

## European Commission reports on implementation of EU telecoms regulatory framework in Malta

The European Commission has just published its annual report on the implementation of the EU regulatory framework. This report includes a country chapter which provides an overview of the European Commission's assessment of the work carried out by the Malta Communications Authority (MCA) during 2013.

“Malta has already achieved the first two of the Digital Agenda for Europe (DAE) targets related to broadband, i.e. 100% basic broadband coverage by 2013 and 30 Mbps broadband coverage by 2020” is the opening statement of the report. In this regard, the Commission goes on to state that the number of broadband connections per 100 inhabitants increased by 1.6 percentage points during 2013, bringing Malta's penetration to 33.8%, well above the EU average of 29.4%.

With respect to the Authority's regulatory work, the Commission provides a comprehensive overview of a number of regulatory decisions taken by the Authority during 2013, which impose various obligations on the market players.

The Commission refers to the launch of the Digital Malta Strategy and to the numerous initiatives included in that strategy which fall under the remit of the MCA such as eCommerce, eInclusion, Internet Safety, and Internet Governance amongst others.

The report also positively refers to the recent amendments to the MCA Act, where the legal provisions related to the independence of the Authority were strengthened.

With respect to the Authority's role in relation to consumer issues, the Commission refers to the roles of the Communications Authority and the Malta Competition and Consumer Affairs Authority (MCCAA). In this regard, it states that “since there is no clear separation of competency, a consumer may bring forward a complaint related to electronic communications issues to the MCA or the Office for Consumer Affairs of the MCCAA, or both; in the latter case both Authorities have to deal with the same complaint individually. In cases where consumers claim compensation for damages suffered, they have the option to go to the Consumer Claims Tribunal. In this case, it is mandatory to go to the Office for Consumer Affairs (MCCAA) first, even if the MCA has already dealt with the complaint.”

With regard to the last comment made by the Commission, the MCA notes that amendments to the Consumer Affairs Act have removed the need for the MCCAA to once again investigate such cases, before forwarding them to the Consumer Claims Tribunal.

The Commission also reports on the work done by the Authority on the consumer front and refers to the launch of “telecosts.com”, the MCA's interactive price comparison portal; the availability of services allowing consumers to obtain information on their usage free of charge; the MCA's work in relation to termination procedures, the

---

For further information, you are kindly requested to contact:

Mandy Calleja, Communications Coordinator, Malta Communications Authority

Tel: 2205 9405, Mob: 7957 3368, Email: [mandy.c.calleja@mca.org.mt](mailto:mandy.c.calleja@mca.org.mt)

[www.mca.org.mt](http://www.mca.org.mt)

availability of email portability and number portability; the legal provisions ensuring that, once a contract is renewed, subscribers can exit the contract without paying termination fees, as well as the MCA's decision on itemised billing.

The report includes a section on spectrum management which mentions, amongst others, the Authority's intensive efforts to ensure that Malta's spectrum resources are free from interference, referring to the "significant improvement on the level of spectrum interference from Italy"; the derogation obtained by Malta to ensure that it can safeguard free-to-air transmission of Maltese stations and the continuing work, with the Commission's assistance, to ensure that all Maltese channels are free from interference.

On the litigation front, the Commission noted that appeals from MCA decisions were decided by the Administrative Review Tribunal in a "timely and efficient manner".

In this regard, the Commission also refers to outstanding appeals adjourned for a decision which, since June 2012, were still to be determined by the Communications Appeals Board. This matter is now expected to be resolved and the cases will now be heard before the Administrative Review Tribunal.

In terms of the overall market, the Commission recognises the "unique characteristics, [of the market], with two fixed nation-wide competing infrastructures, three mobile networks and unregulated wholesale broadband access due to the similar market positions of GO and Melita."

The report notes that revenues and investment in the electronic communications sector decreased slightly in 2012, in line with the general trend in the EU. On the other hand, investment in the mobile market increased slightly. The Commission states that "nevertheless the NGA coverage with 99.9% is one of the highest in the EU". NGA coverage refers to the availability of networks capable of connections of speeds of 30 Mbps. Indeed, Malta has nationwide availability of connections of 100 Mbps, and not just 30 Mbps.

The report also provides an overview of mobile market shares, noting that due to Melita's entry in the market in 2009, "the average per minute rate of a domestic call has considerably gone down."

The report also highlights the increased popularity of mobile telephony when compared to fixed telephony, with around 73% of all voice calls originated over mobile networks.

"This is a very positive assessment of the work which the Communications Authority does on the regulatory front. This Authority has over the years implemented various measures to facilitate the development of competition in the Maltese market for electronic communications services, and whilst clearly there is always room for improvement, the results we have obtained when compared to the rest of the EU speak for themselves.

On the mobile front continue to suffer from higher prices than many other EU member states, primarily due to the late entry of competition, and as the Commission has noted, prices have now been steadily decreasing. Achieving a better deal for consumers whilst ensuring the sustainability of investment, which as the Commission has also noted has suffered across all of the EU in recent years, remains our objective on this front" said Dr Edward Woods, Chairman of the Communications Authority.

---

For further information, you are kindly requested to contact:

Page 2 of 2

Mandy Calleja, Communications Coordinator, Malta Communications Authority  
Tel: 2205 9405, Mob: 7957 3368, Email: [mandy.c.calleja@mca.org.mt](mailto:mandy.c.calleja@mca.org.mt)

[www.mca.org.mt](http://www.mca.org.mt)

---

Malta Communications Authority, Valletta Waterfront, Pinto Wharf, Floriana, FRN 1913. Tel: (+356) 21 336 840 Fax: (+356) 21 336 846