

L.N. 378 of 2021

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

Emergency Communications, the Single European Emergency Call Service ("112" Number) and the European Harmonised Services of Social Value ("116" Numbering Range) Regulations, 2021

IN EXERCISE of the powers conferred by article 47 of the Electronic Communications (Regulation) Act, the Minister for the Economy and Industry, after consultation with the Malta Communications Authority, has made the following regulations:-

**PART I
PRELIMINARY**

1. (1) The title of these regulations is Emergency Communications, the Single European Emergency Call Service ("112" Number) and the European Harmonised Services of Social Value ("116" Numbering Range) Regulations, 2021. Citation and scope.

(2) These regulations transpose articles 96, 109 and 110 of Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code.

(3) These regulations shall be deemed to have come into force on 24th September 2021.

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

"the Act" means the Electronic Communications (Regulation) Act, and includes any regulations made thereunder; Cap. 399.

"the Authority" means the Malta Communications Authority established under the Malta Communications Authority Act; Cap. 418.

"competent public body" means any such public body or bodies as the Minister may after consultation with the Minister responsible for such public body and with the Authority, designate in the Schedule in accordance with his powers under article 47 of the Act, to be responsible or to undertake any or all of the functions stated in these regulations:

Provided that, the Minister may designate different public bodies to be responsible and, or to undertake the different functions stated in these regulations;

"harmonised service of social value" means a service, pursuant to the European Commission Decision 2007/116/EC of 15 February 2007, meeting a common description that shall be accessed by individuals by them using a free of charge number, which is potentially of value to visitors from other countries and which answers a specific social need, in particular which contributes to the well-being or safety of citizens, or particular groups of citizens, or helps citizens in difficulty;

"the Minister" means the Minister responsible for communications;

"number-based interpersonal communications service" means an interpersonal communications service which connects with publicly assigned numbering resources, namely, a number or numbers in national or international numbering plans, or which enables communication with a number or numbers in national or international numbering plans:

Provided that, the mere use of a number as an identifier should not be considered to be equivalent to the use of a number to connect with publicly assigned numbers and should therefore, in itself, not be considered to be sufficient to qualify as a number-based interpersonal communications service;

"provider" means, unless the context otherwise requires, a provider of a publicly available number-based interpersonal communications services.

(2) Unless otherwise stated in these regulations, the definitions in the Act shall apply in these regulations.

Part II

The Single European Emergency Call Service ("112" Number)

Operation of the single European emergency call service.

3. (1) The competent public body shall ensure that all emergency communications to the single European emergency number "112" are appropriately answered and handled in the manner best suited to the national organisation of emergency systems. Such emergency communications shall be answered and handled at least as expeditiously and effectively as emergency communications to the national emergency number or numbers where such number or numbers continue to be in use.

(2) A provider whose services allow end-users to originate calls to a number in a national or international numbering plan, including users of public pay telephones, shall provide access to the emergency services through the most appropriate PSAP. Such access shall be provided through emergency communications free of charge and without having to use any means of payment, by using the single European emergency number "112" and any national emergency number as may be specified by the Authority.

(3) The competent public body shall promote the access to emergency services through the single European emergency number "112" from electronic communications networks which are not publicly available, but which enable calls to public networks, in particular when the undertaking responsible for that network does not provide an alternative and easy access to an emergency service.

4. (1) The competent public body shall take measures to ensure that access for end-users with disabilities to emergency services is available through emergency communications and is equivalent to that enjoyed by other end-users, in accordance with European Union law harmonising accessibility requirements for products and services.

Measures for end-users with disabilities.

(2) The competent public body shall ensure that end-users with disabilities, whilst travelling in Malta, are able to access emergency services on an equivalent basis with other end-users, where feasible without any pre-registration. In doing so the competent public body shall seek to ensure interoperability across Member States which shall be based, to the greatest extent possible on European standards or specifications published in accordance with the provisions of Article 39 of Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code.

(3) The competent public body before taking any measures under this regulation shall first consult the Authority.

5. (1) A provider shall ensure that caller location information is made available to the most appropriate PSAP without delay after emergency communication is set up. This shall include network-based location information and, where available, handset-derived caller location information.

Caller location information.

(2) A provider shall ensure that the establishment and the transmission of the caller location information are free of charge for the end-user and for the PSAP, with regard to all emergency communications to the single European emergency number "112" and to any national emergency number as may be specified by the

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Authority:

Provided that, the Authority may, after consultation with BEREC and any other competent public body if necessary, establish the criteria for the accuracy and reliability of the caller location information provided.

Provision of information.

6. The competent public body shall ensure that end-users are adequately informed about the existence and use of the single European emergency number "112" as well as its accessibility features, including through initiatives specifically targeting persons travelling between Member States and end-users with disabilities. Such information shall be provided in accessible formats, addressing different types of disabilities.

