

L.N. 342 of 2007

**ELECTRONIC COMMUNICATIONS (REGULATION) ACT
(CAP. 399)**

Roaming on Public Mobile Network Regulations, 2007

IN exercise of the powers conferred upon him by article 34 of the Electronic Communications (Regulation) Act, the Minister for Competitiveness and Communications, after consultation with the Malta Communications Authority, has made the following regulations:-

1. The title of these regulations is Roaming on Public Mobile Networks Regulations, 2007. Citation.

2. In these regulations, unless the context otherwise requires: Interpretation.

“the Authority” means the Malta Communications Authority, and

“the Roaming Regulation” means Regulation (EC) No. 717/2007 of the European Parliament and Council of 27 June 2007 on roaming on public mobile networks within the Community and amending Directive 2002/21/EC.

3. The Authority shall be the competent national authority responsible for ensuring compliance with the requirements of, and for carrying out, the tasks under the Roaming Regulation. Designation of the Authority.

4. Any non-compliance with the provisions of the Roaming Regulation shall, for the purposes of the Malta Communications Authority Act, constitute a breach of a law enforced by the Authority and without prejudice to the provisions of these regulations, the provisions of article 4 and of articles 29 to 35 of the said Act shall apply to any such breach and in empowering the Authority to ensure compliance with the Roaming Regulation . Non-compliance and powers of the Authority. Cap. 418.

5. (1) If the Authority considers that a person has acted in breach of any of the provisions of the Roaming Regulation, the Authority may issue a compliance order requiring that person to cease and, or to desist from acting in breach of the Roaming Regulation. Authority may order immediate cessation of breach.

(2) A compliance order issued under subregulation (1) shall come into force with immediate effect.

(3) If a person fails to comply with a compliance order issued under this regulation, the Authority may, in accordance with its powers under Part VII of the Malta Communications Authority Act, take any such enforcement action as it may consider appropriate to ensure compliance.

Applicability of the
Electronic
Communications
(Regulation) Act.

6. The provisions of articles 24 and 25 of the Electronic Communications (Regulation) Act shall apply to disputes between undertakings providing electronic communications networks and, or services, and to disputes between an undertaking and a consumer or end-user insofar as any such disputes relate to any issue arising under the Roaming Regulation.

Publicity of
measures taken to
ensure compliance.

7. The Authority may, when taking any measure to ensure compliance with these regulations and, or with the Roaming Regulation, give such publicity as it may consider appropriate in the circumstances.