



Quarterly Statistical Data Collection

Guidelines

Publication Date: July 2024

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Versions

Version Number	Publication Date
1	March 2010
2	July 2012
3	January 2013
4	April 2021
5	November 2022
6	July 2024

1 Background

The Malta Communications Authority ('MCA') and the National Statistics Office ('NSO') have implemented a joint data collection process in the electronic communications and postal sector as part of ongoing efforts to reduce multiple regulatory compliance burdens. As part of this exercise, the MCA is responsible for coordinating and managing the process of sending a questionnaire on a quarterly basis for the collection of various statistical data from undertakings. The MCA is also responsible for the receipt of these responses, which are then also forwarded to the NSO.

It is important to note that the MCA makes such requests for statistical data as this is considered necessary for the following reasons:

- Market Intelligence (internal analysis).
- Market Analysis and verifications (e.g., SL399.48 Part IV and VI).
- Market Publications (like Communications Market Review, DRS).
- EU related reports.

2 Purpose

Due to the importance of this process, which has also been regularly communicated to every postal and electronic communications undertaking authorised by the MCA, it is necessary to abide by stipulated deadlines to ensure better adherence to a yearly publication scheduler.

The statistical data collection procedure establishes a standard process with regard to statistical data collection. The use of this procedure was first implemented in Quarter One of 2012.

3 Scope

These guidelines have been drawn up to provide the MCA with a set procedure related to the timelines and sanctions concerning the quarterly statistical data collection.

Although both the MCA and the NSO undertake their best efforts to streamline information collection procedures, it is not always possible to incorporate all information requests within the quarterly exercise. Several reasons exist with the principal ones being:

- Ad hoc reporting requests which are subject specific.
- Different periodicity, intervals and deadlines of reporting requirements.

4 Data Collection Procedure and Review

The Data Collection Procedure follows the below steps:

- An email is sent to the operators after +/- five (5) working days following end of quarter, informing the undertakings to submit the data via the Statistical Analysis Modular System ('SAMS') forms.
- Deadline for submission of requested data is twenty (20) working days from the initial request.
- The statistics which are streamlined with the NSO, are sent to the specific NSO contact person.

The above steps are to be followed in the majority of cases and are intended to facilitate the submission of the quarterly questionnaires in a timely manner.

Every quarter, the MCA publishes the Data Report Sheet ('DRS'), which provides an overview of developments in the market. **Five (5)** days before the publication of the DRS, the MCA may distribute a draft DRS or extracts of the DRS to operators to provide any updates/comments on the data presented. If no feedback is provided within **three (3)** days from when the draft DRS is distributed, it implies that the respective operator considers its reported data to be correct. If feedback is submitted, the MCA will update the data for the DRS publication after reviewing such information.

If an operator provides feedback **after** the lapse of **three (3)** days, the feedback will generally be considered in the following DRS publication.

As an additional measure for the operator/s to have in place an appropriate data reporting process, the MCA will request the respective operator/s to submit a self-assessment questionnaire regarding their data processes on an **ad hoc basis or at intervals which the MCA considers adequate**. In

this questionnaire, the operator/s must provide feedback regarding their data reporting process from when they receive the MCA's quarterly data request until the submission of their data.

The MCA reserves the right to exercise its discretion in implementing these guidelines, particularly in circumstances where undertakings do not adhere to their obligations or where quality-related issues or non-submission of information may compromise the publication of reports or decisions.

5 Penalties for non-Submission of Partial/Incorrect Submission

Authorised operators are required to submit data that is complete and that they carry out the necessary quality checks prior to submission. This in order to avoid reverting back to undertakings with time-consuming queries. This may:

- hinder the timely reporting;
- necessitate revising already published reports; and
- in more serious cases, compromise decision-making processes.

Authorised operators must also implement an appropriate data reporting process to ensure that reported information is reliable. For these reasons, it may be necessary to have recourse to the imposition of administrative penalties in accordance to the applicable legislation after following the procedure stipulated under the Malta Communications Authority Act (Cap. 418) for Non-Submission or Partial/Incorrect Submission.¹ These penalties will be imposed if the undertakings do not provide the MCA with the necessary requested information following the expiration of **thirty (30)** running day timeframe given in a final legal warning, which is sent to defaulting undertakings.

The applicable penalty that may be imposed is determined in accordance with the nature and extent of the infringement, its duration and its impact on the market and on consumers.

Penalties, once imposed, are backdated to the initial deadline sent out with the template.

¹ See articles 4 and 31 et seq of the Malta Communications Authority Act.

The MCA will, as it deems it necessary, take into consideration that the amount of the penalty imposed for the lack of providing correct and full data should be dependent on various criteria, including:

- the type of omission or non-submission;
- the size of the undertaking;
- the recurrence and duration of non-compliance;
- the appropriateness of the data reporting process implemented by the operator; and
- the repercussions of non-compliance.

