



# END-USER AFFAIRS: HALF YEARLY REPORT

July – December 2015

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## 2. INTRODUCTION

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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.

In order to fulfill this function, 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. 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. There are instances where although the complaints received relate to the provision of a service regulated by the MCA, the Authority is not empowered at law to intervene and would therefore be required to refer the end-users to other competent entities.

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>.

In addition to the above, 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.

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

### 3. STATISTICAL OVERVIEW OF COMPLAINTS AND ENQUIRIES RECEIVED

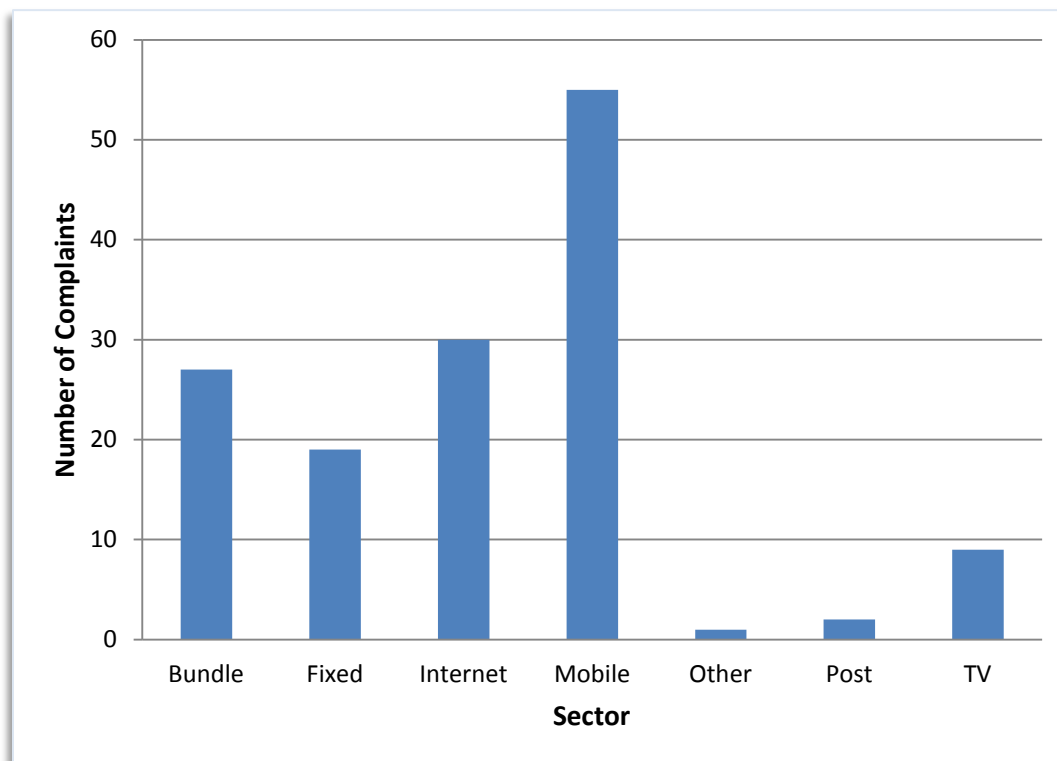
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Between July and December of 2015, the MCA received in total 143 complaints, an average of 24 complaints per month. During this period, the MCA also received 264 requests for information. While there aren't significant changes in the number of complaints received when compared to the first half of 2015, there is a small decrease in the number of enquires received during this period.

