



Modalities of Payment for General Authorisations and Rights of Use under the Electronic Communications (Regulation) Act

Public Consultation

MCA/C/21-4440

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1 Introduction

On the 4th of November 2004, the Malta Communications Authority (MCA) issued a Directive No.1 on the Modalities of Payment for General Authorisations and Rights of Use (the 'Directive'). The purpose of the Directive was to regulate the manner in which fees established under the (then) Eleventh Schedule of the Electronic Communications Networks and Services (General) Regulations, 2004 are paid to the MCA. This Directive was subsequently amended by Directives No.1 of 2007 and No. 2 of 2017.

2 Proposed New Directive

As a result of the publication and coming into force on 1st October 2021 of the national laws transposing the European Union Directive (EU) 2018/1972 (the European Electronic Communications Code referred to as the 'EECC') - various references to the law in the current Directive need to be updated. Specifically in relation to the current Directive, Subsidiary Legislation 399.28 of the Laws of Malta was on the 1st October 2021 repealed and replaced by Subsidiary Legislation 399.48 of the Laws of Malta. Moreover Chapter 399 of the Laws of Malta was amended with effect from the same date¹.

The MCA has decided to issue a new directive replacing the current Directive to reflect these changes in the law, cater for certain editorial changes, and insert certain minor amendments.

In taking forward this process the MCA is therefore issuing this consultation whereby, as per the attached Annex, the current Directive is being reproduced, together with the proposed new directive replacing the current Directive and where applicable comments on the changes as reflected in the proposed new directive.

¹ The current Directive includes references to both the former SL 399.28 and to Chapter 399 as it was prior to the amendments as per Act No. LII of 2021.

3 Consultation Framework

The MCA invites comments from interested parties regarding this Consultation incorporating the proposed new directive. The consultation period will run until 12:00pm on 1 December 2021.

Comments are to be addressed for the attention of:

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4 Annex

Comparative table factoring the current Directive and the proposed Directive replacing the current Directive.

Current Directive	Proposed directive (new text is in red whereas deleted text is deleted using strike-through)	Remarks
Part I PURPOSE AND DEFINITIONS	Part I PURPOSE AND DEFINITIONS	No change
Title Cap. 399 1. The title of this directive is the Directive on the Modalities of Payment for General Authorisations and Rights of Use under the Electronic Communications (Regulation) Act.	Title Cap. 399 1. The title of this directive is Directive Number 2 of 2021 on the Modalities of Payment for General Authorisations and Rights of Use under the Electronic Communications (Regulation) Act.	No change other than in the title
Purpose 2. The purpose for this Directive is to regulate the manner in which the charges and fees established in the Eighth Schedule of the Electronic Communications Networks and Services (General) Regulations, are paid to the Malta Communications Authority and to ensure compliance with article 18(2) and (3) of the Electronic Communications (Regulation) Act and with regulations 70, 76 and 78 of the Regulations.	Purpose and coming into force SL 399.48 2. 1 The purpose for this Directive is to regulate the manner in which the charges and fees established in the Eighth Twelfth Schedule of the Electronic Communications Networks and Services (General) Regulations, are paid to the Malta Communications Authority and to ensure compliance with article 18(2) and (3) of the Electronic Communications (Regulation) Act and with regulations 70, 76 and 78 of the Regulations regulations 12 (Administrative Charges), 31 (Fees for rights of use for radio spectrum), 33 (Conditions attached to individual rights of use for radio spectrum) and 82 (Fees for rights of use for numbering resources) of the aforesaid Regulations. 2.2 This Directive shall be deemed to have come into force as from the 1st October 2021	Changes reflect new references at law subsequent to the making of SL 399.48 and the amendments to Cap. 399. A new proviso is being included to establish the date of the coming into force of the proposed Directive

