

Commercial General Authorisation to provide Electronic Communications Networks and/or Services

Notification Forms and Information

Malta Communications Authority

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Contents

1	GENERAL INFORMATION ON COMMERCIAL GENERAL AUTHORISATIONS AND NOTIFICATION	I FORM2		
	1.1 Notification Form by New Providers	2		
	1.2 NOTIFICATION OF CESSATION, UPDATES OR CHANGES BY EXISTING PROVIDERS			
	1.3 IMPORTANT NOTICE ON ADDITIONAL REQUIREMENTS	2		
	1.4 METHOD OF SUBMITTING ANY NOTIFICATION	3		
	1.5 REGISTER OF UNDERTAKINGS AUTHORISED TO PROVIDE ELECTRONIC COMMUNICATIONS NETWORKS/SERVICES	3		
	1.6 RIGHTS AND OBLIGATIONS ATTACHED TO THE COMMERCIAL GENERAL AUTHORISATION			
	1.7 BASIC INFORMATION REQUIREMENTS FOR UNDERTAKINGS NOTIFYING FOR A GENERAL AUTHORISATION	4		
	1.8 Provision of notification information to BEREC.	5		
2	NOTIFICATION OF UPDATES, CHANGES OR CESSATION BY EXISTING PROVIDERS			
	2.1 UPDATES AND CHANGES TO THE NOTIFICATION FORM			
	2.2 CESSATION OF THE COMMERCIAL GENERAL AUTHORISATION	10		
3	ADDITIONAL INFORMATION	14		
4	DATA PROTECTION CLAUSE	15		



1 General Information on Commercial General Authorisations and Notification Form

In accordance with the provisions of the Electronic Communications (Regulations) Act (hereafter "Act") and the Electronic Communications Networks and Services (General) Regulations (hereafter "Regulations"), a Commercial General Authorisation is required for the provision of electronic communications networks and, or services. The respective categories of Commercial General Authorisation include the establishment and operation of:

- Public Electronic Communications Networks;
- Voice Communications Services;
- Internet Access Services;
- Television and Radio Distribution Services;
- Other Electronic Communications Services.

1.1 Notification Form by New Providers

Any undertaking who intends to provide any of the above services is required to notify the Malta Communications Authority (MCA) by completing **Form A** found in Section 1 of this document in its entirety.

An undertaking who intends to submit a notification for a commercial general authorisation is encouraged to contact the Malta Communications Authority beforehand in order to facilitate the process and obtain guidance where appropriate.

1.2 Notification of Cessation, Updates or Changes by Existing Providers

Any undertaking providing electronic communications services/networks is also required to notify the Malta Communications Authority of any update, change or cessation to the information supplied by completing **FORM B(i)** and/or **FORM B(ii)** for updates or changes, and **FORM C** in the case of cessation as specified in Section 2 of this document.

When a notified undertaking or person wishes to update or change the contents of the Notification Form, or opts to withdraw the commercial general authorisation, it is required to adhere to the conditions found in **Section 2** of this document which is dedicated solely for these eventualities.

Section 2 also includes the procedure that is required when a change in the Memorandum and Articles of Association in relation to the shareholding or ownership of a notified undertaking takes place.

1.3 Important Notice on Additional Requirements

A commercial general authorisation does not automatically entitle any undertaking to, and does not exempt it from, the obligation to obtain and/or notify for and comply with, any permit, licence, right of use, or other general authorisation in respect of numbering resources, equipment, or radio spectrum, and/or other approval or authorisation,



however so described, that may be necessary at law to construct, operate and maintain the network and, or services.

Where the notifying undertaking is registered in an EU country, the notification must include an official address for service of notice in Malta. Where the notifying undertaking is not registered in an EU country, the notification must include an official address for service of notice in Malta and the notifying undertaking must, as a minimum, be registered as an overseas company with the Malta Business Registry.

1.4 Method of Submitting any Notification

Original and duly filled-in notification forms must be submitted to the Authority in an envelope clearly marked "Notification for Commercial General Authorisation" by hand or registered mail addressed to:

The Chief of Operations
Malta Communications Authority
Valletta Waterfront
Pinto Wharf
Floriana FRN 1913
Malta

A Memorandum & Articles of Association of the company must also be submitted by all new Network and/or Service Providers. This should also be submitted by existing Network and/or Service Providers when notifying changes in relation to ownership or signatories.

In order to expedite matters, prior to submitting the physical form by hand or registered mail (including wet signatures), the form may be completed electronically and sent to authorisations@mca.org.mt . This would enable the Authority to initiate the process and provide it with the opportunity to communicate any additional/different information that may be required.

