

## NEWSLETTER

Highlights and activities for Weeks 01 - 04 (01.01.16 – 31.01.16)

- A. International Meetings attended by MCA representatives
- B. MCA Publications & Website Uploads
- C. Media participation by MCA
- D. Legal Updates
- E. International News

## A. International Meetings attended by MCA representatives

### 1. Electronic Communications Regulation at a Cross-road: Past Experiences and Future Challenges

The MCA attended to the 10<sup>th</sup> edition of the Seminar for National Judges organised by the Communications and Media section of the Florence School of Regulation held over one day in Brussels. NRAs are also always invited to attend. This year's theme was 'Electronic Communications Regulation at a Cross-Road' and the themes covered focused on showing the challenges that had been faced by the national courts in the interpretation and development of telecoms regulation. Representatives of the European Commission were also briefly present and discussed instances when the need to regulate can possibly become problematic. A number of members of the judiciary gave presentations on one or two cases which had posed some difficulties and they then proceeded to explain their reasoning in arriving at the various conclusions they did. Amongst the participants delivering such a presentation was Magistrate Dr Gabriella Vella who currently sits on the Administrative Review Tribunal handling all the appeals from the MCA's Decisions.

### 2. Workshop on the WACC in Telecoms Regulation

The MCA attended to the 'Weighted Average Cost of Capital (WACC) for Legacy and Next Generation Networks in Telecoms Regulation' workshop organised by the European Commission. The event was organised in the context of a Commission-funded study which will develop guidelines for estimating a reasonable rate of return for legacy and NGA investments in telecoms networks, in the context of cost-oriented pricing regulation.

### 3. COCOM – Auth – MSS Implementation

The MCA attended to the 'COCOM - Auth - MSS Implementation' meeting to discuss developments and associated regulatory issues relating to the 2GHz Mobile Satellite Service (MSS). In this respect, the two selected MSS operators delivered a presentation on their activities leading to the commercialisation of 2GHz MSS. A discussion on various regulatory issues, such as licensing, took place between the Member States and the Commission.

### 4. IR EWG Meeting

The MCA attended the 'IR EWG meeting' held in Brussels on the 25<sup>th</sup> January 2015. The working group discussed the finalisation of the BEREC guidelines on Regulation (EU) No. 531/2012 amended by the Regulation (EU) No. 2120/2015 (excluding articles 3, 4 and 5 on wholesale access and separate sale of services) and the finalisation of the Report on the wholesale roaming market.

### **5. ETSI Workshop on Future Radio Technologies**

The MCA attended to the 'ETSI workshop on Future Radio Technologies (Air Interfaces)' which was held in Nice, France on the 27<sup>th</sup> and 28<sup>th</sup> January 2016. This technical workshop investigated a number innovative solutions related to future network air interfaces (mainly 5G) as well as their impact on the overall system design and architecture. Topics discussed included:

- Advanced solutions for multiple Radio Access Technology (RAT) communication;
- Cognitive/adaptive air interfaces related to different modulation schemes;
- Communication security for future networks;
- Software Defined Radio (SDR);
- Adaptive pre/post-processing & coding

### **6. Assessment of the cost of providing wholesale roaming services in the EEA**

The MCA attended to 'Assessment of the cost of providing wholesale roaming services in the EEA' workshop organised by the European Commission. The Commission engaged TERA Consultants to develop a cost model to estimate the costs of providing wholesale roaming services in the EU. The aim of the workshop was to explain the functioning of the cost model developed by TERA Consultants and to gather stakeholders' views.

