



MALTA COMMUNICATIONS AUTHORITY

MONTHLY NEWSLETTER

June 2022

INTERNATIONAL RELATIONS

EU eCommerce Expert Group

An MCA official participated in the eCommerce Expert Group held on the 29th June 2022. The meeting focused on the DSA and the work ahead of the CION and MS.

CION outlined that the DSA is intended to create a safe digital space, protect fundamental rights, strengthen democracy, and fight misinformation whilst fostering innovation and strengthening the single market. The act retains the country-of-origin principle and supervision at the country-of-origin but aims for full harmonisation.

CION invited MS to identify their respective DSC in a timely manner to facilitate the setup of the Board, stressing that the DCS must be independent and have adequate financial and human resources to fulfil its role within the respective market context. MS were also encouraged to work on any national law that would ensure the necessary powers for the DSC to fulfil its obligation under the DSA.

The final vote on the DSA is planned for the 22nd October. Whilst the law will come into force soon after, MS are expected to complete implementation by early 2024.

ECASEC Group Meeting

On the 28th of June, the MCA attended virtually the ECASEC (formerly Article 13a) meeting. The ECASEC group is a forum hosting European regulatory bodies to discuss the best practices related to the regulatory aspects of security of electronic communication networks and services.

Bilateral Frequency Coordination Meeting between Malta and Italy

On the 20th and 24th June 2022, a virtual meeting was held between Malta and Italy to establish the conditions for the use of frequency blocks in the VHF frequency band for Digital Audio Broadcasting services and the associated regulatory provisions to assess cases of harmful interference. The discussions were successful and led to the finalisation of a frequency coordination agreement.

33rd Meeting of the ECC Working Group NaN2

Two representatives from the MCA participated virtually in a meeting of a project team within WG NaN which was held between the 21st and 22nd June, 2022. The project team held discussions on multiple aspects related to number portability, switching, and trust in numbers, including ongoing Report drafting and discussions on future work items.

EU Observatory Workshop on the Evaluation of the P2B Regulation

An EU Observatory Workshop on the evaluation of the P2B regulation was held on Wednesday 15th June, 2022, followed by an informal meeting of the eCommerce Expert Group on the enforcement of the P2B Regulation on Thursday 16th June, 2022.

Highlights from both meetings:

1. Professor Teresa Rodriguez de las Heras

Ballell and Prof. Christoph Busch explained about how the P2B fits within the context of a wider regulatory framework and its scope - the interplay and possible overlaps with other legislation, namely DSA, UCPD (unfair commercial practices directive), DMA and the newly revised Consumer Law.

2. PPMI & Open Evidence provided an update of the study supporting the evaluation of the P2B Regulation.
3. A general consensus amongst MS for the implementation of an informal P2B network, proposed and driven by Irish Competition and Consumer Protection Commission (CCPC) with the aim of facilitating coordination and support across member states.
4. Updates by a number of MS on the state of play in relation to the implementation of Article 14 P2B.

WADEX Webinar No. 6

A representative for the MCA participated in the WADEX Webinar No. 6 on the 14th June, 2022. The following is an overview of “LiveIT” and “Buddy” – 2 projects co financed by the EU and focussed on people with cognitive disabilities.

“LiveIT” Project - <https://liveit-project.eu/>

Professor Bamidis from the Greek University of Thessaloniki, gave an overview of this project, which aims at improving digital inclusion for persons with cognitive disabilities. The project departed from research as a baseline, moving towards the establishment of experimental labs and engineered scenarios to finally contribute towards the creation of an open toolkit for the co-design of accessible computer systems. Research conducted at the initial stages of this project revealed that, in Europe, there are around 142 million people (approx. a third of all the EU population) affected by some form of cognitive disability, of which 54% (77 million) are currently excluded from leading online activities

such as distance learning, remote working or online shopping, amongst others. This project embarked on an experimental journey to test and assess the currently available accessibility tools, identify challenges and create various testing environments through specifically focussed “living labs”. Moreover, a series of hackathons were organised under this project, bringing together people with disabilities and IT developers. The project has 4 Member State partners, namely, UK, Ireland, Greece and Portugal and around 200 participants with mixed abilities who contributed to data collection and sharing of knowledge. So far, around 50 tools have been tested, 4 labs have been established (one in each partner state) and 5 hackathons have been organised.