	<p>Repeal of Directive 1 of 2004 as amended</p> <p>3.1 Directive number 1 of 2004, as amended, entitled “Directive on the Modalities of Payment for General Authorisation and Rights of Use under the Electronic Communications (Regulation)” is being repealed:</p> <p>3.2. The provisions of Directive number 1 of 2004 as amended shall remain applicable in so far as they relate to any outstanding payments and, or obligations under that Directive prior to the 1 October 2021.</p>	<p>Repeals current directive 1 of 2004 as amended whilst provided for a transitory provision to relation to payments and obligations prior to the 1 October 2021.</p>
<p>Interpretation</p> <p>SL 399.28</p> <p>3. In this Directive unless the context otherwise requires:</p> <p>"the Act" means the Electronic Communications (Regulation) Act;</p> <p>"undertaking" means an undertaking deemed to be authorised in accordance with the Act;</p> <p>"the Authority" means the Malta Communications Authority;</p> <p>"quarter" means any period of three months ending on the 31st March, 30th June, 30th September, and 31st December of any year;</p> <p>"the Regulations" means the Electronic Communications Networks and Services (General) Regulations;</p>	<p>Interpretation</p> <p>Cap. 399</p> <p>SL 399.28 SL 399.48</p> <p>4. In this Directive unless the context otherwise requires:</p> <p>"the Act" means the Electronic Communications (Regulation) Act;</p> <p>"the Authority" means the Malta Communications Authority;</p> <p>"non-chargeable activities" means those activities which do not incur variable administrative charges under paragraphs (b), (c), (d) or (e) of Part A in the Twelfth Schedule to the Electronic Communications Networks and Services (General) Regulations</p> <p>"quarter" means any period of three months ending on the 31 March, 30 June, 30 September, and 31 December of any year;</p> <p>"the Regulations" means the Electronic Communications Networks and Services (General) Regulations;</p>	<p>Amends references to the law to reflect the changes at law post the 1st October 2021.</p> <p>Includes a new definition of ‘non-chargeable activities’ which substitutes that of ‘unregulated activities’ under the current Directive.</p>

<p>"relevant year" means any year during which charges are to be paid to the Authority;</p> <p>"total gross revenues" means the total gross turnover generated by an undertaking authorised under the Act, less unregulated activities;</p> <p>"unregulated activities" means those activities which do not require to be authorised under paragraphs (b), (c), (d) (e) or (g) of Part A in the Eighth Schedule to the Electronic Communications Networks and Services (General) Regulations.</p>	<p>"relevant year" means any year during which charges are to be paid to the Authority;</p> <p>"total gross revenue" means the total gross turnover generated by an undertaking authorised under the Act, less unregulated non-chargeable activities;</p> <p>"undertaking" means an undertaking deemed to be authorised in accordance with the Act;</p> <p>"unregulated activities" means those activities which do not require to be authorised under paragraphs (b), (c), (d) (e) or (g) of Part A in the Eighth Schedule to the Electronic Communications Networks and Services (General) Regulations</p>	
<p>Part II</p> <p>ADMINISTRATIVE CHARGES TO BE PAID ON AN ANNUAL BASIS UNDER PART A OF THE EIGHTH SCHEDULE TO THE REGULATIONS</p>	<p>Part II</p> <p>ADMINISTRATIVE CHARGES TO BE PAID ON AN ANNUAL BASIS UNDER PART A OF THE TWELFTH SCHEDULE TO THE REGULATIONS</p>	<p>Change in reference to the Schedule following making of SL 399.48 & repeal of SL 399.28</p>
<p>Fixed administrative charges</p> <p>4. Fixed administrative charges established in paragraphs (a) to (g) of Part A of the Eighth Schedule:</p> <p>The fixed administrative charges applicable to the networks and, or services which an undertaking is authorised to provide, shall be payable to the Authority in equal quarterly instalments on the first day of every quarter during which an undertaking is authorised to provide such networks and, or services:</p> <p>Provided that a pro-rated proportion of the fixed administrative</p>	<p>Fixed administrative charges</p> <p>5. Fixed administrative charges established in paragraphs (a) to (e) of Part A of the Eighth Twelfth Schedule of the Regulations:</p> <p>The fixed administrative charges applicable to the electronic communications networks and, or services which an undertaking is authorised to provide, shall be payable in advance to the Authority in equal quarterly instalments on the first day of every quarter during which an undertaking is authorised to provide such networks and, or services:</p> <p>Provided that a pro-rated proportion of the fixed administrative charge due for the first quarter, or part thereof, for which the undertaking is authorised to provide</p>	<p>Change in the reference to the law post the changes at law as of the 1st October 2021 following the making of SL 399.48.</p> <p>The words 'in advance' have been added.</p>

