



MALTA COMMUNICATIONS AUTHORITY

Annual Plan 2024

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1 Introduction

This document sets out the Malta Communications Authority’s (MCA) Annual Plan for 2024. It sets out the priority work-streams and related individual tasks that the MCA will be conducting during 2024. The Annual Plan is reflective of the MCA’s strategy update covering the same period.

1.1 Mission Statement and Strategic Objectives

The mission on the MCA is:

‘To promote and safeguard a communications environment that is conducive to investment, innovation, economic growth and social well-being’

For the MCA to achieve its mission over the next three years, the following are the identified strategic objectives emerging from the Strategy Update for the period.

1.	Promoting and safeguarding competition in the Electronic Communications Sector.
2.	Ensuring that electronic communications undertakings provide a transparent, quality service to users in line with incumbent social obligations.
3.	Maintaining open, safe and secure electronic communications.
4.	Maximising the potential of radio spectrum.
5.	Supervising the provision of relevant digital services.
6.	Safeguarding sustainable competition in the Postal Sector.
7.	Ensuring that postal undertakings provide a transparent, quality service to users in line with incumbent social obligations.
8.	Contributing to the ongoing development and implementation of sector policy.
9.	Conducting relevant research, exploring and developing emergent policy areas.
10.	Maximising operational excellence to ensure regulatory effectiveness and relevance.

1.2 Legal Framework

The MCA's mission, mandate and functions derive from the Malta Communications Authority Act, Cap 418. The MCA is responsible for:

- the regulation of electronic communications networks and services, radiocommunications equipment and the management of the radio spectrum and numbering resource as defined in the Electronic Communications (Regulation) Act, Cap 399;
- the regulation of postal services as determined by the Postal Services Act, Cap 254;
- ensuring compliance with the Electronic Commerce Act, Cap 426;¹ and for
- improving the accessibility of the websites and mobile applications of public sector bodies².

The MCA is also responsible for ensuring compliance with the following EU regulations:

- Regulation (EU) 910/2014 on electronic identification and trust services for electronic transactions in the Internal Market (referred to as the 'eIDAS Regulation') in relation to the supervision of trust service providers established in Malta³.
- Regulation (EU) 2015/2120 laying down measures concerning open internet access (referred to as the 'Open Internet Regulation').
- Regulation (EU) 2017/1128 on cross-border portability of online content services in the internal market (referred to as the 'Cross-border Portability Regulation').
- Regulation (EU) 2018/302 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market (referred to as the 'Geo-blocking Regulation').
- Regulation (EU) 2018/644 on cross-border parcel delivery services.

¹ The MCA is required to ensure the proper functioning of the e-Commerce sector as provided for by the Electronic Commerce Act which follows Directive (EU) 2000/31/EC on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on Electronic Commerce').

² Accessibility of the Websites and Mobile Applications of Public Sector Bodies Regulations, S.L. 418.03.

³ The MCA assumes the role of a supervisory Authority responsible to supervise trust service providers established in Malta as reflected in the Electronic Commerce Act.

- Regulation (EU) 2019/1150 on promoting fairness and transparency for business users of online intermediation services⁴ [referred to as 'Platform to Business (P2B) Regulation'].
- Regulation (EU) 2022/612 on roaming on public mobile communications networks within the European Union.
- Regulation (EU) 2022/2065 on a single market for digital services⁵ [referred to as the 'Digital Services Act (DSA)'].

1.3 Accountability Framework

The MCA is accountable to the Minister responsible for Communications for the preparation and presentation of its financial estimates for approval, following an annual consultation by the responsible Minister with the Minister responsible for Finance. The MCA presents its Annual Report on its operations for the preceding year to the Minister responsible for the MCA and the Minister responsible for Finance. The MCA is also held to account by the sectors it regulates and by the public on whose behalf it regulates. On a yearly basis the MCA publishes its Strategy Update, Annual Plan and its Annual Report on its website.

1.4 Measuring Performance

Progress towards the attainment of the MCA's strategic objectives is measured by a series of related activities. In this respect, and on an ongoing basis, the MCA:

- carries out market reviews providing an overview of the trends in the sectors under its mandate;
- conducts performance measurement and monitoring in line with the key performance indicators (KPIs) identified in the MCA's strategy update;
- regularly monitors the achievement of its objectives and work programme, identifies any shortfalls and takes the necessary steps to remedy them; and
- provides input to the Board on the progress achieved in the delivery its work programme.

⁴ Online Intermediation Services for Business Users (Enforcement Measures) Regulation, S.L. 399.49.

⁵ In June 2023 Government consulted on the the making of an Order referred to as the Digital Services Act (Designation and Enforcement) Order. The MCA is expected to be designated as the Digital Services Coordinator (DSC) responsible for all matters relating to the supervision of the DSA.

1.5 Communication and Engagement

The MCA is committed to engaging with various stakeholders, including citizens, consumers, authorised entities, government departments and other regulators, constituted bodies, the business community, the EU, and various other international bodies. The MCA also promotes collaboration and coordination with the various national entities that contribute to the development of the sectors it regulates. A variety of communication channels, such as its website and social media channels, are utilised to effectively build greater awareness of the MCA's activities, its roles and responsibilities, its various initiatives and on general trends in the sectors it regulates. In the context of regulatory decision-making, stakeholders have the opportunity to provide the MCA with feedback and express opinions on developing regulatory measures and proposed regulatory decisions through an established consultation process.

1.6 Work Programme

Section 2 sets out the MCA's programme of work planned to be carried out during 2024. The objectives of the work programme are aligned with the MCA's Strategy Update 2024 - 2026.

2 Programme of Work and Priorities

What follows is an overview of the MCA's programme of work for 2024. The MCA's projects and ongoing tasks will all be targeted towards the achievement of the identified strategic objectives.

2.1 Strategic Objectives - Projects and Ongoing tasks

Strategic Objective 1 - Promoting and safeguarding competition in the electronic communications sector

Overview

The MCA has a central role in ensuring that consumers and businesses obtain the maximum benefit in terms of choice, price, quality and safety of electronic communications services. The MCA does this by ensuring that markets can work effectively through regulation that promotes efficient investment, encourages innovation, facilitates the sharing of infrastructure, and empowers consumers to choose and use electronic communications services with confidence.

Safeguarding a competitive environment

The MCA promotes competition, investment and consumer choice in electronic communications markets via, among others, the significant market power (SMP) framework. In April 2023 the MCA consulted on the findings of the analysis of the wholesale physical and virtual broadband access market in Malta. The MCA determined that GO has the ability to act independently in the market under investigation and has SMP in this market. A final decision on the analysis of the market for the provision of wholesale physical and virtual infrastructure access and the identification of relevant remedies is expected in the first half of 2024.⁶ The MCA remains committed to taking any commercial agreements into account when setting its regulatory approach.

Facilitating sharing of physical infrastructure for the roll-out of VHCNs

Outside the SMP framework, the MCA has a role in facilitating the sharing of physical infrastructure (e.g., access to poles and ducts) for the purposes of providing electronic communications services by ensuring that there are the lowest possible barriers to use such

⁶ As required by Law in December 2023 the MCA notified the EC, BEREC and other National Regulatory Authorities (NRA's) of its draft decision prior to adopting a final decision. The MCA also informed the Malta Competition and Consumer Affairs Authority (MCCAA) regarding this notification to the EC.

infrastructure, thus speeding up the deployment of both fixed and wireless high-speed broadband networks. The sharing of physical infrastructure and other modes of collaboration also has a positive impact on the environment as it prevents energy-wasteful infrastructure works and urban disruption. The MCA will continue to facilitate the deployment of very high-capacity fixed line and wireless broadband networks by providing the necessary support and guidance to sector players and other institutional players. Within this context the MCA believes that commercial agreements on access to physical infrastructure merit continued attention even to ensure a level playing field between all parties involved.

The MCA will continue to work with other competent authorities to further facilitate the deployment of very high-capacity networks. Among others, the Utilities Services Coordinating Committee (referred to as the Utilities Committee), established under Article 22 of the Utilities and Services (Regulation of Certain Works) Act, Cap 81, is one of the ideal vehicles in terms of setting out the related policies for infrastructure access.

The MCA will also explore the opportunities afforded by the regulatory provisions set out in the European Electronic Communications Code (EECC), as a complement to the SMP framework. These include obligations to provide ‘symmetric’ access to local facilities to avoid ‘inefficient’ duplication of network assets. The MCA may impose access to wiring, cables, and associated facilities inside buildings or up to the first concentration or distribution point.

Managing information as the means to promote competition

The MCA collects data from the electronic communications networks and service providers and publishes market reviews, quarterly market data and retail price movements. The data collected from the providers of electronic communications networks and services is vital in supporting the MCA’s regulatory decisions that serve to promote and safeguard competition. The information collected is also a valuable tool in empowering end-users to make informed choices. This activity is supplemented by public and business perception surveys. The results of these surveys serve as an additional input to the shaping of regulatory decisions and indicate how consumers’ preferences, behaviours and perceptions of electronic communications services are changing over time. In 2024, the MCA will commence a new round of consumer perception surveys across all electronic communications markets. The MCA will also carry out a business perception survey across all the electronic communications markets.

