



END-USER AFFAIRS: HALF YEARLY REPORT

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2. INTRODUCTION

One of the main objectives of the Malta Communications Authority (hereafter “MCA” / “Authority”) is to safeguard the interests of end-users in the electronic communications (“ECS”), postal and e-Commerce sectors.

The MCA monitors the sectors it regulates to identify areas of concern and undertakes the necessary regulatory action to address such issues. In so doing, the Authority ensures that service providers comply with their obligations at law and that end-users are provided with up to date information on their rights and obligations when using any communication services. In order to fulfill this function, amongst other things, the MCA monitors the claims it receives (including complaints published in media articles and on social media), conducts mystery shopping exercises and regularly meets with various stakeholders.

The MCA provides assistance to those end-users who encounter difficulties while using any of the services within its remit. In this respect, when an end-user is not satisfied with the redress or response provided to him by his/her service provider, he/she may file a complaint with the MCA. For this reason, most of the complaints reported to the MCA tend to be more complex in nature due to the fact that before contacting the MCA, the subscriber would have already exhausted the service provider’s complaint handling process without reaching a satisfactory solution.

The extent of the action the MCA can take in relation to a complaint, depends on the particulars of the issues involved and on the MCA’s relevant legal powers. In instances where the Authority cannot formally intervene, it tries to mediate between the complainant and the service provider. Failing that, it will suggest alternative courses of action by referring the complainant to the appropriate forum where he/she may lodge his/her complaint.

The Authority also receives a number of enquiries, as distinct from complaints, from end-users in relation to the services it regulates. The MCA makes every effort to provide end-users with the requested information in a timely manner. Alternatively, when such requests do not fall directly within MCA’s remit, it assists end-users by directing them to the appropriate body.

More information on MCA’s complaint and enquiry procedure is available from <http://www.mca.org.mt/consumer/complaints-enquiries>.

3. PURPOSE

This report provides an analysis of the complaints received by the Authority during the first half of 2015 and also provides information on enforcement actions and related monitoring activities undertaken by the MCA during this period.

The MCA considers that the publication of this information raises awareness on consumer tools and rights in the sectors regulated by the MCA, while also highlighting those practices which may be creating difficulties for end-users, and which accordingly are being closely monitored by the MCA. The MCA also believes that this data may be of interest to consumer groups, journalists and other entities who seek to advise and inform end-users about their rights.

4. STATISTICAL DATA

Between January and June of 2015, the MCA received a total of 142 complaints. The complaints lodged with the Authority during this period, related predominantly to faults, termination of services, and billing. The following tables provide statistical information on the complaints segmented by sector (figure 1) and by issue (figure 2). Figure 3 below provides statistical information on the timeframes taken by the MCA to handle the complaints. All complaints referred to the Authority during this period have been reviewed and closed. During this period the Authority also received 279 requests for information.

