

### **Explanatory note.**

Amendments to the Directive on the Modalities of Payment for General Authorisations and Rights of Use under the Electronic Communications (Regulation) Act (Directive No. 1 of 2004 as amended by Directive No.1 of 2007).

The Malta Communications Authority is with immediate effect implementing the attached amendments to this Directive. Apart from the amendments, a consolidated updated version of the Directive is also being included.

The purpose of these amendments is to update references to applicable legislation, and to do away with or amend provisions that are no longer applicable or which need to be updated to reflect changes in the law notably in relation to the administrative charges as reflected in the Eighth Schedule of SL 399.28.

### **Amendments**

In article 2 of the Directive the references to applicable legislation are being updated namely:

In article 3 of the Directive

- the reference to the applicable legislation is being updated;
- the definition of “undertaking” is being substituted with the following:  
“ “undertaking” means an undertaking duly authorised to provide electronic communications services and/or networks or associated facilities in accordance with the Act;”
- The definition of “Regulations” is being substituted with the following:  
“ “Regulations” means the Electronic Communications Networks and Services (General) Regulations,” (SL 399.28);
- The definition of “unregulated activities” is being substituted with the following:  
“ “unregulated activities” means those activities which do not require to be authorised under paragraphs (b), (c), (d), (e) or (g) of Part A in the Eighth Schedule to the Electronic Communications Networks and Services (General) Regulations”;

In article 4 of the Directive the references to applicable legislation are being updated, whereas the words “excluding charges to be paid on a subscriber basis” is being deleted since this measure is no longer applicable.

In article 5 of the Directive the references to applicable legislation are being updated.

Article 6 of the Directive are being deleted since the variable administrative charges previously catered for under paragraph (c) of Part A of the Eleventh Schedule (now the Eighth Schedule) no longer apply.

In article 7 of the Directive the references to applicable legislation are being updated, whereas the words “GSM channels” is being substituted with the words “radio spectrum channels”.

Article 8 of the Directive is being deleted since the variable administrative charges previously catered for under paragraph (a) of Part B of the Eleventh Schedule (now the Eighth Schedule) no longer apply.

In article 9 of the Directive the references to applicable legislation are being updated.

Article 10 of the Directive is being amended as follows:

- Reference to the applicable legislation are being updated;
- The first and second paragraphs thereof is being substituted with the following:

“10. Fees based on blocks of 10,000 numbers (or in proportion thereto depending on the size of the allocated block) in the ‘2’, ‘3’, ‘7’ and ‘9’ number ranges and carrier select or pre-select codes established under Part C of the Eight Schedule. These fees shall be payable to the Authority in advance in equal quarterly instalments on the first day of every quarter:

Provided that a pro-rated proportion of the applicable fees 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.”.

Article 11 of the Directive is being deleted.

In article 16 of the Directive the references to applicable legislation are being updated.