<p>charge due for the first quarter, or part thereof, for which the undertaking is authorised to provide networks and, or services shall be paid to the Authority immediately upon notification of the intention to provide networks and, or services in accordance with article 19 of the Act and regulation 66 of the Regulations.</p>	<p>networks and, or services shall be payable to the Authority immediately upon notification of the intention to provide networks and, or services in accordance with article 19 of the Act and regulation 66 regulation 5 of the Regulations</p>	
<p>Variable administrative charges</p> <p>5. Variable administrative charges established in Part A of the Eighth Schedule:</p> <p>The variable administrative charges based on total gross revenue shall be payable to the Authority in equal quarterly instalments on the first day of every quarter during which an undertaking is authorised to provide networks and, or services:</p> <p>Provided that the charges due for the first three quarters during which an undertaking is authorised to provide networks and, or services shall be paid on the first day of the third quarter following notification in accordance with article 19 of the Act and regulation 66 of the Regulations.</p>	<p>Variable administrative charges</p> <p>6. Variable administrative charges established in Part A of the Eighth Twelfth Schedule of the Regulations:</p> <p>The variable administrative charges, based on total gross revenue, applicable to the electronic communications services which an undertaking is authorised to provide shall be payable in advance to the Authority in equal quarterly instalments on the first day of every quarter during which an undertaking is authorised to provide such services:</p> <p>Provided that the charges due for the first three quarters during which an undertaking is authorised to provide networks and, or services shall be paid on the first day of the third quarter following notification in accordance with article 19 of the Act and regulation 66 of the Regulations that a pro-rated proportion of the variable administrative charge due for the first quarter, or part thereof, for which the undertaking is authorised to provide services shall be payable to the Authority immediately upon notification of the intention to provide services in accordance with regulation 5 of the Regulations.</p> <p>Provided further that a pro-rated proportion of the applicable fees due for the first quarter, or part thereof, for which the undertaking is authorised to provide services shall be payable to the Authority once the</p>	<p>Changes to reference to the law post the making of SL. 399.48 as on the 1st October 2021.</p> <p>Reference to 'networks' is deleted as the said charges relate only to services. Changes relating to the payment of variable fees upon initial notification for the purpose of administrative uniformity and in order to be in line with Paragraph 5.</p>