1.5 Register of Undertakings authorised to provide electronic communications networks/services

In accordance with Regulation 5(4) of the Regulations, upon receipt by the Authority of a correctly completed Notification Form, the undertaking concerned: "... shall not be required to obtain an explicit decision or any other administrative act from any public authority before exercising the rights derived from the general authorisation. Upon notification to the Authority, an undertaking may start the activity so notified, where necessary subject to the provisions on the rights of use under the Act and these regulations."

The Authority shall update the Register of Authorised Undertakings within 5 working days of receipt of a correctly completed notification. In the event that the form is not completed correctly, the Authority shall inform the notifying party accordingly. Undertakings are responsible to ensure receipt of notification either directly with the Authority or by reference to the Register of Authorised Undertakings, available on the MCA's website.



1.6 Rights and Obligations attached to the Commercial General Authorisation

The Commercial General Authorisation obligations and conditions are laid out in the Thirteenth Schedule to the Electronic Communications Networks and Services (General) Regulations. Administrative charges are specified in the Twelfth Schedule (Part A) to the Electronic Communications Networks and Services (General) Regulations and will be charged by the Authority immediately upon notification in accordance with the Directive on the Modalities of Payment.

1.7 Basic information requirements for undertakings notifying for a General Authorisation

On submission of the notification

- a copy of the charter, statute or memorandum and articles of the undertaking or other instrument constituting the undertaking;
- a list of the principal contact persons of the undertaking for the notified activities;
- a postal address in Malta for the delivery or service of any notices to the undertaking or any of its authorised representatives, whether such notices may be made by the Authority, by other authorised Network and/or Service Providers, by end-users, or by any other party or institution.

Changes to the original notification

- In the case of changes of the principal contact persons, the undertaking shall, within fourteen days of any such alteration, deliver to the Authority for registration the particulars of the changes, signed by a director, the company secretary or any other authorised officer of the undertaking.
- In the case of a change of the postal address in Malta for the delivery or service of any notices to the undertaking or any of its authorised representatives, the undertaking shall, by no later than seven days before any such change, deliver to the Authority for registration the particulars of the revised postal address in Malta, signed by a director, the company secretary or other principal contact person of the undertaking.

Operational or Financial Information

- The Authority may require any undertaking to provide any operational information and/or statistics in accordance with its powers at Law;
- The Authority may require any undertaking to provide any financial information in accordance with its powers at Law.

Language

- Any communication by an authorised undertaking with the Authority, other authorised Network and/or Service Providers, end-users, or any other party or institution in Malta shall be in the Maltese or English language.
- Where an undertaking serves in Malta any document or notice that is not originally
 written in the Maltese or English language there shall be annexed to it a translation
 thereof into either of such languages, certified to be a correct translation in such
 manner as may be prescribed by the Authority.



1.8 Provision of notification information to BEREC

BEREC maintains a European Union database of the notifications submitted to the competent authorities in all Member States. In this respect, in accordance with Regulation 5(7) of the Regulations, the Authority shall forward to BEREC the relevant notification information herein, in line with the guidelines for the notification template published by BEREC.



FORM A(i): Notification Form by New Providers - Details

Name of undertaking which provides, or intends to provide, electronic communications networks and, or services:				
	Websit	e:		
Only in case providers a	are not registered in Malta			
Country of domicile:				
Overseas Company Certific	cate No. for providers not regis	stered in the EU:		
	notifying undertaking includ			
-mail:	Tel:	Fax:		
-mail:				
		Tax:		
		Fax:		
2 Contact persons Primary contact person	' details:			
2 Contact persons Primary contact person	' details:	Designation:		
2 Contact persons Primary contact person Vame:	' details:			
2 Contact persons Primary contact person Vame: E-mail:	' details: : Tel:	Designation:		
2 Contact persons Primary contact person Vame: mail: Secondary contact pers	details: Tel:	Designation: Mobile:		
2 Contact persons Primary contact person Name:mail: Secondary contact person	details: Tel:	Designation:		
2 Contact persons Primary contact person Name:mail: Secondary contact person	details: Tel:	Designation: Mobile: Designation:		
2 Contact persons Primary contact person Name: -mail: Secondary contact person Name: -mail:	r details: :	Designation: Mobile: Designation: Mobile:		
2 Contact persons Primary contact person Name: Secondary contact person Name: Finance contact person Name:	details: 	Designation: Mobile: Designation: Mobile: Designation:		
2 Contact persons Primary contact person Name: Secondary contact person Name: Finance contact person Name:	details: 	Designation: Mobile: Designation: Mobile:		
2 Contact persons Primary contact person Name: Secondary contact person Name: Finance contact person Name:	' details: :	Designation: Mobile: Designation: Mobile: Designation:		
2 Contact persons Primary contact person Name: mail: Secondary contact person Name:mail: Finance contact person Name:mail:	r details: : :	Designation: Mobile: Designation: Mobile: Designation:		



