

L.N. 263 of 2000

**TELECOMMUNICATIONS (REGULATION) ACT
(CAP. 399)**

Malta Internet Exchange Regulations, 2000

IN EXERCISE of the powers conferred by article 38 of the Telecommunications (Regulation) Act, the Minister for Transport and Communications after consultation with the Competent Authority to regulate Telecommunications, and in exercise of the powers conferred upon it by article 25 of the Telecommunications (Regulation) Act, the Competent Authority to regulate Telecommunications, have made the following regulations:-

1. These regulations shall be cited as the Malta Internet Exchange Regulations, 2000. Citation.

2. In these regulations: Definitions.

“Act” means the Telecommunications (Regulation) Act;

“computer system” means any device or a group of interconnected or related devices, one or more of which, pursuant to a program performs automatic processing of data;

“computer data” means any representation of facts, information or concepts in a form suitable for processing in a computer system, including a program suitable to cause a computer system to perform a function;

“Exchange” means an Internet Exchange point facility approved by the Regulator for the purposes of these regulations and listed in the First Schedule to these regulations;

“interconnection” also includes connection;

“Internet Service Provider” means any person who holds a licence or permit to provide access to Internet and other data networks services under the Act and any regulations made thereunder ;

“Malta” has the same meaning assigned to it by article 126 of the Constitution;

“Regulator” means competent authority designated as such under article 3 of the Act and to the extent of the authority given, includes any person authorised by it for any purpose;

“Telecommunications Transport Provider” means any person who holds a valid licence or permit to provide a telecommunications transport service under the Act or is registered under the Act as aforesaid and includes any company or person listed in the Second Schedule to these regulations;

“traffic data” means any computer data relating to a communication by means of a computer system, generated by a computer system that forms part in the chain of communication, indicating its origin, destination, path or route, time, date, size, duration or type of underlying network service;

“user” means any person using the services of an Internet Service Provider.

Obligation to
interconnect to
Exchange.

3. (1) It shall be the obligation of every Internet Service Provider to interconnect its computer system and to keep it interconnected at all times to an Exchange for the purpose of facilitating the efficient routing and interconnection of Internet Protocol transit networks within Malta and of avoiding the use of international lines for Internet Protocol traffic between Internet users in Malta and of consequently improving the general connectivity of the Internet.

(2) Internet Service Providers which satisfy the Regulator that they do not have a direct international connection to the Internet through which Internet access is provided to their customers may be exempted in writing by the Regulator from the obligation stipulated in subregulation (1) of this regulation .

Traffic and
engineering data.

4. (1) The Exchange shall be entitled to demand such a reasonable extent of traffic data and engineering data from Internet Service Providers as is necessary and proportionate for it to be able to perform its functions efficiently.

(2) Any data collected by the Exchange in terms of this regulation shall be kept confidential by the Exchange subject to any obligation of disclosure in accordance with any law.

(3) The Exchange shall comply with any data protection laws and regulations in respect of any data collected in pursuance of these regulations.

5. (1) Any unresolved dispute between Internet Service Providers or between such Providers and the Exchange regarding the terms and conditions of interconnection to the Exchange or relating to any matter concerning the implementation of these regulations may be brought before the Regulator for resolution by any party to such dispute. Dispute resolution.

(2) In deciding upon any dispute referred to in subregulation (1) of this regulation the Regulator shall employ easily accessible and, in principle, inexpensive procedures to resolve such dispute in a fair, transparent and timely manner.

(3) A decision of the Regulator taken in pursuance of this regulation shall be subject to appeal to the Telecommunications Appeals Board and the provisions of article 35 of the Act shall apply.

(4) The existence of a dispute about the terms and conditions of interconnection to the Exchange or with regard to any matter concerning the implementation of these regulations shall not exempt, suspend or postpone the obligation of an Internet Service Provider to interconnect to the Exchange in terms of these regulations.

6. A Telecommunications Transport Provider providing telecommunications transport services to or for the benefit of an Internet Service Provider shall ensure that the Internet Service Provider is connected to the Exchange in terms of these regulations. Telecommunications Transport Providers.

7. It shall be an obligation of an Exchange to accept interconnection with Internet Service Providers in accordance with these regulations. Exchange.

8. Where an Internet Service Provider processes or stores computer data on a computer system in a manner configured or intended for public access through a computer system, the Internet Service Provider shall ensure that such public access is not provided in a discriminatory manner and it shall in particular ensure that the technical means through which such access is made are not interfered with in a manner that denies, unduly delays or otherwise hinders such access to users of other Internet Service Providers. System Interference.

9. An Internet Service Provider on Exchange and a Telecommunications Transport Provider shall comply with any decision and directive given by the Regulator in respect of matters concerning the duty to interconnect to an Exchange provided for in these regulations and shall promptly take such measures as the Regulator may direct them to take for the purposes of implementing or of facilitating the implementation of these regulations. Directives of the Regulator.

FIRST SCHEDULE

(Regulation 2)

Approved Internet Exchange Point Facility

The Internet Exchange Point Facility approved by the Regulator to perform the functions of the Exchange in terms of these Regulations is the “Malta Internet Exchange” (also known as the “MIX”) managed by the Malta Internet Foundation, a foundation set up by virtue of a deed registered in the records of Notary Doctor John Gambin on the eighth (8th) day of June of the year nineteen ninety eight (1998) which Exchange is located at the premises of the Computing Services Centre at the University of Malta, Tal-Qroqq, Msida.

SECOND SCHEDULE

(Regulation 2)

Telecommunications Transport Providers

The following companies are listed as Telecommunications Transport Providers for the purposes of the Malta Internet Exchange Regulations, 2000:

- (a) Maltacom p.l.c.
- (b) Melita Cable p.l.c.
- (c) Vodafone (Malta) Limited
- (d) Mobisle Communications Limited.