liv. **Submissions: Twelfth Schedule – Part A ‘Administrative charges to be paid on an annual basis:** A respondent noted that any revision of fees and fines should be proportionate and not create further financial burdens on the undertakings.

**Assessment & decision:** Any revision of fees will be proportionate and will factor any financial burdens on undertakings.

**Proposed 'Emergency Communications, the Single European Emergency Call Service ('112' number) and the European Harmonised Services of Social Value ('116' numbering range) Regulations**

- i. **Submission: general:** A respondent argued that the emergency services that electronic communications service providers should be required to give should be limited to voice and SMS communications.

**Assessment & decision:** No valid justification was given as to why there should be such a limitation in place. It is up to the competent public body for emergency services to determine in accordance with domestic requirements which number based interpersonal communications services should be factored.

- ii. **Submission: regulation 2 [definitions]:** Clarification was sought whether applications or software that use a single number as an identifier and are not connected with other publicly assigned numbers, are excluded from the definition of “number-based interpersonal communications service”.

**Assessment & decision:** Such applications or software that use a single number as an identifier and that do not connect with other publicly assigned numbers, are excluded from the definition of number-based interpersonal communications services.

- iii. **Submission: regulation 4 ['measures for end-users with disabilities']:** A respondent argued that the requirement to ensure that end-users with disabilities when travelling to other EU Member States have equivalent access to emergency services on equivalent basis with other end-users should not be onerous on service providers given that such providers cannot assure that same access is readily provided in other countries.

**Assessment & decision:** Regulation 4(2) is being amended whereby the competent public body is required to ensure that such access is available to end-users with disabilities whilst travelling in Malta where feasible without the need of any pre-registration. Regulation 4(3) is being deleted since regulation 12 enables the MCA to take such regulatory measures as it considers necessary to ensure that service providers comply with the applicable norms.

- iv. **Submission: regulation 5 ['caller location information']:** A respondent argued that the availability of the handset-delivered location should be taken into consideration and such information should not be required unless obtainable for any reason whatsoever.

**Assessment & decision:** Handset location information is a function which is automatically enabled by the handset manufacturer and such information is transmitted over the 112 communication protocols as implemented and enabled by the public safety answering point ('PSAP'). Therefore, the transmission of such information, once implemented should be transparent for the ECS service provider.

- v. **Submission: regulation 10(1) ['public warning in case of major emergencies etc']:** A respondent argued that the obligation of providers of mobile number based interpersonal services to ensure that when public warning systems ('PWS') regarding imminent or developing major emergencies and disasters are in place, public warnings are transmitted to the end-users, should be restricted to mobile telephony services. The respondent argued that it would be difficult to implement such a measure in relation to fixed telephony.

**Assessment & decision:** Given the nature of the measure in question – communications of imminent / developing major emergencies - the competent public body should have the faculty to require the communication of such emergencies also over fixed means of communication.

- vi. **Submissions: sub-regulations 10(2) and (3):** One respondent asked for more information as to the kind of costs that would be recoverable, whereas another respondent asked for confirmation if in the event of the circumstances in regulation 10(3) are activated and then other publicly available electronic communications services or mobile apps relying on an internet access services (i.e., other than providers of mobile NB-ICS) are included within the scope of this provision, whether such providers would also benefit from the compensation payments under regulation 10(2).

**Assessment & decision:** The applicable provisions are being amended to provide for more clarity.

## Implementation

Implementation process is divided into two phases. First phase is the enactment of amendments to primary legislation namely amendments to Chapters 81, 399 and 418. This will be included in one Bill providing for amendments to these laws. Subject to parliamentary approval, it is intended that the amendments to these laws will be in place by July 2021 and brought into force the following month in tandem with the making of subsidiary legislation directly tied to the enactment of the aforesaid Bill.

The second phase relates to the making of subsidiary legislation. It is envisaged that these together with the amendments to the primary legislation will be in place and in force by early August 2021.

## Contact Details

If you have any questions regarding this response, please contact:

The Ministry for the Economy and Industry  
euaffairs.mei@gov.mt

## Annex A: List of respondents

Organisation
GO plc ('GO')
Melita Limited ('Melita')
EPIC Communications Limited ('EPIC')
Environment & Resources Authority ('ERA')
DIGITALEUROPE
Private Individuals : John Hurley

