

Directive No. 2 of 2017

Modalities of Payment for General Authorisations and Rights of Use under the Electronic Communications (Regulation) Act, (Amendment) Directive, 2017

IN exercise of its powers conferred by Article 4 of the Malta Communications Authority Act, the Malta Communications Authority has made the following Directive:

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| Title | 1. The title of this Directive is the Modalities of Payment for General Authorisations and Rights of Use under the Electronic Communications (Regulation) Act, (Amendment) Directive 2017, and it shall be read and construed as one with the Modalities of Payment for General Authorisations and Rights of Use under the Electronic Communications (Regulation) Act, Directive Number 1 of 2004. |
| Purpose | 2. The purpose for this Directive is to amend the Modalities of Payment for General Authorisations and Rights of Use under the Electronic Communications (Regulation) Act, Directive Number One of 2004, (hereinafter referred to as the “principal Directive”), to enable the Malta Communications Authority (hereinafter referred to as the “Authority”) to take appropriate measures if an undertaking fails to submit its projected gross revenues for a given year and, or fails to make any payments as may be required in accordance with the Directive. |
| Amends article 2 of the principal Directive | 3. In article 2 of the principal Directive the words “regulations 59(6), 64(4) and 67(4) of the Regulations.” shall be substituted with the words “regulations 70, 76 and 78 of the Regulations.” |
| Amends article 3 of the principal Directive | 4. Article 3 of the principal Directive shall be amended as follows: (a) There shall be inserted as a marginal note the word “Interpretation”; (b) The word “2004” wherever it shall occur, shall be deleted; (c) The definition of “undertaking” shall be substituted with the following: “ “undertaking” means an undertaking deemed to be authorised in accordance with the Act;”; (d) In the definition of the words “unregulated activities” the words “under paragraphs (b), (c), (d) or (e) of Part A in the Eleventh Schedule” shall be substituted with the words “under paragraphs (b), (c), (d), (e) or (g) of Part A in the Eighth Schedule”. |
| Amends article 4 of the principal Directive | 5. Article 4 of the principal Directive shall be amended as follows: (a) The shall be inserted as a marginal note the words “Fixed administrative charges”; |

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| | <p>(b) the words “in paragraphs (a) to (f) of Part A of the Eleventh Schedule, excluding charges to be paid on a subscriber basis:” shall be substituted with the words “in paragraphs (a) to (g) of Part A of the Eighth Schedule:”;</p> <p>(c) the words “regulation 55 of the Regulations.” shall be substituted with the words “regulation 66 of the Regulations.”.</p> | | |
| Amends article 5 of the principal Directive | <p>6. Article 5 of the principal Directive shall be amended as follows:</p> <p>(a) The shall be inserted as a marginal note the words “Variable administrative charges”;</p> <p>(b) the words “paragraphs (i) to (iii) of Part A of the Eleventh Schedule” shall be substituted with the words “Part A of the Eighth Schedule”;</p> <p>(c) the words “regulation 55 of the Regulations.” Shall be substituted with the words “regulation 66 of the Regulations.”.</p> | | |
| Deletion of article 6 of the principal Directive | <p>7. Article 6 of the principal Directive shall be deleted.</p> | | |
| Amendment of article 7 of the principal Directive | <p>8. Article 7 of the principal Directive shall be amended as follows:</p> <p>(a) the words “paragraphs (a) and (b) of Part B of the Eleventh Schedule” shall be substituted with the words “ Part B of the Eighth Schedule”;</p> <p>(b) the words “the number of GSM channels” shall be substituted with the words “the number of radio spectrum channels”.</p> | | |
| Deletion of article 8 of the principal Directive | <p>9. Article 8 of the principal Directive shall be deleted.</p> | | |
| Amendment of title of Part IV | <p>10. In the title to Part IV the words “the Eleventh Schedule” shall be substituted with the words “the Eighth Schedule”.</p> | | |
| Amendment of article 9 of the principal Directive | <p>11. Article 9 of the principal Directive shall be amended as follows:</p> <p>(a) The shall be inserted as a marginal note the words “Fees on the basis of radio spectrum channels”;</p> <p>(b) the words “the Eleventh Schedule:” shall be substituted with the words “the Eighth Schedule:”.</p> | | |
| Substitution of article 10 of the principal Directive | <p>12. Article 10 of the principal Directive shall be substituted with the following:</p> | | |
| | <table border="1"> <tr> <td>“Fees based on blocks of numbers</td> <td>10. Fees based on blocks of 10,000 numbers (or in proportion thereto depending on the size of the allocated</td> </tr> </table> | “Fees based on blocks of numbers | 10. Fees based on blocks of 10,000 numbers (or in proportion thereto depending on the size of the allocated |
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| | | <p>block) in the ‘2’; ‘3’; ‘7’ and ‘9’ number ranges and carrier select or pre-select codes as established under Part C of the Eighth Schedule. These fees shall be payable to the Authority in advance in equal quarterly instalments on the first day of every quarter:</p> <p>Provided that a pro-rated proportion of the applicable fees due in the first quarter, or part thereof, for which the undertaking enjoys a right of use shall be paid to the Authority upon grant of the right of use.”</p> |
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| Deletion of title to Part V of the principal Directive | | 13. The title to Part V of the principal Directive shall be deleted. |
| Deletion of article 11 of the principal Directive | | 14. Article 11 of the principal directive shall be deleted. |
| Amendment of article 16 of the principal Directive | | 14. In article 16.2 of the principal Directive the words “the Eleventh Schedule” shall be substituted with the words “Eighth Schedule”. |