



STRATEGIC APPROACH TO MANAGING SPECTRUM BANDS FOR EXPIRING RIGHTS OF USE

Report on Consultation and Decision

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1 Introduction

Mobile network operators in Malta currently hold rights of use of radio spectrum across various frequency bands, including the 900 MHz (880-915 MHz / 925-960 MHz), 1800 MHz (1710-1785 MHz / 1805-1880 MHz) and the 2 GHz band (1920-1980 MHz / 2110-2170 MHz and 1900-1920 MHz) bands. These specific rights will expire in August 2026, except for a single channel in the 900 MHz band which expires in August 2028.

In view of the upcoming expiry of these rights of use, on 17 March 2026, the Malta Communications Authority (hereinafter the “MCA”) published a consultation document (Reference: MCA/C/26-5892)¹ which addressed the following key aspects:

- a) Licence extension proposals: To grant extensions to the current rights of use in the 900 MHz, 1800 MHz and 2 GHz bands as a measure to provide regulatory certainty and safeguard the continued provision of terrestrial electronic communications services.
- b) Regulatory predictability: To confirm the continued applicability of the conditions attached to the current rights of use, including prevailing spectrum fees, as a measure to support regulatory and investment predictability.
- c) Legacy network sunseting: To introduce a new condition requiring operators to notify the MCA of planned sunseting for legacy networks. The notification requirement includes a continued reporting obligation aimed at safeguarding end-user interests and ensuring ongoing compliance with applicable regulatory norms.
- d) Strategic roadmap: To chart the MCA’s roadmap leading to the establishment of a new spectrum management framework governing the 900 MHz, 1800 MHz and 2 GHz bands and the subsequent grant of new rights of use.

Furthermore, through the same consultation, the MCA sought the market’s interest regarding the use of EU harmonised radio spectrum in the 26 GHz and 42 GHz bands.

The purpose of this document is to summarise the representations received during the consultation period and to set out the MCA’s decision on the way forward. This document also seeks to provide clarifications in response to enquiries made by respondents in their submissions.

¹ <https://www.mca.org.mt/consultation-managing-spectrum-bands-expiring-rights-of-use>.

2 Consultation procedure

The formal consultation procedure was initiated on 17 March 2026 with the publication of the consultation document, reference MCA/C/26-5892. Interested parties were invited to submit representations regarding MCA's proposals by the closing date of 17 April 2026.

Submissions were received from the following three (3) stakeholders:

- Epic Communications Limited;
- GO plc.; and
- Melita Limited.

The MCA expresses its appreciation to these operators for their participation and for the feedback provided during the consultation procedure.

Furthermore, pursuant to Article 23(2) of Directive (EU) 2018/1972², the Radio Spectrum Policy Group (hereinafter "RSPG") was notified of the draft measures outlined in the consultation document. This notification was subsequently published on the official RSPG website to facilitate European-level coordination and transparency³.

² Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code.

³ https://radio-spectrum-policy-group.ec.europa.eu/article-35-notifications_en.

3 Harmonisation of licence expiry dates

In its consultation document, the MCA proposed to extend the validity of all existing rights of use in the 900 MHz, 1800 MHz and 2 GHz frequency bands to 8 April 2033. This approach is intended to achieve the harmonisation of expiry dates for all rights of use for terrestrial electronic communications services below 3 GHz, providing a more cohesive and predictable spectrum management framework.

3.1 Summary of representations

Overall, respondents expressed their agreement with the extension and alignment proposal outlined by the MCA. Nonetheless, one respondent highlighted the necessity of revising the spectrum licence fees for the extension period, arguing that the prevailing fees could potentially inhibit investment in new technologies. The same respondent further requested flexibility regarding the applicability of the hand-back mechanism to contribute towards the efficient use of radio spectrum.

3.2 MCA analysis and position

The MCA's views on spectrum licence fees and the hand-back mechanism are addressed in Sections 7 and 8 respectively. Given that the proposal to extend the current rights of use until 8 April 2033 received broad stakeholder support, the MCA will proceed with the implementation of this measure.

