

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

Notification Forms and Information

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Malta Communications Authority

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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 Communications Networks;
- Publicly Available Telephone Services;
- Television and Radio Distribution Services;
- Other Publicly Available Electronic Communications Services;
- Non-Public Electronic Communications Services;
- Publicly Available Telephone Directories and Directory Enquiry Services;
- Private Electronic Communications Networks and, or Private 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 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 cessation, update, or change to the information supplied by completing **FORM B** in the case of cessation, and **FORM C(i) and/or FORM C(ii)** for updates or changes 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 person is located overseas the notification must include an address for service of notice in Malta and the notifying person must, as a minimum, be registered as an overseas company in accordance with Maltese Law.

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 Service Providers. This should also be submitted by existing Service Providers when notifying changes in relation to ownership or signatories.

These forms may be also completed electronically, by filling in the required fields, solely to facilitate processing and sent to authorisations@mca.org.mt. However formal notification will be recognized only when original and duly filled-in forms in physical format including wet signatures reach the Authority.

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

In accordance with Article 19 (3) of the Act, and Regulation 66 (3) of the Regulations, upon receipt by the Authority of a correctly completed Notification Form the undertaking concerned is: "...deemed to be authorised to provide an electronic communications network and, or service as indicated in the same notification, subject to the conditions of the General Authorisation established in the Ninth Schedule to the 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 web-site.

1.6 Rights and Obligations attached to the Commercial General Authorisation

The Commercial General Authorisation for electronic communications networks and, or services is laid out in the Ninth Schedule to the Electronic Communications Networks and Services (General) Regulations.

Administrative charges are specified in the Eighth Schedule (Part A) to the Electronic Communications Networks and Services (General) Regulations and are charged by the Authority immediately upon notification in accordance with the Directive on the Modalities of Payment.

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

A.1 Details of the Notifying Undertaking

Name of undertaking which provides, or intends to provide, electronic communications networks and, or services:

_____ Website: _____

Company registration number*: _____ Vat No.: _____

Only in case providers are incorporated outside Malta:

Country of domicile: _____ MFSC OC certificate No.: _____

Registered Address of notifying undertaking including post code:

E-mail: _____ Tel: _____ Fax: _____

Postal Address of for delivery of notices (if different from Registered Address):

E-mail: _____ Tel: _____ Fax: _____

A.2 Contact persons' details:

Primary contact person:

Name: _____ Designation: _____

E-mail: _____ Tel: _____ Mobile: _____

Technical contact person:

Name: _____ Designation: _____

E-mail: _____ Tel: _____ Mobile: _____

Finance contact person:

Name: _____ Designation: _____

E-mail: _____ Tel: _____ Mobile: _____

Legal contact person:

Name: _____ Designation: _____

E-mail: _____ Tel: _____ Mobile: _____

* if applicable

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

A.3 Network and/or Service Categories

Indicate one or more categories of networks and, or services to be provided from the following list¹.

- a) A Public Communications Network.....
- b) Publicly Available Telephone Services.....
- c) Television and Radio Distribution Services.....
- d) Other Publicly Available Electronic Communications Services.....
- e) Non-Public Electronic Communications Services.....
- f) Publicly Available Telephone Directories and Directory Enquiry Services....
- g) Private Electronic Communications Networks and, or Services.....

A.4 Description of Network and/or Service

The Notifying undertaking **is required** to fill in the fields found in Annex 1 under the applicable General Authorisation Category; and also provide a detailed description hereunder 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:

Note: Notifying undertakings should provide additional details in separate attachments.

A.5 Geographical coverage and scope

Please indicate the geographical coverage and scope of the network and/or service:

A.6 Estimated date of commencement of the relevant activity

¹ Definitions of the Category of networks and services are laid out in the Electronic Communications (Regulations) 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 in Form A(i) and Form A(ii) 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 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 faithfully 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: _____

By signing this form I/we am/are hereby granting my/our consent to the MCA to process my/our personal data and personal data belonging to third parties granted herein with their consent, for the sole purpose of this application in accordance with the General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act (Cap. 586 of the Laws of Malta).