Figure 1

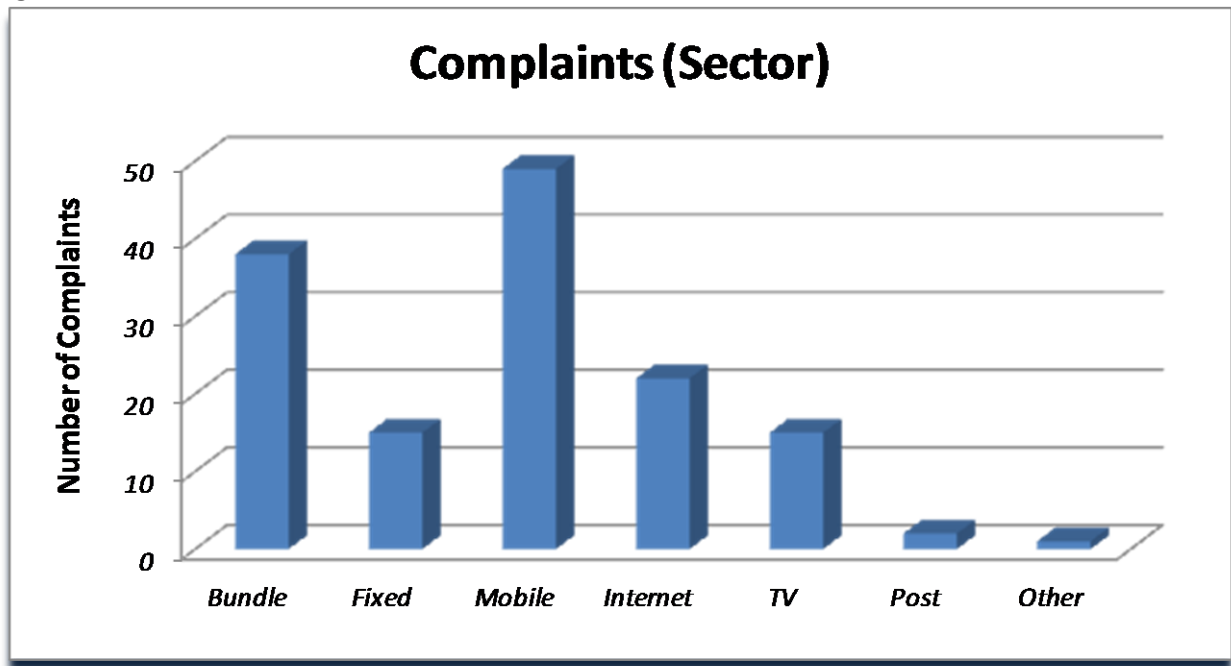
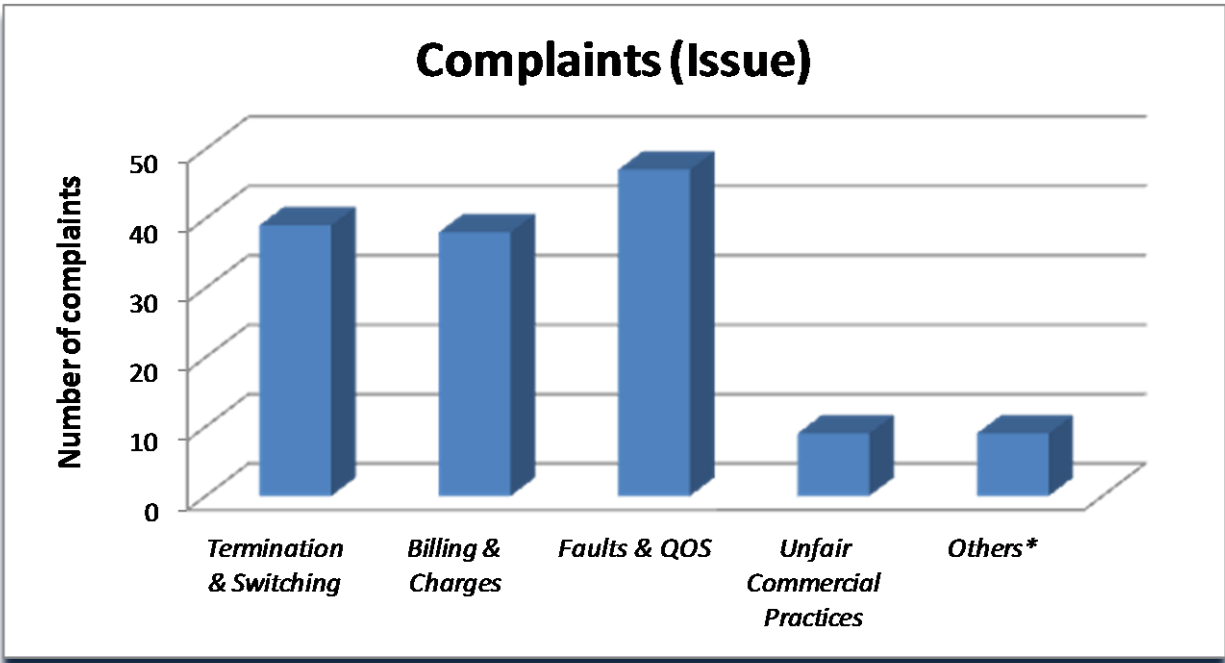
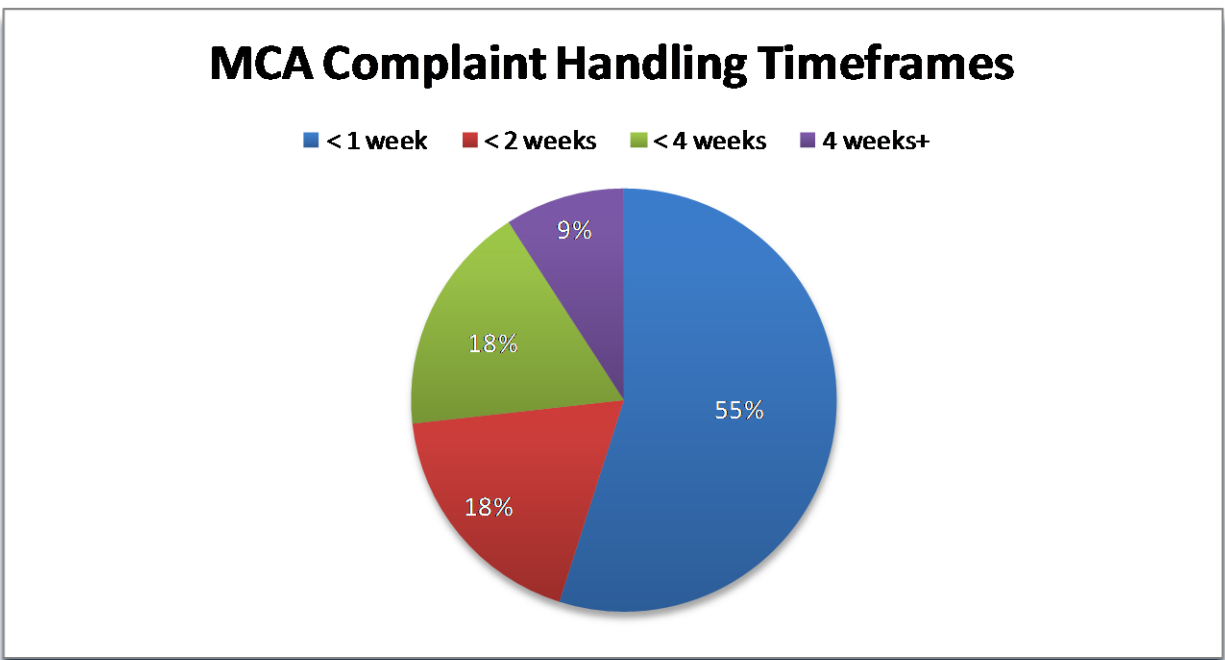