4 Notification requirements and reporting obligations for legacy network decommissioning

To foster regulatory predictability, the MCA proposed maintaining all existing licence conditions throughout the extended term of the rights of use, specifically until 8 April 2033.

However, pursuant to its statutory duty to safeguard end-user interests and ensure service continuity, the MCA proposed the introduction of a thirty-six (36) month advance notification requirement prior to the scheduled decommissioning of any legacy mobile technology initiated by mobile network operators. The MCA also proposed a structured reporting mechanism to enable it to assess potential impacts on end-users and to facilitate any regulatory interventions necessary to mitigate service disruptions. As detailed in the consultation document, this reporting includes information on migration and communication strategies, as well as an assessment of the terminal equipment affected by the decommissioning.

4.1 Summary of representations

Two (2) respondents supported the objective of the proposed advance notification requirement, whereas the third respondent expressed reservations regarding its implementation. However, all respondents argued that the proposed 36 month period was disproportionate and suggested a more balanced timeframe ranging between 12 and 24 months.

Stakeholders further emphasised that the notification requirement should not be applied retroactively and stressed that information submitted through the reporting mechanism is commercially sensitive and must be treated as such. One respondent also requested various clarifications regarding the mechanics of the notification and the specific scope of the reporting obligations.

4.2 MCA analysis and position

The MCA, having considered the representations received, will set the advance-notification period at eighteen (18) months prior to any planned decommissioning of a legacy network. This period is without prejudice to any other future periods which may be established by national or European law. In this regard, the MCA notes Article 5(4) of the proposed Digital Networks Act (hereinafter “DNA”)⁴, which establishes a minimum two-year notification period

⁴ <https://digital-strategy.ec.europa.eu/en/library/proposal-regulation-digital-networks-act-dna>.

for migrations that may result in the discontinuation of services on currently used end-user devices.

The MCA clarifies that this notification requirement shall not apply to operators who have already formally informed the MCA of their planned network decommissioning initiatives, nor to those whose decommissioning phase is currently underway. For the avoidance of doubt, the 18 month notification requirement shall not be applied retroactively.

Regarding reporting, the MCA confirms the retention of the reporting obligation as a necessary mechanism to maintain robust regulatory oversight, including for operators who have already formally informed the MCA of their planned network decommissioning initiatives. Accordingly, an initial report shall be submitted to the MCA within thirty (30) days from the publication of this Decision. Following the filing of the initial report, subsequent progress reports must be submitted to the MCA at intervals of no more than three (3) months until the decommissioning process has been fully concluded.

These reports must, at a minimum, address the following topics:

- a) Detailed migration plans: A technical and operational roadmap outlining the transition of traffic and services from legacy networks to 4G/5G equivalent infrastructure, ensuring parity in coverage and quality.
- b) Inventory of affected devices: An assessment of the telecommunications terminal equipment (including IoT/M2M) impacted by the decommissioning of the legacy network.
- c) Communication plans: A schedule of planned outreach activities ensuring that all affected end-users receive sufficient notice and clear instructions on the steps required to maintain service continuity.

The MCA reserves the right to require operators to submit additional information as it deems appropriate, pursuant to Article 4(10) of the Malta Communications Authority Act (Cap. 418 of the Laws of Malta). With reference to point (b) above, operators are reminded of their obligations under Article 4 of Directive 2008/63/EC⁵ to publish relevant technical information on terminal equipment compliant with their electronic communications networks.

In assessing the submitted reports, the MCA shall verify that operators continue to comply with the applicable regulatory norms, including:

- Regulations 3 to 5 of the Emergency Communications, the Single European Emergency Call Service ("112" Number) and the European Harmonised Services of Social Value ("116" Numbering Range) Regulations⁶ as per S.L. 399.47 of the Laws of Malta (hereinafter "S.L. 399.47"), concerning access to emergency services; and

⁵ eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0063.

⁶ <https://legislation.mt/eli/si/399.47/eng>.

