



MALTA COMMUNICATIONS AUTHORITY

DECISION PAPER

General authorisation for radiocommunications apparatus

Decision established pursuant to Article 30A of the Electronic
Communications (Regulation) Act

MCA/D/22-4662

22 July 2022

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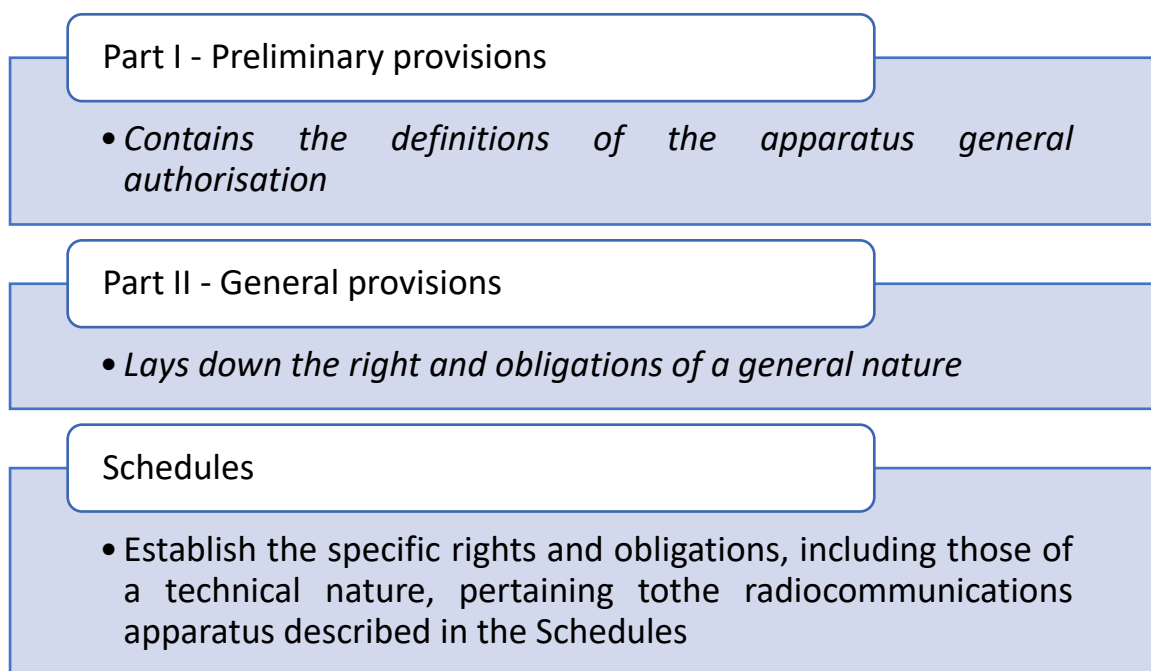
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Introduction

This Decision establishes the framework for the installation or use of radiocommunications apparatus regulated by an apparatus general authorisation. Adopted pursuant to Article 30A of the Electronic Communications (Regulation) Act (Cap. 399) (hereafter 'Cap. 399'), this Decision lays down the rights and obligations of persons installing, making use of or dealing in any such radiocommunications apparatus.

This Decision may be amended from time to time as deemed appropriate by the Malta Communications Authority (hereinafter 'MCA' or 'Authority') either to amend current provisions or else to regulate new types of radiocommunications apparatus by a general authorisation. In this context, it should be underlined that the general authorisation framework for radiocommunications apparatus is one of the tools used by the MCA to implement certain international obligations of Malta in the area of radio spectrum, including the European Commission Implementing Decisions adopted pursuant to the Radio Spectrum Decision (Decision No. 676/2002/EC).

The radiocommunications apparatus general authorisation is structured as follows:



The MCA would like to underline the following:

- a) although the Schedules to this Decision are being published as separate documents, they form an integral part of this Decision;
- b) any enforcement provisions included in this Decision complement those provided for in the Malta Communications Authority Act (Cap. 418) (hereafter 'Cap. 418'), Cap. 399 and any other law enforced by the MCA;

- c) in accordance with Article 31 of Cap. 399, any person who acts in breach of any terms, conditions or limitations however so described of an apparatus general authorisation as established in accordance with this Decision is committing a criminal offence and shall be liable on conviction by the Courts of Malta, to a fine (*multa*) of not less than €500 and not more than €25,000 in respect of each apparatus, and upon the demand of the prosecution, the Court may order the apparatus to be forfeited and delivered to the MCA to be disposed of or stored, as the Authority may consider appropriate in the circumstances.

