

Minutes of 24th Electronic Communications Forum – 23 MARCH 2012

Present:

Rachel Desira (Vodafone)

Gertrude Borg Micallef (Melita)

Timothy Bartolo Parnis (Studio Seven)

Fabian Grima, Marisa Azzopardi (GO)

Celia Falzon, Ivan Bugeja, Katya Scicluna Bartoli, Patricia Calleja, Helga Pizzuto, Adrian Galea, David Scerri, Nicholas Borg (MCA)

Introduction and developments since last Forum

Celia Falzon (MCA) opened the meeting and gave an update on the MCA's activities since 15th December, 2011.

EU developments

Ivan Bugeja (MCA) briefly highlighted the main developments at the EU level that took place since the last forum.

WRC-12

Adrian Galea gave a presentation on the World Radiocommunication Conference (WRC-12) organized by the ITU, which took place in January/February 2012 and takes place every three to four years. The Conference was attended by 3000 plus delegates representing 165 countries worldwide.

Among the many topics under discussion, there were a number which were of particular importance to Malta. These related to:

- The deletion of Malta's name from Country Footnotes;
- Review of regulatory provisions to ensure the Safety aspects for ships/ports
- New frequency allocations to Oceanographic radars
- New provisions to allocate spectrum in the UHF TV band for Mobile services
- Harmful interference problems in the frequency bands allocated to terrestrial digital broadcasting services (i.e. interference problems caused by Italy to its neighbouring countries)

The WRC-12 was, in general, very positive for Malta since the interference problems with Italy were registered at an international level. Moreover, new spectrum allocations will provide for the development of new applications, such as oceanographic radars, satellite services and maritime communications. In addition, some revisions served to provide clarity in the implementation of the Radio Regulations and to modernise certain procedures (e.g. use of emails in satellite

coordination). The WRC-12 served to strengthen the MCA's contacts with other NRAs in the field of radio communications.

Roaming regulation – update

David Scerri (MCA) gave a presentation on the provisions in the current Roaming Regulation covering the obligations towards the subscribers to be adequately informed about the roaming tariffs. Although the local operators are now offering a number of roaming tariff plans to choose from, unfortunately, the subscribers are not always aware of these different plans. As a result, the roaming customers may not be subscribed to the tariff plan which is most suitable to him/her.

Whilst the MCA currently monitors on a regular basis whether the operators are complying with the roaming regulation, the Authority in the coming months, will be putting more emphasis and focusing on the needs to ensure that such obligations, amongst others, are being abided with. In the meantime, the MCA invites stakeholders to submit any suggestions in this area.

ACTA

Nicholas Borg (MCA) advised the meeting that the MCA was asked to attend and give feedback at the Standing Committee on Foreign and European Affairs on the Anti-Counterfeiting Trade Agreement (ACTA) which is debating this Treaty.

MoU with MCCA

Nicholas Borg (MCA) then went on to inform the meeting that the MCA is in the process of negotiating a Memorandum of Understanding (MoU) with MCCA.

There is currently an MoU between the MCA and the Office of Fair Competition (OFC) which was signed in 2005 and which deals with competition related matters. The recent establishment of the MCCA has brought together the OFC, the Office for Consumer Affairs, the Technical Regulations Division and the Standards and Metrology Division. Thus, the MCA felt it would make more sense to streamline all these competencies into one MoU. It was therefore proceeded to draft a new MoU with the scope of tackling competition, consumer affairs and standards.

Among other things, the MoU aims to apply uniform interpretations, terms and terminology in consumer law, competition law, electronics communications law and postal services law related matters, as well as prevent forum shopping.

The two authorities will aim to consult, inform and discuss with one another on various matters, such as consumer related issues, the degree of effective competition and the definition of markets in electronic communications. Moreover, consistent and coherent policy rules will be established, especially in cases of concurrent jurisdiction, or where an overlapping of competencies exist.

The draft MoU has the following structure:

- Amalgamation of all provisions common to the three key areas in a generic section (definitions, exchange of information, timeframes, etc...)
- A sub-section specifically on Competition (Determination of SMP or dominant position, Revision of the existing MOU on Competition)
- A sub-section specifically on Consumer Affairs
- A sub-section specifically on Standards

AOB

Email FCC re black list

Celia Falzon reminded the representatives of GO, Melita and Vodafone to respond to the email forwarded by the MCA related to the FCC's enquiry on the black list of stolen phones.

Consultation on mobile payments (Green Paper)

Forum members were reminded about the Commission Consultation on mobile payments. This consultation has a deadline of 11 April, 2012.

eCall Guidelines

Celia Falzon once again drew the meeting's attention to eCall and asked those present to review the Guidelines and come back with any feedback, as necessary.

Sending of retroactive bills to customers

Celia Falzon advised that some customers have contacted the MCA directly, complaining that they are receiving retroactive bills from operators, with whom they no longer had a valid contract. The MCA recommends that operators ensure that all regulations are followed prior to such bills being issued.