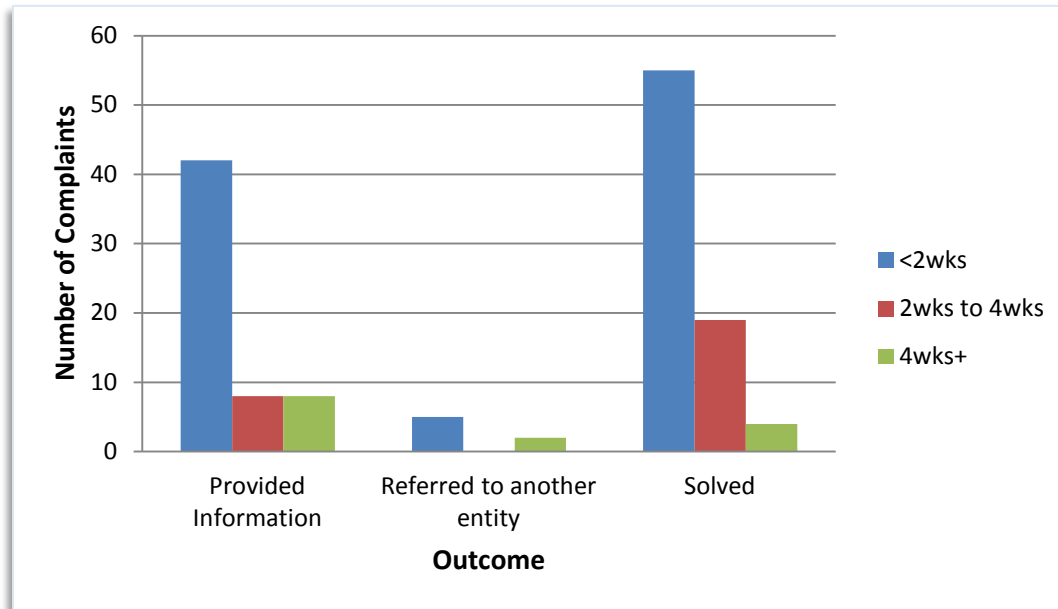
The complaints investigated by the MCA tend to be more complex in nature due to the fact that end-users are first required to seek redress directly from their service provider before lodging a complaint with the Authority. Notwithstanding this, 90% of the complaints received by the MCA were closed within 20 working days. More information about MCA's complaint handling procedure is available on [MCA's website](#).

