

MALTA

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1. Consumer policy institutions

1.1. MINISTRY RESPONSIBLE FOR CONSUMER POLICY

Ministry for Social Dialogue, Consumer Affairs and Civil Liberties

In Malta, the Ministry responsible for consumer policy and consumer affairs is the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties.

The Malta Competition and Consumer Affairs Authority was set up in May 2011 with the coming into force of Malta Competition and Consumer Affairs Authority Act **Chapter 510 of the Laws of Malta**.

The law provides for the establishment of an Authority to promote, maintain and encourage competition, to safeguard the interests of consumers and enhance their welfare, to promote sound business practices, to adopt and co-ordinate standards in relation to products or services, to regulate such activities and to provide for such matters ancillary or incidental thereto or connected therewith, to provide for the establishment, jurisdiction and procedure of an appeals tribunal, and to make amendments to other laws.

The Authority is made up of four independent entities:

- The Office for Competition;
- The Office for Consumer Affairs;
- The Standards and Metrology Institute; and
- The Technical Regulations Division.

The Office for Consumer Affairs is the office mainly responsible for consumer policy in Malta and is made up of three directorates:

- Information, Education and Research;
- Complaints and Conciliation; and
- Enforcement

Contact Information:

- **Ministry for Social Dialogue, Consumer Affairs and Civil Liberties**
Minister: Hon. Helena Dalli
Address: Barriera Wharf, Valletta. VLT 2000
Tel: +356 20908311
Email: socialdialogue@gov.mt
Website: <https://socialdialogue.gov.mt>
- **Office for Consumer Affairs (MCCAA)**

Director General: Ms Josephine Borg
Address: 'Mizzi House', National Road, Blata l-Bajda. HMR 9010.
Tel: +356 23952000
Email: joyce.a.borg@mccaa.org.mt
Website: www.mccaa.org.mt

1.2 PUBLIC AGENCIES

Legislative Instruments	Public Enforcement Agencies
Consumer Affairs Act (Cap. 378) and subsidiary legislation.	<u>Office for Consumer Affairs (MCCAA)</u> <i>Address:</i> 'Mizzi House', National Road, Blata l-Bajda. HMR 9010 <i>Tel:</i> +356 23952000 <i>Email:</i> info@mccaa.org.mt <i>Website:</i> www.mccaa.org.mt
Malta Travel and Tourism Services Act (Cap. 409) and any regulation made thereunder.	<u>Malta Tourism Authority</u> <i>Address:</i> Auberge d'Italie, Merchants Street, Valletta. VLT 1170 <i>Tel:</i> +356 22915000 <i>Email:</i> info.visitmalta@visitmalta.com <i>Website:</i> http://www.visitmalta.com
Malta Financial Services Authority Act (Cap. 330) and any regulation made thereunder.	<u>Malta Financial Services Authority</u> <i>Address:</i> Notabile Road, Attard. BKR 3000 <i>Tel:</i> +356 21441155 <i>Email:</i> consumerinfo@mfsa.com.mt <i>Website:</i> www.mfsa.com.mt
Act XVI of 2016 – The Arbiter of the Financial Services Act, 2016.	<u>Office of the Arbiter for Financial Services</u> <i>Address:</i> 1st Floor, St. Calcedonius Square, Floriana. FRN 1530 <i>Tel:</i> +356 21249245 <i>Email:</i> complaint.info@financialarbiter.org.mt <i>Website:</i> www.financialarbiter.org.mt
Civil Aviation Act (Cap. 232) and any regulations made thereunder.	<u>Civil Aviation Department</u> <i>Address:</i> Vjal l-Avjazzjoni, Luqa. LQA 9023 <i>Tel:</i> +356 25555653 <i>Email:</i> civil.aviation@transport.gov.mt <i>Website:</i> www.transport.gov.mt/aviation
Malta Communications Authority Act (Cap. 418) and any regulations made thereunder.	<u>Malta Communications Authority</u> <i>Address:</i> Valletta Waterfront, Pinto Wharf, Floriana. FRN 1913 <i>Tel:</i> +356 21336840 <i>Email:</i> info@mca.org.mt <i>Website:</i> www.mca.org.mt