- Regulation 97 of the Electronic Communications Networks and Services (General) Regulations⁷ as per S.L. 399.48 of the Laws of Malta (hereafter “S.L. 399.48”), concerning the availability of services.

The MCA clarifies that risks relating to non-compliance may necessitate a mandated deferral of the decommissioning phase or the implementation of other measures necessary to safeguard service continuity and the interest of end-users.

The MCA confirms that all information received through the regular reporting obligation will be held in strict confidence. Notwithstanding this, the MCA deems it appropriate to publish the planned decommissioning dates and to inform the Ministry responsible for home affairs to ensure national oversight of emergency services administration under Part II of S.L. 399.47.

⁷ <https://legislation.mt/eli/sl/399.48/eng>.

5 MCA work programme and roadmap to 2033

To ensure long-term regulatory predictability and support sustained investment in the electronic communications sector, the MCA proposed a strategic roadmap leading to the subsequent award of spectrum rights. This roadmap is designed to provide a transparent and phased transition from the current rights of use to a forward-looking regulatory framework. By outlining six (6) distinct milestones, the MCA aims to foster a stable environment that allows operators to align their network evolution with the national spectrum strategy.

The work programme is structured according to the following six (6) phases, where the final phase involves the assignment procedure, including the publication of a Call for Applications and the subsequent issuance of new long-term grants. The MCA intends to conclude this award by early 2031. This timeline specifically provides a two year transition window prior to the 2033 expiry, allowing licensees to adjust their spectrum holdings and infrastructure in a planned and efficient manner.

- Phase 1 – licence extension process
- Phase 2 – market intelligence
- Phase 3 – crafting of the new spectrum management framework
- Phase 4 – approval seeking process
- Phase 5 – consultation procedures
- Phase 6 – the award moment

5.1 Summary of representations

Respondents generally supported the work programme as presented in the consultation document. However, regarding Phase 2, one respondent emphasised the importance of robust confidentiality protocols and requested that any request for information should provide operators with adequate time to respond.

Another respondent argued that concluding the award procedure in 2031 (Phase 6) might introduce a degree of regulatory uncertainty, noting that the transition to a new licensing framework could potentially delay investment decisions. Consequently, this respondent called for the MCA to adopt a flexible approach, particularly in view of the evolving legislative landscape presented by the proposed DNA.

Furthermore, some respondents requested a review of the current licence fees for the extension period. This matter is addressed in detail in Section 7 of this Decision.

5.2 MCA analysis and position

The MCA welcomes the broad support expressed for the strategic roadmap and intends to adhere to the indicative timelines established therein. For clarity, Phases 2 to 6 of the roadmap shall, as a minimum, apply to all frequency bands whose rights of use are scheduled to expire on 8 April 2033.

In response to concerns regarding data sensitivity in Phase 2, the MCA clarifies that all information provided by mobile network operators will be treated as commercially sensitive. The primary purpose of this market intelligence phase is to inform the drafting of the core elements of the new spectrum management framework under Phase 3.

Regarding concerns on regulatory uncertainty, the MCA considers that concluding the award process in 2031, namely two (2) years prior to the final expiry of the current rights following this extension, is a proactive measure specifically intended to mitigate uncertainty. This timeframe provides a vital transition window, allowing operators to adjust their spectrum holdings and infrastructure plans well in advance of April 2033. The MCA remains committed to a flexible and adaptive approach, ensuring that any final assignment framework is consistent with national policy objectives and the emerging EU regulatory framework under the DNA.

6 Market inquiry on the EU harmonised millimetre wave spectrum

Under section 4.4 of the consultation document, the MCA inquired on potential interest for using radio spectrum in the EU harmonised 26 GHz and 42 GHz frequency bands, for terrestrial systems capable of providing wireless broadband electronic communications services (hereinafter “WBB ECS”), and invited stakeholders to provide feedback on deployment use cases and technology readiness.