	undertaking submits the first statement of the projected revenues as stated in article 9.	
6. Deleted by Directive No. 2 of 2017.		
Part III FEES FOR RADIO SPECTRUM TO BE PAID UNDER PART B OF THE Eighth SCHEDULE TO THE REGULATIONS	Part III FEES FOR RADIO SPECTRUM TO BE PAID ON AN ANNUAL BASIS UNDER PART B OF THE EIGHTH TWELFTH SCHEDULE TO THE REGULATIONS	
Fees on the basis of radio spectrum channels 7. Fees on the basis of radio spectrum channels established in Part B of the Eighth Schedule: The fees for radio spectrum which are based on the number of radio spectrum channels shall be paid to the Authority in equal quarterly instalments on the first day of every quarter: Provided that a pro-rated proportion of the applicable fees due for the first quarter, or part thereof, for which the undertaking enjoys a right of use shall be paid to the Authority upon grant of the right of use of every channel.	Fees on the basis of radio spectrum channels 7. Fees on the basis of radio spectrum channels established in Part B of the Eighth Twelfth Schedule of the Regulations: The fees for radio spectrum which are based on the number of radio spectrum channels shall be paid payable in advance to the Authority in equal quarterly instalments on the first day of every quarter: Provided that a pro-rated proportion of the applicable fees due for the first quarter, or part thereof, for which the undertaking enjoys a right of use shall be paid payable to the Authority upon grant of the right of use of every channel, this without prejudice to the faculty of the Authority to require a deposit equivalent to the fees due for one year in advance and at an application stage for such grants of use. In this regard any amounts paid will be subsequently deducted from any such deposit. this without prejudice to the faculty of the Authority to require a deposit equivalent to the fees due for one year in advance and at an application stage for such grants of use. In this regard any amounts paid will be subsequently deducted from any such deposit.	Change to reference to the law following making of SL 399.48. Minor editorial changes.
8. Deleted by Directive No. 2 of 2017.		
Part IV Fees for Numbers to be paid under Part C of the Eighth Schedule to the Regulations	Part IV FEES FOR NUMBERS TO BE PAID ON AN ANNUAL BASIS UNDER PART C OF THE EIGHTH TWELFTH SCHEDULE TO THE REGULATIONS	Change as a result of the changes in the references at law. Inclusion of 'annual basis' is being made to reflect factually what happens

<p>Fees based on usage of numbers</p> <p>9. Fees based on usage of numbers as established under paragraph (a) of Part C of the Eighth Schedule:</p> <p>The fees due for usage of numbers in any particular year shall be calculated in accordance with numbering resources allocated as on the 30th September of the previous year and shall be payable to the Authority in equal quarterly instalments on the first day of every quarter.</p>	<p>Fees based on usage of numbers</p> <p>9. Fees based on usage of numbers as established under paragraph (a) of Part C of the Eighth Schedule:</p> <p>The fees due for usage of numbers in any particular year shall be calculated in accordance with numbering resources allocated as on the 30th September of the previous year and shall be payable to the Authority in equal quarterly instalments on the first day of every quarter.</p>	<p>This paragraph is no longer required as fees are no longer based on usage of individual numbers.</p>
<p>Fees based on blocks of numbers</p> <p>10. Fees based on blocks of 10,000 numbers (or in proportion thereto depending on the size of the allocated block) in the '2'; '3'; '7' and '9' number ranges and carrier select or pre-select codes as established under Part C of the Eighth Schedule. These fees shall be payable to the Authority in advance in equal quarterly instalments on the first day of every quarter:</p> <p>Provided that a pro-rated proportion of the applicable fees due in the first quarter, or part thereof, for which the undertaking enjoys a right of use shall be paid to the Authority upon grant of the right of use.</p>	<p>Fees based on blocks of numbers</p> <p>Fees based on rights of use for numbering resources established in Part C of the Twelfth Schedule of the Regulations:</p> <p>10. 10. Fees based on blocks of 10,000 numbers (or in proportion thereto depending on the size of the allocated block) in the '2'; '3'; '7' and '9' number ranges and carrier select or pre-select codes as established under Part C of the Eighth Schedule. These fees</p> <p>The fees for rights of use for numbering resources shall be payable to the Authority in advance in equal quarterly instalments on the first day of every quarter:</p> <p>Provided that a pro-rated proportion of the applicable fees due infor the first quarter, or part thereof, for which the undertaking enjoys a right of use shall be paid payable to the Authority upon grant of the right of use for numbering resources.</p>	<p>Changes to the references to the laws post the making of SL 399.48 as on the 1st October 2021.</p> <p>Changes to refer to numbering resources in general and other minor editorial changes.</p>
<p>Part V</p>		
<p>11. Deleted by Directive No. 2 of 2017.</p>		
<p>Part VI</p> <p>PROVISIONAL PAYMENTS, VERIFICATION AND ADJUSTMENTS</p>	<p>Part V</p> <p>PROVISIONAL PAYMENTS, VERIFICATION AND ADJUSTMENTS</p>	

