# Licensing of Satellite Earth Stations including satellite uplink systems

## *Guidance Notes*

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**Malta Communications Authority**
Valletta Waterfront,
Pinto Wharf, Floriana,
FRN 1913, Malta

**T** + 356 2133 6840
**F** + 356 2133 6846

**E** info@mca.org.mt
**W** www.mca.org.mt

MALTA COMMUNICATIONS AUTHORITY

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**Note: The purpose of these Guides is to provide information and not to replace a legal advice. These are subject to change without notice.**

# 1. Introduction

Satellite communications form an integral part of our "wired" world. Since their introduction satellite communications have generated a multiplicity of new telecommunication or broadcasting services on a global or regional basis. Satellite communications are also a key medium for delivery of future telecommunication services enabling electronic communications services such as broadband, to rapidly be established over wide areas.

The National Frequency Plan[1] allocates a number of frequency ranges to satellite-related services. The main services are identified as either fixed-satellite services (FSS), broadcasting-satellite services (BSS) or mobile-satellite services (MSS).

The FSS is defined as involving links between points on the Earth which are fixed when transmitting or receiving signals, as opposed to MSS, which involves links which may be in motion when transmitting or receiving. BSS involves radio and television broadcast transmissions intended to be received by the general public. The definition of these services is included in Annex 1 of the National Frequency Plan.

These Guidelines focus on satellite earth stations and provide information on the relevant licensing schemes and the licence application process.

# 2. Statutory requirements

### Radiocommunications equipment licensing

Wireless systems are regulated by the Electronic Communications (Regulation) Act (Chapter 399 of the Laws of Malta)[2]. This Act establishes the framework for the grant of rights of use of radio frequencies and for the installation and use of radiocommunications apparatus, unless the apparatus in question is licence-exempt.

The radiocommunications apparatus comprised in a satellite earth station can be regulated either by means of an individual radiocommunications licence granted under the aforesaid Act or by a general authorisation.

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1 http://mca.org.mt/regulatory/authorizations_licensing/national_frequency_plan.

2 http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8866&l=1.

Individual radiocommunications licences authorise the use of specific apparatus, which is listed as part of the licence, for transmission on specific frequencies, to and from specific points, as the case may be. The application form for the grant of an individual licence is available from the MCA website (MCA/F/11-0365).

That apparatus which is regulated by a general authorisation is subject to compliance with the technical and regulatory parameters of the General Authorisation (Radiocommunications Apparatus) Regulations (S.L.399.40 of the Laws of Malta)[3]. This apparatus needs to operate on specific frequency bands and within established technical parameters. In addition, for certain systems, approval needs to be granted by the MCA prior to the installation and operation of a system in view of possible harmful interference with other radiocommunications systems.

The table below lists those types of satellite stations that are regulated by a general authorisation and indicates those systems that require notification and approval prior to installation and operation. This notification can be submitted to the MCA by completing form MCA/F/12-1210.

| Type of Station | Frequency Band and Direction | Requirement of Nonfiction and Approval |
|---|---|---|
| VSAT<br>(very small aperture terminal) | 10.7 – 11.7 GHz (s-E)<br>14.25 – 14.5 GHz (E-s) | Yes |
| LEST<br>(low eirp satellite terminal) | 10.7 – 12.75 GHz (s-E)<br>19.7 – 20.2 GHz (s-E)<br>14 – 14.25 GHz (E-s)<br>29.5 – 30 (E-s)<br>11.7 – 12.5 GHz (s-E) | No |
| HEST<br>(high eirp satellite terminal) | 10.7 – 12.75 GHz (s-E)<br>19.7 – 20.2 GHz (s-E)<br>14 – 14.25 GHz (E-s)<br>29.5 – 30 (E-s)<br>11.7 – 12.5 GHz (s-E) | Yes |

## Conformity assessment

Within the European Union the making available and putting into service of radio equipment on the market is regulated by the Radio Equipment Directive (Directive 2014/53/EU). This Directive was transposed nationally by the Radio Equipment Regulations (S.L. 427.41 of the Laws of Malta)[4].

[3] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11475&l=1.

[4] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10778.

It should be noted that the MCA will consider the licensing of radio equipment only if it complies with the aforesaid Regulations. A copy of the EU declaration of conformity issued in accordance with these Regulations is normally requested during the licence application process. A model structure of the EU declaration of conformity is set out in Schedule VI of the same Regulations.

Further information on the aforesaid conformity assessment regime is made available ain the website of the European Commission[5].