Medicines Act (Cap. 458) and any regulations made thereunder.	<u>Medicines Authority</u> <i>Address:</i> Sir Temi Żammit Buildings, Malta Life Sciences Park, San Ġwan. SĠN 3000. <i>Tel:</i> +356 23439000 <i>Email:</i> info.medicinesauthority@gov.mt <i>Website:</i> www.medicinesauthority.gov.mt
Broadcasting Act (Cap. 350) and any regulations made thereunder.	<u>Broadcasting Authority</u> <i>Address:</i> 7, Mile End Road, Ħamrun. HMR 1719 <i>Tel:</i> +356 21221281 <i>Email:</i> info.ba@ba.org.mt <i>Website:</i> www.ba-malta.org

1.3. NATIONAL CONSUMER ORGANISATIONS

The first consumers' association set up in Malta was the **Malta Consumers' Association**. It was set up in 1982 and is recognised as a 'registered consumer association' under the Consumer Affairs Act (Cap. 378). It is a voluntary organisation and has a democratic structure in the sense that all officials are elected annually. It is financed through membership fees.

The Consumers' Association has four main principal areas of activity:

- Acting as a representative for the local consumers. It represents the local consumers on several national Boards, amongst them the Consumers' Affairs Council which is a national board whose primary function is to advise the Minister responsible for consumer affairs on policy and legislation. It also represents consumers on other boards mainly Users' Boards of Public Utilities and also represents the local consumers in international fora;
- Educating consumers;
- Using the media such as local newspapers and radio programmes to educate the consumers at large;
- Acting as a pressure group. It comments on new legislation and periodically issues press releases to the local media.

Contact information:

Address: 47A South Street Valletta, VLT 1519

Postal Address: Consumers' Association – Malta, PO Box 464, Valletta, CMR 1000

Tel: +356 2123 9091

Fax: +356 2122 1210

E-mail: info@camalta.org

Website: <http://www.camalta.org>

The other consumer association set up in Malta is the **Association for Consumer Rights (Malta)**.

This Association is an independent, voluntary, non-sectarian, non-political and non-profit-making organisation, based on adult, individual membership as defined in the Voluntary Organisations Act, (Chapter 492) of the Laws of Malta.

Contact Information

Address: Flat 4, Pope Pius XII Flats, Mountbatten Street, Blata I-Bajda.

Tel: +356 21248881/21246982

Email: associationforconsumerrights@gmail.com

Website: <http://acrmalta.weebly.com/>

1.4. NATIONAL COUNCILS/ASSEMBLIES OF CONSUMER ORGANISATIONS AND OTHER STAKEHOLDERS

The Consumers Affairs Council, set up in January 1996, is constituted as provided for in the Consumer Affairs Act (Cap. 378). The Council is an independent entity advising the Minister responsible for consumer affairs on consumer policy matters.

The Council strives to promote consumer interests, monitoring and keeping under review trading and business practices related to the supply of goods and services to consumers. Other functions include the undertaking of research to promote consumer protection and monitoring the working and enforcement of laws which affect consumers. The Council is also involved in the drawing up and reviewing of consumer protection Directives and minimum service standards. It is also concerned with the development of Consumer Associations in Malta ensuring that these meet the necessary requirements for recognition as consumer associations in accordance with the law. This body also performs other functions as may be assigned to it in accordance with the relative legislation. The Council is consulted by the Minister when making regulations about any matter relating to consumer affairs.

Contact information:

Address: Mizzi House, National Road, Blata I-Bajda. HMR 9010

Tel: +356 23952751

Email: cacouncil@gov.mt

Website: <https://socialdialogue.gov.mt/en/Pages/Entities/Consumer-Affairs-Council.aspx>

1.5. CONSUMER MEDIA

- **Malta Competition and Consumer Affairs Authority**
Website: www.mccaa.org.mt
- **Malta Consumers' Association**
Website: www.camalta.org
- **Association for Consumer Rights**
Website: <http://acrmalta.weebly.com/>

1.6. REDRESS BODIES: COURTS AND ADRS

The most widely used means of consumer redress in Malta is the out-of-court redress procedure through the Office of Consumer Affairs within the Malta Competition and Consumer Affairs Authority, the Complaints and Conciliation Directorate being a residual ADR body.

