



Malaysian Communications and Multimedia Commission

Guidelines for Lodgment of Access Agreement

17 November 2025

These Guidelines (as defined below) are issued as a source of information to interested parties on lodgment of an access agreement. For this reason, it should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases. Parties should still refer to the legislative provisions contained in the law. The information contained in these Guidelines may be subjected to changes without prior notice.

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INTRODUCTION

1. These Guidelines (as defined below) are issued by the Commission (as defined below) as guidance pursuant to the amendments to the CMA 1998 (as defined below), including the amendments to section 150 of the CMA 1998, which came into force on 11 February 2025. These Guidelines are intended to provide guidance to the licensees under the CMA 1998, who are parties to an access agreement, towards ensuring compliance with the statutory requirements of the CMA 1998 governing the lodgment of access agreement with the Commission.

DEFINITION AND GLOSSARY

2. For the purposes of these Guidelines, unless the context otherwise requires:
 - (a) any term used in these Guidelines shall have the same meaning as in the CMA 1998 or the subsidiary legislations made under it;
 - (b) words denoting the singular shall include the plural and vice-versa; and
 - (c) the following terms used in these Guidelines shall have the stated meaning:

Access List	The Commission Determination on Access List, Determination No. 6 of 2021 or any subsequent issuance of Commission Determination on Access List by the Commission
Access Provider	A network facilities provider who owns or provides facilities and/or a network service provider who provides services listed in the Access List, and who is a licensee as defined under the CMA 1998 (as defined below)
Access Seeker	A network facilities provider, a network service provider, an applications service provider or a content applications service provider who is a licensee as defined under the CMA 1998 (as defined below) and who makes a written request for access to Facilities and/or Services listed in the Access List
Commission	the Malaysian Communications and Multimedia Commission
CMA 1998	the Communications and Multimedia Act 1998
Guidelines	Guidelines for Lodgment of Access Agreements
MSA	The Commission Determination on the Mandatory Standard on Access, Determination No. 1 of 2022 or any subsequent issuance of Commission Determination on the Mandatory Standard on Access by the Commission
MSAP	The Commission Determination on the Mandatory Standard on Access Pricing, Determination No. 1 of 2023 or any subsequent issuance of Commission Determination on the Mandatory Standard on Access Pricing by the Commission

LEGISLATIVE BACKGROUND

3. Section 150 of the CMA 1998 mandates parties to an access agreement to lodge a written access agreement with the Commission within thirty (30) days from the date of execution or amendment of the access agreement, as the case may be.
4. The amendments made to section 150 of the CMA 1998 change the requirement to register a written access agreement with the requirement to lodge such agreement. With these amendments, the onus will be on the parties to the agreement to ensure that the access agreement is compliant with the CMA 1998, the subsidiary legislations made under the CMA 1998 and the instruments issued pursuant to the CMA 1998. Consequently, sections 90, 91, 92 and 93 of the CMA 1998 have been deleted as the registration of access agreements is no longer required.

ACCESS AGREEMENT THAT REQUIRES LODGMENT UNDER THE CMA 1998

5. An access agreement is within the meaning of section 150 of the CMA 1998 if it fulfills the following three (3) criteria:
 - 5.1 the access agreement is in written form;
 - 5.2 the access agreement is for the provision of listed network facilities or network services¹ in the applicable Access List; and
 - 5.3 the access agreement complies with the standard access obligations for facilities and services under section 149 of the CMA 1998 and is based on the terms and conditions that are determined by the Commission through the relevant regulatory instrument(s) under the CMA 1998 or where applicable, the terms and conditions of a registered access undertaking.
6. An access agreement that fulfils the above criteria shall be lodged with the Commission within thirty (30) days from the date of execution of or amendments to, the access agreement, as the case may be.
7. The terms and conditions including the wholesale prices for the listed network facilities or network services shall be based on the applicable MSA and the applicable MSAP² or where applicable, the terms and conditions of a registered access undertaking.
8. Failure to lodge an access agreement in accordance with section 150 of the CMA 1998 shall constitute an offence under section 242 of the CMA 1998 which may be punishable with a fine not exceeding one million ringgit or to imprisonment for a term not exceeding five years or to both.

¹ Listed network facilities or network services refer to the network facilities or network services that are listed in the Access List under section 145 of the CMA 1998.

² Parties can refer to the Commission's register of determinations under section 57 of the CMA for the applicable MSA and MSAP.

THE ACCESS AGREEMENT SHALL BE CONSISTENT WITH THE CMA 1998 AND ITS SUBSIDIARY LEGISLATION, AND INSTRUMENTS ISSUED PURSUANT TO THE CMA 1998

9. The onus is on the parties to an access agreement to ensure that the access agreement is consistent with:

9.1 the objects of the CMA 1998;

9.2 any relevant instrument issued under the CMA 1998; and

9.3 any relevant provisions of the CMA 1998 or its subsidiary legislation(s).

