

## **Quarterly Statistical Data Collection**

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### Guidelines

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## 1. Background

The Malta Communications Authority (MCA) and the National Statistics Office (NSO) have implemented a joint data collection process in the communications sector as part of ongoing efforts to reduce multiple regulatory compliance burdens. As part of this exercise, the MCA is responsible for the coordinating and managing of the process of sending a questionnaire on a quarterly basis for the collection of various statistical data from undertakings. The MCA is also responsible for the receiving of these responses, which are then also forwarded to the NSO.

It is important to note that the MCA makes such requests for statistical data as this is necessary for the following reasons:

- Market Intelligence analysis (internal analysis)
- Market Analysis (Article 7 of EU Communications Framework Directive)
- Market Publications (like Communications Market Review, DRS)
- EU related reports

## 2. Purpose

Due to the importance of this process, which has also been regularly communicated to every postal and electronic communications undertaking authorised by the MCA, it has become necessary to provide guidance on stipulated deadlines so as to avoid putting at risk the timely publications planned throughout the year.

The statistical data collection procedure establishes an improved uniform set of processes with regard to statistical data collection. The use of this procedure was implemented in Quarter One of 2012.

## 3. Scope

These guidelines have been drawn up to provide the MCA with a set procedure related to the timelines and sanctions concerning the quarterly statistical data collection.

Although both the MCA and the NSO undertake their best efforts to streamline information collection procedures, it is not always possible to incorporate all information requests within the quarterly exercise. Several reasons exist with the principal ones being:

- *Ad hoc* reporting requests which are subject specific.
- Different periodicity, intervals and deadlines of reporting requirements.

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## 4. The Data Collection Procedure

The Data Collection Procedure follows the below steps:

- At the beginning of the year, together with the NSO, the dates for each quarter submission are calculated.
- An email is sent to the operators after **+/- ten (10) working days** following end of quarter, informing the undertakings to submit the data via the Statistical Analysis Modular System (SAMS) forms.
- Deadline given is **twenty (20) working days** from the request was sent.
- The statistics streamlined with the NSO are sent to their contact person.

The above steps are to be normally followed in the majority of cases and are intended to facilitate the submission of the quarterly questionnaires in a timely manner.

The MCA reserves the right to exercise its discretion in implementing these guidelines, particularly in circumstances where undertakings do not adhere to their obligations or where non-submission of information may compromise publication of reports or decisions.

## 5. Fines for non-Submission of Partial/Incorrect Submission

Attention is drawn to the importance of completeness and the quality of the data being provided, as incorrect and/or incomplete data will inevitably result in reverting back to undertakings with time-consuming queries. This may:

- hinder the timely reporting;
- necessitate revising already published reports; and
- in more serious cases, compromise decision-making processes.

For these reasons, it is necessary to impose fines in accordance to the applicable legislation, after following the procedure stipulated under Article 4 of the Malta Communications Authority Act (Cap. 418) for Non-Submission or Partial/Incorrect Submission. These fines will be imposed if the undertakings do not provide MCA with the necessary requested information following the expiration of thirty (30) running day timeframe given in the Final Legal Warning, which is sent to defaulting undertakings.

The fine which may be imposed if the data is not provided to the MCA consists of a maximum daily running administrative fine of **two hundred and thirty Euros (€230)** for each day of non-compliance and the imposition of a one-off maximum

administrative fine of **eleven thousand, six hundred and forty five Euros €11,645** as prescribed by Article 4 of the Malta Communications Authority Act (Cap. 418).

Fines, once imposed, are backdated to the initial deadline sent out with the template.

The MCA will, as it deems it necessary take into consideration that the amount of the fine imposed for the lack of providing correct and full data should be dependent on various criteria including:

- the type of omission or non-submission;
- the size of the undertaking;
- the recurrence and duration of non-compliance; and
- the repercussions of non-compliance.

The basic minimum and maximum daily running fines imposed are prescribed in the following table for guidance purposes:

Total Gross Revenue of Undertaking	Non-submission		Partial/Incorrect Submission	
	Minimum	Maximum	Minimum	Maximum
€0 - €50,000	€10.00	€30.00	€5.00	€10.00
€50,000 - €500,000	€30.00	€60.00	€10.00	€15.00
€500,000 - €10,000,000	€60.00	€120.00	€15.00	€20.00
€10,000,000+	€120.00	€230.00	€20.00	€25.00

The MCA reserves the right to exercise its discretion with regards to the amounts of these fines, particularly in circumstances where undertakings do not adhere to their obligations or where non-submission of information may compromise publication of reports or decisions or have other serious repercussions. Where justified, the MCA may also depart from the indicative ranges illustrated above where appropriate.

The MCA may also impose an additional one-off administrative fine which is capped at a maximum of **eleven thousand, six hundred and forty five Euros (€11,645)** in addition to the running administrative fines mentioned above.

## QUARTERLY DATA COLLECTION PROCESS