Figure 2



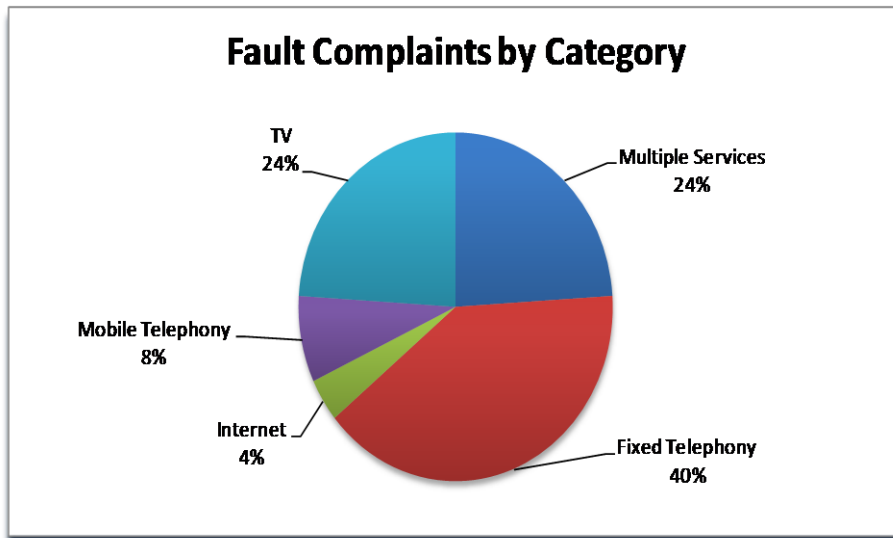
Complaints categorised as 'Others' include claims related to data protection, electronic magnetic frequencies, contracts, refunds and installations.