<p>Statement of projected revenues</p> <p>12. For the purpose of calculating variable charges and fees to be determined on the basis of total gross revenue, each undertaking shall submit to the Authority, by not later than the 30th September of the previous year, a statement of projected revenues for the relevant year (GR1):</p> <p>Provided that the first statement of projected revenues for the relevant year or part thereof, to be submitted by an undertaking following notification of its intention to provide networks or services under the general authorisation regime, shall be submitted by not later than the end of the first quarter in which such notification is made:</p> <p>Provided further that the Authority shall have the right to revise such projections should these appear to be unreasonable. Prior to making such revisions, the Authority shall grant to the relevant undertaking an opportunity to comment on its proposed decision and course of action.</p>	<p>Statement of projected revenues</p> <p>9. For the purpose of calculating variable charges and fees to be determined on the basis of total gross revenue, each undertaking shall submit to the Authority, by not later than the 30 September of the previous year, a statement of projected revenues for the relevant year (GR1):</p> <p>Provided that the first statement of projected revenues for the relevant year or part thereof, to be submitted by an undertaking following notification of its intention to provide networks and, or services under the general authorisation regime, shall be submitted by not later than the end of the first quarter in which such notification is made:</p> <p>Provided further that the Authority shall have the right to revise such projections should these appear to be unreasonable. Prior to making such revisions, the Authority shall grant to the relevant undertaking an opportunity to comment on its proposed decision and course of action.</p>	<p>Minor change</p>
<p>Reconciliation with actual revenues</p> <p>13.1 The Authority shall reconcile charges and fees paid on the basis of projected revenues, against the charges and fees, which should have been paid, on the basis of actual revenues. For this purpose, each undertaking shall submit to the Authority in respect of every relevant year, within a maximum period of 12 months after the 31st December of the relevant year, an audited statement of actual quarterly revenues (GR2).</p> <p>13.2 The audited statement of actual quarterly revenues shall indicate separately the total gross turnover as represented in the undertaking's</p>	<p>Reconciliation with actual revenues</p> <p>10.1 The Authority shall reconcile charges and fees paid on the basis of projected revenues, against the charges and fees, which should have been paid, on the basis of actual revenues. For this purpose, each undertaking shall submit to the Authority in respect of every relevant year, within a maximum period of 12 months after the 31 December of the relevant year, an audited statement of actual quarterly revenues (GR2).</p> <p>10.2 The audited statement of actual quarterly revenues shall indicate separately the total gross turnover as represented in in the undertaking's financial statements in</p>	<p>Minor editorial changes and changes to references to law as a result of the new laws in place.</p>