### International coordination

Depending on the earth station's operating frequencies and other technical characteristics, it may be necessary for Malta to undertake a frequency coordination process with other jurisdictions. Co-ordination is required to minimise the risk of cross-border interference and as a minimum, it is expected to take 4 months.

In this regard the Form of Notice for Earth Stations contained in Annex 1 should be duly completed and returned to the MCA for evaluation.

Section IV of the Preface to the Radiocommunication Bureau International Frequency Information Circular, BRIFIC (Space Services), could be of assistance in completing some parts of this form[6].

## 3. Before applying for an individual licence

The process associated with the licensing of satellite earth stations is lengthy in view of the requirement to undertake an international frequency coordination process. Therefore prior submitting an application, an applicant shall obtain any permit, licence or other approval or authorisation however so described that may be necessary to construct, operate and maintain the services or any part thereof.

In this respect, if required, the permit or authorisation relating to the siting of the satellite antenna should be available prior to submitting an application.

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[5] http://ec.europa.eu/growth/sectors/electrical-engineering/rtte-directive_en.

[6] http://www.itu.int/ITU-R/go/space-preface/en.

## 4. Application process

1. Application forms for a satellite earth station licence can be downloaded from the MCA's website: http://www.mca.org.mt/regulatory/authorisations_licensing/radio_communications

2. Duly completed applications should be submitted in writing to the:

   Spectrum Planning & Technology Group
   Malta Communications Authority
   Valletta Waterfront, Pinto Wharf
   Floriana FRN1913

3. Application forms cannot be processed by the MCA unless all relevant sections of the application are completed. Incomplete forms will be returned to the applicant.

4. The MCA shall act according to the Data Protection Act (Cap. 440 of the Laws of Malta) in making use of any personal information that may be provided.

5. Any false statement, misrepresentation or concealment of any material fact on this form or on any other document presented in support of this application may be grounds for criminal prosecution and/or other regulatory measures.

## 5. Licence Information

An individual satellite earth station licence allows a licensee to install and operate radio apparatus in accordance with the Electronic Communications (Regulation) Act. The following provides guidance on the main licence conditions attached to an individual satellite earth station licence.

### The Licensee

The satellite earth station licensee can be an individual, company or firm. It is the responsibility of the licensee to ensure compliance with the conditions contained in the licence. In addition, it is the responsibility of the licensee to ensure that his licence details with the MCA remain valid and are updated.

## The licensed frequency

A satellite earth station licence allows the licensee to install and operate a satellite earth station on a specified frequency band, between specific points as the case may be.

A licence does not confer any right of ownership of the frequency spectrum. It allows the frequency channel to be used during the term of the licence in accordance with the conditions of the licence.

## Licence duration

The duration of licences for satellite earth stations is of one year term which is renewable annually, subject to abiding with the conditions of renewal (see below section).

The duration of the licence commences when the radio equipment comprising the satellite earth station is installed.

## Licence renewal

The MCA may renew a licence subject to the necessary renewal conditions being met, primarily that the applicable licence fees are paid prior the licence's termination date.

It is pertinent to point out that in the event that the fees due are not settled within the indicated timelines, a penalty for late payment of licence fees is imposed. In addition, failing to pay the relevant licence fees will constitute a breach of the licence conditions and of the Electronic Communications (Regulation) Act. In the circumstances, the MCA has the right to undertake appropriate regulatory measures including imposing sanctions and/or revoking the licence and withdrawing the assignment of the radio frequencies.

## Licence amendment

A licence amendment would need to occur when the administrative details on the licence are no longer correct and therefore need to be updated.

The licensee should inform the MCA of any licence amendments (e.g. change of address) as soon as they occur. However, a change to any of the technical parameters of the satellite earth station, including the type of apparatus used, should be submitted in the form of a request to

the MCA, and MCA's prior approval of the request will be required prior to such a change taking place. In such circumstances the application form referred to in section 4 of this document should be completed and submitted to the MCA for examination. It is pertinent to point out that certain changes to the technical aspects of the station could be subject to a frequency coordination process, as required by the relevant international regulations, namely the ITU Radio Regulations.

**Licence cancellation**

A licensee has the right to request the MCA to terminate his licence. Although no administrative fees are associated with the cancellation of the licence, a licence can only be cancelled if all outstanding dues relating to the licence are settled. No refunds of paid up licence fees are provided by the MCA as a result of a licence cancellation.

In addition, prior to submitting a request for licence cancellation, the radio equipment comprising the satellite earth station should be uninstalled.