**Figure 1**

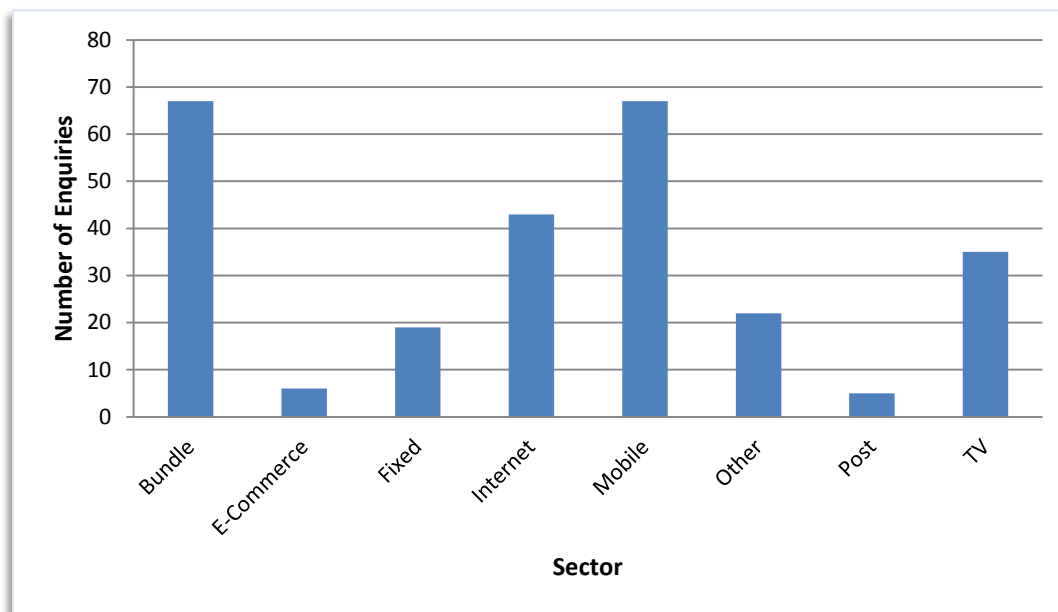
*Complaints by Sector*



**Figure 2**  
*Number of Days to Handle Complaints (from receipt to closure)*



**Figure 3**  
*Enquiries by Sector*



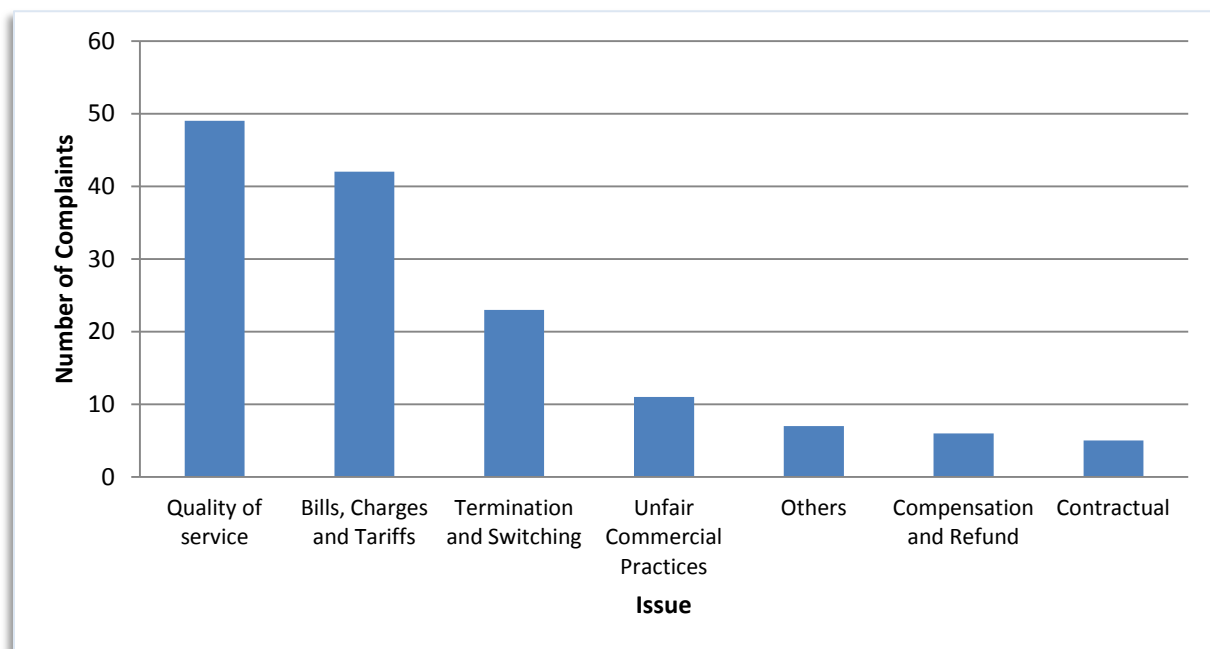
## 4. COMPLAINTS ANALYSIS

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Complaints received during the second half of 2015, related predominantly to quality of services, billing and termination/switching of services. During this period, the Authority also received complaints regarding unfair commercial practices in which it could not intervene directly as it has no legal powers to do so. The MCA has also registered a slight increase in complaints related to compensations and refunds claimed by subscribers. This report provides information on the main findings for the period covering July 2015 to December 2015.

**Figure 4**

### *Complaints by Issue*



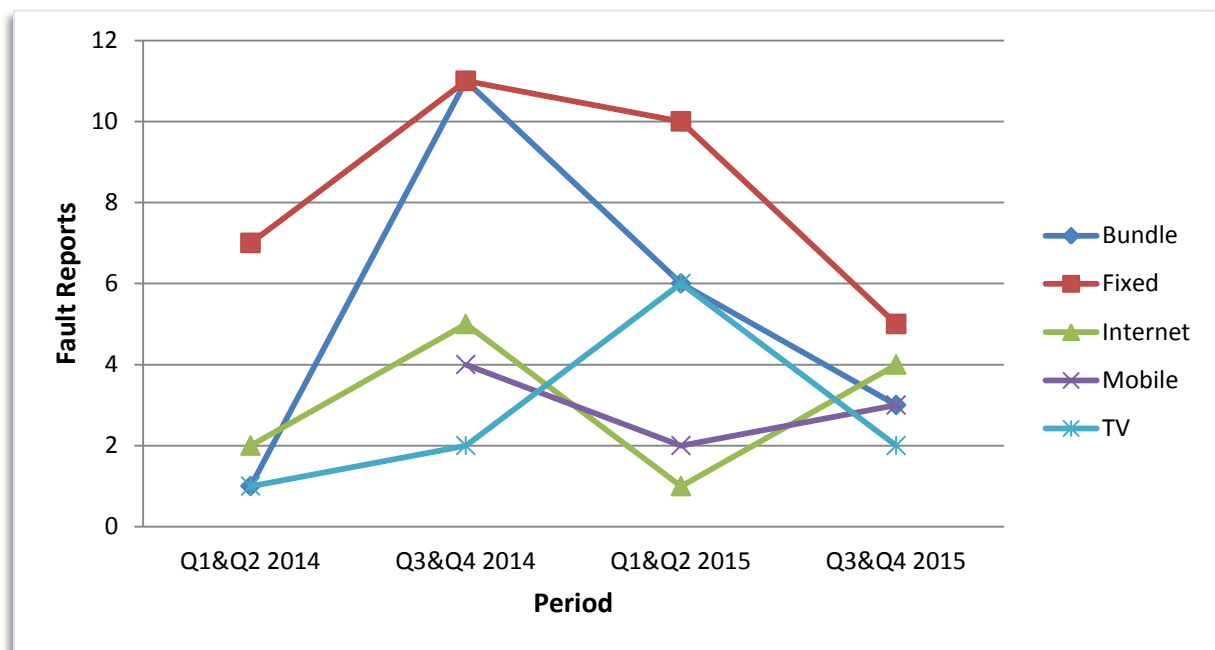
*Complaints categorised under the heading ‘Others’ include complaints received regarding electronic magnetic frequencies ‘EMF’, email services and cost control mechanisms.*

#### 4.1 Quality of Service and Service Provision

- This category of complaints includes claims received regarding customer care, faults, free to air TV services, installations, internet Speeds, intermittent internet service, MCA free Wi-Fi, Mis-delivered mail, Mobile Reception and Non access of service/s;
- The most common type of complaint within this category related to faults with a total of 17 reports received by the MCA during the second half of 2015;
- Fault reports decreased by 32% when compared to the first half of 2015.