<p>financial statements less turnover from unregulated activities. Authorised Undertakings shall provide the authority with a list describing the nature of activities classified as unregulated. Such list shall be submitted to the authority with the audited statement of actual revenues (GR2):</p> <p>Provided that an undertaking whose financial year coincides with the calendar year may submit a statement of actual revenues (GR2) for the entire year and shall not be required to provide a quarterly analysis:</p> <p>Provided further that an undertaking whose financial year coincides with the calendar year, and whose actual revenues agrees with the total gross turnover as represented in the undertaking's financial statements without deduction for unregulated activities, may attach to the statement of actual revenues (GR2) an unabridged copy of the audited financial statements and shall not be required to submit to the authority a separate report by the undertaking's auditors.</p> <p>13.3 Where an authorised undertaking does not submit to the Authority, within the specified period of 12 months after the 31st December of the relevant year, the audited statement of actual quarterly revenues (GR2) as prescribed in article 13.1, the Authority may determine the final charges and fees which should have been paid in such manner and by such method as the Authority deems fit without prejudice to any liability or to further administrative penalties otherwise incurred by that undertaking by reason of its failure or neglect to deliver the audited statement of actual quarterly revenues (GR2):</p>	<p>the financial statements of the undertaking less turnover from unregulated non-chargeable activities. Authorised Undertakings shall provide the Authority with a list describing the nature of activities classified as unregulated non-chargeable. Such list shall be submitted to the Authority with the audited statement of actual revenues (GR2):</p> <p>Provided that an undertaking whose financial year coincides with the calendar year may submit a statement of actual revenues (GR2) for the entire year and shall not be required to provide a quarterly analysis:</p> <p>Provided further that an undertaking whose financial year coincides with the calendar year, and whose actual revenues agrees with the total gross turnover as represented in the financial statements of the undertaking without deduction for non-chargeable activities, may attach to the statement of actual revenues (GR2) an unabridged copy of the audited financial statements and shall not be required to submit to the Authority a separate report by the undertaking's auditors the auditors of the undertaking concerned.</p> <p>10.3 Where an authorised undertaking does not submit to the Authority, within the specified period of 12 months after the 31 December of the relevant year, the audited statement of actual quarterly revenues (GR2) as prescribed in article 13.1 article 10.1, the Authority may determine the final charges and fees which should have been paid in such manner and by such method as the Authority deems fit without prejudice to any liability or to further administrative penalties and, or regulatory sanctions, however so described, otherwise incurred by that undertaking by reason of its failure or neglect to deliver the audited statement of actual quarterly revenues (GR2):</p>	
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<p>Provided an authorised undertaking, on whom a final determination has been notified in accordance with this article, may remedy its failure to deliver the audited statement of actual quarterly revenues (GR2) within 30 days of being served with such a determination. If the remedy is received by the authority before the lapse of 30 days, the MCA final determination will be withdrawn:</p> <p>Provided further that this sub-article shall also be applicable in respect of any relevant year in respect of which an audited statement of actual quarterly revenues (GR2) should have been submitted to the Authority before the date of coming into force of this Directive.</p>	<p>Provided an authorised undertaking, on whom a final determination has been notified in accordance with this article, may remedy its failure to deliver the audited statement of actual quarterly revenues (GR2) within 30 days of being served with such a determination. If the remedy is received by the Authority before the lapse of 30 days, the MCA final determination the final determination by the Authority will be withdrawn:</p> <p>Provided further that this sub-article shall also be applicable in respect of any relevant year in respect of which an audited statement of actual quarterly revenues (GR2) should have been submitted to the Authority before the date of coming into force of this Directive.</p> <p>10.4 In the case of</p> <ul style="list-style-type: none"> -i- the liquidation of an undertaking ,or -ii- an undertaking no longer authorised in accordance with the Act: <p>then in such instances the Authority for the purpose of notifying a final determination under article 10.3, shall only be required to send any such determination by registered post to the address last notified to the Authority, and the determination shall accordingly be considered as having been duly notified to the undertaking in question.</p>	
<p>Undercharging and overcharging</p> <p>14.1. Where the amount paid by an undertaking in accordance with article 12 is less than the amount payable in accordance with article 13, the undertaking concerned shall, within such time as may be specified by the Authority in a request in writing, pay to the Authority the balance of the charges and, or fees so payable.</p> <p>14.2. Where the amount paid by an undertaking in accordance with article 12 is more than the amount payable in</p>	<p>Undercharging and overcharging</p> <p>11.1. Where the amount paid by an undertaking in accordance with article 12 article 9 is less than the amount payable in accordance with article 13 article 10, the undertaking concerned shall, within such time as may be specified by the Authority in a request in writing, pay to the Authority the balance of the charges and, or fees so payable.</p> <p>11.2. Where the amount paid by an undertaking in accordance with article 12</p>	<p>Editorial changes and changes to references to the articles.</p>