Managing the compliance framework

The efficient management of national radio spectrum and numbering resources facilitate competition, enhances connectivity, and promotes efficient investment. Radio spectrum is a scarce resource having a diverse range of uses and end-users. It is an essential input in the supply of wireless/radio-based electronic communications networks and services as most electronic communications networks, even fixed networks, contain at least some wireless

segments. Therefore, the availability of spectrum is necessary for the entry and expansion of many operators in the electronic communications markets. The growing demand for radio spectrum is driven by society’s ever-increasing use of data-intensive services while on the move and away from the office and home. Likewise, access to numbers is essential to the functioning of electronic communications markets. The MCA ensures that there is always an adequate supply of numbers to support the demands of existing and new customers and service providers.

Effective competition depends not just on supply-side considerations relating to the ease of entry to markets or on the availability of spectrum and numbering resources. Effective competition also depends on demand-side factors, such as the ability and willingness of customers to switch easily in response to a better deal in the marketplace, whether switching to another supplier or switching to another offer or bundle provided by their existing supplier. The MCA’s objective to protect and inform consumers so that they can choose and use electronic communications services is discussed under Strategic Objective 2.

Priority Programme of Works 2024 - Strategic Objective 1	
Project / Activity	Planned Output
Wholesale physical and virtual infrastructure access market - Market review and analysis	<ul style="list-style-type: none"> - Public consultation (2023) - Notification to the European Commission of draft measure (End December 2023) - Report on Consultation / Decision
Wholesale physical and virtual infrastructure access market - Review of VULA Remedy <i>Dependent on final decision of the market analysis</i>	<ul style="list-style-type: none"> - Public consultation - Notification to the European Commission - Report on Consultation / Decision (2025)
Wholesale physical and virtual infrastructure access market - Review of PIA Remedy <i>Dependent on final decision of the market analysis</i>	<ul style="list-style-type: none"> - Public consultation - Notification to the European Commission - Report on Consultation / Decision (2025)
Wholesale physical and virtual infrastructure access market - Review of Weighted average cost of capital (WACC) rate <i>Dependent on final decision of the market analysis</i>	<ul style="list-style-type: none"> - Public consultation - Notification to the European Commission - Report on Consultation / Decision (2025)
Monitoring GO's VULA Reference Offer (RO)	<ul style="list-style-type: none"> - Monitoring of the VULA Reference Offer - Monitoring of VULA service level agreements - Review of revisions to wholesale charges (as necessary)

Priority Programme of Works 2024 - Strategic Objective 1	
Project / Activity	Planned Output
Facilitating sharing of physical infrastructure	<ul style="list-style-type: none"> - Guidance on access to physical infrastructure and access to in-building physical infrastructure - Mediation services (as necessary) to facilitate agreement on issues related to physical infrastructure access
Consumer Perception Surveys	<ul style="list-style-type: none"> - Fieldwork fixed broadband and mobile telephony - Publication of survey findings for mobile telephony and fixed broadband markets (2025)
Business Perception Survey	<ul style="list-style-type: none"> - Fieldwork on business perception survey (2023) - Publication of survey findings
Informing stakeholders on key data and trends in the electronic communications sector	<ul style="list-style-type: none"> - Publication of bi-annual market review report (<i>July - December 2023 / January - June 2024</i>) - Publication of quarterly data report sheets - Publication of a quarterly pricing bulletin

Strategic Objective 2 - Ensuring that electronic communications undertakings provide a transparent, quality service to users in line with incumbent social obligations

Overview

While digital innovation and competition helps to deliver widespread, value-for-money, and good quality electronic communications networks and services for consumers, competition cannot deliver this alone. Market failures, such as information asymmetries, can sometimes prevent consumers from making fully informed choices. Issues may also arise when service providers do not uphold consumers' rights or provide inadequate complaints and redress mechanisms to assist consumers. The MCA will continue to focus its work on empowering consumers by providing clear information on their rights and in assisting them in making better informed choices in their use of electronic communications services. In addition, the MCA ensures that all end-users have access to an adequate broadband internet access service and voice communications service at a fixed location.

Enhancing quality in the provision of publicly available electronic communications services via effective monitoring

In the first half of 2024 the MCA plans to publish its decision on the measurement and publication of quality of service (QoS) related information across all publicly available electronic communications services. Providers of internet access services and of publicly available interpersonal communications services will be required to publish comprehensive, comparable, reliable, user-friendly, and up-to-date information for end-users on the quality of their services. The information will ensure that people and businesses have the right information to make informed decisions about the electronic communications services best for them. In 2024 the MCA will also update its QoS monitoring mechanisms for mobile broadband services so that consumers can check the claims made by operators about the quality of their services.

Enhancing the MCA's compliance monitoring vis-à-vis consumer protection

In 2023 the MCA published its updated decision regarding end-user rights. This Decision established a set of rules on contracts, transparency, and termination of services to be complied with by electronic communications service providers which are intended to enhance end-user protection. The MCA will continue to work with the operators as they implement new consumer protection measures relating to contracts and contract information. The MCA also put in place a set of consumer protection measures to be adhered to by providers when offering contracts which enable them to implement in-contract price rises linked to inflation and percentage changes.

The MCA aims to disrupt scams by encouraging operators to develop technical solutions and by enhancing their own rules to prevent the misuse of communications services. In 2023 the MCA consulted on potential changes to existing rules aimed at strengthening number authentication and exploring further options for going further. In the first half of 2024 the MCA plans to publish its decision on preventative measures to mitigate Calling Line Identification (CLI) spoofing and vishing scams. The MCA will continue to work closely with the electronic communications sector, the government, and other regulatory bodies to make scams harder to perpetrate. Additionally, the MCA will also play a proactive role in empowering consumers to evade scams by raising awareness and providing better information, enabling individuals to identify and respond to fraudulent activities more effectively.

Ensuring universal access to communications services

In 2023 the MCA published its decision on the redefinition of the universal service obligations (USO) pertaining to electronic communications services. This decision included a number of updates to the current USO including the provision of adequate voice communications services at a fixed location, the provision of reduced tariff options and specific measures for vulnerable users. The MCA's 2021 Decision on the minimum functional characteristics of an adequate broadband internet access service and the procedure for ensuring the availability of an adequate broadband internet access service, including the underlying connection, at a fixed location continues to apply. In 2024 the MCA will assess GO's claim for funding the net-cost incurred in the provision of the USO for the years 2019 and 2020. In addition, the MCA will continue to monitor any issues with the availability of voice communications services and an adequate broadband internet access service.

Improving consumer access to information

Consumer awareness on fixed and mobile products and services - The MCA will, via its online service comparison portal, *Telecosts*, continue to promote transparency by providing consumers with the necessary tools to ensure that they are aware of alternative suppliers and services so that they can easily compare information on prices, service characteristics and quality. The MCA, via its website, consumer guides and the use of social media, continuously updates information available to consumers on how to get the best from electronic communications services. In addition, the MCA will continue to report on pricing trends in fixed and mobile services.

Operator contracts - The MCA will continue to monitor the contractual obligations of all electronic communications operators to ensure that they are in line with the rules reflected in legislation. The MCA will ensure that such contracts provide clear and relevant information helping users to take informed and correct decisions when acquiring electronic communications services (both as standalone and as a bundle). The MCA will also ensure that consumers are provided with pre-contractual information relating to contract duration, any

switching charges, compensation and refund arrangements for delay or abuse of switching, information on how to switch, and details of any early termination fees.

Termination of contracts and switching providers - The MCA will continue to monitor inter-operator porting and switching processes, and the extent to which they promote good consumer and competition outcomes. In addition, the MCA will continue to monitor and assess the cancellation and termination arrangements of electronic communications service providers (after or during the initial commitment period), and the impact these have on consumers’ ability to exit their service contract quickly, conveniently and without error.

Mobile roaming rules - The new EU Roaming Regulation entered into force on the 1 July 2022. It extends “Roam-like-at-home” until 2032. The new rules bring about significant benefits for EU businesses and citizens, who will enjoy a better roaming experience, with the same quality of mobile service abroad as they have at home. The new rules also improve access to emergency communications across the EU and guarantee clear information about services that may be subject to extra charges. The MCA will continue to monitor compliance with the roaming rules including through consumer complaints and engage with stakeholders if compliance concerns arise, and where appropriate take enforcement action.

Ensuring consumer rights and customer service - The MCA will continue to ensure that electronic communications service providers uphold the rights of their customers and deliver acceptable levels of customer service. The MCA will also continue to ensure that consumers have effective redress mechanisms, including access to timely query and complaints handling processes. The MCA will continue to handle and resolve complaints it receives from customers of service providers. The MCA publishes a biannual report on the complaints and enquiries received together with information on enforcement actions and related monitoring activities undertaken by the MCA. The MCA carries out various mystery shopping exercises to identify areas of concern and undertakes the necessary regulatory action to address such issues.