6.1 Summary of representations

Arguments focused on an eco-system which is still developing and therefore presents several uncertainties limiting immediate interest in these bands, notwithstanding their potential for high-capacity and low-latency applications. Furthermore, a respondent considered that the spectrum management framework for these bands should provide reasonable spectrum pricing and flexible usage conditions reflecting the technical properties of the bands.

6.2 MCA analysis and position

The MCA notes the comments made by the respondents, which reflect a lack of market interest for both the 26 GHz and 42 GHz frequency bands, primarily driven by an ecosystem which is still under development.

The MCA further notes that while the spectrum management framework for the 26 GHz has been established in 2021 through Decision No. MCA/D/21-417712, in accordance with Commission Implementing Decision (EU) 2024/1983, Malta is required to make available the 42 GHz band for terrestrial systems capable of providing WBB ECS by end 2026. This approach is already reflected in the MCA work programme for 2026 as published in document number MCA/O/26-5854⁸.

In this context the MCA confirms that it will take utmost account of the comments made by the respondents when developing the national spectrum management framework for the 42 GHz band, which will be subject to public consultation prior to its adoption. In addition, the MCA will also seek to validate certain aspects of the 26 GHz spectrum management framework to ensure that it continues to remain relevant.

⁸ <https://www.mca.org.mt/articles/annual-plan-2026>.

7 Applicability of the spectrum fees during the extended period of the rights of use

In the consultation document, the MCA confirmed that the prevailing licence fee structure for the 900 MHz, 1800 MHz and 2 GHz bands as established under the Twelfth Schedule, Part B of S.L. 399.48, remains in force throughout the extended period ending on 8 April 2033. This information was included for transparency purposes only and was not subject to the public consultation process.

7.1 Summary of representations

Although the MCA did not invite feedback on the spectrum fee structure, all respondents provided comments on this matter, which revealed differing perspectives particularly concerning the appropriate timing for a regulatory review.

One (1) respondent welcomed the MCA's confirmation that the prevailing spectrum fee levels under S.L. 399.48 will remain applicable throughout the extended period. This respondent noted that preserving the current structure provides a predictable investment environment, which is essential given the scale of planned network modernisation and spectrum refarming. However, this respondent considered that in the context of the future award process, spectrum pricing should be benchmarked against international best practice to ensure that the cost burden does not unduly constrain investment incentives or network quality.

Another respondent argued that maintaining existing pricing until 2033 could limit the ability to refarm spectrum and invest in newer technologies. This respondent specifically noted that the 2 GHz band is currently priced significantly higher than other comparable bands and urged the MCA to conduct a fee review as part of the current extension process to ensure pricing remains proportionate to market conditions. This respondent also proposed the introduction of specific incentive-based measures for future awards.

A third respondent emphasised that maintaining current fee levels is not justified. This respondent considered that Malta's spectrum fees are significantly above the European median and closer to the upper quartile of pricing observed across the EU. This respondent argued that such costs act as a fiscal extraction mechanism that diverts capital away from 5G densification and network resilience.

7.2 MCA analysis and position

The MCA has carefully evaluated the feedback provided by stakeholders regarding the spectrum fee structure. While the MCA acknowledges the concerns raised concerning investment incentives and international benchmarking, its position is based on the following core principles:

- i) Legal and Statutory Framework: The MCA must reiterate that radio spectrum is a finite national resource and remains the property of the State. Consequently, the associated licence fees are established by the Government by law, through the relevant statutory instruments. These fees were determined based on the governing principles established in legislation prevailing at the time of their enactment, ensuring that the valuation reflects the socio-economic and regulatory objectives of the State.
- ii) Future Fee Regime and Consultation: The MCA recognises the importance of ensuring that future fees are proportionate and support investment in the sector. Although the establishment of spectrum fees is a statutory matter and not subject to public consultation, the representations provided by stakeholders through this consultation, as well as other opportunities, will be considered in the preparation of the MCA's recommendations to Government. This process will inform the development of the new spectrum management framework for radio spectrum designated for the provision of WBB ECS, a process which is pertinent to Phase 4 of the roadmap presented in Section 5.
- iii) Continuity of the Current Framework: For the duration of the rights of use extension period, the prevailing spectrum fees continue to apply until such time as Government establishes a new fee structure by law.