**Transfer of a Licence**

Radiocommunications licences are not transferable. The MCA will however consider requests received to transfer the rights to install or use radiocommunications apparatus on a case-by-case basis. Notification and approval by the MCA is also required when there is a change in the ownership of a company.

**Revocation of a Licence**

The MCA may suspend or revoke a licence where there is serious or repeated non-compliance by the licensee with the conditions of the licence or with the Laws administered by the Authority. This includes the failure to pay the licence fees due.

**Main Licence Conditions**

1. The licensee shall comply with any radiation emission standards adopted and published by the International Commission on Non-Ionising Radiation Protection (ICNIRP) or any other appropriate standards as may be specified by law or by the Authority.

2. The licensee shall comply with any decisions issued by the MCA in relation to electromagnetic radiation and harmful interference and ensure that the network and all services at all times comply with the technical and performance standards generally accepted by the Authority as being adequate to ensure the limitation of exposure of the general public to electromagnetic fields.

3. Licences may be terminated in advance by the licensee. Licences can also be terminated at any time by the Authority if the licence holder is in breach of any of the obligations as contained in the applicable laws, directives, decisions or in the licence.

4. Licences will not convey any exclusive rights to the use of the spectrum which is authorised under that licence.

5. All national laws, directives and decisions of the Authority and applicable Community Law shall from an integral part of the licence grant, except in those cases where the undertaking is specifically exempted by the Authority.

6. Licence holders are not exempted from the obligation of diligently obtaining, at their own expense, any permits, licences or other approval or authorisation however so described that may be necessary to construct, operate and maintain the services (or any part thereof) or from the obligation of complying with any condition associated with such permits, licences, other approvals or authorisations.

7. The licensee shall comply with any request for information that the Authority may from time to time make, in accordance with its powers at law. Such information will be treated in line with the confidentiality guidelines of the Authority[7].

## 6. Temporary Licences

The MCA accepts requests received for the establishment of temporary satellite earth stations. Such licences are issued against payment of the relevant licence fees.

[7] http://www.mca.org.mt/sites/default/files/articles/confidentialityguidelinesFINAL_0.pdf.

## 7. Licence Fees

The licence fees for satellite earth stations are established under item 16 of the Fees Leviable by Government Department Regulations (S.L. 35.01 of the Laws of Malta)[8]:

"16. Satellite Earth Station:

| | | € |
|---|---|---|
| (a) | for each station, for the transmission of communications, depending on the radio frequency bandwidth: | |
| | (i) stations using up to 10 MHz radio frequency bandwidth, per 1 MHz radio frequency bandwidth, *per annum fee* ..... | 650 |
| | (ii) stations using more than 10 MHz radio frequency bandwidth, *per annum fee* ..... | 6,500 |
| (b) | each station, for the transmission of communications, used for any event: | |
| | (i) of 30 days or part thereof, per 1 MHz radio frequency bandwidth ..... | 110 |
| | (ii) exceeding 30 days or part thereof, monthly fee, per 1 MHz radio frequency bandwidth ..... | 110" |

## 8. Others

### Operation of network and provision of services

The operation of electronic communications networks and the provision of services are not subject to an individual licence but to a commercial General Authorisation (GA), which GA is granted by the MCA upon notification. Notifying operators are included in a Register of Authorised Undertakings[9]. In order to be authorised, an undertaking must have registered its presence in Malta in accordance with the requirements stipulated in the notification form.

[8] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=9065&l=1

[9] http://www.mca.org.mt/regulatory/authorizations_licensing/electronic_communication/authorisation-of-Services.

For this purpose the General Authorisations notification form should be duly completed and returned to the MCA. The relevant administrative charges that need to be paid are outlined in the 8th Schedule (Part A) of the Electronic Communications Networks and Services (General) Regulations (S.L. 399.28 of the Laws of Malta)[10].

## Requirements in respect of transmission of Broadcasting Content

All satellite radio and television programme content services may be regulated by the Broadcasting Authority[11] in terms of Part IIIA of the Broadcasting Act (Chapter 350 of the Laws of Malta)[12].

## Site Inspections

The MCA reserves the right to inspect any installation at any time to ensure that the system is configured and operating in accordance with the licence conditions.

[10] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10563&l=1.

[11] http://www.ba-malta.org/home.

[12] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8820&l=1.

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# Annex 1 - Form of Notice

## Common Characteristics:

*A1e1* Type (Specific / Typical) | *A1e3a* Ctry MLT | *A1e3b* Geo. coord. | *A4c1* Assoc. space station | *A4c2* Orbital long.