## B. MCA Publications & Website Uploads

**1. Consumer Perceptions Survey on Broadband 2015**

Published 28<sup>th</sup> January: <http://www.mca.org.mt/surveys/consumer-perceptions-survey-broadband-2015>

**2. Consumer Perceptions Survey on Broadcasting Services 2015**

Published 28<sup>th</sup> January: <http://www.mca.org.mt/surveys/consumer-perceptions-survey-broadcasting-services-2015>

**3. Consumer Perceptions Survey on Bundles 2015**

Published 28<sup>th</sup> January: <http://www.mca.org.mt/surveys/consumer-perceptions-survey-bundles-2015>

**4. Consumer Perceptions Survey on Fixed Telephony Services 2015**

Published 28<sup>th</sup> January: <http://www.mca.org.mt/surveys/consumer-perceptions-survey-fixed-telephony-services-2015>

**5. Consumer Perceptions Survey on Mobile Telephony Services 2015**

Published 27<sup>th</sup> January: <http://www.mca.org.mt/surveys/consumer-perceptions-survey-mobile-telephony-services-2015>

**6. Career Opportunity: Market Analyst**

Published 20<sup>th</sup> January: <http://www.mca.org.mt/careers/career-opportunity-market-analyst>

**7. Key market indicators for electronic communications and post: Q1 2011 to Q3 2015**

Published 15<sup>th</sup> January: <http://www.mca.org.mt/statistics/key-market-indicators-electronic-communications-and-post-q1-2011-q3-2015>

**8. The MCA eBusiness Award for Best Tech Start-Up. Nominations Closed**

Published 8<sup>th</sup> January: <http://www.mca.org.mt/consumer/notices-and-announcements/mca-ebusiness-award-best-tech-start-nominations-closed>

**9. Highlights and Activities for Weeks 45 to 48**

Published 7<sup>th</sup> January: <http://www.mca.org.mt/notices-and-announcements/highlights-and-activities-weeks-45-48>

**10. Review of GO plc's application for funding of the net cost claimed to have been incurred to provide universal service obligations during 2012**

Published 4<sup>th</sup> January: <http://www.mca.org.mt/decisions/review-go-plcs-application-funding-net-cost-claimed-have-been-incurred-provide-universal>

**11. Review of the Administrative Charges and Number Usage Fees Structures – Electronic Communications Networks & Services**

Published 4<sup>th</sup> January: <http://www.mca.org.mt/decisions/provision-call-termination-individual-public-telephone-networks-fixed-location-malta>

## C. Media participation

MCA representatives' participation in radio and television programmes.

### 1. Radio

- 27.01.16: 'L-Informatika u s-Socjetà' – Radju Marija  
(Marcelle Attard & Nicholas Vella (*MCA*) + Edwin Balzan (*Malta Banking Association*) – Internet Banking)  
<http://bit.ly/1QI9ya8>
- 20.01.16: 'Għalina Lkoll' – RTK  
(Yanika Cassar – Consumer Rights)  
<http://bit.ly/1QI9Bmh>
- 20.01.16: 'L-Informatika u s-Socjetà' – Radju Marija  
(Denise Borda – eCommerce)  
<http://bit.ly/1TqkWxm>
- 13.01.16: 'L-Informatika u s-Socjetà' – Radju Marija  
(Matthew Borg – Assisted Technology)  
<http://bit.ly/1TqkoYt>
- 06.01.16: 'L-Informatika u s-Socjetà' – Radju Marija  
(Matthew Borg – The role of the MCA)  
<http://bit.ly/1RMwvhe>

## 2. Television

25.01.16: 'Telveto3' – TVM  
(Mark Spiteri – Cyber Bullying)

<http://bit.ly/1TNQQDe>

11.01.16: 'Telveto3' – TVM  
(Mark Spiteri – BeSmartOnline!)