Priority Programme of Works 2024 - Strategic Objective 2	
Project / Activity	Planned Output
QoS framework for providers of publicly available electronic communications services	<ul style="list-style-type: none"> - Report on consultation / Decision - Implementation of QoS framework
QoS Oversight (implementation of a monitoring mechanism for mobile networks and services)	<ul style="list-style-type: none"> - Implementation of monitoring mechanism - Ongoing monitoring
Minimising harm from ECS-based scams	<ul style="list-style-type: none"> - Public consultation on implementation of vishing-related preventative measures, excluding mobile and non-ICS numbering ranges (2023) - Response to consultation / Decision

Priority Programme of Works 2024 - Strategic Objective 2	
Project / Activity	Planned Output
	<ul style="list-style-type: none"> - Awareness campaign - Public consultation on additional preventative measure (as required)
Review of GO's claim for funding the net cost incurred to provide the USO	<ul style="list-style-type: none"> - Assessment of GO's funding claim for the years 2019 and 2020 - Public consultation - Decision on GO's funding claim / source of funding
Roaming management and monitoring	<ul style="list-style-type: none"> - Ongoing monitoring - Compilation of Malta's statistics regarding roaming - Provision of feedback to any reports/public consultations issued by BEREC and the European Commission
Management of the Service Comparison Portal - <i>Telecosts</i>	<ul style="list-style-type: none"> - Maintaining the Service Comparison Portal - electronic communications services / packages (including prices and quality of service)
Compliance, enforcement, and investigations	<ul style="list-style-type: none"> - Mystery shopping exercise to ensure that operators adhere with obligations - Biannual report on the complaints and enquires received by the MCA and information of enforcement actions and relating monitoring activities

Strategic Objective 3 - Maintaining open, safe and secure electronic communications

Overview

As reliance on electronic communications networks and services continues to grow, it has become critical for end-users to have a reasonable level of assurance as to the continuity and security of the electronic communications networks and services being provided, regardless of the underlying network technologies. Strong, safe and secure networks that are resilient to outages and cyberattacks are essential to this. Reliable network connections are also crucial for delivering the high quality of service expected from electronic communications networks and services. The MCA will continue working closely with industry to ensure that Malta's vital electronic communications networks and services are open, safe, secure and resilient.

Monitoring security, safety and integrity of public fixed and mobile networks

In 2023 the MCA consulted on the minimum-security guidelines and reporting obligations. A final decision on operator measures to safeguard the integrity and security of their networks and services, coupled with the implementation process is planned for 2024, in alignment with the eventual framework implementing the NIS2 Directive.

The MCA will continue to work with the European Commission and ENISA⁷ to implement mitigating measures to address 5G cybersecurity risks. The MCA will continue to provide support to the European institutions (European Commission, NIS Cooperation Group⁸ and ENISA) to help them achieve the three key objectives for the next steps on cybersecurity of 5G networks. The MCA will continue to ensure that operators take appropriate measures to ensure that the integrity and security of their networks and services are in line with the established technical guidelines issued by ENISA.

The MCA follows up any incidents of concern in order to understand their cause, the appropriateness of the operator's response, and the steps that have been taken to minimise the risk of recurrence. On an annual basis the MCA reports any severe incidents to ENISA together with the action taken. The MCA works closely with the Ministry for Home Affairs, Security, Reforms and Equality (MHSE), the Critical Infrastructure Protection Directorate (CIPD), the Office of the Information

⁷ The European Union Agency for Cybersecurity (ENISA).

⁸ The Network and Information Systems Cooperation Group was established by the NIS Directive to ensure cooperation and information exchange among Member States. The NIS Cooperation Group is composed of representatives of the EU Member States, the European Commission and ENISA.

and Data Protection Commission (IDPC), Malta Security Services (MSS) and the police on matters related to cyber-security.

Mapping broadband services as an information tool relative to broadband network capabilities

The MCA will continue with the exercise leading to the mapping of information on each fixed and mobile broadband network and related services across Malta and Gozo (including forecast coverage). Such a platform is intended to, among others, enable consumers to be able to check operator coverage and availability of fixed and wireless broadband infrastructures, information on the operators, service and technology availability, available bandwidths and quality of public electronic communications networks and services. This initiative implements the obligations emerging from the EECC on the mapping of the reach of electronic communications networks capable of delivering broadband services. In addition, this initiative, whilst not directly related to the availability of passive infrastructure, represents another step in establishing facts on the ground and in subsequent iterations would also be useful in the provision of field information to the Single Information Point (SIP), which function is owned by Transport Malta (TM).

Continued oversight of net neutrality practices

The MCA will continue ensure compliance by the operators with net neutrality principles, taking utmost account of BEREC⁹ guidelines, in order to safeguard equal and non-discriminatory treatment of traffic in the provision of internet access services and related end-user rights. The MCA will publish its annual report regarding its monitoring and findings in the third quarter of 2024. The MCA will also finalise a review the traffic management practices by the respective Internet Access Service (IAS) providers. The MCA will assess how the IAS providers share information about any traffic management policies which are deployed on their networks, and whether the traffic management practices in question comply with the requirements of the Open Internet Regulation.

Participating in the EU and global Internet Governance Fora

The MCA will continue to provide policy advice to Government on matters related to Internet Governance. In particular, the MCA represents Malta in the High-Level Group on Internet Governance (HLIG) which is an expert group comprising of experts from EU Member States with a view to ensure coordination at European level and share expertise on internet governance related issues. The MCA also represents Malta on the ICANN¹⁰ Governmental

⁹ The Body of European Regulators for Electronic Communications (BEREC).

¹⁰ Internet Corporation for Assigned Names and Numbers.

Advisory Committee (GAC) which constitutes the voice of Governments and Intergovernmental Organizations (IGOs) in ICANN's multistakeholder structure.

Ensuring continued respect of EMF thresholds

The MCA will continue its routine monitoring of electronic magnetic field (EMF) emissions with a view to ensuring that levels of electromagnetic radiation do not exceed the levels established by the International Commission of non-Ionising Radiation Protection (ICNIRP), which are also endorsed by the World Health Organisation (WHO) and the European Commission. In addition, the MCA will maintain ongoing liaison with the department responsible for environmental health on EMF related issues and will continue with its EMF auditing programme.

Priority Programme of Works 2024 - Strategic Objective 3	
Project / Activity	Planned Output
Electronic communications networks and services security guidelines and reporting requirements	<ul style="list-style-type: none"> - Public consultation (2023) - Response to consultation / Decision
Cyber-security of 5G Networks	<ul style="list-style-type: none"> - Continuous analysis of the respective 5G security measures as adopted in Malta
Net Neutrality - Compliance and Reporting	<ul style="list-style-type: none"> - Annual report on the MCA's activities - Public consultation on traffic management policies - Response to consultation / Decision
Mapping of broadband Infrastructure and services	<ul style="list-style-type: none"> - Population of broadband mapping platform - Embark on the possibility to expand the use of the platform across other functions and/or deliverables within the MCA.
Internet Governance Fora	<ul style="list-style-type: none"> - Participation and contribution to the EU and global Internet Governance Fora
EMF Oversight	<ul style="list-style-type: none"> - Implement an EMF measurement database with enhanced analysis capabilities - Implement a tool to enhance open data visibility online
EMF emissions - monitoring compliance	<ul style="list-style-type: none"> - Audit of EMF measurements (fixed monitoring and drive testing) - Publication of results - Information and education campaigns

Strategic Objective 4 - Maximising the potential of radio spectrum

Overview

The MCA is responsible for ensuring the efficient use of the radio spectrum identified in the National Radio Frequency Plan. Efficient use of the radio spectrum resource is a key factor in terms of delivery of electronic communications services, competition, choice, and widespread availability. The MCA ensures that sufficient radio spectrum is made available for new wireless technologies to facilitate the deployment of new and innovative services and to address the rapidly evolving demand for wireless connectivity. The MCA also monitors spectrum usage in Malta, including the enforcement of authorisation conditions.

Readying of additional spectrum for 5G use

The operators use spectrum holdings in the 800 MHz, 900 MHz, 1800 MHz, 2.1 GHz, 2.5 GHz, and 3.6 GHz bands to deliver their wireless and mobile services. Spectrum in the 700 MHz and 26 GHz bands remains unassigned, due to the lack of market demand, stemming from the sufficient radio spectrum already assigned and used, the small size of Malta's territory and the size of the market.

Early in 2024 the MCA will finalise a review of the current licences for the 900 MHz / 1800 MHz bands in line with the principle of technology neutrality and the principle of service neutrality. In 2024 the MCA will further develop the licensing framework of the 26 GHz band (also available for the deployment of private networks), and other relevant bands allocated for 5G, to facilitate their use for new applications and use cases.