Figure 5

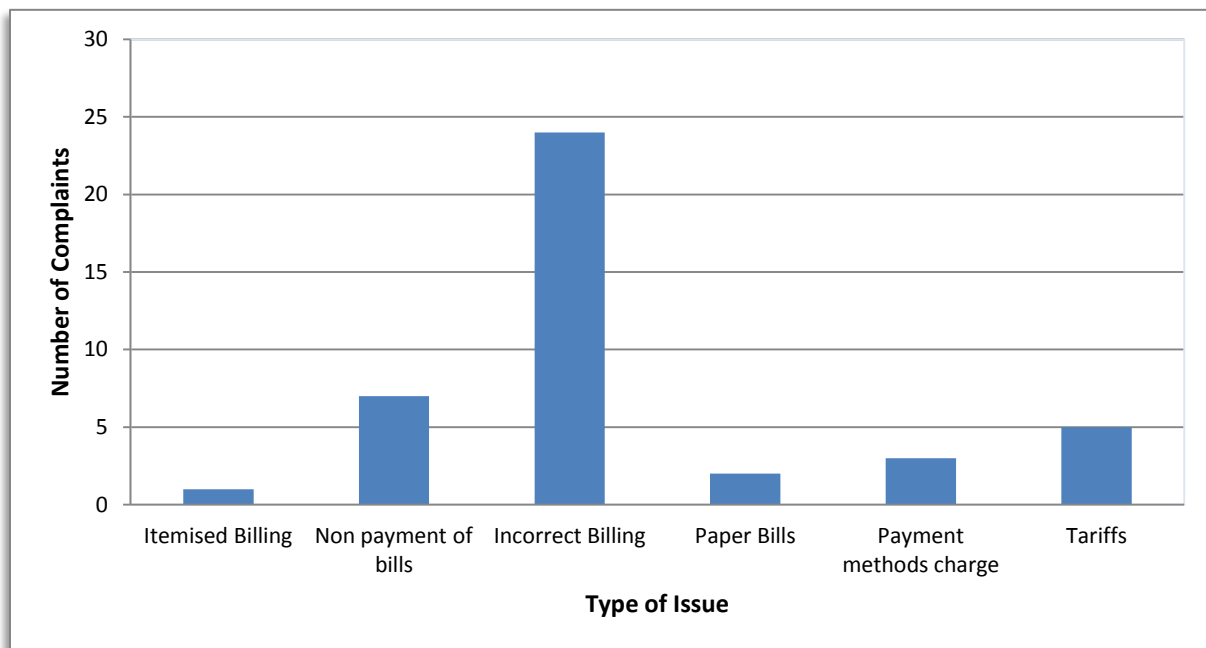
Fault Reports



#### 4.2 Bills, Charges and Tariffs

- This category of complaints includes claims received regarding itemised billing, non-payment of bills, incorrect billing, paper bills, payment methods charge and tariffs;
- The majority of complaints received during the second half of 2015 related to incorrect billing with a total of 25 complaints received, registering a very slight increase to the number of complaints received during the first half of 2015;
- In the past months, the MCA has raised the matter of incorrect billing complaints directly with a particular service provider after it resulted that the majority of complaints were being reported from subscribers of this service provider. This matter is still being closely investigated by the MCA with the aim to ensure that the necessary remedial action is taken by the service provider.

