

## INTERNATIONAL RELATIONS

### BEREC MEA EWG Meeting

On the 17<sup>th</sup> December 2020, an MCA official attended a BEREC MEA EWG meeting, which mainly dealt with aspects / points related to the recent launch by the European Commission of the much awaited 'Digital Services Act Package' comprising of proposals for a Digital Services Act and for a Digital Markets Act. The main thrust of the discussion was to outline the similarities and differences between the message relayed in the EC package and the views expressed by BEREC at consultation stage. The discussion was not exhaustive, but experts concurred on the need to segment the discussion on aspects related to the scope of the Package and which platform services are being targeted, which of these platforms are being presumed to act as gatekeepers on the basis of thresholds outlined by the DSA and DMA, and the proposals aimed to direct digital platforms to provide greater safeguards to online users and to ensure fair competition and online users.

Specifically, on the identification of gatekeepers, the SIP concept is a central plank of the Commission's digital package, although it remains unclear as to how this would effectively work in relation with ex post competition rules. This matter will most likely be addressed by competition authorities. Experts also consider that the package needs to further elaborate on obligations targeting gatekeepers and what channels of discussion / consultation would be sought by the EC with digital platforms. Experts also note the lack of reference to a dispute settlement mechanism and that a one-size fits all approach would most likely fail in properly addressing the problems. National regulators have to be involved in a structured dialogue between the Commission and interested stakeholders. Questions have also been raised on the enforcement part, which may be the most problematic aspect, especially as to how such enforcement will work and how to concretely organize it knowing that NRAs and the Commission are / could be main actors in this respect. The monitoring function is also a very relevant issue, with NRAs expected to assume a central role in implementing this task.

Co-Chairs informed experts that an informal CN meeting will take place. The meeting will start with a presentation by Prabhat Agarwal, Head of Unit at DG Connect, who worked on the DSA/DMA proposals. It will be followed by a short

presentation by BEREC co-Chairs and an open discussion with the CN delegates to get their first ideas on the BEREC position on the DMA and the work ahead. This meeting is open for all MEA EWG experts, as observers.

As a way forward, BEREC shall be presenting a position paper addressing the main issues re the DSA and DMA, with drafting undertaken by the MEA EWG and the first draft discussed by the 7<sup>th</sup> January 2021. In the meantime, co-Chairs will identify small working groups from the EWG to specifically address / focus on different aspects of the DSA and DMA.

### 21<sup>st</sup> Electronic Communications Committee Working Group Numbering and Networks Meeting

Representatives of the MCA participated in the 21<sup>st</sup> Electronic Communications Committee Working Group Numbering and Networks (WG NaN) remote meeting which was held between the 15<sup>th</sup> and 17<sup>th</sup> December 2020. During this meeting, participants were provided with updates on the work related to current and future numbering issues which was carried out by the four project teams reporting to this working group during the past six months. An overview of work activities taking place within BEREC, ITU-T Study Group 2 and ETSI in areas which are relevant to this working group was also provided. The meeting participants also discussed various topics related to ongoing and future work items which will be the focus of the WG NaN project teams during the coming months.

### 7<sup>th</sup> Meeting of the Radio Spectrum Policy Group - Shared Spectrum Subgroup

One of the subgroups of the Radio Spectrum Policy Group (RSPG) deals with sharing of the radio frequency spectrum and aims to develop an RSPG opinion. This opinion will explore different dynamic spectrum sharing options implemented and also advise on a possible roadmap to increase spectrum sharing in a number of frequency bands. During the past meeting which was held remotely on the 15<sup>th</sup> December 2020, the group focussed discussions on the recommendations part of the opinion. The next RSPG shared

spectrum subgroup meeting will be held remotely on the 18<sup>th</sup> January 2021.

## 45<sup>th</sup> BEREC Plenary Meetings – Co-Chair Expert Networking Group Communications

On the 11<sup>th</sup> December 2020, the MCA Communications Coordinator in the role of Co-Chair ENG Communications presented the BEREC Communications Work Plan 2021, during the meeting of the BEREC Office Management Board plenary meetings and which was adopted as an internal BEREC document. The meetings and the workshop were held via audio-visual conferencing system. The events were open for participation only to BEREC Members, participants without voting rights and to invited experts.