10. For purposes of the lodgment of an access agreement under section 150 of the CMA 1998, the parties shall evaluate the access agreement against the three (3) criteria as specified below:

10.1 Consistent with the objects of the CMA 1998

10.1.1 Firstly, an access agreement that is lodged with the Commission shall be consistent with the objects of the CMA 1998. Subsection 3(1) of the CMA 1998 provides that the objects of the CMA 1998 are:

(a) to promote national policy objectives for the communications and multimedia industry;

(b) to establish a licensing and regulatory framework in support of national policy objectives for the communications and multimedia industry;

(c) to establish the powers and functions for the Commission; and

(d) to establish powers and procedures for the administration of the CMA 1998.

10.1.2 In reference to the national policy objectives ("NPOs") referred to in paragraph 10.1.1(a) above, subsection 3(2) of the CMA 1998 sets out the NPOs for the communications and multimedia industry as follows:

(a) to establish Malaysia as a major global centre and hub for communications and multimedia information and content services;

(b) to promote a civil society where information-based services will provide the basis of continuing enhancements to quality of work and life;

- (c) to grow and nurture local information resources and cultural representation that facilitate the national identity and global diversity;
- (d) to regulate for the long-term benefit of the end user;
- (e) to promote a high level of consumer confidence in service delivery from the industry;
- (f) to ensure an equitable provision of affordable services over ubiquitous national infrastructure;
- (g) to create a robust applications environment for end users;
- (h) to facilitate the efficient allocation of resources such as skilled labour, capital, knowledge and national assets;
- (i) to promote the development of capabilities and skills within Malaysia's convergence industries; and
- (j) to ensure information security and network reliability and integrity.

10.1.3 Consequently, in considering whether an access agreement is consistent with the objects of the CMA 1998, the parties shall ascertain whether the access agreement in question (and the subsequent lodgment thereof) would promote or support (rather than detract from) any one or more of the NPOs.

10.2 **Consistent with any relevant instrument issued under the CMA 1998**

10.2.1 Secondly, an access agreement that is lodged with the Commission shall be consistent with any relevant and applicable legal instruments issued under the CMA 1998.

10.2.2 The relevant instruments issued under the CMA 1998 include, but are not limited to, the following:

- (a) Ministerial Direction;
- (b) Ministerial Declaration;
- (c) Ministerial Determination;
- (d) Commission Determination (through which mandatory standards are being issued); and

(e) Commission Direction.

10.2.3 For the purpose of an access agreement, the relevant legal instruments under the CMA 1998 may include, but are not limited to, the following:

- (a) the Access List; and
- (b) the relevant Commission Determinations on mandatory standards, including the MSA and the MSAP.

10.2.4 Consistent with the Access List:

- (a) an access agreement shall be for the provision of the network facilities or network services that are listed in the applicable Access List issued by the Commission under the CMA 1998.
- (b) if the access agreement is for the provision of the network facilities or network services that are listed in the applicable Access List, lodgment shall be required in accordance with section 150 of the CMA 1998.
- (c) conversely, if the access agreement is for the provision of non-listed network facilities and network services and/or if the network facilities and network services in the access agreement are listed in a revoked Access List and/or listed in an instrument not issued under the CMA 1998, lodgment of such access agreement shall not be required.
- (d) in the event the Commission varies or replaces any network facilities and/or network services in the Access List pursuant to section 146 or section 147 of the CMA 1998, the Access Provider shall lodge a new access agreement or amend the existing agreement to address any network facilities and/or network services that the Commission varies or replaces.
- (e) however, the parties are not required to lodge a new access agreement or amend the existing agreement if the amendment is solely to address any network facilities and/or network services which the Commission removes. Where such network facilities or network services are no longer listed in the Access List, the provision of such network facilities or network services falls outside the Commission's regulatory purview and therefore does not trigger the lodgment requirement under section 150 of the CMA 1998.

- (f) in the event the Commission removes, varies or replaces any network facilities and/or network services in the Access List pursuant to section 146 or section 147 of the CMA 1998, the Access Provider shall comply with the transitional measures under subsection 7.4 of the MSA or any other subsection(s) of any subsequent MSAs that addresses the similar measures, including providing appropriate notice to Access Seekers of such removal, variation or replacement.