Figure 3



5. ELECTRONIC COMMUNICATIONS SERVICES

5.1 Faults and Quality of Service



The MCA received twenty five (25) fault reports from subscribers during the period under review. The majority of faults related to the provision of fixed telephony and TV services. The Authority deals with such cases by monitoring the actions undertaken by the relevant service providers to ensure that faults are repaired at the earliest possible.

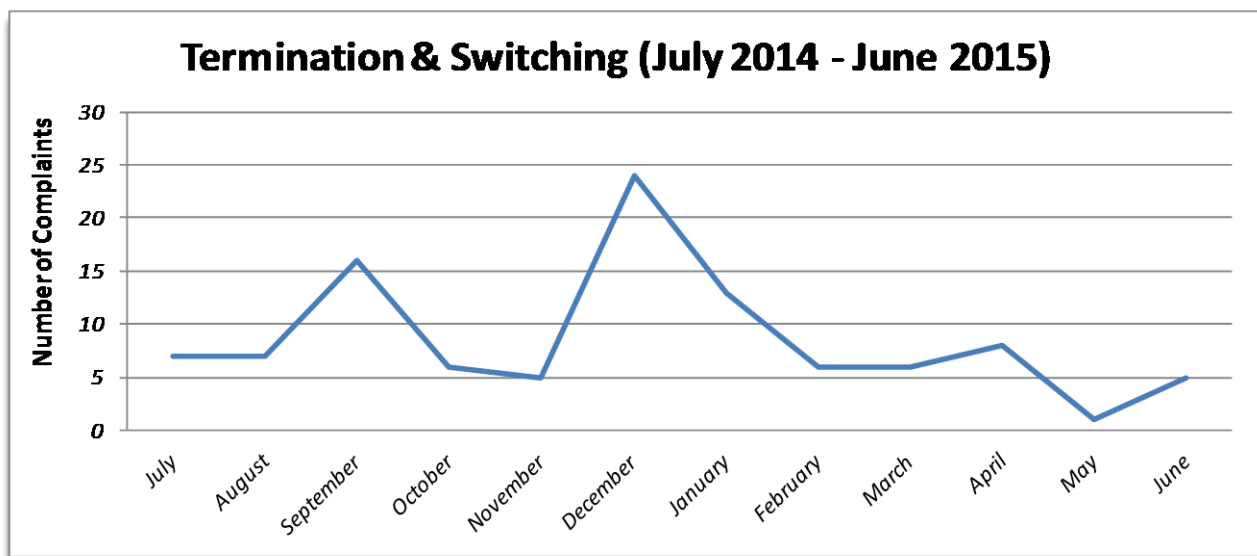
In the first half of 2015, the MCA received a number of claims from subscribers regarding faults to their electronic communications services. Most notably, the majority of these faults related to the provision of fixed telephony and TV services. Before investigating any complaints referred to it, the MCA ensures that these have first been referred to the relevant service provider for the appropriate action. This means that most faults reported by subscribers to the MCA are more complex in nature than the average complaints and could not be immediately addressed by the service provider. There are a range of factors that could lead to such faults including amongst others damages caused by degradation, misuse, *force majeure* or third party disturbance. In some other instances the faults were the result of damages to the service provider’s infrastructure, damages to the subscriber’s internal wiring or damages to the customer premises equipment (‘CPE’).

The Authority deals with such cases by monitoring the actions undertaken by the service provider to ensure that faults are repaired at the earliest possible. In this respect, service providers are required to specify in their subscriber contracts the timeframes for the restoration of service following a fault. In those cases investigated by the MCA where it was evident that the fault was not caused by *force majeure*, subscribers were compensated in line with the refund schemes subscribed to by service providers in the contracts with their customers.