The rights of use of radio spectrum in the 2 GHz band will expire in August 2025. The rights of use of radio spectrum in the 900 MHz / 1800 MHz bands will expire in August 2026. The expiry of these licences provides an opportunity to hold a multi-band spectrum assignment process and in so doing enhance the efficiency on how these radio spectrum bands may be used. In 2024 the MCA will establish an assignment framework for these radio spectrum bands, ideal for providing next generation wireless services.

Rationalising mobile spectrum usage for efficiency and environmental purposes

Migrating from legacy networks to more energy-efficient technologies is the next step to improve the environmental impact of Malta's electronic communications networks. The MCA will seek to understand the strategies of mobile network operators regarding the future of 2G and 3G in favour of newer and more efficient technologies, which also have better green credentials. The MCA notes that while the migration from legacy networks is ultimately the responsibility of the operators, this will require extensive consultation and planning in order to

ensure an efficiently managed transition and that competition and end-users (including vulnerable end-users) are protected at all stages of the process.

The MCA will also seek to understand the operators’ plans for the deployment of new 4G and 5G voice communications services - VoLTE (Voice over Long-Term Evolution) and VoNR (also referred to as Voice over 5G or Vo5G) - and 5G standalone networks. Standalone (SA) reflects a pure end-to-end 5G network that can also deliver improvements such as ultra-low latency times (fast), better upload speeds, network slicing¹¹ capabilities, better support for Internet of Things (IoT) devices, increased reliability, and security.

Ensuring efficient and effective use of spectrum and associated radiocommunications equipment

The MCA plans to finalise a review of the current licensing regime for fixed links (specifically in the case of fixed links using spectrum above 40 GHz) in order to promote the utilisation of extremely high frequency bands and at the same time facilitate base-station backhauling for the deployment of 5G networks. The MCA will continue to monitor the radio spectrum and take all necessary action to prevent harmful interference and to mitigate it when it occurs.

Management of scarce resources used by space systems and for the provision of satellite communications services

The MCA is responsible for the management of scarce resources used by space systems and for the provision of satellite communications services. The MCA also authorises non-geostationary (GSO) satellite system providers providing broadband connectivity. The MCA will continue to encourage satellite operators to register space resources with the ITU through Malta in line with the satellite filing framework. In 2024 the MCA will finalise a review of the satellite filing framework. In addition, the MCA will embark on an exercise to ensure that new satellite resources (i.e., radio spectrum and satellite slots) are duly registered in Malta’s name under the International Telecommunication Union (ITU) Regulations.

Priority Programme of Works 2024 - Strategic Objective 4	
Project / Activity	Planned Output
Review of 900 / 1800 MHz radio spectrum bands to enable 5G technologies	<ul style="list-style-type: none"> - Public consultation (2023) - Response to consultation / Decision

¹¹ Network slicing allows for multiple virtual network slices across the same physical network. Each slice is isolated from other network traffic to give dedicated performance, with the features of the slice tailored to the use case requirements.

Priority Programme of Works 2024 - Strategic Objective 4	
Project / Activity	Planned Output
	<ul style="list-style-type: none"> - Update radio spectrum licences - Notification of implementation of Commission Implementing Decision (EU) 2022/173
Licensing framework for various wireless broadband spectrum bands	<ul style="list-style-type: none"> - Public consultation on the assignment framework - Response to Consultation / Decision - Implementation of assignment framework (2025)
Facilitating mobile technology migration towards VoLTE and 5G Standalone (SA)	<ul style="list-style-type: none"> - Engage in discussions with all stakeholders
Licensing framework for the 26 GHz band	<ul style="list-style-type: none"> - Public consultation - Response to consultation / Decision
Licensing framework for bands operating above 40 GHz	<ul style="list-style-type: none"> - Public consultation - Response to Consultation / Decision - Information document to guide potential users of radio links operating above 40 GHz
Review satellite filing framework	<ul style="list-style-type: none"> - Review of satellite filing procedures - Publish satellite filing procedures on MCA's website

Strategic Objective 5 – Supervising the provision of relevant digital services

Overview

The MCA is responsible for supervising the provision of relevant digital services. The regulation of digital services is addressed through a mix of regulatory oversight and stakeholder awareness. The MCA also targets web accessibility as a means of digital inclusion.

Ensuring compliance with the Electronic Commerce Act, Digital Services Act (DSA) and Platform to Business (P2B) Regulations

Electronic Commerce Act, Cap 426 - The MCA will continue to maintain regulatory oversight on the activities of the local information society service providers in order to ensure that locally established websites adhere to the essential requirements of the Electronic Commerce Act.

Digital Services Act (DSA)¹² - The DSA entered into force on the 16 November 2022 and will in the main apply from the 17 February 2024.¹³ The DSA builds on the rules of the eCommerce Directive and aims to create a safer and trusted online environment. The DSA puts in place a framework of layered responsibilities targeted at different types of services (i.e., intermediary services, hosting services, online platform services, and very large online platforms services) and a set of harmonised EU-wide asymmetric obligations to ensure transparency, accountability, and regulatory oversight of the EU online space. At the same time, it will equally protect all users in the EU, with regards to safety from illegal goods, content or services, and also to their fundamental rights. The effective implementation of the DSA in Malta requires the making of national laws notably with reference to Chapter IV of the DSA entitled 'Implementation, Cooperation, Penalties and Enforcement'. In this regard in June 2023 Government consulted on the making of an Order. Specific matters provided for in the draft Order include: the designation of the MCA as the Digital Services Coordinator ('DSC'), whereby the MCA is being earmarked to undertake this role of the DSC for the purposes of the DSA. This comprises of the overall management of the DSA within Malta and in relation to other competent authorities that will play a part in the enforcement of the DSA. The DSC will

¹² https://ec.europa.eu/commission/presscorner/detail/en/IP_22_6906

¹³ The following provisions apply from 16 November 2022: (i) transparency reporting obligations of online platforms; (ii) delegated and implementing acts; (iii) designation by the European Commission of Very Large Online Providers (VLOPs) and Very Large Online Search Engines (VLOSEs); (iv) supervisory fees; and (v) certain enforcement obligations. Once designated, relevant obligations will apply to VLOPs/VLOSEs from four months after their designation.

also coordinate with other DSCs in other EU Member States and acts as the sole liaison with the European Commission in relation to enforcement and advise on the application of the DSA.

The MCA has entered into a Memorandum of Understanding (MoU) regarding cooperation relating to MCA's role as the DSC with four public entities: Office of the Information and Data Protection Commissioner (IDPC), Commissioner for Children, the Office of Consumer Affairs within the Malta Competition and Consumer Affairs Authority (MCCAA) and with the Malta Police Force. The MCA is also compiling the enforcement and compliances processes and procedures to be in position to effectively oversee the DSA which will be applicable to all digital services as from 17 February 2024.

To ensure cooperation between the EU Member States, the DSA envisages the establishment of a European Board for Digital Services with representations of the DSCs. It will support the EU Member States and the European Commission with analysis, reports and recommendations, facilitate joint investigations by DSCs, and play an important role in enforcement when it comes to very large online platforms. The MCA, as the designated DSC for Malta, will participate in the European Board for Digital Services.

Platform to Business (P2B) Regulation - In 2021 the MCA was given the mandate to administer the provisions of the Platform to Business (P2B) Regulation. The P2B Regulation was transposed into Maltese legislation under the Online Intermediation Services for Business Users (Enforcement Measures) Regulations, 2021. The P2B Regulation sets out transparency and fairness obligations for certain digital platforms, namely online intermediation services (e.g., online marketplaces, app stores, price comparison tools) and online search engines. The MCA will continue to raise awareness amongst online providers and business users on requirements regarding terms and conditions, suspension or termination of services to business users, ranking of search results, and the setting up of internal complaint-handling systems by online providers.

Organising stakeholder fora, commissioning of surveys of public usage and perceptions of eCommerce, implementing targeted information campaigns on various digital services

The MCA will continue to raise awareness on digital services and the uptake of eCommerce by local enterprises. In particular, the MCA will continue to:

- provide online guides aimed at businesses that sell goods and/or services online and those that intend to set up their own online business¹⁴;

¹⁴ <https://digitalservices.mca.org.mt/>

- enhance trust in eCommerce and digital services, including by providing a high level of consumer protection and transparency of digital services;
- provide information to users of eCommerce services of their rights and the pitfalls in online ordering that they should be looking out for;
- carry-out educational programmes to encourage local enterprise to engage in eCommerce and undergo digital transformation;
- assess the adoption of digital services by local businesses and consumers via the findings of business and consumer surveys;
- feature successful eCommerce transitions by documenting the journey, including any pitfalls and lessons learnt, while also highlighting good practices that lead to a successful local and cross-border eCommerce project;
- raise awareness, in collaboration with other interested stakeholders, on digital services such as accessibility of public sector websites and mobile applications, in order to maximise usage;
- hold the Digital Services Forum in order to develop a stakeholder ecosystem and ensure a sound digital services policy on an ongoing basis; and
- contribute to fora targeting the uptake of eCommerce amongst SMEs.

