



END-USER AFFAIRS: HALF YEARLY REPORT

January – June 2016

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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.

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 communications services.

This report provides a statistical analysis of the complaints and enquiries received by the Authority during the first half of 2016 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

Between January and June of 2016, the MCA received 126 complaints, a decrease of more than 11% when compared to the complaints received during the second half of 2015. On the other hand, the MCA noticed an increase of more than 13% in the number of enquiries received during the first half of 2016 with the total figure reaching 304 requests for information.

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, the MCA strives to close complaints in the shortest timeframe possible. To this effect, 99% of the complaints received by the MCA during the first six months of 2016 were closed within 20 working days. More information about MCA’s complaint handling procedure is available on [MCA’s website](#).

Figure 1
Complaints by Quarter

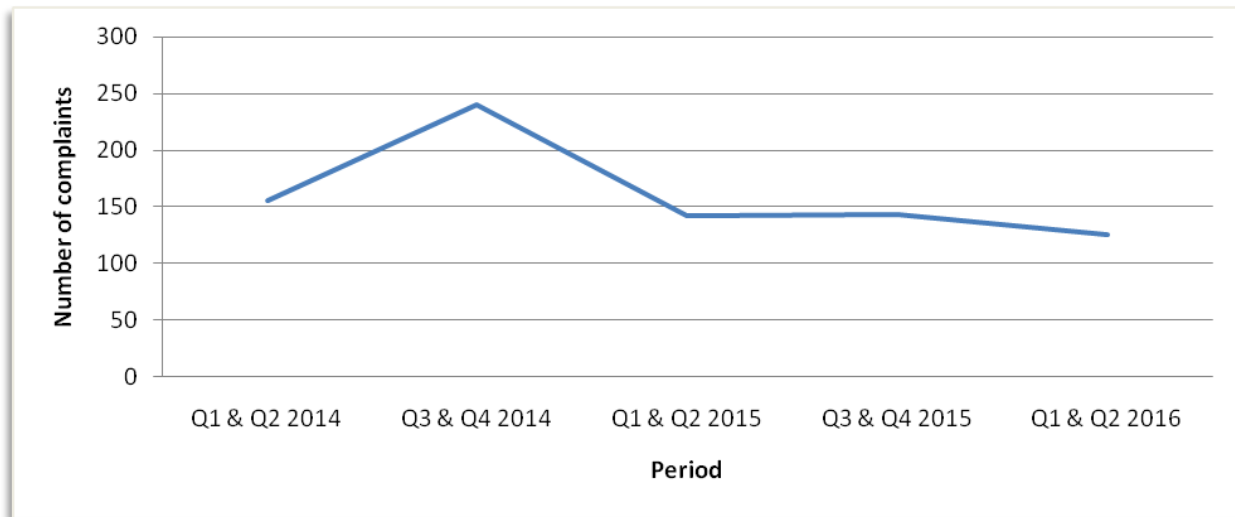


Figure 2
Complaints by Sector

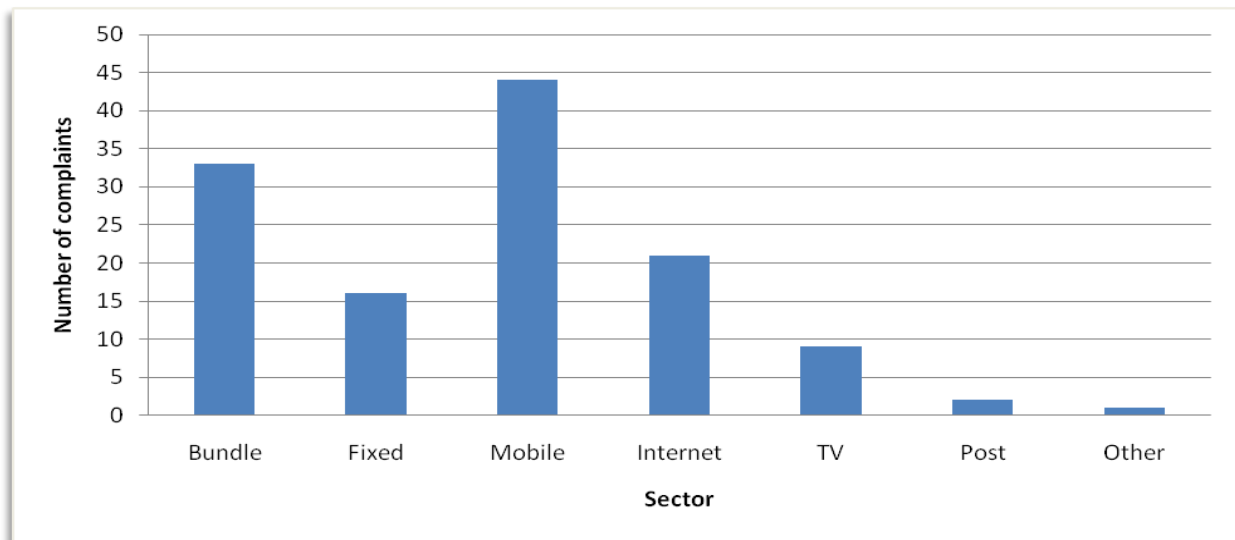
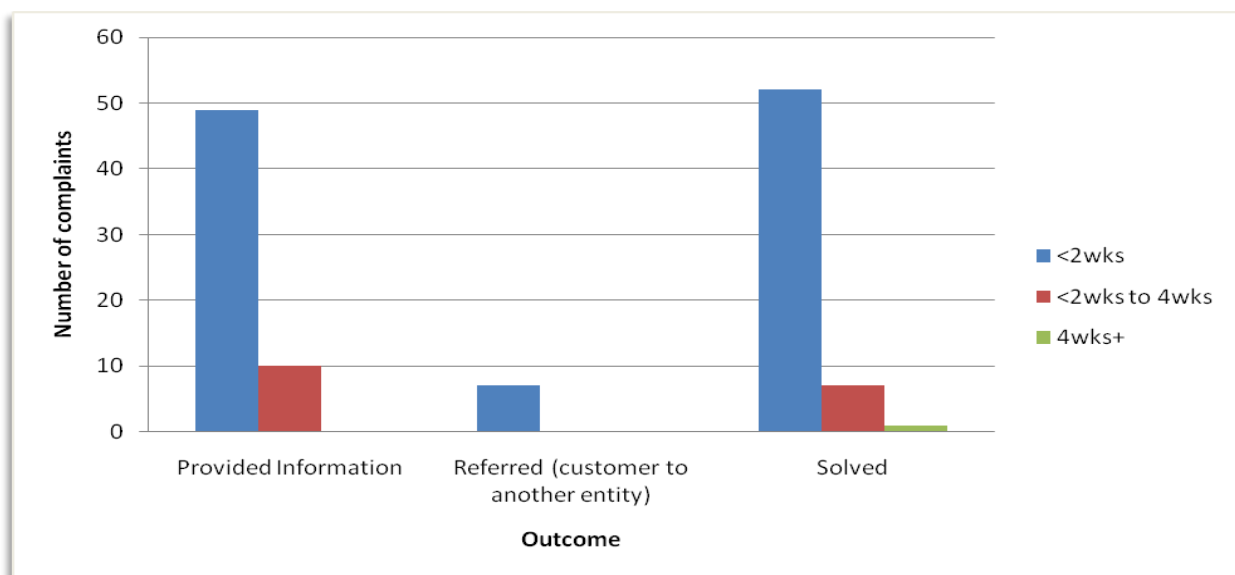


Figure 3
Number of Days to Handle Complaints (from receipt to closure)