## 45<sup>th</sup> BEREC Plenary Meetings

The MCA participated in the 45<sup>th</sup> ordinary plenary meetings of BEREC held virtually on 10<sup>th</sup>-11<sup>th</sup> December 2020. During the meeting the Board of Regulators (BoR) adopted the BEREC Work Programme for 2021 which focuses on the three high-level priorities: promoting full connectivity, supporting sustainable and open digital markets and empowering the end-users. A key policy objective in 2021 is to promote the availability of very high capacity networks and 5G services. BEREC further adopted the two new Guidelines:

- (i) on the criteria for a consistent application of Article 61(3) EEC; and to foster the consistent application of the conditions and criteria for assessing co-investments in new very high capacity network elements (Article 76(1) and Annex IV EEC).
- (ii) BEREC also adopted the 5G radar, which is a tool for identifying developments in the 5G ecosystem that may need regulatory attention. The 5G radar will show the most important aspects for BEREC and NRAs and will allow to prioritise those developments in a timely manner.

A full list of public documents adopted at the 45<sup>th</sup> BEREC ordinary meetings is available on the BEREC website. The 46<sup>th</sup> BEREC ordinary meetings will take place in March 2021.

## BEREC Workshop on Sustainability

The MCA participated in a Heads workshop organised by BEREC on 9<sup>th</sup> December 2020 aimed to initiate discussion on BEREC's future work on environmental sustainability. Presentations were delivered on the initiatives and strategies for the greening of the ICT sector being taken in Finland, Ireland and France.

## Postal Directive Committee (PDC)

An official from the MCA participated in the second meeting of the EU Postal Directive Committee (PDC) for 2020 held on the 1<sup>st</sup> December 2020. The EU Postal Directive Committee, consists of representatives from EU countries' national ministries and serves as a scrutiny body for the application of postal legislation and for the improvement of quality of service. On 13<sup>th</sup> July 2020, the Directorate General for the Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) launched a public consultation entitled "Public Consultation on the Evaluation of the Postal Services Directive". The consultation lasted 17 weeks and closed on 9<sup>th</sup> November 2020. A summary of the public consultation on the evaluation of the Postal Services Directive may be accessed via the following link: [Summary Report](#).

## European Commission Monitoring Mission

The MCA held meetings with the European Commission as part of the latter's monitoring mission within Member States that is aimed at establishing the state of progress in the local electronic communications sector and assessing the application of relevant EU rules. The MCA also facilitated the organisation of meetings between the Commission and local Operators. The European Commission will be publishing its findings, conclusions and recommendations in 2021 as part of the Digital Economy and Society Index country report.

## PUBLICATIONS

### MCA International News Week 32

Published On: Dec 23rd 2020 **News**

## Quality of Service Parameters to be Measured by Internet Access Service Providers and Publicly Available Interpersonal Communications Providers

Published On: Dec 14th 2020 *Consultation*

## Monthly Newsletter - November 2020

Published On: Dec 14th 2020 *News*

## 2019 Annual Report

Published On: Dec 7th 2020 *Annual Report*

## MCA International News Week 31

Published On: Dec 4th 2020 *News*

## MCA International News Week 30

Published On: Dec 4th 2020 *News*

### LEGAL UPDATES

#### Litigation:

Scheduled sittings on the 4<sup>th</sup> December 2020 before the Administrative Review Tribunal in:

- Aspider vs MCA [contestation of administrative fine following non-compliance with porting norms]. This appeal was formally closed during the Tribunal sitting and is therefore closed.

- Vodafone Malta Ltd vs. MCA Case (VULA contestation) – this appeal has been adjourned to the 1<sup>st</sup> February 2021 for the presentation of GO's evidence. MCA had declared that it has no further evidence to submit.
- MaltaPost plc appeal contesting a decision issued by the MCA dated 3<sup>rd</sup> August 2020 whereby MaltaPost were required to pay compensation into the collective compensation scheme since they did not achieve delivery targets for 2019 in line with the scheme. This appeal has now been adjourned to the 1<sup>st</sup> February 2021 for MaltaPost's evidence.

#### Legislation:

During December 2020 no laws administered by the MCA were published in Gazette.

### MEDIA ACTIVITY

#### Radio:

**Date:** 21.12.2020

**Channel:** Radju Malta

**Programme:** Aħna Il-Maltin

**Topic:** Fault Repair Timeframes

**Participant:** Matthew Farrugia

**Date:** 07.12.2020

**Channel:** Radju Malta

**Programme:** Aħna Il-Maltin

**Topic:** COVID-19

**Participant:** Matthew Farrugia