FORM A(ii): Notification Form by New Providers - Network and/or Service Description

A.3 Network and/or Service Categories			
Indicate list ¹ .	one or more categories of networks and, or services to be provided from the following		
a)	Public Electronic Communications Networks		
b)	Voice Communications Services		
c)	Internet Access Services		
d)	Television and Radio Distribution Services		
e)	Other Electronic Communications Services		
A.4 Desc	cription of Network and/or Service		
applicable	fying undertaking is required to fill in the fields found in Annex 1 under the e General Authorisation Category; and also provide a comprehensive description or on the following points:		
•	The service/s that are going to be provided; The network/s to be operated, including high-level network maps; Any radio spectrum/apparatus to be used in the network; Any international connectivity infrastructure in the network; Any other information deemed pertinent.		
Description	on (kindly include full details of the network and/or service to be provided):		
Note: Noti	fying undertakings may provide additional details in separate attachments.		
Are any o	of the listed ECS (as per Annex 1) provided on a "Wholesale Only" basis? Yes No		
If yes, plo	ease specify the ECS in question		
A.5 Geog	graphical coverage and scope of the network and/or service:		
A.6 Estir	mated date of commencement of the relevant activity:		
	ons of the Category of networks and services are laid out in the Electronic Communications ns) Act and the Electronic Communications Networks and Services (General) Regulations.		



FORM A(iii): Notification Form by New Providers - Declaration

Declaration

On behalf of the notifying undertaking, we/I hereby declare that:

- The information as provided is accurate and complete in all respects; and
- We/I have read and understood the contents of all the pages listed in this document; and
- Shall at all times comply with lawful decisions and directives of the Malta Communications Authority and with the obligations at law; and
- Shall be responsible to pay any applicable fees and provide operational and statistical information with effect from the date of notification and as may be lawfully requested and according to the timeframes established by the Authority; and
- Shall at all times comply in every respect with the conditions attached to the applicable category or categories of the Commercial General Authorisations as specified in section 1.6; and
- Shall inform the Malta Communications Authority of any future changes in accordance with section 2 of this notification.

Full Name of Signatory # 1:
Designation:
Signature (wet signature required):
ID Card (or passport) No.:
Date:
Full Name of Signatory # 2 (if applicable):
Designation:
Signature (wet signature required):
ID Card (or passport) No.:
Date:

Important Note: an original copy of the Memorandum & Articles of Association, and, in the case of providers not registered in the EU, a Certificate of Registration issued by the Malta Business Registry (MBR), is required to be submitted with this notification form.



2 Notification of Updates, Changes or Cessation by Existing Providers

2.1 Updates and changes to the Notification Form

2.1.1 Updates and changes to details originally submitted in FORM A(i)

General

In accordance with regulation 5(8) of the Regulations, authorised undertakings or persons are required to notify the Authority of <u>any changes</u> to the information supplied in the Notification Form within fourteen days <u>following such change</u> in relation to the information supplied, as required under paragraphs (a) to (e) of regulation 5(5) of the Regulations, namely:

- information relating to the name of the notifying undertaking concerned, including in the case of a body corporate, the company registration number, legal status and form thereof;
- the names, addresses and contact details of relevant contact persons;
- the business address of the person concerned;
- in the case of a body corporate, where that address differs from the address of its registered office, the address of its registered office; and
- the website address of the notifying undertaking associated with the provision of electronic communications networks and/or services.

Change in Shareholding or Ownership

When a change in relation to the shareholding or ownership of a notified undertaking takes place, the undertaking is obliged to inform the MCA immediately. This shall only apply in the case when there is either:

- a 30% or higher change in the shareholding of the ownership; or
- any change that results in a change of effective control of the undertaking.

Mergers of authorised undertakings

Mergers occur when two or more authorised undertakings are amalgamated, either by acquisition, or by the formation of a new company. In both cases a merger will be recognised only when the new certificate of registration is issued to the company as a result of the merger.

