

DECISION NOTICE

RIGHTS OF USE OF RADIO SPECTRUM IN THE 2 GHz BAND FOR TERRESTRIAL SYSTEMS CAPABLE OF PROVIDING ELECTRONIC COMMUNICATIONS SERVICES

**Report on Consultation and Decision on the extension of terrestrial
2 GHz spectrum rights of use**

MCA Reference: MCA/D/22-4690

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TABLE OF CONTENTS

1	Introduction	1
2	Consultation procedure.....	2
3	Extension to the term of rights of use of 2 GHz radio spectrum until the 16 th August 2025.....	3
4	Licence Conditions.....	4
	Annex - Radio spectrum assignments in the 2 GHz band	6

1 Introduction

All authorised mobile network operators in Malta currently enjoy the rights of use of radio spectrum in the 2 GHz band (1920-1980 MHz / 2110-2170 MHz and 1900-1920 MHz). These rights will expire on the 16th August 2022 and reflect the technical conditions established in Commission Implementing Decision 2012/688/EU. Annex 1 provides information on the radio spectrum assignments in the 2 GHz band.

In view of the upcoming expiry of these rights of use, on the 7th July 2022 the Malta Communications Authority ('MCA' or 'Authority') published a consultation (MCA/C/22-4646)¹ which addressed two key aspects:

- a) Proposals for the granting of extensions to existing rights of use of radio spectrum in the 2 GHz band as a measure to provide regulatory certainty and to safeguard the continued provision of terrestrial systems capable of providing electronic communications services in this band.
- b) To chart the way for further consultations, including on the work programme for the MCA that would lead to a clear spectrum and technology roadmap for the next three years.

The purpose of this document is to summarise the responses received during the consultation period and to present the MCA's decision in regard to the granting of extensions to existing rights of use in the 2 GHz band. MCA's position concerning its work programme in relation to spectrum and technology roadmap for the coming three years will be published in a separate document.

It should be underlined that this Decision supersedes Decision No. MCA/D/19-3773² published on the 23rd December 2019, setting out interim measures for the continued use of radio spectrum in the 2 GHz band.

¹ <https://www.mca.org.mt/consultations-decisions/extension-terrestrial-2-ghz-spectrum-rights-use-and-complementary-work>.

² <https://www.mca.org.mt/consultations-decisions/report-consultation-and-decision-concerning-licensing-framework-terrestrial>.

2 Consultation procedure

Prior to the formal consultation procedure undertaken by the MCA by virtue of document MCA/C/22-4646, the MCA held informal discussions with each provider of terrestrial mobile electronic communications services in the 2 GHz band to present its propositions for regulating the 2 GHz band as well as to exchange preliminary views in relation to the technology and radio spectrum roadmaps for their electronic communications networks and services.

The formal consultation procedure was launched on the 7th July 2022 with the publication of the Consultation Paper entitled 'Extension of terrestrial 2 GHz spectrum rights of use and complementary work programme' (reference MCA/C/22-4646). Responses in relation to MCA's proposals for extending the term of the current grant of rights of use of radio spectrum in the 2 GHz band were requested until the 8th August 2022 and were received from the following:

- Epic Communications Limited; and
- GO plc.

The MCA wishes to thank these parties for their responses.

Responses on MCA's work programme on the spectrum and technology roadmap were requested until the 15th September 2022.

3 Extension to the term of rights of use of 2 GHz radio spectrum until the 16th August 2025

It is MCA's priority to give regulatory certainty to undertakings enjoying rights of use of radio spectrum in the 2 GHz band, which rights expire on the 16th August 2022.

In line with what has been stated in Section 5.1 of the Consultation document, the MCA proposed to extend the current grants of rights of use of radio spectrum until the 16th August 2025 as a measure to give regulatory certainty to the respective right holders that electronic communications services may continue to be provided in the band within the entire Maltese territory. In the consultation the MCA clarified that such an extension will not jeopardise the right of holders of rights of use to request the MCA to terminate their grants prior to the proposed new expiry date of 16th August 2025.

Feedback received from Respondents and way forward

During the formal and informal consultation procedure, the stakeholders expressed their agreement with the proposal put forward by the MCA to extend the rights of use until the 16th August 2025.

Decision 1a

The MCA shall be extending the current rights of use of radio spectrum in the 2 GHz band until the 16th August 2025. This measure will ensure that electronic communications service will continue to be provided in this band across the entire national territory.

Decision 1b

Accordingly, Decision No. MCA/D/19-3773 published on the 23rd December 2019, setting out interim measures for the continued use of radio spectrum in the 2 GHz band until 16th August 2022 is hereby being revoked.