Maintaining regulatory oversight on relevant activities

The eIDAS Regulation sets out rules for electronic identification and creates a European internal market for electronic trust services. The MCA is assigned the role of Supervisory Body to oversee providers of trust services established in Malta. The MCA ensures that qualified trust service providers, and the qualified trust services that they provide, meet the requirements laid down in the Regulation. The MCA also takes action, if necessary, in relation to non-qualified trust service providers established in Malta when informed that those non-qualified trust service providers or the trust services they provide allegedly do not meet the requirements laid down in the Regulation. The MCA also encourages the deployment and use of innovative trust services in Malta. The MCA will continue to participate in the Forum of European Supervisory Authorities (FESA) which comprises of regulatory bodies from all EU countries. The FESA discusses, amongst others, best practices for trusted list management and conformity assessment methods.

The MCA will continue to monitor the Geo-blocking Regulation on addressing unjustified online sales discrimination based on customers' nationality, place of residence or place of establishment within the internal market. The MCA will continue to monitor adherence to the

Cross-border Portability Regulation of online content services. Cross-border portability enables consumers to fully use their portable online content services (films, sports events, music services, e-books, video games etc) travelling within the EU in the same way they access them at home.

Monitoring public websites and mobile applications accessibility

All public sector websites need to conform to the European Web Accessibility Directive, transposed under the Accessibility of the Websites and Mobile Applications of Public Sector Bodies Regulations. The MCA will continue with the implementation of the Web Accessibility initiative by improving the accessibility of public sector websites and mobile applications. The MCA will continue to work with the Foundation for Information Technology Accessibility (FITA) to ensure that public sector electronic platforms, including mobile applications, are fully accessible and inclusive for people with disabilities as well as other disadvantaged segments of society. The MCA will also raise awareness on the benefits of using digital services, such as the accessibility of public sector websites and mobile applications.

The MCA participates in the Web Accessibility Directive Expert Group (WADEX). WADEX is a European Commission expert group set up to support the implementation of the Web Accessibility Directive, and to exchange best practices amongst website and mobile apps accessibility experts across the EU. The WADEX discusses, amongst others, the various Web Accessibility monitoring tools and technologies available on the market and the processes that are being adopted to perform the monitoring and reporting process emanating from the Web Accessibility Directive.

The European Accessibility Act (EAA) which came into force in June 2019 and was transposed under the Accessibility Measures (European Accessibility Act) Regulations. The Regulations will come into force in June 2025 and will cover a range of products and services in the Technology, Media and Telecom (TMT) sector. Given the synergies that lie with the MCA’s already established role of responsible authority for accessibility to public sector websites and mobile apps, a memorandum of understanding (MoU) is in the process of being established between the CRPD and the MCA for technical expertise in areas relating to accessibility of electronic communications and information society services.

Priority Programme of Works 2024 - Strategic Objective 5	
Project / Activity	Planned Output
Digital Services Act - Compliance and Enforcement	<ul style="list-style-type: none"> - Introduction of complaint handling, monitoring, enforcement, and reporting procedures - Awareness campaign

Priority Programme of Works 2024 - Strategic Objective 5	
Project / Activity	Planned Output
Platform to Business Regulation - Implementation	<ul style="list-style-type: none"> - Ongoing implementation and monitoring - Awareness campaign
eIDAS Regulation - Promotion and Monitoring	<ul style="list-style-type: none"> - Monitoring and supervision of qualified trust service providers - Contribute and participate in FESA meetings
Web Accessibility Directive - Monitoring	<ul style="list-style-type: none"> - Monitoring of public sector websites and mobile apps with the support of FITA - Reporting on the outcome of the monitoring activity - Awareness campaign
Web Accessibility Directive - Report to European Commission	<ul style="list-style-type: none"> - Report on the monitoring, awareness and enforcement activities for the period 2022 - 2024 - Delivery of the report to European Commission
Digital Services Survey - Exploring use and perceptions of digital services by end-users	<ul style="list-style-type: none"> - Draft survey tool for consumers and businesses - Fieldwork - Analysis of findings - Publish and disseminate survey findings
eCommerce monitoring of essential requirements	<ul style="list-style-type: none"> - Ongoing monitoring of local eCommerce websites

Strategic Objective 6 - Safeguarding sustainable competition in the postal sector.

Overview

The MCA safeguards sustainable competition in the provision of postal services, subject to ensuring the availability of a universal postal service. The MCA uses appropriate regulatory intervention, in the universal postal service area, in case of actual or potential competition problems.

Analysing competition dynamics in specific postal markets

In 2024 the MCA will finalise a review of the postal markets to assess whether MaltaPost continues to hold SMP in any of the relevant markets falling within the universal postal service area. The aim being to ensure that market review decisions remain relevant and that remedies reflect any changes in the markets. Should the USP no longer hold SMP in any of the relevant markets the MCA will, among others, withdraw *ex-ante* price control regulation (i.e., remove the need for the approval of tariffs).

Continuing enhancements to MaltaPost economic regulation model

MaltaPost's regulatory accounts are critical information for the MCA to be able to assess how the universal postal service is performing financially, for assessing universal postal services' prices for compliance with tariff requirements of the Postal Services Act, and other regulatory requirements. The MCA ensures accurate cost allocations between the universal postal services and other services so that the universal postal service is not cross-subsidising services outside the scope of the universal postal services. In 2024, the MCA will conclude the development of a price modelling tool for the universal postal service. This tool will specifically apply to services falling within the purview of the universal postal services which are subject to tariff regulation.

Managing the postal compliance framework

The MCA will continue to ensure compliance of both licensed operators providing services within the universal postal service area and operators subject to a general authorisation providing only services that fall outside the scope of the universal postal service. The MCA will ensure that operators that offer services that fall within the scope of the universal postal service are appropriately licensed to carry out such activities.

Monitoring performance via collection and analysis of data

Knowledge about developments in the postal sector is key to ensure that: it continues to benefit all users, both consumers and businesses; all understand the changes facing the sector; and

that the MCA can properly perform its regulatory duties and obligations. The MCA will continue to collect relevant, accurate and timely information on the postal market in an efficient and effective manner and include this in published biannual market reviews. This activity is supplemented by periodic public and business perception surveys. The results of these surveys serve as an additional source of information in support of regulatory decisions, as well as an indication of the extent to which the postal sector is meeting the reasonable needs of users in light of changes in the market, in particular the growth in online shopping and continued decline in the traditional letters markets. In 2024 the MCA will commence a new round of household and bulk mail perception surveys.

Priority Programme of Works 2024 - Strategic Objective 6	
Project / Activity	Planned Output
Review of postal markets within the universal postal service area	<ul style="list-style-type: none"> - Public consultation - Response to consultation / Decision
Automated Price Adjustment Mechanism for the universal postal service	<ul style="list-style-type: none"> - Public consultation - Response to consultation / Decision
Regulatory financial reporting by MaltaPost	<ul style="list-style-type: none"> - Ensure MaltaPost's compliance with the regulatory financial reporting requirements - Review MaltaPost's regulatory accounts and update MCA's price control model - Monitoring of MaltaPost's financial performance regarding the universal postal service
Compliance, enforcement, and investigations	<ul style="list-style-type: none"> - Monitoring and enforcement of operators licensed to provide services within and outside the scope of the universal postal service - Monitoring and enforcement of operators subject to a general authorisation providing only services outside the scope of the universal postal service - Biannual report on the complaints and enquires received by the MCA
Postal consumer perception surveys (Household, bulk mailers)	<ul style="list-style-type: none"> - Review of survey questions (2023) - Commence with fieldwork - Analysis of survey findings and publication - Publication of survey findings
Informing stakeholders on key data and trends in the postal sector	<ul style="list-style-type: none"> - Publication of bi-annual market review report (July - December 2023 / January - June 2024) - Publication of quarterly data report sheets

Strategic Objective 7 - Ensuring that postal undertakings provide a transparent, quality service to users in line with incumbent social obligations

Overview

The MCA ensures that postal undertakings provide transparent and high-quality services to users. In particular, the MCA ensures a high level of protection for postal service users in their dealings with postal service providers. The strategic intention is that postal service users can choose and use postal services with confidence. The MCA also seeks to ensure that there is a universal postal service that meets the reasonable needs of postal service users. A universal postal service ensures the provision of postal services to all people in Malta, at an affordable price and to a sufficient level of quality.

Determining the ongoing feasibility of existing universal postal service obligations to reflect users' present-day needs

The MCA's primary objective is to ensure the sustainability of the universal postal service in the face of changing mail dynamics. There is a changing demand dynamic, particularly in the mix of services (more packets and fewer letters). A reform of the minimum requirements of the postal Universal Service Obligation (USO) commenced in 2023. The parties involved, that is, the USP, the MCA and the Government need to find the necessary balance between quality of service, the extent of the USO and the relevant operational costs. This balance is essential to ensure that the service aligns with current needs, remains cost effective, and at the same time sustainable over the longer term.