*A7b1* Min. elev. angle | *A7c1* Start azimuth | *A7c2* End azimuth | *A7d* Altitude | *A7a3* Horiz. elev. diag.

*A16b* Single entry pfd commitment | *A18a* Aircraft earth station commitment

## Transmitting Earth Station Characteristics:

*B1a/BR17* Beam designation | *B2* Emi-Rcp | *B5a* Isotropic gain | *B5b* Beamwidth | *A7f* Ant. diameter | *A10a* Coord. area diag.

B5c Co-polar antenna pattern

| Ref. pat. | Coef. A | Coef. B | Coef. C | Coef. D | Phi1 | Rad. diag. |
|---|---|---|---|---|---|---|
| | | | | | | |

*BR7a/BR7b* Group id. | *BR1* Date of receipt | *C2c* RR No. 4.4

*A2a* Date of bringing into use | *A3a* Op. agency | *A3b* Adm. resp. | *BR16* Value of type C8b

*BR62* Expiry date for bringing into use | *BR63* Confirmed date of bringing into use | *BR64* Date of receipt of 1st Res49

*BR14* Special Section

*C4a* Class of station | *C3a* Assigned freq. band | *C5b* Noise temperature

*C4b* Nature of service | *C6a* Polarization type | *C6b* Polarization angle

*A5/A6* Coordinations/Agreements

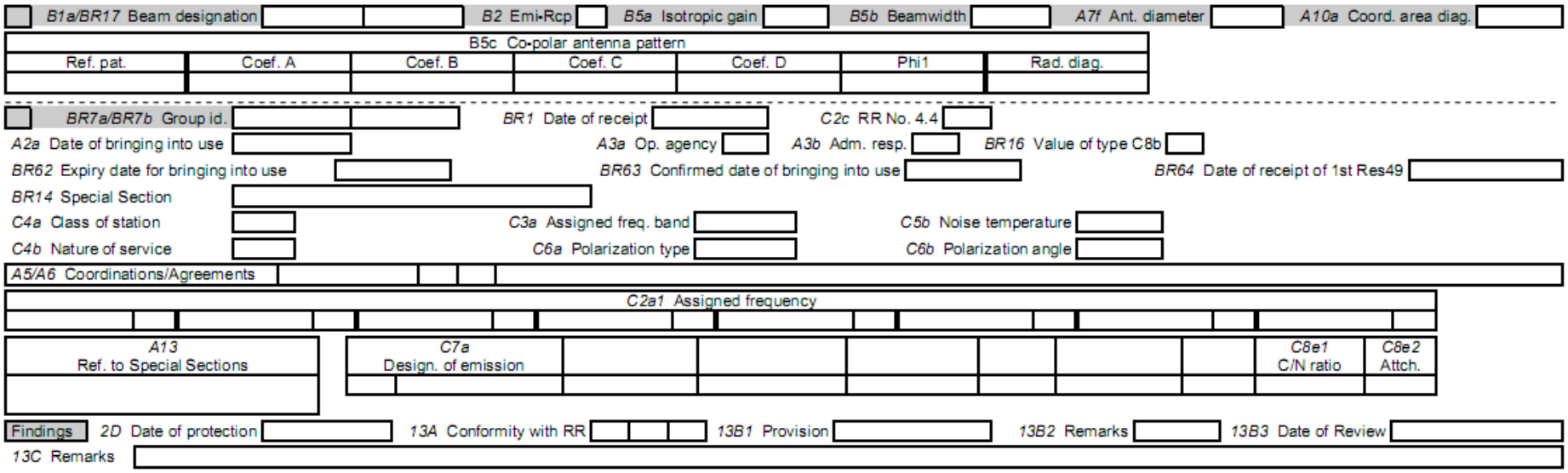
*C2a1* Assigned frequency

| *A13* Ref. to Special Sections | *C7a* Design. of emission | | | | | | | *C8e1* C/N ratio | *C8e2* Attch. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |

Findings | *2D* Date of protection | *13A* Conformity with RR | *13B1* Provision | *13B2* Remarks | *13B3* Date of Review

*13C* Remarks

## Receiving Earth Station Characteristics:



## Annex 2 - Document History

| Version No. | Date | Remarks |
|---|---|---|
| MCA/O/12-1211 | August 2012 | Publication. |
| MCA/O/12-1211/R.1 | May 2015 | Logo change.<br><br>Modification to section 8. |
| MCA/O/12-1211/R.2 | January 2017 | General review. |
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