As stated earlier, this Decision, including any of its Schedules may be amended as deemed appropriate in line with the procedure established under Article 30A Cap. 399. In order to ensure transparency, the MCA shall publish a separate document to list all the modifications made to any of the provisions of this Decision.

The Decision complements the General Authorisations (Radiocommunications Apparatus) Regulations (S.L.399.40) until such time as these Regulations remain into effect.

The Radiocommunications Apparatus General Authorisations

Part I – Preliminary Provisions

Article 1 – Definitions

For the purpose of this Decision the following definitions apply:

- (1) “Act” means the Electronic Communications (Regulation) Act (Cap. 399 of the Laws of Malta);
- (2) “apparatus general authorisation” means any apparatus general authorisation issued by the Authority in accordance with article 30A of the Act;
- (3) “the Authority” means the Malta Communications Authority;
- (4) “authorised officer” means any officer of the Authority, or any other officer of any other public authority duly authorised in accordance with the provisions of the Malta Communications Authority Act (Cap. 418 of the Laws of Malta) to enforce compliance with the Act and, or this Decision:

Provided that for the purposes of any maritime radiocommunications apparatus however so described “authorised officer” includes any maritime radiocommunications inspector and, or any officer duly authorised by the Authority for Transport in Malta;

- (5) “detachable antenna” means an antenna fixed to the radiocommunications apparatus by means of an antenna connector and detachable by the user of that apparatus;
- (6) “Directive 70/156/EEC” means the Council Directive of 6 February 1970 on the approximation of the laws of the Member States relating to the type approval of motor vehicles and their trailers;
- (7) “Directive 98/34/EC” means the European Parliament and the Council Directive of 22 June 1998 which lays down a procedure for the provision of information in the field of technical standards and regulations;
- (8) “Directive 2014/53/EU” means Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 2014/53/EU;
- (9) “distress and safety communications” means distress, urgency and safety calls and messages;
- (10) “duty cycle” means the ratio, expressed as a percentage, of the maximum transmitter ‘on’ time on one carrier frequency, relative to a one-hour period;

- (11) “Dynamic Frequency Selection” or “DFS” means an interference mitigation technique to avoid co-channel operation with other electronic communications networks and, or services, and to ensure a spread of the loading across the available spectrum of the wireless access system under the field of view of a satellite to reduce the aggregate emission levels at the satellites of the fixed satellite service (feeder links) and earth exploration-satellite service (active) from wireless access systems;
- (12) “Earth station” or “satellite terminal” means a station or terminal located either on the Earth’s surface or within the major portion of the Earth’s atmosphere and intended for communication:
 - a) with one or more space stations; or
 - b) with one or more stations of the same kind by any means of one or more reflecting satellites or other objects in space;
- (13) “EASA” means the European Aviation Safety Agency;
- (14) “ECC” means the Electronic Communications Committee of the European Conference for Postal and Telecommunications Administrations (CEPT);
- (15) “electronic communications network” has the same meaning as defined in article 2 of the Act which network is used for the provision of publicly available electronic communications services including television and sound distribution services;
- (16) “ETSI” means the European Telecommunications Standards Institute;
- (17) “effective radiated power” or “e.r.p.” means the product of the power supplied to the antenna and its gain relative to a half-wave dipole in a given direction;
- (18) “equivalent isotropically radiated power” or “e.i.r.p.” means the product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna (absolute or isotropic gain);
- (19) “fixed-satellite service” or “FSS” shall have the same definition as in the Frequency Plan;
- (20) “frequency range of operation” means the portion of the radio spectrum within which radiocommunications apparatus must intentionally emit radio signals in order to fulfil its designated function and performance;
- (21) “hand portable station” or “handheld station” means radiocommunications apparatus either fitted with an antenna connector or an integral antenna, or both, normally used on a stand-alone basis, to be carried on a person or held in the hand;
- (22) “harmful interference” means interference which endangers the functions of a radio-navigation service or of other safety services or which otherwise seriously degrades, obstructs or repeatedly interrupts a radiocommunications service operated in accordance with the applicable European Union law or Maltese Law;
- (23) “harmonised standard” means a technical specification adopted by a recognised standards body under a mandate from the European Commission in conformity with the procedures laid down in Directive 98/34/EC for the purpose of establishing a European requirement, compliance with which is not compulsory;

