

L.N. 292 of 2008

**RADIOCOMMUNICATIONS ACT
(CAP. 49)**

**General Authorisations (Radiocommunications Apparatus)
(Amendment) Regulations, 2008**

IN exercise of the powers conferred upon him by article 19 of the Radiocommunications Act, the Minister for Infrastructure, Transport and Communications, after consultation with the Malta Communications Authority, has made the following regulations

1. (1) The title of these regulations is the General Authorisations (Radiocommunications Apparatus) (Amendment) Regulations, 2008, and they shall be read and construed as one with the General Authorisations (Radiocommunications Apparatus) Regulations, 2008, hereinafter referred to as “the principal regulations”. Citation and coming into force.
L.N. 7 of 2008.

(2) These regulations shall come into force on the 6th October, 2008.

2. Regulation 2(2) of the principal regulations shall be amended as follows: Amends regulation 2 of the principal regulations.

(a) immediately after the definition “Directive 98/34/EC” there shall be added the following new definition:

“ “Directive 1999/5/EC” means Directive 1999/5/EC of the European Parliament and of the Council on Radio Equipment and Telecommunications Terminal Equipment and the mutual recognition of their conformity”;

(b) immediately after the definition “EAS” there shall be added the following new definition:

“ “EASA” means the European Aviation Safety Agency;” and

(c) immediately after the definition “ultra high frequency” there shall be added the following new definition:

“undertaking” means a person authorised to provide electronic communications networks and, or services or associated facilities in accordance with the Electronic Communications (Regulation) Act;”.

Cap. 399.

Amends regulation 6 of the principal regulations.

3. In regulation 6(2) of the principal regulations for the words “that the Minister may from time to time issue” there shall be substituted the words “as may be applicable.”

Adds schedule.

4. Immediately after the Fourteenth Schedule to the principal regulations, there shall be added the following new Schedule:

“FIFTEENTH SCHEDULE

(Regulation 3)

General Authorisation for Apparatus for Mobile Communication Services on Aircraft

Applicability of Fifteenth Schedule.

1. This General Authorisation applies to apparatus for mobile communication services on aircraft which is described in Table 1 of the Annex to this Schedule.

Interpretation.

2. In this Schedule unless the context otherwise requires:

“Aircraft base station transceiver” or “aircraft BTS” means one or more mobile communication stations located in the aircraft supporting the frequency bands and systems specified in Table 1 of the Annex to this Schedule;

“Apparatus for Mobile Communication Services on Aircraft” means apparatus for radiocommunications, providing mobile communication services on aircraft;

“EN 302 480” means a harmonised standard being a Harmonised EN for the GSM onboard aircraft system covering the essential requirements of Article 3.2 of Directive 1999/5/EC;

“EN 301 502” means a harmonised standard being a Harmonised EN for the Global System for mobile communications (GSM); Base Station and Repeater equipment covering the essential requirements under Article 3.2 of Directive 1999/5/EC;

“EN 301 511” means a harmonised standard being a Harmonised EN for mobile stations in the GSM 900 and GSM 1800 bands covering the essential requirements of Article 3.2 of the Directive 1999/5/EC;

“MCA Services Decision” means the decision of the European Commission on harmonised conditions of spectrum use for the

operation of mobile communication services on aircraft (MCA services) in the Community, 2008/294/EC;

“Mobile Communication Services on Aircraft” or “MCA Services” means an electronic communication service as defined in Article 2 of the Electronic Communications (Regulation) Act Cap. 339. provided by an undertaking to enable airline passengers to use public communication networks during the flight without establishing direct connections with terrestrial mobile networks;

“Network Control Unit” or “NCU” means equipment located in the aircraft which prevents direct connection of the onboard mobile terminals with the terrestrially based mobile networks listed in Table 2 of the Annex to this Schedule.

3. This Schedule only applies within the jurisdiction of Malta Jurisdiction. and its airspace and is subject to any approval of EASA as may from time to time be applicable in relation to apparatus, in flight operation and the use of mobile terminals.

4. (1) Apparatus for Mobile Communication Services on Aircraft shall operate on the frequency bands and it shall be compliant with the standards or equivalent specifications, listed in Table 1 of the Annex to this Schedule. Minimum Technical Parameters.