<http://bit.ly/1TNQNqY>

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## D. Legal Updates

### Case Sittings

- 12<sup>th</sup> January: Kunsill Lokali Hal-Lija et vs. Melita et adjourned to 29 February for Court's decision – pending before First Hall.
- 13<sup>th</sup> January: Av. Paul Edgar Micallef noe vs. Sesco Investments – adjourned to 13 April for MCA's final submissions in response to those by Sesco – pending before Court of Magistrates.
- 13<sup>th</sup> January: Av. Paul Edgar Micallef noe MCA vs Melitanet – adjourned to 2 March 2016 for Melitanet to make their final submissions – pending before Court of Magistrates.
- 13<sup>th</sup> January: arbitration on motor vehicle accident with Elmo Insurance – scheduled for the 14 March.
- 25<sup>th</sup> January: Vodafone vs MCA – re contestation of MCA MTR decision of 2014 before the Administrative Review Tribunal. Continuation of evidence by parties. Stands adjourned to 4 April continuation of evidence.
- 25<sup>th</sup> January: Vodafone vs MCA before the Administrative Review Tribunal – appeal contesting MCA's decision relating to retail market access whether GO are no longer considered to be dominant. Case adjourned for 4 April for Vodafone's evidence.
- 25<sup>th</sup> January: Melita vs MCA before the Administrative Review Tribunal – appeal contesting MCA's decision relating to retail market access whether GO are no longer considered to be dominant. Case adjourned for 4 April for Melita's evidence.
- 25<sup>th</sup> January: Melita vs MCA before the Administrative Review Tribunal – contesting MCA's directory enquiry services decision. Case stands adjourned for 4 April for the conclusion of evidence by the parties.
- 25<sup>th</sup> January: Melita vs MCA before the Administrative Review Tribunal – re contestation of a fine imposed on Melita following Melita's alleged failure to submit statistics with regard to the hybrid category re mobile telephony. Parties concluded their evidence - stands adjourned for the 4 April for MCA to submit their final pleadings.
- 25<sup>th</sup> January: Melita vs MCA before the Administrative Review Tribunal – Melita's contestation of MCA ruling following Melita's complaint about GO's bundling of products issued in 2010. Continuation of evidence adjourned for the 4 April.
- 28<sup>th</sup> January: Melita plc vs Direttur Generali (Konsumatur) et – contestation by Melita of an administrative fine imposed following the carriage of advertising considered to be misleading. Is pending before the Competition and Consumer Appeals Tribunal. Case stands adjourned to 9 February 2016.

### Inter-operator disputes:

Dispute by Melita plc vs Vodafone Malta Limited alleging breach of the MCA's Broadband Internet QoS Framework Decision – basis for dispute is currently being examined.



## E. International News

### REGULATION

**Ars Technica**      *US Fails its Annual Broadband Deployment Test at FCC*

The Federal Communications Commission's annual review of broadband deployment says that advanced Internet service is still not being offered to all Americans [[read more](#)].

**The Register**      *EU Lawmaker Committees Call for Single EU Telco Regulator*

The EU's telecoms market should be regulated by a single authority, two committees at the European Parliament have said [[read more](#)].

**European Commission**      *The Digitising European Industry Initiative*

During the course of 2015, Commissioner Oettinger met key industry leaders, representatives of national initiatives and of industry, employers and union associations in order to start defining the basic building blocks of an overall strategy for digitising European industry [[read more](#)].

**Telecoms.com**      *All Four Major US Operators Move Away From Handset Subsidies*

Multiple reports suggest Sprint is joining T-Mobile, Verizon and AT&T in moving away from two-year contracts, driven primarily by the desire to phase out device subsidies [[read more](#)].

**European Commission**      *First Concrete Results on a "Digitising European Industry" Action Plan*

Günther H. Oettinger, the European Commissioner for Digital Economy and Society, published a blog post about the digitisation of European industry [[read more](#)].

**European Communications**      *European Parliament Votes in Favour of Digital Single Market Reforms*

The Digital Single Market initiatives unveiled by the European Commission last year have been endorsed by the European Parliament, which said they must be tabled "without delay" [[read more](#)].

**Total Telecom**      *Ansip Identifies 700MHz Band, Geo-blocking as Key Focus Areas for 2016*

The European Commission will present a new package of measures under its Digital Single Market programme in the coming weeks, it emerged [[read more](#)].

**Out-Law.com**      *No New 'Competition Rulebook' Necessary for Big Data Age, says EU Commissioner*

There is no need for new competition rules to be drawn up to account for the importance of data to businesses in today's digital age, the EU's competition commissioner has said [[read more](#)].