- (24) “ICNIRP” means International Commission on Non-Ionising Radiation Protection;
- (25) “indoor use” means the use inside a building, including places assimilated thereto such as an aircraft, in which the shielding will typically provide the necessary attenuation to facilitate sharing with other services;
- (26) “integral antenna” means an antenna that is permanently fixed to the radiocommunications apparatus and not detachable by the user of that apparatus;
- (27) “Intelligent Transport Systems” or “ITS” means a range of systems and services, based on Information and Communication technologies, including processing, control and positioning, communication and electronics, that are applied to a road transportation system;
- (28) “ITU” means the International Telecommunication Union;
- (29) “maximum e.i.r.p. density” means the highest signal strength measured in any direction at any frequency within the defined range;
- (30) “mean e.i.r.p.” means the e.i.r.p. during the transmission burst which corresponds to the highest power, if power control is implemented;
- (31) “mean e.i.r.p. density” means the mean power measured with a 1 MHz resolution bandwidth, a root-mean-square (RMS) detector and an averaging time of 1ms or less;
- (32) “the Minister” means the Minister responsible for communications;
- (33) “MMSI” means maritime mobile service identity and is a unique 9-digit identifier assigned by the Authority, Transport Malta or by any other competent authority;
- (34) “mobile earth station” shall have the same meaning as in the Radio Regulations;
- (35) “mobile satellite service” shall have the same meaning as in the Radio Regulations;
- (36) “National Frequency Plan” means the national plan of frequency allocations as adopted by the Authority and published in accordance with the provisions of the Act;
- (37) “network access point” is a fixed terrestrial short range device in a data network that acts as a connection point for the other short range devices in the data network to service platforms located outside that data network. The term data network refers to several short range devices, including the network access point, as network components and to the wireless connections between them;
- (38) “on non-interference and non-protection basis” means that no harmful interference may be caused to any other radiocommunication service and that no claim may be made for protection of radiocommunications apparatus to which a general authorisation under this Decision applies against interference origination from radiocommunication services;
- (39) “peak e.i.r.p. density” means the peak level of transmission contained within a 50 MHz bandwidth centred on the frequency at which the highest mean radiated power occurs. If measured in a bandwidth of x MHz, this level is to be scaled down by a factor of $20\log(50/x)$ dB;

- (40) “person” includes any individual, any body corporate and any body of persons whether or not it has a legal personality distinct from that of its members, which is in possession or control of any radiocommunications apparatus in relation to which this Decision may apply;
- (41) “Radio Equipment Regulations” means the Radio Equipment Regulations (S.L. 427.41 of the Laws of Malta);
- (42) “Radio Frequency Identification Devices” or “RFID” means apparatus for, *inter alia*, tracking and identification of items by the use of a radio system, consisting on the one hand of passive devices (tags) mounted on items and, on the other, of transmitter or receiver units (readers) which activate the tags and receive data back;
- (43) “the Radio Regulations” means the Radio Regulations annexed to, or regarded as being annexed to the most recent International Telecommunication Convention which is in force at that time;
- (44) “radiodetermination” shall have the same meaning as in the Radio Regulations;
- (45) “ship” shall have the same meaning as in the Merchant Shipping Act (Cap. 234 of the Laws of Malta);
- (46) “short-range device” or “SRD” means radiocommunications apparatus which provides either unidirectional or bidirectional communication and which receives and, or transmits over a short distance at low power;”
- (47) “SOLAS Convention” shall have the same meaning as in the Tonnage Regulations (S.L.234.19 of the Laws of Malta);
- (48) “territorial waters” or “territorial seas” shall have the same meaning as defined in article 3 of the Territorial Waters and Contiguous Zone Act (Cap. 226 of the Laws of Malta);
- (49) “transmit power control” or “TPC” refers to a technique in which the transmitter output power is controlled resulting in reduced interference to other networks;
- (50) “Transport Malta” means the Authority for Transport in Malta or any other national competent authority responsible for maritime transport;
- (51) “ultra high frequency” or “UHF” means a frequency that exceeds 300 megahertz but does not exceed 3 gigahertz;
- (52) “urgency” in relation to a transmission, means the safety of a ship, aircraft or person which or who requires urgent attention;
- (53) “vehicle” means any vehicle as defined in Directive 70/156/EEC; and
- (54) “very high frequency” or “VHF” means a frequency that exceeds 30 megahertz but does not exceed 300 megahertz.

