Government response to the consultation on amendments to subsidiary legislation concerning the licensing of radiocommunications apparatus
12 February 2019

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Published by the Office of the Prime Minister.
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Executive Summary

Introduction and overview

On the 29th September 2017, the Malta Communications Authority (MCA) published a consultation document1 on proposed amendments to the general authorisation licensing framework as applicable to radiocommunications apparatus, namely, the General Authorisations (Radiocommunications Apparatus) Regulations (S.L.399.40).

Most of the proposed amendments to these Regulations were required in order for Malta to meet its international spectrum-management related obligations. The other proposed amendments reflected national initiatives such as those concerning the establishment of new general authorisation licensing regimes for radio beacons (e.g. personal locating beacons) and specific satellite earth stations.

Responses to the consultation and process used to seek stakeholder views

The consultation closed on 12:00hrs CET. on the 27th October 2017. Responses were accepted electronically and on paper.

A total of two (2) responses were received by this deadline. The MCA would like to thank these stakeholders who have contributed to the consultation procedure.

Summary of responses and decisions

A summary of the responses received and MCA’s position on the issues raised is being provided at Annex A.

Implementation

The Legal Notice has been published in the Government Gazette on the 11th December 2018.

Contact Details

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

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1 https://mca.org.mt/consultations-decisions/proposed-amendments-subsidiary-legislation-concerning-licensing
Annex A: List of respondents and feedback

A.1 List of respondents:

- XS Marine Limited
- SES Networks

A.2 Feedback received:

1.1 Licensing framework for Personal Locating Beacons (PLBs)
The consultation paper proposed regulating personal locating beacons under a general authorisation regime and established the conditions associated with their installation and use. Amongst other things, the consultation paper proposed that such equipment can only be activated from on-board a ship or aircraft.

One respondent proposed to remove any restrictions associated with the location of use of PLBs.

MCA comments: On the basis of discussions held between the MCA and other competent authorities, the draft legal notice was revised to allow the activation of PLBs from any location. However, the Legal Notice enforced the principle that PLBs should only be used as a secondary means of distress alerting and shall only be activated when no other means to send distress alerts are available at that particular time.

1.2 Licensing framework for Non-GSO Earth Stations on Mobile Platforms (ESOMPs)
The consultation paper proposed a general authorisation licensing framework for ESOMPs. The regime was based on instruments published and adopted by the Electronic Communications Committee.

One respondent expressed support to the proposed regime as published for consultation.

MCA comments: In view of the comments received it was not required to effect any modification to the proposed regulation concerning ESOMPs.

1.3 Licensing framework for Earth Stations on board Vessels (ESVs)
SL399.40 regulates the installation/use of earth stations on board vessels (ESV) and requires that such stations be in accordance with ITU Resolution 902 due to possible harmful interference scenarios with terrestrial systems. In particular, this ITU Resolution requires that ESVs be switched off when an ESV-equipped vessel is located at a certain distance from land.

Although this condition is already imposed on the operation of ESVs, it was considered necessary to emphasise on the importance of this condition and it was proposed to explicitly include this condition as a limitation under the ESV general authorisation framework.

One respondent expressed concerns to the text proposed in the draft regulations concerning this limitation.
MCA comments: The concerns expressed were analysed and following dialogue with this respondent, the specific condition in the general authorisation was revised to provide more clarity.