<p>accordance with article 13, the Authority shall, as soon as may be after the receipt of all the audited statements referred to in article 13 of this Directive repay to the undertaking concerned the excess amount so paid by way of a credit note against fees payable in the following year.</p>	<p>article 9 is more than the amount payable in accordance with article 13, article 10, the Authority shall, as soon as may be after the receipt of all the audited statements referred to in article 13 of this Directive article 10 repay to the undertaking concerned the excess amount so paid by way of a credit note against fees payable in the following year.</p>	
<p>Part VII</p> <p>RECONCILIATION OF ADMINISTRATIVE CHARGES</p>	<p>Part VI</p> <p>RECONCILIATION OF ADMINISTRATIVE CHARGES</p>	
<p>Overview of administrative charges and administrative costs</p> <p>15.1 The Authority in accordance with the requirements under article 18(2) of the Act to publish an annual overview of its administrative costs and of the total sum of charges collected, shall publish such an overview by not later than six months following the 31st December of each relevant year.</p> <p>15.2 For the purposes of transparency in the conduct of its affairs, the Authority shall also publish its business plan including projected revenues and expenditure for any financial year during the preceding year.</p>	<p>Overview of administrative charges and administrative costs</p> <p>12.1 The Authority in accordance with the requirements under article 18(2) of the Act regulation 11 of the Regulations to publish an annual overview of its administrative costs and of the total sum of charges collected, shall publish such an overview by not later than six months following the 31 December of each relevant year.</p> <p>12.2 For the purposes of transparency in the conduct of its affairs, the Authority shall also publish its business plan including projected revenues and expenditure for any financial year during the preceding year.</p>	<p>Change in relation to the reference to the law following the amendments to Cap. 399 and the making of SL 399.48 which came into force as on the 1st October 2021</p>
<p>Payment or compensation</p> <p>16.1 The Authority shall in the case of administrative charges imposed on an annual basis, make appropriate repayments or compensations in the case of overcharging, as referred to in article 14.2, or impose additional charges in the case of undercharging of an undertaking to whom a charge is imposed in the light of any difference between the total sum of administrative charges collected and the administrative costs incurred:</p> <p>Provided that the Authority shall carry out this exercise by not later than</p>	<p>Payment or compensation</p> <p>13.1 The Authority shall in the case of administrative charges imposed on an annual basis, make appropriate repayments or compensations in the case of overcharging, or impose additional charges in the case of undercharging of an undertaking to whom a charge is imposed in the light of any difference between the total sum of administrative charges collected and the administrative costs incurred:</p> <p>Provided that the Authority shall carry out this exercise by not later than six months after it has received all the statements of actual quarterly revenues</p>	<p>Minor editorial changes</p>

<p>six months after it has received all the statements of actual quarterly revenues (GR2) of all the undertakings required to pay administrative charges.</p> <p>16.2 Any surplus of income from authorisation charges collected by the Authority under Part A of the Eighth Schedule to the Regulations over the expenses incurred by the Authority in the discharge of its functions in a particular relevant year shall:</p> <p style="padding-left: 40px;">16.2.1 where appropriate, be retained by the Authority to be offset against authorisation charges due for the subsequent year,</p> <p style="padding-left: 40px;">or</p> <p style="padding-left: 40px;">16.2.2 Within 30 days after the publication of the annual overview, be refunded proportionately to the providers of electronic communications services or networks on whom the charges were imposed</p>	<p>(GR2) of all the undertakings required to pay administrative charges.</p> <p>13.2 Any surplus of income from authorisation charges collected by the Authority under Part A of the Eighth Schedule Twelfth Schedule to the Regulations over the expenses incurred by the Authority in the discharge of its functions in a particular relevant year shall:</p> <p style="padding-left: 40px;">13.2.1 where appropriate, be retained by the Authority to be offset against authorisation charges due for the subsequent year,</p> <p style="padding-left: 40px;">or</p> <p style="padding-left: 40px;">13.2.2 Within 30 days after the publication of the annual overview, be refunded proportionately to the providers of electronic communications services and, or networks on whom the charges were imposed.</p>	



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the Electronic Communications
(Regulation) Act**

Public Consultation