Part II – General Provisions

Article 2 – Establishment of apparatus general authorisations for the radiocommunications apparatus described in the Schedules

The Schedules to this Decision establish those apparatus general authorisations for radiocommunications apparatus whereby a person is authorised to install or use any or all of the radiocommunications apparatus to which an apparatus general authorisation under this Decision applies:

Provided that a person shall in all instances comply with any requirements stated in the Act and, or in this Decision as may apply to the radiocommunications apparatus covered by an apparatus general authorisation under this Decision.

Article 3 – Efficient use of radio spectrum and avoidance of harmful interference

- (1) Any person enjoying an apparatus general authorisation to which this Decision applies, shall comply at all times with any other decisions, however so described, adopted by the Authority in relation to harmful interference, and shall ensure that any such radiocommunications apparatus at all times complies with the applicable standards and is properly installed, maintained, and used for its intended purpose, as directed by the manufacturer in order to ensure that such an operation does not compromise the efficient use of the radio spectrum and does not cause harmful interference to other radiocommunications apparatus. For the avoidance of doubt, any person enjoying an apparatus general authorisation is not allowed to modify the technical parameters of the radiocommunications apparatus to those specified by the manufacturer.
- (2) Unless stated otherwise in this Decision, the use of the radiocommunications apparatus for which this Decision applies, is on a non-interference and non-protected basis.
- (3) Any person enjoying an apparatus general authorisation to which this Decision applies, shall not hold the Minister or the Authority responsible for any alleged harmful interference received from other radiocommunications apparatus.

Article 4 – Exposure to electromagnetic fields

- (1) Any person enjoying an apparatus general authorisation to which this Decision applies shall comply with any radiation emission standards adopted and published by ICNIRP, any mandatory standards set by the competent national authority responsible for the adoption of any such standards and any other relevant standards as may be specified by law.

- (2) Any person enjoying an apparatus general authorisation to which this Decision applies shall comply with any other decision, however so described, issued by the Authority in relation to electromagnetic radiation, and such person shall ensure that all its radiocommunications apparatus at all times comply with the technical and performance standards generally accepted by the industry or as may be prescribed by the Authority in line with national law and European Union law, or accepted by the Authority as being adequate to ensure the limitation of exposure of the general public to electromagnetic fields.
- (3) Any person enjoying an apparatus general authorisation to which this Decision applies shall ensure that its radiocommunications apparatus is not installed or operated at a location and in a manner such as to be the cause of the aggregate non-ionising radiation emissions exceeding the limits published by the ICNIRP, any mandatory standards set by the competent national authority responsible for the adoption of any such standards, and any other relevant standards as may be specified by law.

Article 5 – Transmission or circulation of false or deceptive distress signals, etc.

No person shall transmit or circulate false or deceptive distress, urgency, safety or identification signals.

Article 6 – Inspections and provision of information

- (1) An authorised officer may inspect radiocommunications apparatus covered by an apparatus general authorisation under this Decision to ensure compliance with this Decision.
- (2) The Authority may require any person to provide it with any information regarding any radiocommunications apparatus in the possession of, installed or used by that person in relation to which apparatus an apparatus general authorisation under this Decision applies.

Article 7 – Requirement to abide with any requirements under any other laws, etc.

- (1) Nothing under this Decision shall absolve any person from any requirement to obtain any other permits, authorisations or licences, however so described, as may be necessary under any other law affecting the installation and, or operation of a radiocommunications apparatus to which this Decision applies.
- (2) Nothing in this Decision shall be construed as exempting or absolving any person to comply with any other laws or any decisions, however so described, as may be applicable.

Schedules



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