All the above requirements are without prejudice to any obligation to obtain prior clearance, or give prior notice, relating to the same changes under any other legal obligation or condition to other authorisation or right of use.

Note: In the above case the authorised undertaking or person is required to submit the *FORM B(i)* entitled "*Update/changes to details of the notifying undertaking*". This shall automatically supersede the information submitted in *FORM A(i)* entitled "*Notification Form by New Providers - Details*" of the original notification. Where changes involve the name of an undertaking, shareholding/ownership, or mergers, the notices filed by the company for registration and the new certificate of registration must accompany *FORM B(i)*.



The updated Memorandum and Articles of Association should also be provided when these become available.

2.1.2 Updates and changes to details originally submitted in FORM A(ii)

Authorised undertakings or persons are required to notify the Authority of <u>any changes</u> to the information supplied in the Notification Form within fourteen days <u>prior to the commencement of the relevant activity</u> in relation to information supplied as required under paragraphs (f) to (h) of regulation 5(5) of the Regulations, namely:

- any changes/additions in the description of the network or service provided;
- any changes in the estimated date of commencement of the activity;
- any changes in the geographical area to be covered by the network or service in question.

Note: In this case the authorised undertaking or person is required to submit the *FORM B(ii)* entitled "**Update/changes to network and/or services description**". This shall automatically supersede the information submitted in *FORM A(ii)* entitled "**Network and/or Service Description**" of the original notification.

2.2 Cessation of the Commercial General Authorisation

Undertakings or persons are required, in accordance with regulation 5(9) of the Regulations, to notify the Authority <u>immediately</u> when they cease to provide electronic communications networks, and, or services.

Note: In this case the authorised undertaking or person is required to submit **FORM C** entitled "Cessation of Commercial General Authorisation". This shall automatically render the original notification as withdrawn and void.

Important Notice: Failure to notify the Authority of any changes to the information provided in the original Notification Form, or failure to notify the Authority of cessation, would result in the taking of regulatory measures which may include the imposition of fines.

Note: Subject that all the prerequisites required as specified in this document are met, the Authority shall update the Register of Authorised Undertakings within 5 working days of receipt of the notification of changes, with such changes if applicable, or in the case of cessation, such as in the case of a Commercial General Authorisation category change.



FORM B(i): Update/changes to details of the notifying undertaking

Important note: This Form should be completed in its entirety (even if updates or changes are minimal).

Name of undertaking which provides, or intends to provide, electronic communications networks and, or services:				
Website:				
Company registration number:				
Only in case providers are not reg	istered in Ma	alta:		
Country of domicile:				
Overseas Company Certificate No. for	providers not	registered in the E	:U:	
Registered Address of notifying u	ndertaking i	ncluding post cod	e:	
E-mail:	Tel:		Fax:	
Postal Address for delivery of noti	ices in Malta	(if different from	Registered Address):	
E-mail:	Tal		Favi	
E-mail:	rer:			
Primary contact person: Name:		Designation:		
E-mail:	Tel:			
Secondary contact person:				
Name:		Designation:		
E-mail:	Tel:		Mobile:	
Finance contact person:				
Name:		Designation:		
			Mobile:	
Technical contact person:				
Name:		_ Designation:		
			Mobile:	
all Name of Authorised Signatory:				
Ill Name of Authorised Signatory: gnature (wet signature required):				



FORM B(ii): Update/changes to network and/or services description

Important note: This Form should be completed in its entirety (even if updates or changes are minimal).

