



Quarterly Statistical Data Collection

Guidelines

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 (+356) 2133 6840  info@mca.org.mt  www.mca.org.mt/


 Valletta Waterfront, Pinto Wharf, Floriana FRN1913, Malta

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1 Background

The Malta Communications Authority (MCA) and the National Statistics Office (NSO) have implemented a joint data collection process in the electronic communications and postal sector as part of ongoing efforts to reduce multiple regulatory compliance burdens. As part of this exercise, the MCA is responsible for coordinating and managing the process of sending a questionnaire on a quarterly basis for the collection of various statistical data from undertakings. The MCA is also responsible for the receipt of these responses, which are then also forwarded to the NSO.

It is important to note that the MCA makes such requests for statistical data as this is considered necessary for the following reasons:

- Market Intelligence (internal analysis).
- Market Analysis and verifications (e.g. Articles 20 and 21 of European Electronic Communications Code).
- Market Publications (like Communications Market Review, DRS).
- EU related reports.

2 Purpose

Due to the importance of this process, which has also been regularly communicated to every postal and electronic communications undertaking authorised by the MCA, it is necessary to abide by stipulated deadlines to ensure better adherence to a yearly publication scheduler.

The statistical data collection procedure establishes a uniform process with regard to statistical data collection. The use of this procedure was first implemented in Quarter One of 2012.

3 Scope

These guidelines have been drawn up to provide the MCA with a set procedure related to the timelines and sanctions concerning the quarterly statistical data collection.

Although both the MCA and the NSO undertake their best efforts to streamline information collection procedures, it is not always possible to incorporate all information requests within the quarterly exercise. Several reasons exist with the principal ones being:

- Ad hoc reporting requests which are subject specific.
- Different periodicity, intervals and deadlines of reporting requirements.

4 Data Collection Procedure and Review

The Data Collection Procedure follows the below steps:

- An email is sent to the operators after +/- five (5) working days following end of quarter, informing the undertakings to submit the data via the Statistical Analysis Modular System (SAMS) forms.
- Deadline given is twenty (20) working days from the initial request.
- The statistics which are streamlined with the NSO, are sent to the specific NSO contact person.

The above steps are to be followed in the majority of cases and are intended to facilitate the submission of the quarterly questionnaires in a timely manner.

Every quarter, the MCA publishes the Data Report Sheet ('DRS'), which provides an overview of developments in the market. **Five (5)** days before the publication of the DRS, the MCA may distribute a draft DRS or extracts of the DRS to all operators to provide any updates/comments on the data presented. If no feedback is provided within **three (3)** days from when the draft DRS is distributed, it implies that the respective operator considers its reported data to be correct. If feedback is submitted, the MCA will update the data for the DRS publication after reviewing such information.

If an operator provides feedback **after** the lapse of **three (3)** days, that feedback will be considered in the following DRS publication.

The MCA reserves the right to exercise its discretion in implementing these guidelines,

particularly in circumstances where undertakings do not adhere to their obligations or where quality-related issues or non-submission of information may compromise the publication of reports or decisions.

5 Fines for non-Submission of Partial/Incorrect Submission

Attention is drawn to the importance of completeness and the quality of the data being provided, as incorrect and/or incomplete data will inevitably result in reverting back to undertakings with time-consuming queries. This may:

- hinder the timely reporting;
- necessitate revising already published reports; and
- in more serious cases, compromise decision-making processes.

For these reasons, it is necessary to impose fines in accordance to the applicable legislation after following the procedure stipulated under Article 4 of the Malta Communications Authority Act (Cap. 418) for Non-Submission or Partial/Incorrect Submission. These fines will be imposed if the undertakings do not provide the MCA with the necessary requested information following the expiration of **thirty (30)** running day timeframe given in the Final Legal Warning, which is sent to defaulting undertakings.

The applicable fine that may be imposed is determined in accordance with the nature and extent of the infringement, its duration and its impact on the market and consumers.

Fines, once imposed, are backdated to the initial deadline sent out with the template.

The MCA will, as it deems it necessary, take into consideration that the amount of the fine imposed for the lack of providing correct and full data should be dependent on various criteria, including:

- the type of omission or non-submission;
- the size of the undertaking;
- the recurrence and duration of non-compliance; and
- the repercussions of non-compliance.

The basic minimum and maximum daily running fines imposed are prescribed in the following table for guidance purposes:

Total Gross Revenue of Undertaking	Non-submission		Partial/Incorrect Submission	
	Minimum	Maximum	Minimum	Maximum
€0 - €50,000	€10.00	€30.00	€5.00	€10.00
€50,000 - €500,000	€30.00	€60.00	€10.00	€15.00
€500,000 - €10,000,000	€60.00	€120.00	€15.00	€20.00
€10,000,000+	€120.00	€230.00	€20.00	€25.00

The MCA reserves the right to exercise its discretion with regards to the amounts of these fines, particularly in circumstances where undertakings do not adhere to their obligations or where non-submission of information may compromise publication of reports or decisions or have other serious repercussions. Where justified, the MCA may also depart from the indicative ranges illustrated above where appropriate.

