



Directive No. 1 of 2021

Directive Number 1 of 2021 on the Obligations related to the administration of the Unified Legal Interception System

The Malta Communications Authority ('the Authority'), in accordance with its powers given under Article 4 of the Malta Communications Act Cap. 418 of the Laws of Malta, has made the following Directive.

Part I

PURPOSE AND DEFINITIONS

1. The title of this directive is the Directive Number 1 of 2021 on the Obligations related to the Administration of the Unified Legal Interception System under the Electronic Communications (Regulation) Act.
2. The purpose of this Directive is:
 - a. to define the obligations related to the administration of the Unified Legal Interception System;
 - b. to institute the manner in which contributions towards this system are to be made when necessary as established in this Directive and as provided by Regulation 112 of the Electronic Communications Networks and Services (General) Regulations (S.L. 399.48 of the Laws of Malta) in furtherance of Article 47(1)(s) of the Electronic Communications (Regulation) Act (Cap.399 of the Laws of Malta); and
 - c. to repeal Directive No. 1 of 2012 on the Obligations related to the administration of the Unified Legal Interception Systems under the Electronic Communications (Regulation) Act:

Provided that when collecting any amounts in accordance with this Directive, the Authority shall be deemed to be acting for and on behalf of the Security Service ('MSS').

3. In this Directive unless the context otherwise requires:



“the Act” means the Electronic Communications (Regulation) Act (Cap. 399 of the Laws of Malta);

“the Authority” means the Malta Communications Authority;

“contributions” means any amounts due or paid to the Authority acting on behalf of the MSS for the purpose of contributing towards any costs arising from the legal interception obligations;

“the Regulations” means the Electronic Communications Networks and Services (General) Regulations, 2021 (SL. 399.48 of the Laws of Malta);

“relevant services” means all publicly available electronic communications services, with the exclusion of television and radio distribution services;

“relevant year” means any year during which contributions are to be paid to the legal interception fund;

“the Security Service” or “MSS” means the Security Service established under the Security Service Act (Cap.391 of the Laws of Malta); and

“undertaking” means a person providing or authorised to provide electronic communications networks and, or services or associated facilities.

Part II

COMING INTO FORCE OF THIS DIRECTIVE NO.1 OF 2012 AND REPEAL OF DIRECTIVE NO. 2 OF 2005

4. This Directive shall be deemed to have come into force as from the 1 October 2021.

5. The provisions of Directive Number 1 of 2012 on the Obligations related to the administration of the Unified Legal Interception Systems under the Electronic Communications (Regulation) Act shall be repealed:

Provided that the provisions of such Directive shall remain applicable in relation to any outstanding payments and, or obligations under that Directive relating to the period prior to 1 October 2021.



Part III

TECHNICAL AND INTERCEPTION OPERATIONAL REQUIREMENTS

6. The Authority shall define the technical and interception operational requirements necessary to enable legal interception of electronic communications by the competent authorities in accordance with any law allowing and regulating such legal interception.

Part IV

FUNDING OF THE COSTS RELATED TO THE UNIFIED LEGAL INTERCEPTION SYSTEM

7. Without prejudice to article 8 hereunder the Government of Malta shall be responsible for the funding of the Unified Legal Interception System and all it entails, including the communication links used by all undertakings.

8. All undertakings shall be responsible for the funding of their own interface systems which connect their own network to the Unified Legal Interception Core System and all it entails, including the specific communication links to the Security Service.

9. When an existing undertaking requires to carry out any additional changes and, or upgrades to its own interface system, which connects its network to the Unified Legal Interception Core System and, or the communication links to the Security Service, the costs incurred in these instances shall be paid by the Government of Malta:

Provided that notification must be given in writing to the Authority at least one (1) year prior to the implementation of these changes and, or upgrades.

10. When the Government of Malta requires to carry out any changes and, or upgrades to the Unified Legal Interception Core System and, or to the communication links used by all or any of the undertakings, the costs incurred in these instances shall be paid by the Government of Malta:

Provided that notification shall be given in writing to the Authority at least one (1) year prior to the implementation of these changes and/or upgrades. Following such notification the Authority will inform all the undertakings of the changes which are to take place:



Provided further that it shall be the responsibility of the undertakings to establish if the changes and, or upgrades to be carried out to the Unified Legal Interception Core System and, or to the communication links used by all or any of the undertakings, warrant any changes to their own interface system, including the specific communication links to the Security Service.