B.3 Network and/or Service Categories Indicate one or more categories of networks and, or services to be provided from the following list ² . a) Public Electronic Communications Networks
a) Public Electronic Communications Networks
b) Voice Communications Services
e) Other Electronic Communications Services
e) Other Electronic Communications Services
e) Other Electronic Communications Services
B.4 Description of Network and/or Service The Notifying undertaking is required to fill in the fields found in Annex 1 under the pertinent General Authorisation Category; and also provide a comprehensive description on the following points, if applicable, in the space provided below: The service/s that are going to be provided; The network/s to be operated, including high-level network maps; Any radio spectrum/apparatus to be used in the network; Any international connectivity infrastructure in the network; Any other information deemed pertinent. Update/changes description: Note: Notifying undertakings may provide additional details in separate attachments. Are any of the listed ECS (as per Annex 1) provided on a "Wholesale Only" basis? Yes No
The Notifying undertaking is required to fill in the fields found in Annex 1 under the pertinent General Authorisation Category; and also provide a comprehensive description on the following points, if applicable, in the space provided below: • The service/s that are going to be provided; • The network/s to be operated, including high-level network maps; • Any radio spectrum/apparatus to be used in the network; • Any international connectivity infrastructure in the network; • Any other information deemed pertinent. Update/changes description: Note: Notifying undertakings may provide additional details in separate attachments. Are any of the listed ECS (as per Annex 1) provided on a "Wholesale Only" basis? Yes \(\sqrt{No} \) \(\sqrt{No} \)
pertinent General Authorisation Category; and also provide a comprehensive description on the following points, if applicable, in the space provided below: The service/s that are going to be provided; The network/s to be operated, including high-level network maps; Any radio spectrum/apparatus to be used in the network; Any international connectivity infrastructure in the network; Any other information deemed pertinent. Update/changes description: Note: Notifying undertakings may provide additional details in separate attachments. Are any of the listed ECS (as per Annex 1) provided on a "Wholesale Only" basis? Yes No
 The network/s to be operated, including high-level network maps; Any radio spectrum/apparatus to be used in the network; Any international connectivity infrastructure in the network; Any other information deemed pertinent. Update/changes description: Note: Notifying undertakings may provide additional details in separate attachments. Are any of the listed ECS (as per Annex 1) provided on a "Wholesale Only" basis? Yes \(\sqrt{No} \) If yes, please specify the ECS in question \(\sqrt{Less} \)
Note: Notifying undertakings may provide additional details in separate attachments. Are any of the listed ECS (as per Annex 1) provided on a "Wholesale Only" basis? Yes \(\text{\backstack} \) No \(\text{\backstack} \) If yes, please specify the ECS in question
Are any of the listed ECS (as per Annex 1) provided on a "Wholesale Only" basis? Yes No If yes, please specify the ECS in question
If yes, please specify the ECS in question
B.5 Geographical coverage and scope
Please indicate the geographical coverage and scope of the network and/or service:
B.6 Estimated date of commencement of the relevant activity:
Full Name of Authorised Signatory:
Signature (wet signature required): Date:



FORM C: Cessation of Commercial General Authorisation

	dersigned, as the authorised signatory of, hereby notify the nmunications Authority the cessation of the provision of:
a) b) c) d) e)	Public Electronic Communications Networks
commend that this other due I am also obligation	sation of the category/ies of commercial general authorisation/s in question shall be up to a maximum of fourteen days from the date stipulated hereunder. I am aware cessation shall be without prejudice to any obligations, administrative fees, and/or any is, pertaining to the category or categories in question, up to the same date. To aware that this cessation notice does not exempt the undertaking from any other is stipulated by any other permit, license, authorisation, body, authority or legislation in when such a cessation takes place.
	e of Authorised Signatory:
·	or passport) No.:
Date	



3 Additional Information

The Malta Communications Authority is established by virtue of the Malta Communications Authority Act, and is the National Regulatory Authority responsible, amongst other functions related to the field of communications, for carrying out the functions laid out in the Electronic Communications (Regulation) Act in line with the European Framework on electronic communications.

While notifying undertakings should seek independent legal advice prior to submitting a notification, the Authority makes every effort to maintain updated information on the regulatory framework available on its website. A non-exhaustive list of information available on the Authority's website, which may be relevant to notifying undertakings, is provided below and can be downloaded from the MCA's website:

- Directive on the Modalities of Payment;
- Malta Institute of Accountants Technical Release: Engagements to report on actual revenues generated by undertakings regulated by the Malta Communications Authority;
- Quarterly Statistical Data Collection Guidelines;
- Guidelines on Confidentiality;
- National Numbering Conventions;
- Development of the Numbering Plan;
- Number Portability Decision and Specifications;
- Guidelines on handling of inter-operator complaints, disputes and own initiative investigations;
- Guidelines for MVNOs, ESPs, SPs and MVNEs;
- Information Regarding Licensing of Satellite Earth Stations and Satellite Uplink Services:
- General Authorisations (Radiocommunications Apparatus) Regulations (S.L.399.40);
- National Frequency Plan.

Malta Communications Authority website: https://www.mca.org.mt

Laws of Malta website: https://legislation.mt



4 Data Protection Clause

In terms of the Data Protection Act (Chapter 440 of the Laws of Malta), the Malta Communications Authority (hereafter 'the Authority') will process any personal data supplied on this application/notification form or subsequently supplied by yourself, whether orally or in writing, for all or any of the following:

- the proper processing of your application/notification form as submitted;
- preventing, detecting and/or prosecuting fraud, any administrative noncompliance, and any other non-compliant or criminal activity or omission which the Authority is bound to report and/or act upon whilst meeting any other legal or regulatory obligations;
- establishing, exercising or defending any legal action;
- internal management, research and statistics, systems administration, the development and improvement of the Authority's services;
- the proper conduct of our obligations arising under any law or statutory instrument and the protection and promotion of our legitimate interests; and
- to make public the necessary information as specified in the relevant law and/or instrument.