4 Licence Conditions

The MCA considers that the conditions that are attached to the current rights of use of radio spectrum in the 2 GHz band do not constitute any regulatory burden or a significant barrier to the deployment of innovative wireless services in Malta.

In this regard, in its consultation document, under section 5.2, the MCA proposed to retain the same conditions for the extended term of the rights of use including the applicable fees as established in Part B of the Twelfth Schedule of the Electronic Communications Networks and Services (General) Regulations (SL 399.48 of the Laws of Malta)³.

The MCA however is cognisant of the fact that the recent review of Commission Implementing Decision 2012/688/EU through the adoption of Commission Implementing Decision 2020/667/EU in May 2020 has introduced changes to the EU spectrum management framework for the paired 2 GHz band specifically in relation to the provision of next generation (5G) wireless systems. Until the national spectrum management framework is revised, holders of rights of use of radio spectrum in the paired 2 GHz band will therefore not be permitted to use their spectrum holding for supplementary uplink (SUL) and supplementary downlink (SDL) operation as well as for the deployment of active antenna system (AAS) base stations.

Feedback received from Respondents and way forward

One of the respondents expressed its agreement with the proposal put forward in the consultation to retain the same conditions for the extended term of the rights of use as aforesaid.

The other respondent stated that it agreed in principle that the conditions for the extension of the licence remain unaltered. However, it recommended that during the extended licence term, the MCA shall allow the possibility for the carriage of controlled trials of new and upcoming technologies such as AAS and SUL/SDL technology on currently assigned spectrum. Furthermore, this other respondent requested clarifications on the process to allow holders of grants of rights of use of 2 GHz radio spectrum to terminate their grants prior to the 16th August 2025.

In view of the above, the MCA acknowledges the support shown by the respondents to its proposal to apply the current licence conditions also for the extended grants of rights of use in the 2 GHz band.

³ Please refer to Part B, item c(ii).

As regards the recommendation made by one of the respondents concerning the carriage of controlled trials of new and upcoming technologies, the MCA notes that this will not be possible under the extended rights of use of the 2 GHz band. Nonetheless, the MCA would like to underline that its test and trial licensing framework as set out in Decision No. MCA/D/17-2777 provides the opportunity to carry out technical trials of new and upcoming technologies on a non-commercial and non-profit basis in the 2 GHz band. The MCA is available to provide any guidance which could be required by stakeholders on the application of the test and trial licensing regime.

Regarding the comment on the specific process to allow holders of grants of use of radio spectrum in the 2 GHz band to terminate their grants in part or in full prior to the expiry date, the MCA notes that article 11 of the current rights of use (i.e. those expiring on the 16th August 2022) give the right to their holders to surrender their rights of use and includes provisions in relation to the process to be undertaken. The exercise of the right to terminate the rights of use pursuant to the said article does not exonerate its holder to pay any licence fees which may be due pursuant to SL399.48. The MCA would like to clarify that holders of grants of rights of use of radio spectrum in the 2 GHz band are only permitted to surrender their rights in full.

Decision 2

The conditions attached to the current grants of rights of use of radio spectrum in the 2 GHz band shall be retained. Consequently, the grants of rights of use to be issued for the extended term shall include the same conditions as currently in force. This measure will give regulatory certainty and predictability until licence expiry.

Annex - Radio spectrum assignments in the 2 GHz band

Frequency Division Duplex (FDD) (Paired)⁴:

guard band	GO plc (19.8 MHz)	Melita Ltd. (19.8 MHz)	Epic Communications Ltd. (19.8 MHz)	guard band	
1920.0 MHz	1920.3 MHz	1940.1 MHz	1959.9 MHz	1979.7 MHz	1980.0 MHz

paired with

guard band	GO plc (19.8 MHz)	Melita Ltd. (19.8 MHz)	Epic Communications Ltd. (19.8 MHz)	guard band	
2110.0 MHz	2110.3 MHz	2130.1 MHz	2149.9 MHz	2169.7	2170.0 MHz

Time Division Duplex (TDD) (Unpaired):

guard band	unassigned (4.8 MHz)	Melita Ltd. (5 MHz)	Epic Communications Ltd. (5 MHz)	GO plc (5 MHz)	guard band	
1900 MHz	1900.1 MHz	1904.9 MHz	1909.9 MHz	1914.9 MHz	1919.9 MHz	1920 MHz

⁴ The band 1920-1980 MHz is paired with 2110-2170 MHz for FDD operation.



MALTA COMMUNICATIONS AUTHORITY

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