



Consultation Document

Licensing regime for short-range radiocommunications apparatus operating below 9 kHz

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1. INTRODUCTION

In accordance with Part IV of the Electronic Communications (Regulation) Act (Cap. 399) an individual licence is required for the installation or use of radiocommunications apparatus, unless the apparatus is either licence exempt or regulated by a general authorisation. Radiocommunications apparatus operating below 9 kHz falls within the scope of its regulatory frameworks and is subject to the grant of an individual radiocommunications licence issued in accordance with Cap. 399.

Radiocommunications apparatus operating below 9 kHz is extensive and includes:

- inductive loop systems, including hearing aids and ‘telecoils’;
- autonomous ‘robot-like’ applications; and
- metal detectors / inductive detectors, including automation systems in industry.

The Malta Communications Authority (‘MCA’) notes that in Malta, radiocommunications apparatus operating below 9 kHz has existed for decades and no instances of harmful interference problems have been reported to the Authority.

In this regard the MCA, in line with similar approaches adopted in other European jurisdictions, is proposing to adopt a light-weight oversight regime and regulate radiocommunications apparatus operating below 9 kHz under the General Authorisations (Radiocommunications Apparatus) Regulations (S.L.399.40). This Consultation document is therefore highlighting the proposed changes to these Regulations which are taking into account harmonisation measures adopted under the framework of the Electronic Communications Committee within the European Conference of Postal and Telecommunications Administrations (‘CEPT’).

In accordance with its obligations under Article 4A of the Malta Communications Authority Act (Cap. 418 of the Laws of Malta), the MCA welcomes written comments and representations from interested parties and stakeholders during the consultation period. Responses received will assist the MCA to finalise its proposals to Government with respect to the licensing framework for radiocommunications apparatus operating below 9 kHz.

2. STATUS OF RADIO SPECTRUM BELOW 9 KHZ IN MALTA

The national allocations of radio spectrum below 9 kHz, as published in the latest edition of the National Frequency Plan (Plan)¹, are in accordance with the Radio Regulations of the International Telecommunication Union. Specifically, radio spectrum below 8.3 kHz is not allocated. However, in line with footnote 5.53, such radio spectrum can be used for radiocommunications applications on condition that no harmful interference is caused to services to which the bands above 8.3 kHz are allocated.

The band between 8.3 kHz and 9 kHz is allocated to passive meteorological aids services. Nonetheless, pursuant to the provisions of article 4.4 of the Radio Regulations, other radiocommunications services can make use of this frequency range on condition that these other services do not cause harmful interference to, and shall not claim protection from harmful interference caused by, radiocommunications apparatus operating in accordance with the Plan and the Electronic Communications (Regulation) Act (Cap. 399).

In Malta, inductive loop systems operating below 9 kHz have existed for decades. Primarily these refer to aids for the hearing impaired. Over the years no harmful interference problems were detected due to the use of this radio spectrum by the said radio applications.

With respect to licensing requirements, radio devices using radio spectrum below 9 kHz fall outside the scope of the Radiocommunications Apparatus Exemption Order (S.L.399.42) or the General Authorisations (Radiocommunications Apparatus) Regulations (S.L.399.40). Consequently, the installation or use of these devices is subject to the grant of an individual licence issued by the MCA in accordance with Cap. 399.

The radiocommunications licence fees are established under the Fees Leviable by Government Departments Regulations (SL35.01). Individual radiocommunications licenses for apparatus used for assisting listening and for apparatus having a transmit power not exceeding 10mW eirp with an integral antenna are issued without levying any fees. Individual licenses for other apparatus are issued against payment of the prescribed fees, albeit no such apparatus is currently licensed.

¹ https://www.mca.org.mt/sites/default/files/NFP_edition%206-2-compressed_1.pdf#overlay-context=initiatives/spectrum-planning.

3. REGULATORY SITUATION IN EUROPE FOR RADIO SPECTRUM BELOW 9 KHZ

Within the European Union, radio equipment operating under 9 kHz is not subject to radio spectrum harmonisation measures adopted pursuant to the Radio Spectrum Decision². This is due to the fact that the definition of radio spectrum excludes radio spectrum below 9 kHz. Nonetheless, radio devices operating below 9 kHz are subject to the Radio Equipment Directive (RED)³.