Part III
European Harmonised Services of Social Value
("116" Numbering range)

Conditions attached to the service.

7. (1) In this Part "service" refers to those harmonised services of social value utilising Harmonised European Short Codes ("HESC") as established by the Authority.

(2) The competent public body under this Part shall, as a minimum, ensure that:

(a) the service provides information, or assistance, or a reporting tool to end-users, or any combination thereof;

(b) the service is open to all end-users without any requirement of prior registration;

(c) the service is not time-limited;

(d) the service is free of charge; and

(e) the following activities are excluded during a call:

(i) advertisement;

(ii) entertainment;

(iii) marketing and selling; and

(iv) using the call for the future selling of commercial services.

(3) The competent public body shall ensure that it allocates the

necessary resources to operate the service. In doing so, the competent public body shall take such measures as necessary in the circumstances.

8. (1) The competent public body shall take measures to ensure that the service under this Part is, to the greatest extent possible, provided to end-users with disabilities.

Measures for end-users with disabilities.

(2) Measures taken to facilitate access by end-users with disabilities to such a service whilst travelling in Malta, shall be based on compliance with relevant standards or specifications laid down in accordance with Article 39 of Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code.

9. The competent public body shall ensure that end-users are adequately informed of the existence and use of the service provided under the "116" numbering range.

Provision of information.

Part IV Public warning system

10. (1) By 21 June 2022 providers of mobile number-based interpersonal communications services shall ensure that when public warning systems regarding imminent or developing major emergencies and disasters are in place, public warnings are transmitted to the end-users concerned.

Public warning in case of major emergencies etc.

(2) The competent public body responsible for the public warning system shall determine the expenses incurred by a provider in relation to the transmission of a public warning either through its mobile number based interpersonal communications service or any other equivalent public warning system in accordance with sub-regulation (3), which expenses shall be refunded by it to the aforesaid provider. In doing so the aforesaid competent public body shall act on the basis of transparent and non-discriminatory criteria and shall in all instances motivate its decisions. Such expenses shall cover any additional infrastructure necessary by the provider beyond the provision of its commercial services and the operational expenses incurred.

(3) Notwithstanding sub-regulation (1), the competent public body may determine that public warnings be transmitted through:

(a) publicly available electronic communications services other than those referred to in sub-regulation (1) and other than broadcasting services; or

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(b) a mobile application relying on an internet access service:

Provided that, the effectiveness of the public warning system is equivalent in terms of coverage and capacity to reach end-users, including those that are only temporarily present in the area concerned, taking utmost account of BEREC guidelines:

Provided further that, in taking any such measures in accordance with this sub-regulation the competent public body shall consult with the Authority, and where necessary with other public bodies.

Part V Miscellaneous

Submission of
Annual Report
to the Minister.

11. Each competent public body which under these regulations is responsible for the performance of any function, by the end of September of each year, shall submit to the Minister responsible for that competent public body, a report of its activities undertaken in accordance with these regulations, which report shall be Tabled before the House of Representatives:

Provided that, the Minister concerned may from time to time require any information as he may consider necessary from such aforesaid competent public body.

Enforcement.

12. Unless stated otherwise in these regulations, the Authority shall be responsible in ensuring that providers comply with the provisions of these regulations, and to that purpose may take any such regulatory measures in accordance with its powers at law.

Repeal.
S.L. 399.43.

13. The Single European Emergency Call Service ('112' number) and the European Harmonised Services of Social Value ('116' numbering range) Regulations are hereby repealed, this without prejudice to the validity of anything done or still to be done under the said regulations.

**SCHEDULE
(Regulation 2)**

The public bodies listed hereunder shall be responsible for and, or undertake the functions listed in this Schedule

Responsible Ministry	Competent Public Body	Provisions for which the Competent Public Body is Responsible	Service Name	Number
Ministry responsible for Home Affairs, National Security and Law Enforcement	Malta Police Force	Regulations 3 to 6	Single European emergency call service	112
Ministry responsible for Home Affairs, National Security and Law Enforcement	Malta Police Force	Regulations 7 to 9 in so far as these relate to the missing children hotline	Missing children hotline	116000
Ministry responsible for the Family, Children's Rights and Social Solidarity	Foundation for Social Welfare Services	Regulations 7 to 9 in so far as these relate to the child helpline and hotline	Child helpline and hotline	116111
Ministry responsible for the Family, Children's Rights and Social Solidarity	Aġenzija Appoġġ	Regulations 7 to 9 in so far as these relate to the helpline for emotional support	Emotional Support Helpline	116123
Ministry responsible for Home Affairs, National Security and Law Enforcement	Ministry for Home Affairs, National Security and Law Enforcement	Regulation 10	Public warning systems	n/a