Important Note: an original copy of the Memorandum & Articles of Association, together with a Certificate of Registration issued by the Malta Financial Services Authority (MFSA), 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 66(4) of the Regulations, authorised undertakings or persons are required to notify the Authority of any changes to the information supplied in the Notification Form within fourteen days following such change in relation to the information supplied, as required under paragraphs (a) to (c) of regulation 66(2) of the Regulations, namely:

- information relating to the name of the notifying persons concerned, including in the case of a body corporate, the company registration number thereof;
- the names, addresses and contact details of relevant contact persons, including the commercial, technical, legal and finance contact persons; the business address of the person concerned and,
- in the case of a body corporate, where that address differs from the address of its registered office, the address of its registered office;

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

Mergers occur when two or more undertakings with different MFSA registration numbers are amalgamated, either by acquisition, or by the formation of a new company. In both cases a merger will be recognised only when the MFSA issues the new certificate of registration 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 cases the authorised undertaking or person is required to submit the **FORM C(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 with the MFSA and the new certificate of registration must accompany **FORM C(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 any changes to the information supplied in the Notification Form within fourteen days prior to the commencement of the relevant activity in relation to information supplied as required under paragraphs (d) to (f) of regulation 66 (2) 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 C(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 66(6) of the Regulations, to notify the Authority immediately 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 B** 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: Cessation of Commercial General Authorisation

I, the undersigned, as the authorised signatory of _____, hereby notify the Malta Communications Authority the cessation of the provision of:

- a) Public Communications Networks.....
- b) Publicly Available Telephone Services.....
- c) Television and Radio Distribution Services.....
- d) Other Publicly Available Electronic Communications Services.....
- e) Non-Public Electronic Communications Services.....
- f) Publicly available telephone directories and directory enquiry services.....
- g) Private Electronic Communications Networks and, or Services.....

This cessation of the category/s of commercial general authorisation/s in question shall commence up to a maximum of fourteen days from the date stipulated hereunder. I am aware that this cessation shall be without prejudice to any obligations, administrative fees, and/or any other dues, pertaining to the category or categories in question, up to the same date.

I am also aware that this cessation notice does not exempt the undertaking from any other obligations stipulated by any other permit, license, authorisation, body, authority or legislation in the case when such a cessation takes place.

Full Name of Authorised Signatory: _____

Signature: _____ (wet signature required)

ID Card (or passport) No.: _____

Date: _____

FORM C(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).

C.1 Details of the Notifying Undertaking

Name of undertaking which provides, or intends to provide, electronic communications networks and, or services:

_____ Website: _____

Company registration number*: _____ Vat No.: _____

Only in case providers are incorporated outside Malta:

Country of domicile: _____ MFSC OC certificate No.: _____

Registered Address of notifying undertaking including post code:

E-mail: _____ Tel: _____ Fax: _____

Postal Address of for delivery of notices (if different from Registered Address):

E-mail: _____ Tel: _____ Fax: _____

C.2 Contact persons' details:

Primary contact person:

Name: _____ Designation: _____

E-mail: _____ Tel: _____ Mobile: _____

Technical contact person:

Name: _____ Designation: _____

E-mail: _____ Tel: _____ Mobile: _____

Finance contact person:

Name: _____ Designation: _____

E-mail: _____ Tel: _____ Mobile: _____

Legal contact person:

Name: _____ Designation: _____

E-mail: _____ Tel: _____ Mobile: _____

* if applicable

Full Name of Authorised Signatory: _____

Signature: _____ (wet signature required)

Date: _____

FORM C(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).

Network and/or Service Description

C.3 Network and/or Service Categories

Indicate one or more categories of networks and, or services to be provided from the following list².

- a) A Public Communications Network.....
- b) Publicly Available Telephone Services.....
- c) Television and Radio Distribution Services.....
- d) Other Publicly Available Electronic Communications Services.....
- e) Non-Public Electronic Communications Services.....
- f) Publicly Available Telephone Directories and Directory Enquiry Services.....
- g) Private Electronic Communications Networks and, or Services.....

C.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 detailed 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 should provide additional details in separate attachments.

C.5 Geographical coverage and scope

Please indicate the geographical coverage and scope of the network and/or service:

C.6 Estimated date of commencement of the relevant activity

Full Name of Authorised Signatory: _____

Signature: _____ (wet signature required)

Date: _____

² Definitions of the Category of networks and services are laid out in the Electronic Communications (Regulations) Act and the Electronic Communications Networks and Services (General) Regulations.

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 persons 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;
- 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: <http://www.mca.org.mt>

Laws of Malta website: <http://justiceservices.gov.mt/LOM.aspx?pageid=27&mode=chron>

4 Data Protection Clause

In terms of the General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act (Chapter 586 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 non-compliance, 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, I/we am/are hereby granting my/our consent to the MCA to process my/our personal data and personal data belonging to third parties granted herein with their consent, for the sole purpose of this application in accordance with the General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act (Cap. 586 of the Laws of Malta)

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 C.4 found in FORM C(ii) depending on Category