“Buddy” Project - <https://www.buddyproject.eu/>

Prof. Klaus Miesenberger - Head of Institute Integriert Studieren, Johannes Kepler University Linz, Austria delivered a presentation on the “Buddy” project which aims at helping users with cognitive disabilities choose the best tools available for them to gain accessibility. There is a huge amount of accessibility tools available online, and it might be very confusing for users with cognitive disabilities to actually identify them, download them and exploit them. The “Buddy” project has the specific objective of building an online repository of digital assistive technologies, allowing users with cognitive disabilities to have direct access to the most suitable tools available. The platform also allows tool producers to include their assistive technologies into the repository and it offers assistance to users via an innovative AI recommender which is capable of matching the users’ specific needs to the most appropriate available tools. Via the creation of a detailed profile of the user, the system will be able to analyse specific needs and identify the most relevant tools, thus making its recommendations to the user. The platform also serves as a community building environment where users can interact, assess and rate tested tools, exchange knowledge, and seek technical assistance.

WADEX Webinar No. 7

This was the last webinar before the summer recess. The session started off with a presentation on the main findings of the WAD framework review. Speakers Danilo Bianchini (Intellera consulting) and Susanna Laurin (Funka) gave a brief overview, covering the first reporting period of the Web Accessibility Directive (WAD), together with an overall review of the WAD. The first observation that Mr Bianchini highlighted was the fact that, so far, none of the public websites assessed were fully accessible. On a more positive note, it transpired that the WAD monitoring is being well received by the public sector entities and that awareness on the importance of Web Accessibility is increasing. Another issue flagged by Mr Bianchini was the lack of feedback from users. Seems like the feedback mechanism has been rarely used and, consequently, this will be a topic for further discussion by the WADEX in the near future. Reference was also made to the disproportionate burden clause in the WAD which was very rarely applied, this implies that the directive is efficient and relevant. In conclusion, Mr Bianchini stated that, overall, the WAD monitoring is an effective and positive exercise and that the benefits largely outweigh the costs involved in its implementation. Even though fine-tuning and improvements to the reporting processes are still necessary, we are surely moving in the right direction. Going forward, Mr Bianchini made a few recommendations, including; the need for a common reporting template, more support by way of guidance from the EU as well as specific training and certification of WAD experts across the member states.

The second part of the webinar was an open discussion between all those present. Various issues were raised on a number of relevant topics, including; the verification and validation of accessibility statements, how to establish compliance, user involvement, amongst others. Representatives of all member states could voice their opinions, share good practices and bring forward any relevant ideas for improvement.

ERGP Consumers and Core Indicators Working Group

An MCA official participated in the ERGP Consumers and Core Indicators Working Group meeting which was held on the 14th June, 2022. During the meeting, the co-chairs presented the final version of the ERGP internal feasibility study for the parcel market in the context of the e-Commerce report. The co-chairs reminded the meeting attendees that the deadline for the QoS questionnaire was by end of May and urged those NRAs who have yet to submit the data to do so at the earliest, and the first draft of the QoS report will be sent out for commenting beginning of August. They also reminded NRAs that the deadline for the Core Indicators questionnaire is 24th June and the first draft of the report will be sent out for commenting beginning of September.