The functioning of this residual ADR entity is to establish specific procedural rules relative to the ADR process. This ADR entity also ensures that when no other ADR entity has been set up to deal with a particular consumer complaint, the consumer can still have his dispute resolved through recourse to the ADR procedure offered free of charge by the Complaints and Conciliation Directorate.

Contact Information

Complaints and Conciliation Directorate – Office for Consumer Affairs (MCCAA)

Address: Mizzi House, National Road, Blata l-Bajda. HMR 9010.

Tel: +356 2395 2000

Email: fair.trading@mccaa.org.mt

Website: www.mccaa.org.mt

Other ADR Entities

The Office of the Arbiter for Financial Services. It is a recently constituted autonomous and independent body set up in terms of Act XVI of 2016 of the Laws of Malta. It has the power to mediate, investigate and adjudicate complaints filed by customers against financial services providers.

Contact Information

Office of the Arbiter for Financial Services

Address: 1st Floor, St. Calcedonius Square, Floriana. FRN 1530

Tel: +356 21249245

Email: complaint.info@financialarbiter.org.mt

Website: www.financialarbiter.org.mt

Regulator for Energy and Water Services

Contact Information

Address: Millenia, 2nd Floor, Aldo Moro Road, Marsa. MRS 9065

Tel: +356 21220619

Email: enquiry@rews.org.mt

Website: www.rews.org.mt

Malta ADR Centre

Contact Information

Address: 202/2, Vincenti Buildings, Old Bakery Street, Valletta. VLT 1453

Tel: +356 79344428

Facebook: ADR (Malta) Centre

Another means of redress for consumers is the **Consumer Claims Tribunal**. This Tribunal provides a simplified mechanism whereby consumers can obtain quick and inexpensive redress for their claims in business-to-consumer disputes.

Contact Information

Address: 47A South Street Valletta, VLT 1519

Tel: +356 21227070

E-mail: info@mccaa.org.mt

Website: <http://mccaa.org.mt/en/consumer-claims-tribunal>

1.7. EUROPEAN CONSUMER CENTRE

European Consumer Centre of Malta

Address: 47A South Street, Valletta VLT 1519

Tel: +356 2122 1901

Fax: +356 2122 1901

E-mail: ecc.malta@mccaa.org.mt

Website: www.eccnetmalta.gov.mt

1.8. SELF OR CO-REGULATION

There are no self or co-regulatory organisations in Malta.

2. Consumer policies

2.1. CONSUMER PROTECTION LEGISLATION

Legislation falling within the remit of the MCCA can be found on:

<http://www.mccaa.org.mt/en/information> or

<http://www.justiceservices.gov.mt/LOM.aspx?pageid=27&mode=chrono&gotoID=378>

Legislation administered by other entities can be accessed to through the Ministry for Justice, Culture and Local Government:

<http://www.justiceservices.gov.mt/LOM.aspx?pageid=27&mode=chrono>

2.2. CONSUMER ORGANISATIONS

There are provisions contained in the Consumers Affairs Act (Cap. 378) which set criteria which determine when an organisation is recognised at national level. These criteria are the following:

- that the association has a minimum paid up membership of one hundred members of majority age, who are citizens of Malta or permanent residents in Malta;
- that the statute of the association states in substance that the principal objective of the association is to promote consumer protection, and to guide, inform and educate consumers;
- that the statute makes provision for the association to be managed by persons freely elected by the members of the association in an election which is held at least once every calendar year;
- that the association does not have the making of profit as one of its objectives; and
- that the association is independent of any other association, organisation or grouping whose principal objective is not the protection of consumers.

The process of recognition of an association involves the Consumer Affairs Council which is an advisory body set up by law. The association must submit to the Council an application on the appropriate form issued under the authority of the Council; a complete updated copy of its statute duly certified by the person who holds the most senior executive post with the association; a list of the association's members including their respective addresses and identity card numbers and the official address of the association. The Consumer Affairs Act (Cap. 378) also provides for specific instances where the Council has the power to strike an association off the register.