(a) PUBLIC COMMUNICATIONS NETWORK		
Connectivity to end-users over physical networks:	Copper lines	<input type="checkbox"/>
	Co-axial cable	<input type="checkbox"/>
	Fibre cable	<input type="checkbox"/>
	Others: (specify) _____	
Connectivity to end-users over radio networks:	Cellular mobile	<input type="checkbox"/>
	Fixed wireless	<input type="checkbox"/>
	Others: (specify) _____	
Core Networks:	Local Interconnectivity Links	<input type="checkbox"/>
	International Interconnectivity Links	<input type="checkbox"/>
	Mobile Virtual Network Enabler	<input type="checkbox"/>
	Others: (specify) _____	
Other	Broadcast transmission networks	<input type="checkbox"/>
	Others: (specify) _____	

(b) PUBLICLY AVAILABLE TELEPHONE SERVICES		
National calls <i>(all fields compulsory)</i>	Originating	<input type="checkbox"/>
	Receiving	<input type="checkbox"/>
International calls	Originating	<input type="checkbox"/>
	Receiving	<input type="checkbox"/>
Emergency Services <i>(compulsory field)</i>	Access to	<input type="checkbox"/>
Additional Facilities <i>(all fields compulsory)</i>	Tone dialling or DTMF	<input type="checkbox"/>
	Calling Line Identification	<input type="checkbox"/>
	Number portability	<input type="checkbox"/>
	Directory services	<input type="checkbox"/>
	Interconnection with all other local PATS operators	<input type="checkbox"/>
Numbering resources <i>(compulsory field)</i>	In accordance with numbering conventions	<input type="checkbox"/>
Service provided	Copper lines	<input type="checkbox"/>
	Co-axial cable	<input type="checkbox"/>
	Fibre cable	<input type="checkbox"/>
	Carrier Select/Preselect/WLR	<input type="checkbox"/>
	Cellular mobile	<input type="checkbox"/>
	Fixed wireless	<input type="checkbox"/>
Others: (specify) _____		

(c) TELEVISION & RADIO DISTRIBUTION SERVICES		
TV/Radio broadcasts	Supplied on basis of a subscriber contract	<input type="checkbox"/>
	Delivery via an electronic comm. Network	<input type="checkbox"/>
Service provided	Physical Wired Network	<input type="checkbox"/>
	Terrestrial Transmission	<input type="checkbox"/>
	Satellite Transmission	<input type="checkbox"/>
Others: (specify) _____		

(d) PUBLICLY AVAILABLE TELEPHONE DIRECTORIES & DIRECTORY ENQUIRY SERVICES		
Telephone Directory & Directory Enquiry Serv. <i>(all fields compulsory)</i>	Generally available to the public	<input type="checkbox"/>
	Based on data obtained from undertakings ¹	<input type="checkbox"/>
In accordance with requirements on protection of personal data & privacy.		<input type="checkbox"/>

¹ Data obtained directly or indirectly from undertakings which assigns telephone numbers to subscribers

(e) OTHER PUBLICLY AVAILABLE ELECTRONIC COMMUNICATION SERVICES		
Internet Service Provision	Access to the public Internet	<input type="checkbox"/>
	Dial-up access to non-PATS VoIP	<input type="checkbox"/>
General Satellite Services	Earth Stations on Vessels (ESV)	<input type="checkbox"/>
	Aircraft Earth Stations (AES)	<input type="checkbox"/>
	VSAT services on land	<input type="checkbox"/>
	Satellite uplink services	<input type="checkbox"/>
	Other Mobile Satellite Services: (specify) _____	
	Other Satellite Services: (specify) _____	
Others	Dedicated capacity services/Leased lines	<input type="checkbox"/>
	Other Electronic Comm. Services: (specify) _____	

(f) NON-PUBLIC ELECTRONIC COMMUNICATION SERVICES		
Non-public services		
Any of the services listed above: (specify which) _____		
	Services provided solely under contract with other PECS ² providers	<input type="checkbox"/>
	Management on a commercial basis of PreCN/S ³	<input type="checkbox"/>
Flight and, or Vessel communication services	MCA on a roaming model	<input type="checkbox"/>
	MCV on a roaming model	<input type="checkbox"/>
<i>MCV = Mobile Communications on board Vessels MCA = Mobile Communications on board Aircraft</i>		

² Publicly Available Electronic Comm. Services ³ Private Electronic Communications Network and/or Services

(g) PRIVATE ELECTRONIC COMMUNICATION NETWORKS AND, OR SERVICES		
Private network/services <i>(all fields compulsory)</i>	Operated only for own private use	<input type="checkbox"/>
	Operated outside the confines of a land area ⁴	<input type="checkbox"/>
(if yes specify) _____		

⁴ If confined to land owned, leased or otherwise lawfully possessed, a notification is not required

IMPORTANT NOTICE

A commercial general authorisation does not automatically entitle an 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 person is located overseas the notification must include an address for service of notice in Malta and the notifying person must, as a minimum, be registered as an overseas company in accordance with Maltese Law.