Relevant data will be disclosed or shared as appropriate with all our employees and with other third parties if pertinent to any of the purposes listed above.

By signing this form, you confirm that you are giving your explicit consent, in terms of the Data Protection Act, on behalf of yourself and all the other persons specified in this form, for the Authority to process your respective personal information as outlined above and you confirm that you have brought this Data Protection notice to the attention of these other persons and obtained their respective consents.

The Authority undertakes to implement appropriate measures and safeguards for the purpose of protecting the confidentiality, integrity and availability of all data processed.

ANNEX 1

Information to be included as part of Section A.4 found in FORM A(ii) and Section B.4 found in FORM B(ii) depending on Category

(A) PUBLIC ELECTRONIC COMMUNICATIONS NETWORKS (PECN)	(C) INTERNET ACCESS SERVICES (IAS)		
NETWORK TYPE	SERVICE PROVIDED		
Fixed Network Mobile Network	Fixed IAS Mobile IAS		
Others Specify	Others Specify		
Partially dependent on other authorised PECN providers Fixed Network Mobile Network Others Undertaking/s Specify (e.g. VULA, MVNO/MVNE, etc.)	SUPPLEMENTARY INFORMATION Specify Dependent on other authorised PECN providers (Fully or partially)		
END-USERS CONNECTIVITY	Undertaking/s Specify (e.g. VULA, MVNO/MVNE, etc.)		
Physical Connectivity Fibre Co-axial Copper Electricity (PLC) Wireless Connectivity Mobile Network Other utilising Unlicensed spectrum	(D) TELEVISION & RADIO DISTRIBUTION SERVICES SERVICE PROVIDED Radio broadcast TV broadcast SUPPLEMENTARY INFORMATION		
CONNECTIVITY WITH OTHER NETWORKS Local Interconnectivity Fibre Copper Others (Specify) International Interconnectivity	Supplied on basis of a subscriber contract Delivery through a PECN Undertaking/s Other Specify		
Fibre Satellite Others (Specify)	(E) OTHER ELECTRONIC COMMUNICATIONS SERVICES		
SUPPLEMENTARY INFORMATION Operation of submarine cable Other Specify	SERVICE PROVIDED Services consisting wholly or mainly in the conveyance of signals M2M/IoT Connectivity Services Other Services utilising Data Transmission Number-Based Interpersonal Non-Voice Communications Services		
(B) VOICE COMMUNICATIONS SERVICES (VCS)* SERVICE PROVIDED Fixed VCS Mobile VCS	Specify Publicly Available Telephone Directories & Directory Enquiries Other Publicly Available Electronic Communications Services Transit Telephony Traffic Ethernet Connectivity Leased Lines		
SUPPLEMENTARY INFORMATION Specify	Others (Specify) Non-Publicly Available Electronic Communications Services		
Dependent on other authorised PECN providers (Fully or partially) Undertaking/s Specify (e.g. VULA, MVNO/MVNE, etc.)	Mobile Comm. on Aircraft (MCA) Others (Specify)		
MANDATORY VCS PROVISION CHECKLIST (NON-EXHAUSTIVE) Call Origination Call Termination Legal Intercept Number Portability Interconnection with other VCS Calling Line Identification (CLI) * Defined in CAP. 399 Article 2	SUPPLEMENTARY INFORMATION Specify Dependent on other authorised PECN providers (Fully or partially) Undertaking/s Specify details		

IMPORTANT NOTICE

A commercial general authorisation does not automatically entitle any undertaking, to, and does not exempt it from the obligation to obtain and/or notify for and comply with, any permit, licence, right of use, or other general authorisation in respect of numbering resources, equipment, or radio spectrum, obligations related to legal interception and/or other approval or authorisation however so described, that may be necessary at law to construct, operate and maintain the network and, or services.

Where the notifying undertaking is registered in an EU country, the notification must include an official address for service of notice in Malta. Where the notifying undertaking is not registered in an EU country, the notification must include an official address for service of notice in Malta and the notifying undertaking must, as a minimum, be registered as an overseas company with the Malta Business Registry.