8 Applicability of the hand-back mechanism during the rights of use extended period

In the consultation document, the MCA reaffirmed that the voluntary spectrum hand-back mechanisms for the 900 MHz, 1800 MHz and 2 GHz bands shall continue to apply throughout the extended term of the rights of use. While the hand-back mechanism is an established condition attached to the rights of use in these bands, it was included in the public consultation for the sake of clarity rather than as a specific proposal for feedback.

8.1 Summary of representations

All respondents provided representations on the functionality of the voluntary hand-back mechanism.

One (1) respondent argued that licence fees should cease to apply from the effective date of the hand-back. This stakeholder recalled that such flexibility is essential to ensure that operators only retain the spectrum necessary for their operations, thereby promoting efficient spectrum utilisation.

Similar views were expressed by another respondent, who contended that the financial obligations associated with the current hand-back mechanism limit its practical utility. This respondent requested that the MCA adopts a more flexible approach to facilitate hand-backs.

A third respondent requested specific clarifications regarding the spectrum fees to be levied in instances where rights of use are returned to the MCA.

8.2 MCA analysis and position

The MCA notes that under the current spectrum management frameworks concerning the 900 MHz, 1800 MHz and 2 GHz bands, the hand-back mechanism is only explicitly provided for the 1800 MHz band. However, it considers the arguments made by respondents for increased flexibility to be valid, particularly as a means to prevent spectrum hoarding and to encourage efficiency during the extension period.

Consequently, the MCA is hereby establishing its position as outlined below:

- a) Subject to prior authorisation by the MCA, holders of rights of use in the 900 MHz and 1800 MHz bands may choose to hand-back to the MCA all or part of the radio spectrum described in their respective rights of use. In the case of a partial hand-back, the MCA

retains the right to refuse the hand-back or to reallocate the sub-channels in the interest of spectrum efficiency.

- b) Subject to prior authorisation by the MCA, holders of rights of use in the 2 GHz band may choose to hand-back to the MCA the entirety of the radio spectrum described in their rights of use. For the sake of clarity, partial hand-backs for the 2 GHz band shall not be permitted.
- c) The applicability of the hand-back mechanism under this Decision is strictly limited to the radio spectrum authorised beyond the initial licence term. In this context, the MCA notes the disparate initial expiry dates associated with the radio spectrum assignments in the 900 MHz band.
- d) The right to hand back spectrum is subject to the submission of a written request to the MCA at least six (6) months prior to the proposed hand-back date. Such requests must provide objective and justified reasons demonstrating why the spectrum is no longer required from the specified date.
- e) Holders of rights of use of radio spectrum shall remain liable for all spectrum rights of use fees due up to and including the effective date of the authorised hand-back. Any payments already duly effected to the MCA are non-reimbursable and shall not be subject to pro-rata refunds.
- f) The exercise of the hand-back mechanism does not exonerate the holder from fulfilling any conditions specified in the rights of use or any other MCA Decision. In the event of non-compliance with these obligations, administrative penalties and other appropriate sanctions may apply.
- g) The MCA will publish a notice on its website to inform the market of the specific details regarding any radio spectrum that has been handed back.
- h) The hand-back mechanism outlined in this Decision supersedes the hand-back clause described in the most recent version of Decision No. MCA/10/44/D.

The MCA clarifies that this revised position concerning the voluntary spectrum hand-back mechanism should not be interpreted in any manner as a commitment by the MCA that it will adopt a similar mechanism in the future spectrum management framework governing radio spectrum designated and made available for WBB ECS.

Moreover, the MCA notes that any radio spectrum handed back as aforesaid will automatically become available for assignment to any third party, including new entrants, who may express interest in utilising such spectrum. The MCA will consider such interest favourably and, in accordance with its standard procedures, will publish a notice to gauge any additional market

interest for the vacated spectrum resources. For clarity, the term of the right of use for any handed-back spectrum assigned under this process will be on a temporary basis and shall not extend beyond 8 April 2033.