**Figure 6**  
**Billing Complaints**



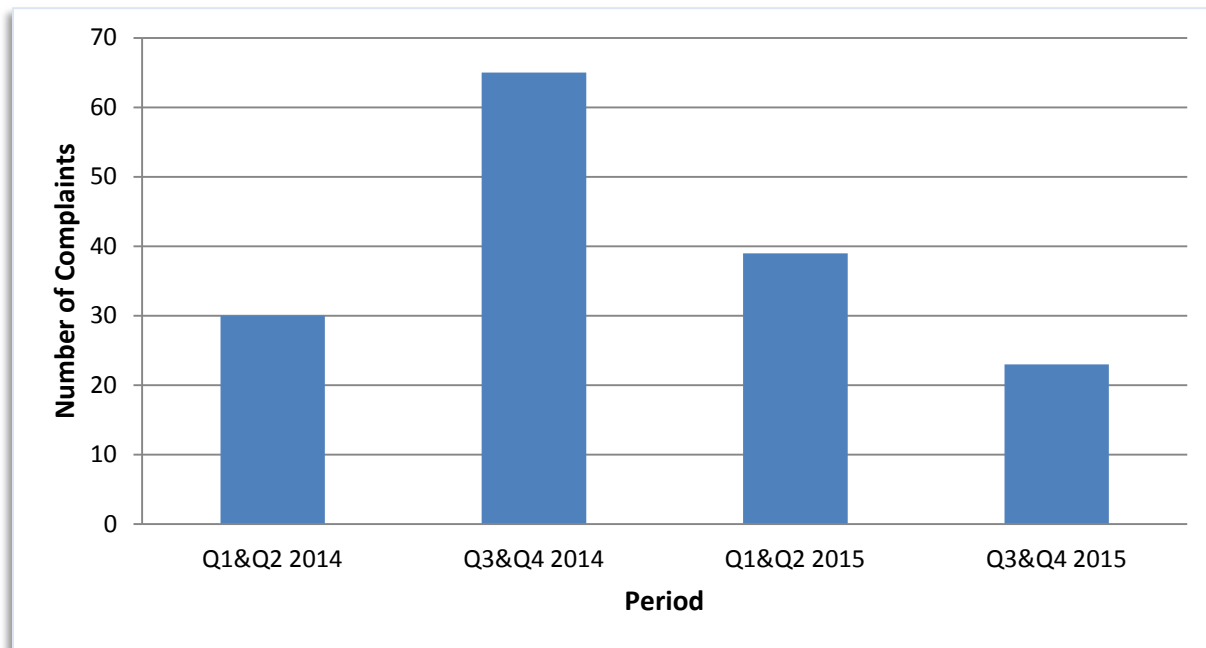


### 4.3 Termination and Switching

- This category of complaints includes claims received regarding termination and porting;
- Termination and switching complaints have also been on the decrease during this period with a total of 24 complaints received as opposed to the 39 complaints received during the first half of 2015;
- During the second half of 2014, the MCA imposed two (2) administrative fines against a service provider after it received reports from some of its subscribers which indicated that it had failed to action the subscriber’s request for termination of service/s in line with the obligations at law;
- The MCA will continue to closely monitor the situation to ensure that the applicable procedures are being adhered to by all service providers.

Figure 7

#### Termination and Switching Complaints



#### **4.4 Unfair Commercial Practices**

- During the second half of 2015 the majority of alleged 'unfair commercial practices' received related to mis-selling practices with a total of 8 complaints received on this matter;
- Other complaints received under this category included a few complaints regarding unfair contractual terms (1 complaint) and unsolicited communications (2 complaints);
- Although these type of complaints related to practices adopted by service providers in the sectors regulated by the MCA, the Authority is not empowered at law to intervene or provide redress to impacted subscribers in such circumstances;
- The MCA advised consumers to contact the Malta Competition and Consumer Affairs Authority (MCCAA), which is the competent Authority responsible from addressing such matters.

#### **4.5 Refunds and Compensations**

- In total the MCA received 6 complaints from subscribers regarding refund requests and compensations;
- The MCA investigated refund claims and ensured that whenever it was evident that subscribers were entitled to a refund, this was provided to them accordingly;
- With respect to compensation claims received, the MCA ensured that whenever the quality of service levels agreed to with the subscriber were not met, subscribers were compensated in line with the compensation schemes specified in their contracts;
- The Authority also informed those subscribers who felt that that they suffered damages and wanted to seek further compensation, that they may file a claim before the [Consumer Claims Tribunal](#). This Tribunal is empowered to determine disputes between customers and traders.

#### **4.6 Contractual Complaints**

- This category of complaints includes complaints regarding change of ownership, changes to terms and conditions and provision of contracts;
- In total the Authority received five complaints regarding this subject matter;
- The Authority provided the necessary feedback to end-users and when necessary followed-up these cases with the respective service provider until these were addressed appropriately.

#### **4.7 *Postal and E-Commerce Services***

- Complaints of a postal nature received by the MCA remained on the decrease during the second half of 2015 with only two complaints regarding mis-delivery received;
- The MCA brought these cases to the attention of the service provider so that it could look into the matter and address any ensuing issues accordingly;
- No complaints regarding eCommerce services were registered during this period.