51st BEREC Plenary Meeting

MCA participated in the BEREC Board of Regulators (BoR) and Management Committee meetings held in Cyprus between the 8th & 10th June 2022. With a view to ensure consistent application of the new EU Roaming Regulation, the BoR approved its Retail Roaming Guidelines for public consultation. BEREC also adopted updated guidelines on the implementation of the EU Open Internet Regulation, prepared in light of the European Court of Justice rulings. The Guidelines make it clear that zero tariff offers are incompatible with the obligation of equal treatment of traffic in the Open Internet Regulation. The scope of the draft updates to the document is limited to the Court's rulings of last year. The Guidelines were prepared in close cooperation with the European Commission and consultation with the stakeholders during the public consultation. The BoR also adopted a draft report on the internet ecosystem for public consultation and agreed to update its report on IP interconnection of 2017, in the context of the fair share debate (on whether and how OTTs should contribute to investments in broadband infrastructure). A [full list](#) of public documents adopted at the 51st ordinary meetings is available on the BEREC website.

The 102nd Working Group on Frequency Management (WGFM#102)

The Electronic Communications Committee's Working Group on Frequency Management (WG FM) is responsible for developing strategies, plans and implementation advice for radio spectrum management within CEPT (European Conference for Postal and Telecommunication Administrations). The last meeting was held in a hybrid environment, between the 6th and 10th of June 2022. The meeting discussed aspects related to a number of radiocommunication services and reviewed several ECC decisions, recommendations and reports. The participation of the MCA allowed Malta to be involved in the process leading to the adoption of European spectrum management and licensing deliverables. This will feed into the review process of legal instruments pertaining to spectrum management.

ITU 5th Multilateral Frequency Coordination

An MCA official attended the 5th Multilateral Frequency Coordination meeting was held virtually between the 8th and 9th of June 2022. It was chaired by the International Telecommunication Union (ITU) with the main aim to cases of harmful interference caused by Italy to the broadcasting services of neighbouring countries, namely, Croatia, France, Switzerland, Slovenia and Malta. The meeting assessed developments in the interference situation and agreed on the actions to be undertaken to resolve the interference.

24th Meeting of the ECC Working Group Numbering and Networks (NaN)

Two representatives from the MCA participated physically in the Working Group NaN Plenary meeting held in Ayia Napa, Cyprus between the 7th and 9th June, 2022. During this meeting, participants were provided with updates on the work related to

current and future numbering issues which was carried out by the three project teams reporting to this working group during the preceding seven 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 themes of relevance to WG NaN, in particular those related to ongoing and future work items which will be the focus of the WG NaN project teams during the coming months. The meeting also adopted three new ECC Reports.

58th Meeting of the Radio Spectrum Policy Group (RSPG#58)

The meeting under reference was held on the 7th June, 2022 and considered progress achieved in the execution of the work programme for the period 2022-2024. In particular, the meeting approved the publication of a draft opinion for public consultation on the 2023 World Radiocommunication Conference.

EU Postal Directive Committee Meeting

On the 6th June, 2022, a representative for the MCA participated in the 1st EU Postal Directive Committee (PDC) meeting for 2022. The EU Postal Directive Committee, established by the EU postal services directive, serves as a scrutiny body for the application of postal legislation and for the improvement of quality of service, notably the establishment of quality standards for intra-EU cross-border services. The PDC discussed, amongst others, environment sustainability in the postal sector, customs fees, postal standardisation and international issues.

BEREC Co-Chairs Meeting

During June, the MCA's Communications Coordinator - Isabel Fereday, attended the annual BEREC co-chairs meeting in Brussels as part of her role as Communications ENG Co-Chair 2021 – 2023. The Chair explained that the meeting is about the co-chairs; therefore, they are welcome to explain any ideas or inputs. This year BEREC has a huge Work Programme to implement but added at the same time BEREC has the best co-chairs too. Comms ENG co-chairs presented videos produced for the project 'Faces of BEREC', and the new templates of the BEREC visual identity and opened the floor for any questions, also adding that support on the use of these templates is always available as need arises. The Chair thanked all the co-chairs for their contributions; all BEREC outputs are delivered because of the commitment of the co-chairs.