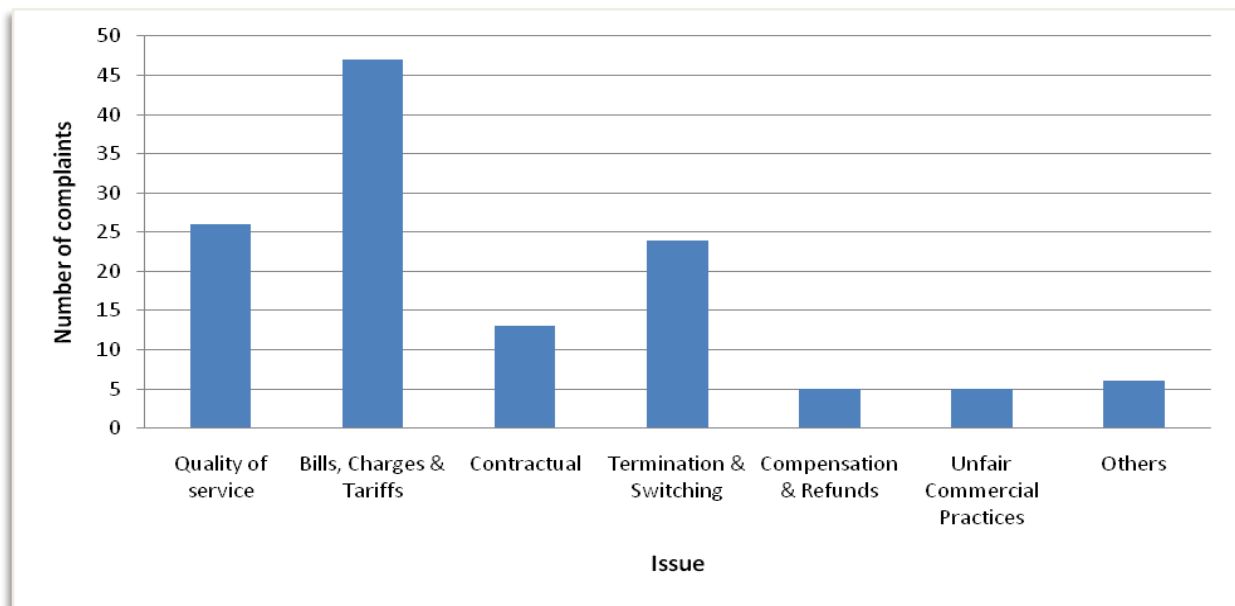


4. COMPLAINTS ANALYSIS

Complaints received during the first half of 2016, related predominantly to billing, quality of services, and termination/switching of services. During this period, the Authority also noticed a slight increase in complaints received which were of a contractual nature. The Authority also received complaints regarding unfair commercial practices and compensations and refunds. This report provides information on the main findings for the period covering January to June 2016.

Figure 4

Complaints by Issue



Complaints categorised under the heading 'Others' include complaints received regarding electronic magnetic frequencies 'EMF', excise tax, cost control mechanisms, data protection and privacy and TV channel line-up.

5. ELECTRONIC COMMUNICATIONS SECTOR

5.1 Bills, Charges and Tariffs

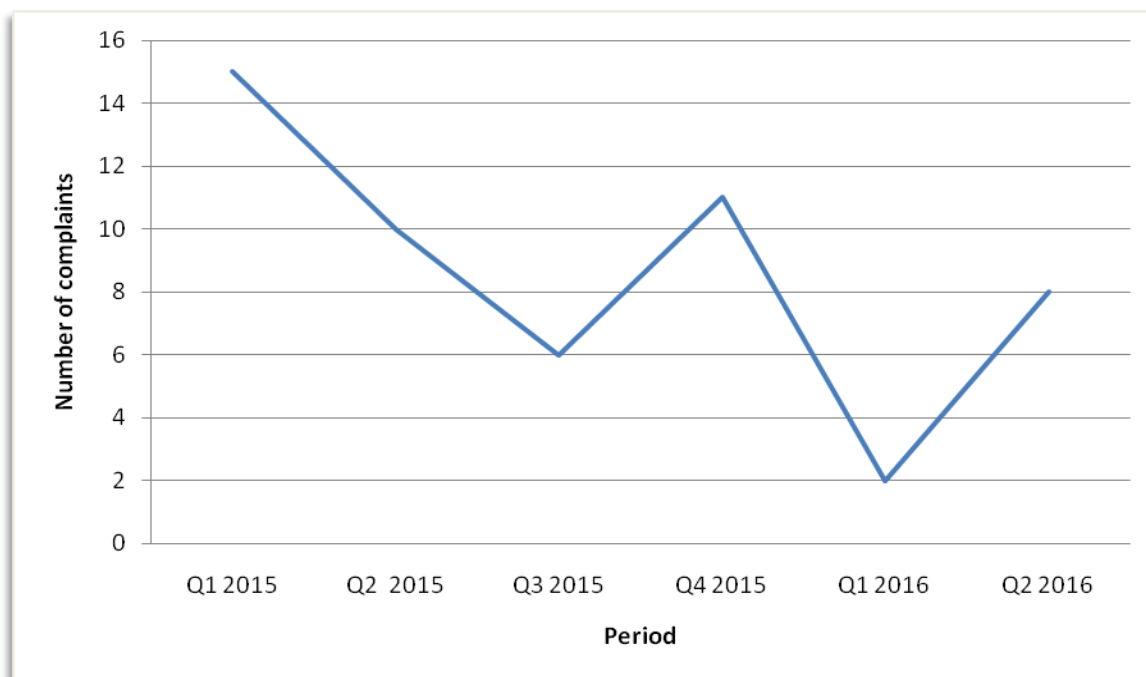
- This category of complaints includes claims received regarding incorrect billing (33), non-payment of bills (8), paper bills (4) and tariffs (2);
- The majority of complaints received during the first half of 2016 related to incorrect billing with a total of thirty three (33) complaints received. In twelve (12) of these cases, after gathering the necessary evidence, the MCA determined that the service provider was required to take necessary remedial action to adjust the amounts that were incorrectly billed;
- 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/s is taken by the service provider;
- During the period under review, the MCA also received (8) claims regarding non-payment of bills. Service providers may, in line with the applicable laws, take action/s when subscribers fail to pay their bills. Such actions could include disconnection or suspension of the service/s; the imposition of late payment fees; and the application of interests on outstanding fees. With respect to the claims received during this period, the MCA noted that service providers had followed the procedures set out in the subscriber's contract;
- The Authority also received four (4) claims regarding paper bill charges featuring in bills. The MCA informed these clients that as from July 2016, following a decision published by the MCA, post-paid subscribers who do not have an internet connection would be entitled to receive their bills in hard copy format free of charge. The MCA guided entitled subscribers on how to obtain further information about their rights.