The basic minimum and maximum daily running penalties imposed are prescribed in the following table for guidance purposes:

Total Gross Revenue of Undertaking	Non-submission		Partial/Incorrect Submission	
	Minimum	Maximum	Minimum	Maximum
€0 - €50,000	€10.00	€30.00	€5.00	€10.00
€50,000 - €500,000	€50.00	€75.00	€15.00	€30.00
€500,000 - €10,000,000	€75.00	€150.00	€30.00	€50.00
€10,000,000+ ^(Footnote 2)	€150.00	€450.00	€60.00	€250.00

The MCA reserves the right to exercise its discretion with regards to the amounts of these penalties, particularly in circumstances where undertakings do not adhere to their obligations or where non-submission of information may compromise publication of reports or decisions or have other serious repercussions. Where justified, the MCA may also depart from the indicative ranges illustrated above where appropriate and inline with the applicable legislation.

The MCA may also impose an additional one-off administrative penalty in addition to the running administrative penalties mentioned above.

² Since there is no ceiling for increases in total gross revenue of an undertaking, the maximum daily running penalty may be adjusted to ensure continuing effectiveness.

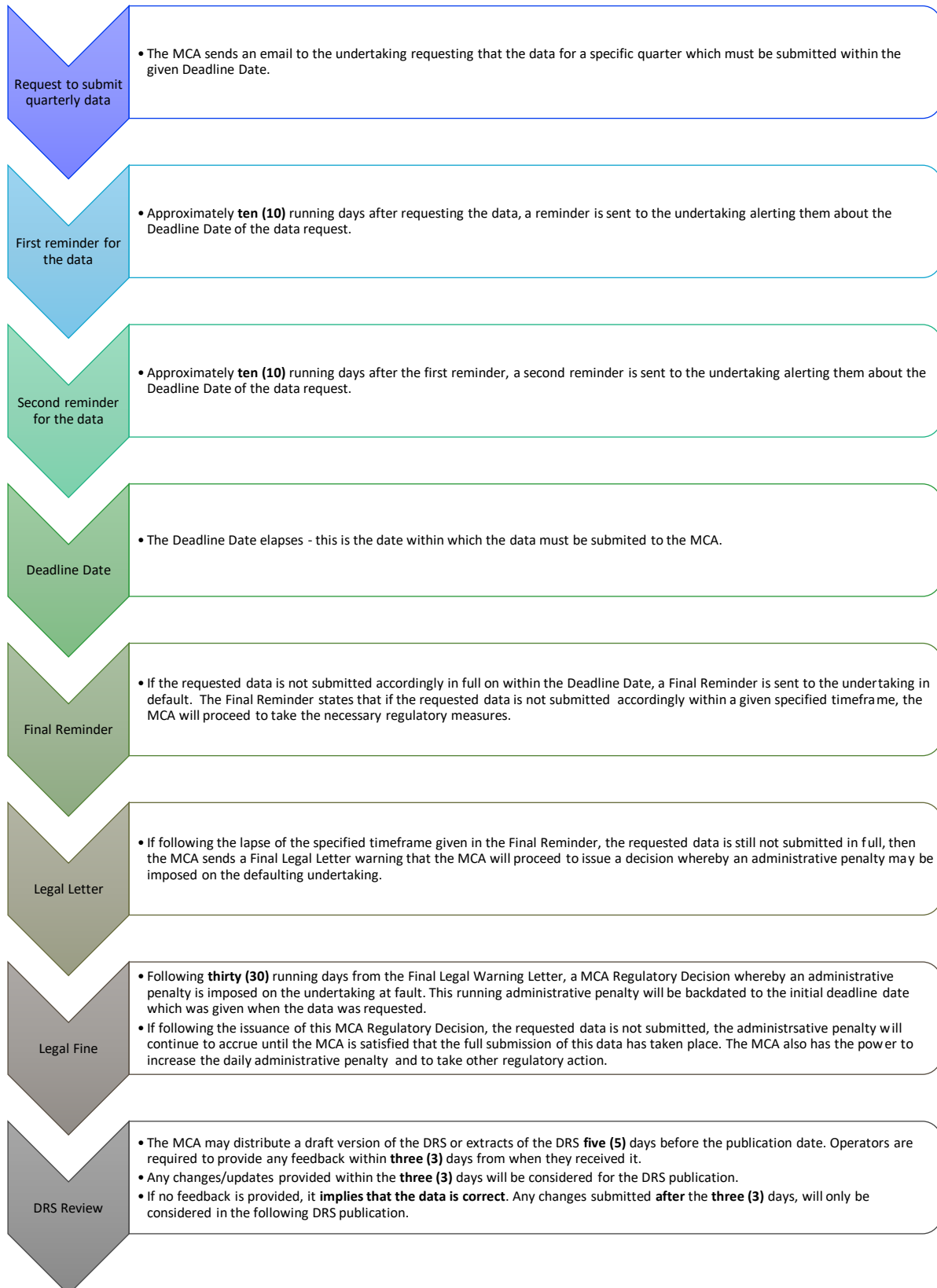
Furthermore the MCA may also arrange or require an independent audit or operations review of the operator's data reporting process in line with article 29 of the Malta Communications Authority Act (Cap. 418).

6 Other Matters

The operators are requested to inform the MCA in writing and provide a detailed description at least thirty (30) days before the quarterly submission when:

- There is a change in the reporting methodology.
- There is a system update that will impact the quarterly or ad-hoc information submission.
- Any past data revisions that will impact the market structure.

QUARTERLY DATA COLLECTION PROCESS





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