Managing the compliance framework, with focus on quality-of-service provision

The MCA will continue to ensure the postal service users know: the postal services they are buying; how to raise a complaint if problems arise; and the steps that can be taken if the complaint remains unresolved. The MCA will continue to keep the public informed of postal market developments and postal trends that are taking place within the postal sector. The MCA will continue to empower postal service users by ensuring the availability of accurate and appropriate information. Postal service users must be adequately informed if they are to correctly select postal services that suit their needs.

The MCA engages with postal service providers to help ensure that appropriate information is made available to postal service users. To empower and inform users of the universal postal service, the MCA ensures: that the terms and conditions for the universal postal services contain appropriate information to meet the reasonable needs of postal service users; and that MaltaPost publishes its annual QoS performance results of the universal postal service against the set performance targets.

The MCA will continue to monitor compliance by the USP and other service providers in relation to protecting the integrity and security of mail, complaints handling procedures and compensation schemes, as well as quality of service.

QoS standards for the provision of the universal postal service, particularly in relation to single piece and bulk letter mail, are necessary to ensure that postal service users receive the appropriate service for which they have paid. In 2023 the MCA consulted on changes to the QoS to be achieved by MaltaPost. The revised QoS performance targets aim to ensure a satisfactory level of service for users while promoting the financial sustainability of the universal postal service. A final decision is expected early in 2024.

The MCA will continue to monitor compliance with the quality-of-service standards (which focus on routing times and on the regularity and reliability of universal postal services) and publish a report on the results of the monitoring exercise. The MCA will continue to engage with MaltaPost on its quality-of-service performance. Where the MCA is of the opinion that the USP has not met the QoS standards it may give a direction to the USP to take corrective action.

Ongoing management of the EU regulation on cross-border parcel delivery

The EU Regulation on cross-border parcel delivery services aims to increase the level of transparency of certain single-piece tariffs and enhance regulatory oversight of the parcel delivery market; and ensure that citizens and small businesses have access to reasonably priced cross-border parcel delivery services. The MCA will continue to gather information from parcel (including small packets) delivery service providers about their services and the public list of tariffs applicable for single-piece postal items. Information on the services and public tariffs of all EU Member States are published by the European Commission on a dedicated website. The MCA will continue to assess whether MaltaPost’s cross-border parcel tariffs are ‘unreasonably high’ and pass that assessment to the European Commission.

Priority Programme of Works 2024 - Strategic Objective 7	
Project / Activity	Planned Output
Ensuring the sustainability of the universal postal service / USO	<ul style="list-style-type: none"> - Discussions with relevant stakeholders - Public consultation on the review of the USOs - Response to consultation / Decision
Review of QoS to be achieved by MaltaPost for the Universal Service	<ul style="list-style-type: none"> - Public consultation (2023) - Response to consultation / Decision
Implementing the EU Cross-border parcel Regulation	<ul style="list-style-type: none"> - Cross-border parcel tariffs forwarded to the European Commission for publication

Priority Programme of Works 2024 - Strategic Objective 7	
Project / Activity	Planned Output
	<ul style="list-style-type: none"> - Assessment of cross-border parcel tariffs - Annual Report to the European Commission - Publication of non-confidential assessment report
Monitoring QoS performance of the USO	<ul style="list-style-type: none"> - Monitoring of QoS performance of the universal postal service (routing times and the reliability and regularity of mail) - Audit of QoS measurements - Ensure publication of QoS performance
Monitoring of the USP's activities and other service providers	<ul style="list-style-type: none"> - Monitoring of mail integrity, postal service schemes, QoS and complaints handling
Compliance, enforcement, and investigations	<ul style="list-style-type: none"> - Biannual report on the complaints and enquires received by the MCA and information on enforcement actions and related monitoring activities

Strategic Objective 8 - Contributing to the ongoing development and implementation of sector policy

Overview

The MCA's strategic and business objectives are influenced by decisions made at national, European, and international level. At a national level, the MCA works with stakeholders so that it can be more effective in pursuing its objectives. Beyond the national level the MCA contributes and participates in various EU and other international fora to ensure that any future policies benefit Malta. The MCA also leverages its expertise in the sectors on which it has oversight in providing policy advice to Government.

Provision of input to EU-driven policy proposals

Review of the EU Broadband Cost Reduction Directive (BCRD) 2014/61 - In February 2023, the European Commission published the proposal for a Gigabit Infrastructure Act (GIA) that will replace the current BCRD. The aim remains to reduce the cost of broadband network deployments through access provisions, coordination of civil works and permit-granting process. The MCA is providing the necessary input to Government during the discussions on the draft legislative proposal, together with Transport Malta (TM) and other stakeholders. The GIA is expected to be adopted in the first quarter of 2024.

Revised Directive on the Security of Network and Information Systems (NIS2) - The MCA is following the proceedings involving the transposition NIS2 Directive. The EU NIS2 Directive entered into force on 16th January 2023 and is to be transposed into national legislation by the 17 October 2024. The transposition of the NIS2 Directive falls under the responsibility of the Ministry for Home Affairs, Security and Employment (MHSE). The security provisions for trust service providers found in the eIDAS Regulation and the security provisions found in the EECC have been repealed and replaced by those in the NIS2 Directive. The MCA is expected to retain its current mandate regarding providers of publicly electronic communications networks, providers of publicly available electronic communications services and trust service providers.

Review of the EU eIDAS Regulation (European Digital Identity Regulation – EUid Regulation) - The proposed EUid Regulation (eIDAS 2) will amend the current eIDAS Regulation in order to improve its effectiveness, extend its benefits to the private sector and promote trusted digital identities for all Europeans. The proposed Regulation intends to expand the current list of trust services by adding three new qualified trust services: electronic archiving services, electronic ledgers, management of remote electronic signatures and seal creation devices. The proposed Regulation will also require EU Member States to issue a digital identity wallet under a notified digital identification (eID) scheme with common technical standards recognised across the EU. The wallet would remain voluntary and free of charge for individuals. Each Member State would have to notify at least one wallet as part of a national electronic identification system. The MCA will continue to provide technical and policy advice to

Government on the review of the eIDAS Regulation, specifically in those areas dealing with trust services, as well as the drafting of national legislation where applicable. The EUid Regulation is expected to be formally adopted early in 2024.

European Data Act - The European Data Act is another important proposal by the European Commission intended to play a key role in Europe's digital transformation. It was launched in February 2022 and is intended for the sharing of data by both government and private sectors to provide aftermarket or other-data driven innovative services, redress unfair situations in data-sharing contracts and enable the better sharing of data between public service national bodies. The Data Act also contains new rules that grant customers the freedom to switch between various cloud and edge data-processing services. The MCA's contribution could be relevant, for instance, in relation to switching between data processing services (such as cloud services), the monitoring of switching charges, interoperability, or complaints handling, IoT and more generally concerning the impact of such services and the Data Act obligations on the telecommunications sector. The Data Act was formally adopted in November 2023.

Prospective study of the European Postal Sector - While an immediate review of the EU's Postal Services Directive is not on the horizon, the EC is undertaking a forward-looking prospective study of the European postal sector. The study, which is expected to be completed in the second half of 2024, will assess the possible evolutions of the postal sector in the wake of recent crises (such as the Covid-19 pandemic, and the war between Russia and Ukraine) and long-term structural trends. Furthermore, the study will seek to analyse the possible effects of changes to the current regulatory framework. In the meantime, regulatory activities in relation to postal services will take place within the ambit of the existing PSD, while at the same time taking into account the envisaged direction of the eventual review, which the European Commission has already outlined. The MCA will also contribute to the ERGP¹⁵ regarding any requests from the European Commission for technical assistance, support and advice in the process of reviewing the regulatory framework applicable to the postal sector.

Space-related topics - Space policy falls under the responsibility of the Ministry for Education, Sport, Youth, Research and Innovation (MEYR). The MCA advises Government of matters relating to space communications and contributes to the 'Malta Space Taskforce'. The MCA will continue to support Government in space related topics, notably Galileo and in the European Commission's expert group on governmental satellite communications (GovSatCom), by participating in programme committee, evolution, and supervisory authority meetings. In relation to GovSatCom, subject to direction, the MCA may take on a number of actions, among which recommending to Government the most efficient and effective set-up of a GALILEO Public Regulated Service (PRS) Authority at national level. The GALILEO PRS

¹⁵ European Regulators Group for Postal Services (ERGP).

provides position and timing restricted to government-authorised users, for sensitive applications which require a high level of service continuity.

Interacting at various EU-related bodies and major non-EU bodies

Active participation on EU and International fora will remain high, in view of the need to consistently put forward Malta's position, particularly in areas which are of relevance to the domestic environment. The MCA's international obligations entail active participation in the following EU organisations:

- BEREC which ensures independent, consistent, high-quality application of the European regulatory framework for electronic communications markets for the benefit of Europe and its citizens. The EECC places a requirement on BEREC for the submission of various opinions in relation to how several measures reflected in the EECC, would be implemented in practice. A series of specific tasks have been assigned to BEREC, among which, the drafting of opinions to the European Commission expected to be delivered by BEREC in 2024, such as such as the Opinion on Article 123 (Specific review procedure on end-user rights) of the EECC, the Opinion on the national implementation and functioning of the general authorisation regime and the Opinion about the functioning of the Roaming Regulation.