During this period the MCA also received seven (7) claims from subscribers of a particular internet service provider who claimed that their internet speed was being reduced by their service provider. In the majority of the cases investigated by the MCA, it resulted that the packages to which the complainants were subscribed to, were subject to an applicable monthly download usage threshold. In these cases the MCA could not provide any individual redress to these customers, and assisted them with any enquiries they had in this regard. In the remaining few other cases, the MCA mediated between the service provider and the complainants until an amicable solution was reached.

The MCA also received four (4) claims regarding slow internet speeds and two (2) claims regarding indoor mobile reception. These cases were satisfactorily addressed by the service providers concerned to the satisfaction of the subscribers.

5.2 Switching and Contractual



The most common complaints of a contractual nature received by the Authority related to the termination and switching. Although complaints regarding termination of service/s have decreased in the past months, it still remains one of the main sources of complaints received by the MCA during the first half of 2015. The MCA also registered some complaints regarding number portability which are included together with other complaints received regarding termination in this graph.

Termination of service/s remains one of the main sources of complaints being received by the MCA. Notwithstanding this, the number of complaints received during the first half of 2015 decreased to 25 when compared to the 44 complaints received during the second half of 2014. While the MCA gladly notes this decrease, the MCA will continue to monitor developments on this matter to ensure that the procedures for terminating a service/s are efficient and simple, and to ensure that service providers adhere to their own termination procedure.

In some of the cases received by MCA, the Authority had to follow up the matter with the concerned service provider until it ensured that the services were effectively terminated in line with the subscriber's request. In some other cases, the Authority provided guidance to subscribers contacting it about the procedure they needed to follow to terminate the service/s.

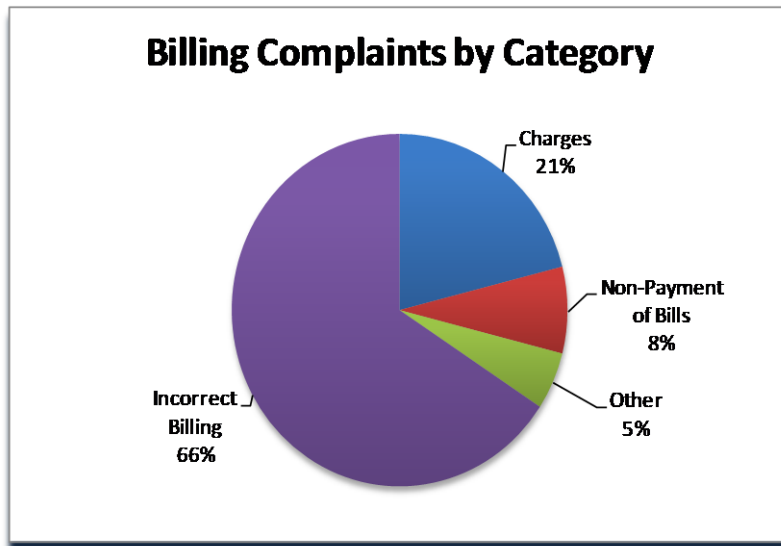
The Authority also received a number of complaints regarding delays experienced by subscribers when porting their mobile and/or fixed telephony number/s¹. In investigating complaints reported to it, the Authority seeks feedback from the concerned service providers in order to establish and address the respective cause of delays to the individual porting process. All the cases reported to MCA during this period were dealt with successfully and the porting process was effectively completed in each instance.

More information on termination of services and porting is available in the [FAQ section](#)² on MCA's website.

¹ Mobile and fixed telephony portability is the facility that enables you to switch from one telephony (mobile and/or fixed) service provider to another and maintain the same number.

² <http://www.mca.org.mt/consumer/assistance/frequently-asked-questions>

5.3 Billing and Charges



The most common type of billing complaints received by the MCA related to incorrect charges. The latest statistics indicate that the number of complaints received during the first half of 2015 on this matter have decreased when compared to the second half of 2014. Notwithstanding this, billing continues to remain one of the main sources of complaints received by the MCA. The MCA also received a number of claims regarding some charges applied by service providers to their services.