10.2.5 Consistent with the relevant Commission Determinations on mandatory standards:

- (a) an access agreement shall comply with the relevant mandatory standards determined by the Commission ("**Mandatory Standards**") pertaining to the subject matter of the access agreement. In this regard, the relevant Mandatory Standards would include, but not be limited to the MSA and the MSAP.
- (b) according to subsection 105(3) of the CMA 1998, a person subject to a Mandatory Standard shall comply with the said Mandatory Standard. Therefore, if the access agreement that is for the provisioning of the listed network facilities or services does not comply with the applicable Mandatory Standards, the access agreement is considered as inconsistent with the relevant instruments under the CMA 1998. As such, the onus is on the parties to ensure that the access agreement for the provision of the listed network facilities or network is consistent with the Mandatory Standards issued under the CMA 1998.
- (c) in the event that any of the applicable Mandatory Standards at the point of lodgment of the access agreement are amended, revoked or replaced by the Commission, the parties to the access agreement shall execute a new access agreement or amend the existing access agreement through a supplemental agreement and shall lodge such access agreement thereafter to ensure compliance with the applicable Mandatory Standards.
- (d) in the event the parties have lodged an access agreement for the provision of listed network facilities or network services based on terms and conditions of a revoked MSA and/or MSAP, the parties shall lodge a new access agreement or amend the existing access agreement through a supplemental agreement based on the applicable MSA and/or MSAP within thirty (30) days

from the date of execution or amendment of such access agreement.

- (e) failure to comply with the MSA and/or MSAP constitutes a non-compliance to subsection 105(3) of the CMA 1998 and may be punishable under section 242 of the CMA 1998 that provides for a fine not exceeding one million ringgit or to imprisonment for a term not exceeding five years or to both.

10.3 Consistent with any relevant provisions of the CMA 1998 or its subsidiary legislation(s)

10.3.1 Thirdly, an access agreement lodged with the Commission must be consistent with any relevant provisions of the CMA 1998 or its subsidiary legislation(s).

10.3.2 In respect of the access agreement, the relevant provisions under the CMA 1998 may include, but are not be limited to, the following:

- (a) sections 95-108;
- (b) sections 110-115; and
- (c) sections 145-156.

GENERAL

Supplemental agreement

11. All amendments to an access agreement, including supplemental agreements shall be lodged with the Commission within thirty (30) days from the date of execution or amendment of the access agreement or supplemental agreement, as the case may be, and shall be subject to the requirements of the CMA 1998 and the Guidelines.

Notification of termination or lapsed access agreement

12. Parties to an access agreement shall jointly notify the Commission within fourteen (14) days in the event that:

12.1 the lodged access agreement has been terminated³; or

12.2 the lodged access agreement has lapsed.

13. Upon the occurrence of the events in paragraph 12, the lodged access

³ In the event of termination by either party (Access Provider or Access Seeker), the parties shall ensure that the requirements specified in the MSA are adhered to.

agreement shall no longer be valid.

Timeline for Lodgment of Access Agreement

14. According to section 150 of CMA, the timeline to lodge an access agreement shall be within thirty (30) days from the date of execution or amendment of the access agreement ("**Statutory Lodgment Timeline**"). For avoidance of doubt, the date of execution refers to the date the access agreement is signed by the parties.
15. Parties are required to comply strictly with the Statutory Lodgment Timeline. In the event the access agreement is not lodged within the Statutory Lodgment Timeline, the Commission may regard such lodgment as non-compliant with section 150 of the CMA 1998. In such instances, the parties shall be required to re-execute the access agreement and ensure a timely lodgment thereafter in accordance with section 150 of the CMA 1998.
16. For all intent and purposes, the timeline for processing the lodgment of the access agreement shall begin from the acknowledged date of receipt of the lodgment.
17. The Commission retains the right to review the access agreement lodged by the parties to ensure compliance with the laws.

LODGMENT OF ACCESS AGREEMENT

18. Parties to an access agreement shall lodge the agreement by completing the lodgment form (as provided in Appendix 1) accompanied with one (1) hardcopy and one (1) scanned copy of the certified true copies of the stamped access agreement.
19. The hardcopy submission shall be made to:

The Chairman
Malaysian Communications and Multimedia Commission
MCMC Tower 1, Jalan Impact,
Cyber 6, 63000 Cyberjaya,
Selangor Darul Ehsan
(Attention: Head of Market Regulation Division)
20. The scanned copy of the access agreement shall be emailed to lodgment@mcmc.gov.my.
21. The lodgment form is attached to the Guidelines, as provided in Appendix 1. Any false declaration made in the lodgment form constitutes an offence under section 241 of the CMA 1998 which is punishable with a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.

22. For general enquiries, please contact:

Access Department,
Market Regulation Division
Malaysian Communications and Multimedia Commission
MCMC Tower 1, Jalan Impact,
Cyber 6, 63000 Cyberjaya,
Selangor Darul Ehsan
Telephone : 03-8688 8000
Fax : 03-8688 1000
Email : access.dept@mcmc.gov.my

DISCLAIMER AND AMENDMENTS

23. These Guidelines are intended to notify and guide the respective parties on the process for lodgment of an access agreement. The contents of these Guidelines are not intended to be exhaustive and are accurate at the time of its issuance.
24. The Commission reserves the right to revise, amend and/or update these Guidelines at any time, without giving prior notice.