



## **MCA analysis of the market for the provision of wholesale physical and virtual infrastructure access (PVIA) in Malta**

**5<sup>th</sup> April 2024**

### ***Document reference - MCA/0/24-5264***

On the 2<sup>nd</sup> April 2024, the European Commission (EC) adopted a decision requiring the MCA to withdraw its proposed draft measure on the regulation of the wholesale physical and virtual infrastructure access market in Malta.<sup>1</sup>

This decision closes the Phase II investigation initiated by the EC on 29<sup>th</sup> January 2024, after the MCA notified its draft measure on the 28<sup>th</sup> December 2023.<sup>2</sup>

The EC decision to veto the afore-mentioned draft measure comes after the Body of European Regulators for Electronic Communications (BEREC) issued an opinion with its assessment of the EC serious doubts. BEREC disagreed with the EC's findings and serious doubts.<sup>3</sup>

The MCA is currently reviewing the considerations and recommendations of the EC, particularly those expressed on the role of alternative physical infrastructures and the competitive constraints imposed by all operators on the market.

The current regulation, which is based on a 2013 MCA Decision, will continue to remain effective through a remedy imposed on GO Plc to provide Virtual Unbundled Local Access (VULA) to its FTTH network.

The MCA will, over the coming weeks, update the market with the next steps in this process, primarily pertaining to the withdrawal of the notified draft measure. Such withdrawal would effectively precede a fresh market analysis of the relevant market(s).

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<sup>1</sup> [European Commission vetoes proposed regulation of the wholesale broadband market in Malta following in-depth investigation | Shaping Europe's digital future \(europa.eu\)](#)

<sup>2</sup> [Commission opens in-depth investigation into the proposed regulation of the wholesale broadband market in Malta | Shaping Europe's digital future \(europa.eu\)](#)

<sup>3</sup> BEREC Opinion on Phase II investigation pursuant to Article 32 of European Electronic Communications Code (EECC) | [BEREC \(europa.eu\)](#)