Complaints regarding incorrect billing and overcharging being reported to the MCA continues to remain one of the main sources of complaints being received. The latest statistics indicate that the number of complaints received during the first half of 2015 have decreased by 40% when compared to the second half of 2014. Towards the end of 2014, the MCA had raised this matter with a particular service provider urging it to take remedial action after it resulted that the majority of complaints were being reported from subscribers of this service provider. While the MCA gladly notes the decrease in complaints, the MCA is still not satisfied with the current state of affairs, and will continue to monitor the situation until it is satisfied that this matter has been addressed satisfactorily by the service provider concerned.

In the meantime, with respect to complaints referred to the Authority, where it was clear that subscribers were incorrectly billed, the Authority intervened by ensuring that such charges were refunded by the service provider. On the other hand, the MCA ensured that operators provided the necessary information to their subscribers in those cases where subscribers required clarifications regarding the bills they received.

During the second half of 2015, the MCA also received a number of complaints and enquiries regarding charges being applied by service providers to subscribers who opt to effect payment using an alternative means other than direct debit. The MCA advised end-users to refer their matter to the Malta

Competition and Consumer Affairs Authority ('MCCAA') being the entity that regulates compliance with consumer protection law in general if the issue relates to commercial practices that may be unfair.³

In addition to these claims, the MCA also received complaints and enquiries regarding fees applied by some service providers to subscribers who opt to receive their standard bills in hard copy format. While the MCA could not provide individual redress to consumers complaining regarding this charge, in September 2015, the MCA published a consultative document titled '*Standard and Itemised Billing*'⁴ in order to seek the public's views on a number of measures it is proposing in this regard. One measure in particular proposes that post-paid subscribers who do not have access to the internet, are provided the possibility to receive their 'standard bills' in hard copy format, free of charge. The consultative process ends at noon on the 23rd of October 2015.

³ Under the current legal framework, this practice does not constitute a breach of any of the laws administered by MCA. As such the MCA cannot take any legal action against service providers applying this charge.

⁴ <http://www.mca.org.mt/consumer/consultations/standard-and-itemised-billing>

5.4 Unfair Commercial Practices

During this period, the MCA also received nine (9) claims regarding unfair commercial practices. Although these practices may involve operators providing services in the sectors regulated by the MCA, the MCA does not have the legal power to address these issues. One of the most common type of complaints received related to unsolicited calls. The MCA has guided end-users complaining on this matter, on the courses of action available to them as follows:

- When receiving telesales calls from an identified company, end-users have a right to request that company to desist from contacting him/her again. If such calls persist, end-users are advised to file a claim with the Malta Competition and Consumer Affairs Authority ('MCCAA') and/or the Office of the Information and Data Protection Commissioner.
- When consumers regularly receive calls which cannot be traced to a particular company / individual or receive calls which are ended by the calling party before any conversation occurs, end-users may file a report with the Police.

Other complaints regarding alleged 'unfair commercial practices', related most notably to mis-selling claims. Consumers were advised to contact the Malta Competition and Consumer Affairs Authority for their advice on these matters.

6. POSTAL AND eCOMMERCE SERVICES

The MCA regulates the postal sector and ensures that postal services are available throughout the Maltese Islands. The Authority handles complaints related to postal services and seeks to provide redress when end-users encounter any difficulties. The MCA is also the statutory body responsible for the regulation of eCommerce. In this respect, it is responsible to ensure that local traders who sell goods and/or services online comply with the legal obligations set out in the Electronic Commerce Act and the Electronic Commerce (General) Regulations.⁵ These mainly refer to the information that a trader has to make available on the website.

Complaints relating to postal services received by MCA continued to decrease during the first half of 2015 with only two complaints received by the Authority. The complaints received related to customer care support services and to the redirection of mail⁶. The MCA contacted MaltaPost and asked it to take the necessary remedial action to mitigate the issues encountered by the consumers who reported these issues. More information on postal services is available in MCA's Postal Guidelines⁷ for end-users on MCA's website. During the second half of 2015, the MCA did not receive any complaints regarding e-Commerce services.

⁵ See Cap.426 and SL 426.02 of the Laws of Malta.

⁶ Redirection of mail is a service offered by postal operators which enables them to receive mail addressed to them in an alternative address of their choice.

⁷ <http://www.mca.org.mt/node/1524>