The RED establishes a regulatory framework for making available on the market and putting into service in the Union of radio equipment using radio spectrum below 3000 GHz. In line with the RED, radio equipment shall be constructed to ensure compliance with certain essential requirements concerning, in particular:

- a) the protection of health and safety of persons and of domestic animals and the protection of property,
- b) an adequate level of electromagnetic compatibility, and
- c) the effective and efficient use of radio spectrum in order to avoid harmful interference.

The Electronic Communications Committee (ECC) within the European Conference of Postal and Telecommunications Administrations (CEPT) develops common policies and regulations in electronic communications and related applications for Europe. The ECC's framework for radio applications using radio spectrum below 9 kHz is established in ERC Recommendation 70-03. The below is a summary of the relevant provisions of this Recommendation concerning the applications under reference.

Annex No.	Frequency band No.	Frequency band	Magnetic field	Remarks	Harmonised standard
9 ⁴	a0	100 Hz-9 kHz	82 dBµA/m at 10m	Antenna size of < 1/20 λ.	EN 303 660 ^a , EN 303 447, EN 303 454
10 ⁵	a0	100 Hz-9 kHz	120 dBµA/m at 10m	Inductive loop systems intended to assist the hearing impaired. Antenna size of < 1/20 λ.	EN 303 348, EN 300 422

^a under development.

² Decision No. 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision).

³ Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC.

⁴ Inductive applications.

⁵ Radio microphone applications, Assistive Listening Devices (ALD) (also referred to as aids for the hearing impaired) and wireless audio and multimedia streaming systems.

4. PROPOSED LICENSING REGIME FOR RADIOCOMMUNICATIONS APPARATUS OPERATING BELOW 9 KHZ

As stated earlier in this document, pursuant to the National Frequency Plan and the ITU Radio Regulations, the use of short-range radiocommunications apparatus operating below 9 kHz is possible but on non-interference and no protection basis. Consequently, the MCA considers that regulating such apparatus through the grant of an individual radiocommunications apparatus licence is considered burdensome and not appropriate even when taking into account that licenses are issued free of charge.

In this regard, as a measure to:

- a) reduce the administrative burden on both the licensees and the MCA,
- b) provide regulatory certainty on the use of radio spectrum below 9 kHz, and
- c) allow radiocommunications apparatus compliant with harmonised technical conditions to proliferate,

it is considered appropriate to regulate radiocommunications apparatus using radio spectrum operating below 9 kHz and operating in accordance with ERC Recommendation 70-03 through a general authorisation licensing framework, namely the General Authorisations (Radiocommunications Apparatus) Regulations (SL399.40).

The MCA is therefore proposing to implement the technical provisions of Annex 9 and Annex 10 of ERC Recommendation 70-03 with respect to apparatus operating below 9 kHz in the Fifth and Fifteenth Schedules of the General Authorisations (Radiocommunications Apparatus) Regulations.

Question 1: *Do you agree that with the proposed approach in regulating devices operating below 9 kHz?
Please provide justifications in case of disagreement.*

5. CONSULTATION FRAMEWORK

In accordance with its obligations under Article 4A of the Malta Communications Authority Act [Cap. 418 of the Laws of Malta], the MCA welcomes written comments and representations from stakeholders during the consultation period which shall run from the 20th May 2021 to the 11th June 2021.

For the sake of clarity and ease of understanding, the MCA encourages stakeholders to structure their comments in order and in line with the section numbers and sub-section numbers used throughout this document.

The MCA appreciates that respondents may provide confidential information in their feedback to this consultation document. This information is to be included in a separate annex and should be clearly marked as confidential. Respondents are also requested to state why the information should be treated as confidential.

The MCA will take the necessary steps to protect the confidentiality of all such material in accordance with the MCA's confidentiality guidelines and procedures. Respondents are however encouraged to avoid confidential markings wherever possible.

The MCA will, after taking into consideration the responses received to this consultation, submit to the Minister responsible for communications the proposed changes to the General Authorisations (Radiocommunications Apparatus) Regulations (S.L.399.40).

All responses should be submitted electronically to the MCA on consultations@mca.org.mt, and addressed to the Chief of Spectrum Management and Technology. The consultation period will run until **12.00hrs. CET** of the **9 July 2021**.

Extensions to the consultation deadline will only be permitted in exceptional circumstances and where the MCA deems fit. The MCA reserves the right to grant or refuse any such requests at its discretion. Requests for extensions are to be made in writing within the first ten (10) working days of the consultation period.