In addition, the MCA reserves the right to relax the established in-band and overall spectrum caps currently in force, to ensure the effective utilisation of vacant radio spectrum.

9 Summary of Decision

The following provides a summary of the primary elements of this Decision, which is intended to provide the electronic communications sector with a stable and predictable regulatory environment. These measures ensure the continued efficient use of radio spectrum while safeguarding the interests of end-users during this period of technological transition.

Decision 1: Harmonisation of Licence Expiry Dates

The MCA will proceed with the revision of the rights of use for radio spectrum in the 900 MHz, 1800 MHz, and 2 GHz frequency bands to extend their validity until 8 April 2033. This measure is intended to achieve the harmonisation of expiry dates for all rights of use for terrestrial electronic communications services below 3 GHz.

Decision 2: Notification and Reporting for Legacy Network Decommissioning

- a) Advance Notification: Holders of rights of use must notify the MCA of any planned decommissioning of wireless network technology at least eighteen (18) months in advance of the scheduled switch-off. This requirement is without prejudice to any future statutory periods established by national or European Union law.
- b) Non-Retroactivity: The 18-month notification requirement shall not apply retroactively to decommissioning processes already formally communicated to the MCA or currently being executed.
- c) Immediate Reporting: Operators whose legacy network decommissioning is already underway are required to submit detailed migration, inventory, and communication reports within thirty (30) days of the publication of this Decision.
- d) Ongoing Obligations: Following the initial filing, progress reports must be submitted to the MCA at intervals of no more than three (3) months until the decommissioning process is concluded.

Decision 3: Adoption of MCA's roadmap

The MCA formally adopts the six-phase work programme and roadmap as detailed in the consultation document, culminating in the execution of a new spectrum award in 2031.

Decision 4: Availability of the 42 GHz frequency band

Although there is currently no immediate market demand for the use of radio spectrum in the 42 GHz band in Malta, the MCA will, as required by Commission Implementing Decision (EU) 2024/1983, proceed with developing a framework to make this band available for WBB ECS.

In the formulation of this regulatory framework, the MCA will take into account the level of flexibility proposed by respondents to ensure the measures remain proportionate and adaptive to future market developments.

Decision 5: Spectrum hand-back mechanism

- a) Scope of the hand-back (900 MHz and 1800 MHz bands): Subject to prior written authorisation by the MCA, holders of rights of use in these bands may choose to hand-back either the entirety or a specific portion of their assigned radio spectrum. In the case of a partial hand-back, MCA retains the right to refuse the hand-back or to reallocate the sub-channels in the interest of spectrum efficiency.
- b) Scope of the hand-back (2 GHz band): Subject to prior written authorisation by the MCA, holders of rights of use in this band may choose to hand-back the entirety of their assigned radio spectrum. Partial hand-backs within the 2 GHz band shall not be permitted.
- c) Applicability: This mechanism applies exclusively to the radio spectrum authorised for use beyond the initial licence term.
- d) Notice period and justification: Right holders intending to hand-back spectrum must submit a formal written request to the MCA at least six (6) months prior to the proposed effective date of the hand-back. The request must provide objective and justified reasons demonstrating why the specific radio spectrum is no longer required.
- e) Financial liability: Spectrum right holders shall remain fully liable for all applicable spectrum licence fees up to and including the effective date of the authorised hand-back. Any payments already made to the MCA are non-reimbursable.
- f) Regulatory compliance: The exercise of the hand-back mechanism does not exonerate the holder from fulfilling any other conditions specified in the rights of use or any other MCA Decision.
- g) Interim re-assignment: Vacated spectrum becomes available for temporary assignment to third parties or new entrants via a market notice, with all interim rights strictly expiring by 8 April 2033.
- h) Cap Relaxation: To ensure the effective and timely utilisation of handed-back spectrum resources, the MCA reserves the right to relax the established in-band and overall spectrum caps currently in force for the duration of the interim assignment.



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