**Tech Crunch**      *FCC Urged To Rein In Broadband Providers On Privacy Grounds*

More than 50 US consumer and privacy organisations including the Center for Digital Democracy and the Electronic Frontier Foundation have co-signed a letter to FCC chairman Tom Wheeler calling for “strong rules” to protect the privacy of broadband users by reining in ISPs’ and telcos’ ability to harvest user data without explicit consent [[read more](#)].

**Total Telecom**      *UK Ministers Call for BT to Sell Openreach*

A cross-party group of UK ministers has called for BT to sell its infrastructure arm Openreach, much to chagrin of the telco's CEO, Gavin Patterson [[read more](#)].

**Ars Technica**      *Cable Lobby is Really Mad About FCC’s Set-top Box Competition Plan*

Cable TV industry lobby groups expressed their displeasure with a Federal Communications Commission plan to bring competition to the set-top box market, which could help consumers watch TV on different devices and thus avoid paying cable box rental fees [[read more](#)].

**SPECTRUM**

**Fierce Wireless**      *Google Calls Out Incumbents' Plans for 3.5GHz Spectrum Sharing as 'Overprotective'*

Google is fending off calls for extended perimeter protection for incumbent users in the 3.5GHz band, calling the proposals "overprotective" and warning they could limit spectrum availability [[read more](#)].

**Policy Tracker**      *Huawei and Ericsson Back US and Korea on 5G at 28GHz*

The US and South Korea will begin developing 5G in the 28 GHz band with the backing of large technical players, in spite of WRC-15 delegates’ decision not to study the frequency for this purpose [[read more](#) – subscription required].

**Policy Tracker**      *Brussels Proposal on 470-790MHz Expected Next Month*

The European Commission (EC) is expected to announce a legislative proposal on the future use of the 470-790MHz band in early February 2016, according to an EC source [[read more](#) – subscription required].

**Policy Tracker**      *PPDR Doubts Persist About Prioritisation of Calls in Virtual Networks*

A Norwegian CEPT working group has issued a white paper on the use of spectrum in the 700MHz band for public protection and disaster relief (PPDR) communications. "Actions must be taken today regarding the 700MHz band to be able to prepare for PPDR needs in the near future," the paper says [[read more](#) – subscription required].

**Policy Tracker**      *TU Announcement on 5G Standards Due in February*

The ITU-R's Working Party 5D, which includes 26 standards groups, is expected to launch its study schedule for identifying technical requirements and evaluation criteria for 5G in February [[read more](#) – subscription required].

**Policy Tracker**      *TeliaSonera and Ericsson Promise 5G by 2018 but no Bands Specified*

TeliaSonera and Ericsson have said they will make 5G services available by 2018 but have not yet decided which bands to use. They have also said they might have to adjust the services after two years [[read more](#) – subscription required].

**Total Telecom**      *Poland Allocates LTE Licences*

Poland's telecom regulator announced that it has formally allocated the LTE spectrum it auctioned off last year, meaning the winning operators now have two weeks to pay for their frequencies [[read more](#)].

**INTERNET**

**BBC**      *Facebook Bows to Belgian Privacy Ruling Over Cookies*

Facebook has said that it will respond to a privacy ruling in Belgium by requiring users to log in to view pages on the site. The original ruling, made by the Belgian Privacy Commissioner (BPC) in November, relates to Facebook cookies that track the activity of non-users [[read more](#)].

**Telecoms.com**      *Mobile Overtakes Home Broadband Uptake Globally – ITU*

Reports published by both the ITU and Ofcom have given an update on global and UK-centric connectivity, with the former stating that worldwide mobile broadband subscriptions have overtaken the number of households connected to internet for the first time [[read more](#)].

**Advanced Television**      *81% of US households Have Home Broadband*

Consumer research findings from Leichtman Research Group (LRG) indicate that 81% of US households get a broadband Internet service at home, an increase from 26% in 2005 [[read more](#)].