(2) The minimum technical parameters of Apparatus for Mobile Communication Services on Aircraft shall be those specified in the Annex to this Schedule.

5. (1) Transmissions from Apparatus for Mobile Communication Services on Aircraft are only allowed when the aircraft is at the height specified in the Annex to this Schedule. Conformity with requirements.

(2) MCA Services may be provided only if they fulfil air safety requirements in accordance with the appropriate airworthiness certification and other relevant aeronautical requirements.

(3) Apparatus for Mobile Communications on Aircraft shall be in conformity with any other condition contained in the MCA Services Decision.

6. (1) The operation of apparatus for Mobile Communications on Aircraft shall be immediately terminated should any malfunction occur. Operation of apparatus.

(2) Malfunctioning apparatus for Mobile Communications on Aircraft shall be disabled for the remainder of the flight and may not be used again until it is fully certified by the competent authorities as being in conformity with these Regulations and the MCA Services Decision, and is operating correctly.

Inspections.

7. Without prejudice to the other provisions contained in these Regulations, if an authorised officer has reasonable grounds to suspect that there is non-conformity with these Regulations, he may at any time inspect any apparatus for Mobile Communication Services on Aircraft at the expense of the person or undertaking in possession or in control of the apparatus in question.

Provision of MCA Services.

8. Prior to operating any apparatus intended to provide an MCA service, an operator shall obtain all approvals, authorisations or licences, however so described, as may be necessary at law.

ANNEX

(Paragraph 1 of the Fifteenth Schedule)

1. Frequency bands and systems allowed for MCA Services

Table 1

Type	Frequency	System
GSM 1800	1710-1785 MHz and 1805-1880 MHz (the 1800 MHz band)	Complying with the GSM Standards published by ETSI, in particular EN 301 502, EN 301 511 and EN 302 480, or equivalent specifications.

2. Prevention of connection of mobile terminals to ground networks

During the period when operation of MCA services is authorised on an aircraft, mobile terminals receiving within the frequency bands listed in Table 2 must be prevented from attempting to register with mobile networks on the ground.

Table 2

Frequency band (MHz)	Systems on the ground
460-470	CDMA2000, FLASH OFDM
921-960	GSM, WCDMA
1805-1880	GSM, WCDMA
2110-2170	WCDMA

3. Minimum Technical Parameters

3.1 GSM 1800 MCA systems

(a) *Equivalent isotropic radiated power (e.i.r.p.), outside the aircraft, from the NCU/aircraft BTS*

The total e.i.r.p., outside the aircraft, from the NCU/aircraft BTS must not exceed:

Table 3

Height above ground (m)	Maximum e.i.r.p. density produced by NCU/aircraft BTS outside the aircraft			
	460-470 MHz	921-960 MHz	1805-1880 MHz	2110-2170 MHz
	dBm/1.25 MHz	dBm/200 kHz	dBm/200 kHz	dBm/3.84 MHz
3000	-17.0	-19.0	-13.0	1.0
4000	-14.5	-16.5	-10.5	3.5
5000	-12.6	-14.5	-8.5	5.4
6000	-11.0	-12.9	-6.9	7.0
7000	-9.6	-11.6	-5.6	8.3
8000	-8.5	-10.5	-4.4	9.5

(b) *Equivalent isotropic radiated power (e.i.r.p.), outside the aircraft, from the onboard terminal*

The total e.i.r.p., outside the aircraft, from the GSM mobile terminal transmitting at 0dBm must not exceed:

Table 4

Height above ground (m)	Maximum e.i.r.p., outside the aircraft, from the GSM mobile terminal in dBm/channel
	1800 MHz
3000	-3.3
4000	-1.1
5000	0.5
6000	1.8
7000	2.9
8000	3.8

(c) *Operational requirements*

- i. The minimum height above ground for any transmission from a GSM 1800 MCA system in operation shall be 3000 meters.
- ii. The aircraft BTS, while in operation, must limit the transmit power of all GSM mobile terminals transmitting in the 1800 MHz band to a nominal value of 0 dBm at all stages of communication, including initial access."