The Consumer Affairs Act (Cap. 378) provides that the Minister may, on the advice of the Consumer Affairs Council, grant to any registered consumer associations such assistance and facilities as he may deem fit from time to time in order to enable them to exercise their functions. Furthermore, a registered consumer organisation is exempt from the payment of income tax.

2.3. INFORMATION AND EDUCATION

The Information, Education and Research Directorate within the Office for Consumer Affairs is mainly responsible of raising awareness on consumer rights, stimulating good trading practices, and educating consumers to empower them to make well-informed buying decisions.

Since information and education are crucial in ensuring that consumers are well-equipped when they shop for their needs, officers from this Directorate participate in TV and Radio programmes on a regular basis. Most of these broadcasts included phone-ins from listeners and viewers who aired their views and requested information on their legal rights as consumers. This Directorate also publishes consumer related articles in various local newspapers and other printed media. It also publishes a consumer magazine *L-Għażla*.

Following requests from consumers and traders, the Directorate organises information sessions on consumer protection legislation.

Another important role of this Directorate is that of answering consumers' queries and provide them with the necessary information and tendering advice on what are their legal rights and obligations.

2.4 CONCILIATION

The Complaints and Conciliation Directorate, within the Office for Consumer Affairs, deals with consumer complaints regarding purchases of goods and services. Each complaint that is registered with the Directorate is evaluated and if is justified at law and falls within the remit of the MCCA, it will be assigned to a complaint handler. The complaint handler will contact the trader and inform him of his obligations at law, seeking to settle the case in an amicable manner. The complaint handler's role is limited to mediation. Hence, the resulting outcome will largely depend on the good will of the parties involved.

If no agreement is reached, the consumer can then opt to proceed with filing a claim before the Consumer Claims Tribunal. This Tribunal is a specialised simplified court procedure which may hear individual claims about the hire or purchase of goods or services of up to three thousand five hundred euros (€3,500). It is normally the consumer who presents a claim before the Tribunal. However, the law also states that the Tribunal may hear:

- any counter-claim by a trader if the consumer had made a claim against that same trader before the Tribunal and;
- a case commenced before a Court and which later, by agreement between the consumer and the trader, is transferred for a hearing before the Tribunal.

The Tribunal may also award the consumer, up to five hundred euros (€500) compensation for "moral damages" caused by any pain, distress, anxiety and inconvenience suffered.

2.5. ENFORCEMENT

The Enforcement Directorate within the Office for Consumer Affairs focuses on the enforcement of consumer protection legislation. It investigates unfair trading practices and unfair contract terms and takes the necessary measures for the suppression and prevention of such practices, which may be detrimental to the interests of consumers. Furthermore, it ensures price transparency and compliance with other information requirements and monitors trading practices relating to the provision of goods and services to consumers.

Through subsidiary legislation the Directorate also ensures:

- the price indication of all produces offered for sale;
- the clear display of price lists in bars and kiosks;

- the protection of consumers when effecting a distance purchase including prior information, written confirmation of the information and the right of cancellation;
- the imparting of clear, unambiguous and correct information regarding the prices of goods sold or offered for sale to consumers;
- clear and fair adverts that do not contain misleading information.

Furthermore the Directorate is also responsible for the prohibition of discriminatory pricing (in terms of nationality, place or residence), the right of information and assistance and the implementation of the Services (Internal Market) Act.

Further to investigations and administrative proceedings by the Enforcement Directorate, the Director General of the Office for Consumer Affairs issues public warning statements on traders who fail to comply.

- The Directorate also participates in the Consumer Protection Cooperation **Network**. The aim of this network is to tackle the ever-increasing cross-border problems in the Internal Market and lays down the framework and general conditions under which authorities, responsible for enforcement in the Member States, are to cooperate. In support of this network, the Consumer Protection Cooperation System (CPCS) was established with the aim of improving EU cooperation in the field of consumer-protection enforcement. The Enforcement Directorate is responsible for the functioning of the CPCS and immediately follows up registered information and enforcement requests.

2.6. INFORMATION GATHERING/RESEARCH

The MCCA basis its data on complaints lodged and enquiries made by consumers.