The MCA will also contribute to BEREC's evaluation of the EECC (including the evaluation of the universal service) in view of the EC's review scheduled for the 21st December 2025. BEREC must review the national implementation status throughout the EU and start considering to what extent the new electronic communications framework is enabling the achievement of the EECC's objectives and whether the framework's provisions are effective to that end. The MCA will also contribute, via BEREC, to the EC's first assessment report on the functioning of the Roaming Regulation to be submitted to the European Parliament and to the Council by the end of June 2025. The MCA will also be participating in the processes undertaken by the European Commission, in relation to the potential review of wholesale voice call termination rates and of wholesale mobile roaming rates, that commenced in 2023. The MCA intends to host a BEREC Plenary meeting in the last quarter of 2025.

- The Radio Spectrum Policy Group (RSPG) which provides high-level strategic advice on spectrum policies to the European Commission.
- The Communications Committee (COCOM), which assists the European Commission in carrying out its executive powers under the regulatory framework for electronic communications.

- The Radio Spectrum Committee (RSCOM), responsible for the development of implementing decisions with respect to technical measures that ensure harmonised conditions across Europe for the availability and efficient use of radio spectrum.
- The European Union Agency for Cybersecurity (ENISA) in relation to cybersecurity and network security regulation.
- ERGP responsible for advising and assisting the European Commission in consolidating the internal market for postal services and ensuring the consistent application of the European postal regulatory framework for postal services. ERGP's 2024 work programme will focus on revisiting the postal sector and its regulatory framework in the light of environmental sustainability and digitalization, promotion of a competitive single EU postal market in the context of rising eCommerce deliveries; the empowerment of end-users; and ensuring a user-oriented universal postal service.
- The European Commission's Postal Directive Committee (PDC) which serves as a scrutiny body for the application of postal legislation and for the improvement of quality of service, notably the establishment of quality standards for intra-EU cross-border services.
- The Expert group on electronic commerce which advises the European Commission on issues relating to electronic commerce and related services.

The MCA will also continue to represent Malta in international fora:

- The International Telecommunication Union (ITU) regarding preparation for participation in the ITU Plenipotentiary Conferences and the ITU World Radiocommunication Conferences. The last plenipotentiary conference was held in October 2022 and WRC in 2023 (from the 20 November to the 15 December 2023). The conference identified new bands for International Mobile Telecommunications (IMT, the ITU terminology for 3G/4G/5G) and increased flexibility of the use of the UHF band between 470–694 MHz, which is currently allocated to broadcasting. Many agenda items also addressed spectrum and procedures for satellites. In addition, new decisions were taken to modernise the maritime safety system (GMDSS) and to increase the available spectrum resources for aeronautical communications. The work will continue in 2024 with the implementation of the Final Acts of WRC-23 via the revision of the National Frequency Plan (NFP), regulatory frameworks concerning the use of radio spectrum / radio equipment and the MCA's satellite filing procedures. Preparation for WRC-27 will commence in 2024, amongst others via an assessment of the WRC-27 agenda items which are most relevant to Malta and the potential impact on national undertakings.
- The Universal Postal Union (UPU). The UPU's mission is to stimulate the lasting development of efficient and accessible universal postal services of quality in order to

facilitate communication between the inhabitants of the world. An extraordinary UPU congress was held in 2023 (from 1 to 5 October 2023). At this meeting of postal plenipotentiaries, decisions were made that will affect the global postal sector, including agreements on opening up to the wider postal sector, climate action targets and modernisation plan for postal financial services. The next Universal Postal Congress will be held in 2025.

- The European Conference of Postal and Telecommunications Administrations (CEPT), the International Regulators' Group (IRG) and other related workgroups.
- The European Committee for Postal Regulation (CERP).
- The European Mediterranean Regulators Group (EMERG), which acts as a forum for regular discussions and exchanges of information on issues relating to electronic communications.

The MCA will actively contribute to pan-European initiatives in relation to:

- The European Commission's review of wholesale voice call termination rates and of wholesale mobile roaming rates.
- The harmonisation of additional spectrum for next generation of wireless broadband services (including 5G and future developments of 6G technologies).
- The EU Digital Decade Policy Programme 2030. Leading up to 2030, EU Member States, in collaboration with the European Parliament, the Council of the EU and the Commission, will shape their digital policies to achieve targets in these four areas: improve citizens' basic and advanced digital skills; improve the take-up of new technologies in EU businesses, such as artificial intelligence, data and cloud; further advance the EU's connectivity, computing and data infrastructure; and make public services and administration available online.
- The envisaged proposal by the EC for a Digital Networks Act (DNA) intended to overhaul the regulatory framework for electronic communications.¹⁶
- The ongoing submission of accurate statistics and information to the EU and other international organisations.

¹⁶ The European Commission plans to publish a white paper on Europe's digital infrastructure needs in the first quarter of 2024 leading to a draft Digital Networks Act. The European Commission also plans to publish a recommendation on the security and resilience of submarine cable infrastructures in the first quarter of 2024.

Priority Programme of Works 2024 - Strategic Objective 8	
Project / Activity	Planned Output
Review of the EU Broadband Cost reduction Directive (BCRD) – Proposed Gigabit Infrastructure Act (GIA)	<ul style="list-style-type: none"> - Technical and policy advice to Government <i>(together with TM and other stakeholders)</i>
WRC-23 Outcome	<ul style="list-style-type: none"> - Analyse the outcomes of WRC-23 - Identify those agenda items of WRC-27 which are considered of relevance to Malta.
EU and International policy and regulatory initiatives	<ul style="list-style-type: none"> - Ongoing participation and contribution in the following fora and related working groups: <i>BEREC, RSPG, RSCOM, COCOM, ENISA, ERGP, Postal Directive Committee, Expert group on electronic commerce, CEPT, ITU, CERP, EMERG and the UPU</i> - Provision of statistical and other information to EU and international fora

Strategic Objective 9 - Conducting relevant research, exploring and developing emergent policy areas

Overview

The MCA remains committed to promoting and facilitating development in relevant communications and digital niches. The MCA also, on an ongoing basis, researches and explores emergent policy areas of relevance to its mandate.

Supporting fixed and wireless broadband research and development

The MCA will continue to support fixed, wireless and mobile broadband research and development, through various modes, mainly via participation in the Broadband Competence Office (BCO). The MCA will also identify funding opportunities in areas of interest, such as 5G and 6G, cybersecurity, IoTs and Over the Top (OTT) services. The MCA will continue to make radio spectrum available to enable new and innovative wireless technologies and services. In addition, having regard to future trends, including the increased demands for advanced mobile services, potential impacts of IoT and 5G, and new wireless opportunities associated with space communications, the MCA will continue to promote the use of spectrum for innovation, mainly via the uptake of test and trial licences.

Continue addressing the implications of the European Green Deal on relevant sectors and the MCA's regulatory mandate

In October 2023, the MCA published its views on the key issues and deliverables relative to the achievement of gradual carbon neutrality in the sectors that it regulates. Whilst the MCA does not so far carry a specific legal mandate on the regulation of emissions in these sectors, it sees itself playing a role even within its current responsibilities. It is encouraging to see the communications sector in Malta committing to net-zero plans to reduce their own environmental impact, while delivering services and networks that can help enable the Malta to decarbonise and become more efficient. The MCA will continue engaging with industry stakeholders to understand their approach to running their businesses sustainably, including how they affect the environment, and are affected by both environmental change and wider societal efforts to become more sustainable. It is to be remarked that from interactions with regulated operators, most operators are, of their own accord, taking tangible and extensive measures to control their emissions. The MCA will explore initiatives related to consumer information, designed to empower consumers in making informed choices aimed at driving improvements to the environmental sustainability of the communications sector. These actions aim to drive improvements in the sector's ecological footprint by enhancing consumer awareness and encouraging environmentally conscious decision-making.

Research on the status of sectors under the MCA’s sphere of responsibility, in relation to the European Green Deal, is set to continue in 2024 with information gathering and interaction with the local operators, as well as through BEREC and ERGP.

Priority Programme of Works 2024 - Strategic Objective 9	
Project / Activity	Planned Output
Facilitating 5G trials in Malta	<ul style="list-style-type: none"> - Facilitate the deployment of 5G use cases in Malta
Research on innovative wireless communication systems	<ul style="list-style-type: none"> - Follow developments taking place internationally in relation to 5G and 6G technologies - Identify any regulatory barriers which could affect the introduction of the monitored innovative wireless technologies
Addressing the implications of the European Green Deal on relevant sectors and the MCA’s regulatory mandate	<ul style="list-style-type: none"> - Continue to engage with local authorities and operators to better understand the role that regulators of electronic communications sector can play in decarbonisation - Begin work on considering consumer information actions to inform consumer choice aimed at driving improvements to the environmental sustainability of the electronic communications sector - Follow development regarding common indicators for measuring the environmental footprint of electronic communications networks for the provision of electronic communications services - Follow developments in EU Fora – BEREC and ERGP

Strategic Objective 10 – Maximising operational excellence to ensure regulatory effectiveness and relevance.