**Ars Technica**      *Verizon to Join AT&T in Charging Companies for “Sponsored Data”*

Verizon is reportedly set to begin testing a sponsored data program that would let companies pay Verizon to deliver online services without using up customers' data plans [[read more](#)].

**TechnoBuffalo**     *Home Broadband use Slips as Consumers Begin to Prefer Mobile Data*

New data from Pew Research Center suggests that home broadband use is on the decline, despite the booming number of popular streaming services and the abundance of content available from those services [\[read more\]](#).

**Ars Technica**     *Verizon Wireless Selling Data Cap Exemptions to Content Providers*

Verizon Wireless, like AT&T before it, is now charging online content providers a fee to get their services exempted from customers' data caps [\[read more\]](#).

**European Commission**     *Commissioner Oettinger receives the final report of the European Cybersecurity Industrial Leaders*

On 25 January 2016, at the Forum International de la Cybersécurité, the European Cybersecurity Industry Leaders (ECIL) workgroup presented to Commissioner Oettinger a report with a set of recommendations to strengthen the cybersecurity industry in Europe [\[read more\]](#).

## INNOVATION

**Total Telecom**     *Netflix Launches in 130 More Countries*

Netflix expanded its presence in dramatic fashion, launching its Internet video service in a further 130 countries simultaneously. Until this week, the U.S.-based company offered services in 60 countries and boasted 69.2 million subscribers at the end of September 2015 [\[read more\]](#).

**The Memo**     *What the heck is... CES?*

It's that time of the year again, when the tech companies of the world unveil their latest wares. From Samsung to Siemens the Consumer Electronics Show, or CES, is a tech fest of epic proportions held every January in the heart of Sin City, Las Vegas [\[read more\]](#).

**Out-Law.com**     *Self Regulation Can Address Issues That Arise in the Digital Economy, says Airbnb*

In written evidence to a UK parliamentary committee which is looking into how the UK government can support the growth of the digital economy, Airbnb said self regulation can offer a faster response to issues that develop in "fast-moving" digital markets [\[read more\]](#).

**Advanced Television**     *Netflix Acts to Block Proxy Servers*

Hot on the heels of announcing a global launch and the addition of 130 countries to its operations, streaming giant Netflix is taking steps to reduce the usage of proxies that enable 'subscribers' to access content only available outside their licensed territory [\[read more\]](#).

**Tech Crunch**      *US Government Plans To Invest \$4B In Autonomous Driving Research Over The Next 10 Years*

Every car manufacturer now has an autonomous driving program, but the rules and regulations around actually driving autonomous cars on public roads remain scattershot [[read more](#)].

**Tech Crunch**      *Big Win For Uber In London As Regulator Drops Major Rule Changes*

London's transport regulator TfL has concluded a review of a public consultation into changes to the rules for private hire vehicles, dropping a raft of measures that would have substantially impacted ride-hailing app Uber [[read more](#)].

## MERGERS & ACQUISITIONS

**Telecoms.com**      *Orange and Bouygues Finally Confirm Acquisition Talks*

In the face of renewed speculation French telecoms giant Orange has confirmed it is in preliminary discussions with Bouygues Group over the potential acquisition of Bouygues Telecom [[read more](#)].

**Total Telecom**      *BT to Close EE Acquisition This Month After Competition Watchdog OK*

The UK competition watchdog gave the green light to BT's planned acquisition of EE, paving the way for the UK incumbent to complete the deal before the end of the month [[read more](#)].

**Total Telecom**      *BT Completes EE Acquisition*

As expected, BT completed its £12.5 billion acquisition of EE, creating a strong quad-play provider with Deutsche Telekom and Orange among its shareholders [[read more](#)].

## POST

**Post & Parcel**      *European Cross Border Price Differential Study Now Available on EC Website*

The European Commission has made the findings of an econometric study on European parcel list prices available on its Europa website [[read more](#)].