Also in June the BEREC Comms ENG full group held its 2nd meeting for the year in hybrid format, Isabel Fereday co-chaired the meeting from Brussels and gave an update on the work projects for 2022, as well as started discussions on the BEREC Comms Annual Plan for 2023. On the same day a training session was organized by the co-chairs for the Comms ENG members through Cullen International. The training looked at the Digital Decade 2030 policy programme (DDPP), the instrument to implement the 2030 digital targets. The European Parliament and the Council are about to start negotiations to reach an agreement on the final DDPP, so it is an excellent time to look at their positions and see what the sensitive topics are. In addition, the training looked ahead at some of the main proposals the European Commission will publish this summer to facilitate the realisation of the 2030 EU connectivity targets: the draft Connectivity Infrastructure Act (the current Broadband Cost Reduction Directive), the review of the Access recommendations, and possibly the Radio Spectrum Policy Plan (RSPP).

PUBLICATIONS

Report of the Malta Communications Authority on its monitoring and findings in accordance with Article 5 of Regulation (EU) 2015/2120 concerning the European Net Neutrality Rules

Published On: Jun 30th 2022 **News**

Price Revisions for Certain Postal Services

Published On: Jun 27th 2022 **Decision**

Overview of Total Sum of Charges Collected and Administrative Costs

Published On: Jun 24th 2022 **MCA Overviews**

Universal Service Obligations on Electronic Communications Services - Consultation and Proposed Decision

Published On: Jun 24th 2022 **Consultation**

MCA International News Week 19 - 2022

Published On: Jun 23rd 2022 **News**

MCA International News Week 18 - 2022

Published On: Jun 16th 2022 **News**

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Published On: Jun 15th 2022 **News**

Price Revisions for Certain Postal Services

Published On: Jun 14th 2022 **Consultation**

MCA International News Week 17 - 2022

Published On: Jun 9th 2022 **News**

LEGAL UPDATES

Litigation:

On the 23rd June 2022, a second sitting was held before the Court of Appeal (Superior), in the appeal filed by Melita Limited, against the Director General Consumer Affairs within the MCCA, contesting a judgement given in 2017 by the Competition and Consumer Appeals Tribunal (CCAT). That judgement related to a complaint lodged by the MCA with the DG Consumer Affairs with regard to alleged

misleading advertisement by Melita going back to 2011. The MCA had intervened in the proceedings before the CCAT, once the case was related to an issue MCA had raised in the first instance. During this sitting the parties to the appeal made their oral submissions. The case has now been adjourned to the 10th November, 2022, for judgement.

Legislation:

Two legal notices were published in the Gazette on the 24th June 2022 –

192 of 2022 - Roaming on Public Mobile Network (Repeal) Regulations, 2022
Government Gazette of Malta No. 20,881 – 24.06.2022

191 of 2022 - Malta Communications Authority Act (Second Schedule) (Amendment) Order, 2022
Government Gazette of Malta No. 20,881 – 24.06.2022

By virtue of this Legal Notice, the Regulation (EU) 2022/612 of the European Parliament and of the Council of 6th April 2022, on roaming on public mobile communications networks within the Union, was included in the list of EU laws enforced by the Malta Communications Authority, as stated in the Second Schedule of the Malta Communications Authority Act (Cap. 418 of the Laws of Malta).

MEDIA ACTIVITY

Television:

Date: 03.06.2022

Channel: TVM

Programme: Niskata

Topic: Telecommunication Services Faults

Participant: Yanika Bugeja

Radio:

Date: 27.06.2022

Channel: Radju Malta

Programme: Għal Kulhadd

Topic: Roaming

Participant: Yanika Bugeja

Date: 17.06.2022

Channel: Radju Malta

Programme: Għal Kulhadd

Topic: MCA's Consumer Remit

Participant: Yanika Bugeja