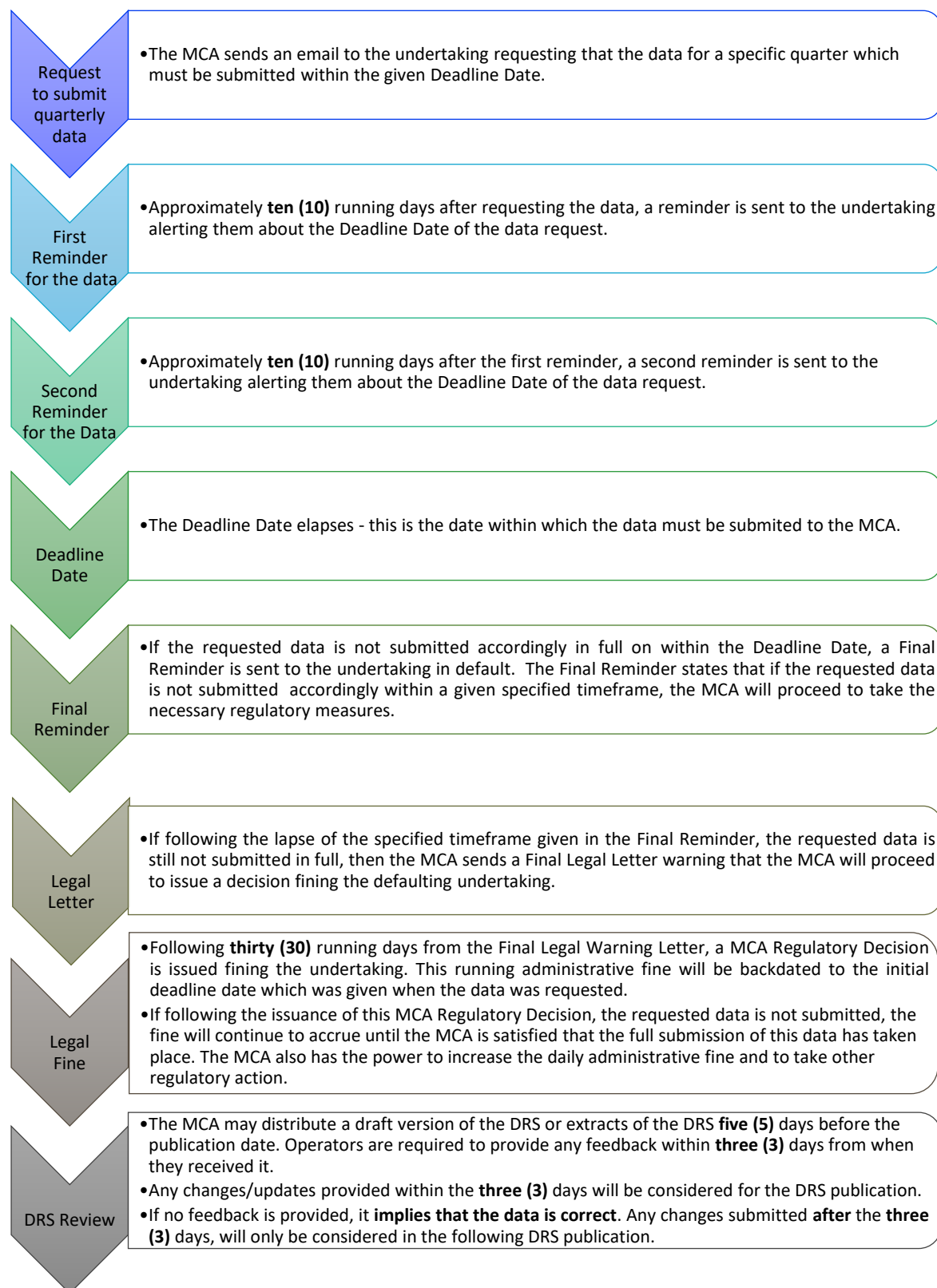
The MCA may also impose an additional one-off administrative fine in addition to the running administrative fines mentioned above.

6 Other Matters

The operators are requested to inform the MCA in writing and provide a detailed description at least thirty (30) days before the quarterly submission when:

- There is a change in the reporting methodology.
- There is a system update that will impact the quarterly or ad-hoc information submission.
- Any past data revisions that will impact the market structure.

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