5.2 Quality of Service and Service Provision

- This category of complaints includes claims received regarding faults (10), non access of service/s (8), internet speeds (4), mobile reception (2), customer care (1), installations (1), MCA free Wi-Fi (1);

- The most common type of complaint received within this category related to faults with a total of ten (10) reports received by the MCA during the first half of 2016. Fault reports decreased by 60% when compared to the reports received during the first six months of 2015.
- The Authority also received eight (8) complaints regarding difficulties in accessing services. This category of complaints varies in nature and may include for instance pre-paid mobile subscribers who entered into a grace period and were required to re-activate their service before being able to use it again. Other complaints related to difficulties in accessing certain internet based services. In all these cases, the MCA guided subscribers on the steps they needed to take to remedy the situation and were necessary also monitored the actions taken by service providers until the issue was satisfactorily solved.
- 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.

Figure 5
Fault Reports



5.3 Termination and Switching

- This category of complaints includes claims received regarding termination and porting;
- The MCA noted a decrease in the number of porting complaints reported with the figure going down from twelve (12) complaints received during the last two quarters of 2015 to eight (8) complaints received in the first six months of 2016.
- The Authority received sixteen (16) complaints related to difficulties encountered by subscribers when terminating their service/s;
- The MCA has recently imposed two 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.

5.4 Contractual

- This category of complaints includes complaints regarding changes to terms and conditions (7), provision of contracts (4) and transfer of credit in pre-paid account (2);
- During the first six months of 2016, the MCA received seven (7) complaints regarding changes implemented by various electronic communications service providers to different packages offered in the electronic communications sector.¹ The MCA notes that with respect to the changes affected in the period under review, the notification process undertaken by service providers complied with the relevant legal obligations;
- The Authority also received four (4) complaints regarding the provision of contracts. The MCA intervened in this matter and ensured that subscribers were provided with a copy of their contract.

¹In line with the relevant legal provisions, service providers are required to notify impacted subscribers in writing at least thirty (30) days prior to the implementation of changes to subscriber contracts. Furthermore, subscribers must be provided the option to exit the contract without incurring any penalty fees. The MCA notes that with respect to the changes affected in the period under review, the notification process undertaken by service providers complied with the above-mentioned legal obligations.

5.5 Refunds and Compensations

- In total the MCA received five (5) 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 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.

5.6 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 (3) complaints received on this matter;
- The MCA also received two (2) other complaints regarding unsolicited commercial communications;
- 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.

6. POSTAL AND e-COMMERCE SERVICES

6.1 Postal and e-Commerce Complaints

- Complaints of a postal nature received by the MCA remained on the decrease during the first half of 2016 with only two (2) complaints lodged with the Authority;
- One of the complaints which was solved amicably related to a transfer charge applicable to those end-users who request that a registered item addressed to them is transferred to a branch of their choice;
- The other complaint related to undelivered mail. 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.

Figure 6

Postal Complaints