The MCA operates within a dynamic and complex landscape, characterised by constant changes, both in terms of the sectors it regulates and the policy context. The MCA strives to be an active and agile organisation, capable of responding to the rapidly changing environment and effectively addressing challenges that affect the MCA's ability to fulfil its Mission in a timely manner. The organisation's ability to deliver on its Mission hinges on four key drivers of organisational success: maintaining an informed regulator with a deep sector understanding; fostering proactive stakeholder engagement; adapting to our evolving mandate; and optimizing our people and processes. In addition, regulation is only effective when regulated entities comply with their regulatory obligations.

Compliance and enforcement

In terms of compliance and enforcement, the MCA's statutory functions can be divided into two categories: to ensure that regulated entities comply with their regulatory obligations and to ensure that the radio spectrum is managed in an efficient and effective manner. This includes supporting stakeholders to understand how to comply with their regulatory obligations. In 2024 the MCA will review its compliance and enforcement strategy focusing on a culture of compliance, active monitoring of regulatory obligations, targeted enforcement, and effective deterrence.

Performance planning and review

The MCA is committed to maintaining efficient and effective strategic and business planning, along with the monitoring of actual performance against predetermined targets. Performance planning cascades from the strategic and business planning tier to individual staff performance planning programmes. All these components are co-ordinated and regularly reviewed and updated in a process of continuous improvement. The MCA consistently ascertains the validity of its performance by reviewing its activities on an ongoing basis, assessing whether outputs and outcomes are being attained and reviewing its plans accordingly.

Human resources

The MCA is committed to fostering a knowledge-based, well-structured workforce capable of effectively fulfilling its mission and mandate. For the MCA to be an informed regulator, in addition to access to high-quality and reliable data in a timely manner, it must have skilled staff who can undertake analysis to produce high-quality research and insights.

Performance-based activity permeates down to the individual level by means of individual performance assessments, which tie into the achievement of organisational goals. Staff

performance measurement is a reflection of the organisation's progress in meeting its strategic objectives.

Staff motivation is considered a key element for the success of the MCA's mission. The MCA is committed to maintaining an environment that brings out the best in the people it employs.

The MCA places high value on the ongoing training of staff in both soft and hard skills and is committed to periodically carry out a structured programme across the entire organisation as the basis for its training schedule. Such structured training is over and above the essential 'on the job' knowledge gathering that takes place on an ongoing basis. The latter includes overseas specialized technical and professional training as well as study visits to and exchanges with fellow NRAs in other EU member states.

Ongoing participation in BEREC and ERGP workgroups has also served its purpose as a highly valued means of investing in expertise. The MCA staff members eventually provide a return by contributing as co-drafters on a number of these workgroups. Various MCA representatives are also nominated and considered as Co-Chairs of these expert workgroups.

The MCA needs to be in a position where it can compete with other economic players to attract and retain the best and brightest in order to be able to carry out its mandate to maximum effect.

The MCA will continue to focus on supporting and retaining its existing talent pool as it recruits additional staff to fulfil its Mission and evolving mandate. As new functions are added to its mandate, the MCA will continue to strike an appropriate balance between in-house resources and outsourcing.

Outsourcing of expertise

In those instances where it is feasible to do so, the MCA will outsource requirements for services whenever these involve the need for specific expertise that is not available within the Authority. The MCA will also consider outsourcing where the need for such services is short-term, and mainly serves to address a pressing need. The MCA is committed to dedicating the necessary resources towards the management of contractors, with a view to obtaining the best possible value in services received both in terms of contracted outputs as well as via knowledge transfer.

Organisation

An organisation that operates in a highly dynamic environment needs to have the in-built flexibility to adapt to changing circumstances. The MCA retains such flexibility via a matrix mode of operation that cuts across formal organisational boundaries and brings together staff from various units and disciplines together to work on specific assignments. As new functions are assumed the MCA will dovetail these with its business in as seamless a manner as

possible. The MCA mission, strategic and business objectives, organisation structure, policies and procedures will be updated to reflect the new state of affairs.

Resources

For the MCA to function at desired levels and empower its staff members to achieve optimal performance, it needs to ensure that they are adequately equipped to carry out the task. In this respect this organisation is committed to providing the environment that is most conducive to productivity. This commitment is reflected in the provision of adequate premises and ICT resources as well as other logistical support necessary for the successful execution of tasks.

The MCA also deems information management as being a fundamental resource to this organisation and will see to setting up new information systems and processes as necessary, as well as maximising the potential of existing ones. The MCA considers keeping staff updated on developments on an ongoing basis as a fundamental component of its information management activity.

Financial autonomy represents another important pillar in the maintenance of the MCA's status as an independent and effective regulator as well as to achieve desired targets in the case of other mandated non-regulatory activities. The MCA follows principles of good governance, ensuring that it has adequate finances to meet its mandate and that it delivers the best possible service to stakeholders. In so doing this organisation ensures that it is fully accountable for its activities and related incomes and expenditures. The MCA ensures that financial reporting reflects the various activities carried out and the related sources of funding. The MCA dedicates the necessary resources towards maintaining its accountability framework to the highest standards.

Financial autonomy by itself is not effective in achieving targeted objectives without equal autonomy in personnel recruitment and speed of procurement. Thus, in order to be able to deliver its programme the MCA requires the collaboration and timely input of other institutional players, not only in the area of Finance but also in the case of recruitment and procurement. Such collaboration and input are to be seen in the context of the MCA's independence and accountability, as enshrined in law.

The MCA also considers timely collaboration from other institutional players as a critical input towards successful outcomes, particularly in instances where projects span a number of government bodies. In the same spirit the MCA is committed to providing timely and quality input to institutional players whenever such is reasonably required.

In 2024 the MCA plans to commence with an upgrade to its Enterprise Resource Planning (ERP) system. The upgrade will integrate with the digitization of the radiocommunication licensing function. The digitisation of the radiocommunications equipment licences will provide

better online process for stakeholders and enable the MCA to provide a more efficient licensing service.

Priority Programme of Works 2024 - Strategic Objective 10	
Project / Activity	Planned Output
Upgrading the ERP System	<ul style="list-style-type: none"> - Publication of call for tenders - Tender award - Analysis and design of new solution - Implementation of new solution - Initial migration, testing and acceptance (2025) - Final migration and switchover (2025)
Digitisation of radiocommunications licences	<ul style="list-style-type: none"> - Publication of call for tenders - Tender award - Analysis and design of new solution - Implementation of new solution - Digitisation of radiocommunications licences (2025)
Annual report	<ul style="list-style-type: none"> - Publication of Annual Report 2023
Strategy Update and Business plan	<ul style="list-style-type: none"> - Strategy Update 2025 - 2027 - Business and Financial Plan 2025 - 2027 - Publication of Strategy Update 2025 – 2026 / Annual Plan 2025
Performance management and monitoring	<ul style="list-style-type: none"> - Quarterly performance management reviews (outputs / outcomes)
Processes and procedures	<ul style="list-style-type: none"> - Review of the MCA's processes and procedures
Staff training	<ul style="list-style-type: none"> - Ongoing staff training in both soft and hard skills

2.2 Delivery of Work Programme

The planned priority work streams and outputs envisaged to be performed during the course of 2024 are shown under each of the above-mentioned strategic objectives. The major outputs listed under each strategic objective represent the MCA's current view of the priority work streams that will be undertaken during 2024. These are presented to provide as much clarity as possible.

There are, however, a number of factors that are beyond the MCA's control which could impinge on the successful delivery of its work programme. The MCA may have to adjust its plans due to unforeseen external developments (for example in light legislative and regulatory developments, appeals to the MCA's decisions, and disputes between operators). The MCA therefore intends to retain flexibility within the 2024 work programme, to respond to changes and new issues arising during the course of the year.

The MCA will update its plans every quarter and make adjustments to its work programme when necessary to make sure it keeps pace with the rate of market change and any critical issues affecting citizens and consumers at any one time.

3 Financial Projections

The MCA's projected expenditure for 2024 is expected to be as shown in **Table 1** below:

Table 1: MCA's Expenditure Analysis - 2024					
	Staff Costs (€'000)	Administrative Expenditure (€'000)	Operational Expenditure (€'000)	Projects Expenditure (€'000)	Total Expenditure (€'000)
Electronic Communications	2,157	531	669	341	3,698
Postal Services	212	35	34	151	432
Radio Spectrum Management ¹⁷	339	86	193	44	662
Radiocommunications Equipment Licences	142	31	5	4	182
Digital Services	246	47	28	193	514
Total Expenditure (€)	3,096	730	929	733	5,488

¹⁷ Expenditure related to the management and monitoring of the radio spectrum that do not effectively pertain to the rights of use by electronic communications operators.



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