**Post & Parcel**      *An Post set to Start National Roll-Out of Delivery Boxes "Soon"*

Local sources report that An Post has been happy with the initial response to its new Delivery Boxes in the south east of the country, and the post operator is now preparing to offer them to customers nationwide soon [[read more](#)].

**Post & Parcel**      *Product and Service Changes at Australia Post*

Australia Post issued a statement outlining the product and service changes to its letters service which came into effect on 4th January 2016 [\[read more\]](#).

**Post & Parcel**      *The Sector is Meeting Customers' Delivery Needs Says New Cross Border Survey*

A survey, looking at cross-border online shopping experiences in 17 countries around the globe has revealed that 84% of cross-border online shoppers are satisfied with their delivery experience [\[read more\]](#).

**Post & Parcel**      *Government 'Short-changed' Public Over Royal Mail Privatisation*

A report commissioned by Business Secretary Vince Cable has revealed that the government made £180m less from the £2bn sale of Royal Mail than it could have, according to the BBC online [\[read more\]](#).

**TELEVISION**

**Advanced Television**      *Millennials a Major Threat to Traditional TV*

Major UK TV companies face the growing threat of the millennial generation's preference for new media channels, according to research by L.E.K. Consulting, the global strategy consultancy [\[read more\]](#).

**eCOMMERCE**

**The Register**      *Feel Like You Got Ripped Off Online? This is for You*

The online dispute resolution (ODR) service will allow people who have bought goods or services online and then had a problem with them to have their issue resolved through third-party referees and without having to resort to the courts [\[read more\]](#).

**eCommerce News** *65% of Internet Users in the EU Shopped Online in 2015*

Nearly two thirds of internet users in the European Union made online purchases in 2015. The share of online shoppers in internet users is growing, with the highest proportions (both 68%) being found in the group of 16 to 24 year olds and that of 25 to 54 year olds [\[read more\]](#).

**eCommerce News** *'Running an Online Marketplace from Europe: Not a Good Idea'*

Running an online marketplace from somewhere in Europe used to be very complex, with all the different tax rules. But since the beginning of last year each company that sells digital goods is forced to collect VAT based on the country of residence of each buyer. This didn't make it easier. A European startup explains why [\[read more\]](#).

**eCommerce Times** *WhatsApp Scraps Fee Model*

WhatsApp on Monday announced that it would drop the annual subscription fee and allow people to use the service for free. Company founder Jan Koum announced the move at the DLD Conference in Munich [\[read more\]](#).

**Ars Technica** *VPN Providers Mad About Netflix Crackdown But Say They Can Evade It*

With Netflix saying it intends to disable video when customers use VPN services, VPN providers are criticising the online video company and vowing to evade any measures designed to prevent their use [\[read more\]](#).

**Tech Crunch** *Apple's First iOS App Development Center In Europe Will Be Located In Italy*

Apple is opening an iOS App Development Center in Naples, Italy. The facility will be the first of its kind in Europe as the U.S. company explores ways to nurture mobile app developers and talent of the future from the region [\[read more\]](#).

**Post & Parcel** *New Study Finds Significant Growth in Cross Border e-Commerce*

A new global study by consumer research company Nielsen found that 57% of online respondents had made an online purchase in the past six months from an overseas online retailer [\[read more\]](#).

**INFORMATION SOCIETY**

**European Commission** *Play Your Part and Enjoy Safer Internet Day on 9 February 2016*

Safer Internet Day (SID) is the flagship event under the Better Internet for Kids strategy. What started as a European event under the EC Safer Internet Programme has turned to a huge International event that in 2015 reached more than 28 million people in Europe and 60 million worldwide [\[read more\]](#).

**European Commission** *Impressive Growth in the Employment of ICT Specialists in the EU for 2014*

In the European Union (EU), nearly 8 million persons were employed in 2014 as Information and Communication Technology (ICT) specialists, representing 3.7% of total employment [\[read more\]](#).

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