

MCA Consumer Half Yearly Report

Bi-Annual Report

Document No:	MCA/O/11-0613
Date:	7th November 2011

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MCA receives complaints and enquiries from consumers regarding the services regulated by the Authority¹. In the first half of 2011, MCA received 114 complaints and 283 enquiries. The following provides an overview of the nature of the complaints and enquiries received.

Complaints and Enquiries by Sector

January – June 2011

Number of complaints by sector									
	Internet	Post	Fixed line	TV	Mobile	eCommerce	Bundles	Others	Total
Jan-Mar (Q1)	5	2	5	9	21	1	10	3	56
Apr-June (Q2)	5	5	17	7	15	1	5	4	58

Number of enquiries by sector									
	Internet	Post	Fixed line	TV	Mobile	eCommerce	Bundles	Others	Total
Jan-Mar (Q1)	3	0	3	68	11	2	4	36	127
Apr-June (Q2)	6	0	2	111	16	2	1	18	156

¹ The Malta Communications Authority is the national regulatory authority of the communications sector in Malta. The authority regulates the electronic communications, eCommerce and postal sector.

For a complete breakdown of complaints received by operators on a monthly basis, you may access the following link. Complaints where no grounds to proceed were found, despite having been investigated by the Authority, have been excluded from the linked report.

<http://www.mca.org.mt/consumers/statistics>

Complaints

The most prominent issues being faced by consumers relate to billing and contractual issues and quality of service. There have also been a number of reports regarding unfair commercial practices and number portability issues.

Most commonly, the issues raised about billing were triggered by inaccurate or delayed bills. There have also been a series of complaints regarding post termination billing. In this respect, the MCA has taken two separate legal actions against Melita Plc. After closely monitoring the situation regarding post termination billing, the MCA has recently requested the Malta Competition and Consumer Affairs Authority (hereinafter the "MCCAA") to issue a compliance order against Melita Plc in relation to alleged unfair commercial practices relating to disconnection of services.

Additionally the MCA has also taken action on the reports regarding billing inaccuracies by imposing administrative fines on Melita for failing to provide the Authority with a letter of comfort from an independent auditor assuring the integrity of their billing system. This decision, which was issued in September 2010, has been appealed by Melita before the Communications Appeals Board². The appeal is currently pending before the said Board.

Another major issue which was commonly raised, relates to contractual obligations. The Authority has identified two key factors which have contributed to such complaints. Such complaints are primarily due to a lack of awareness on the part of subscribers of the contents of the terms and conditions attached to the service contract and the associated obligations. In this respect, the Authority continues to stress that it is the consumer's duty to read carefully the terms and conditions which govern the services in question, prior to subscribing to the service. On the other hand, the MCA has received justified complaints by subscribers where certain information which was omitted from the contracts.

² Appeal Number 6 of 2010.

Amendments to the legislation regulating electronic communications services, which also transposed changes made by the EU to the applicable provisions in this field, include new measures aimed at protecting subscribers. The Authority will be reviewing the current guidelines on information to be included in subscriber contracts to take into account these new provisions in the coming months.

From time to time, the Authority receives complaints regarding unfair commercial practices relating to the sectors it regulates. Under normal circumstances the Authority seeks to facilitate an amicable solution between the complainant and the operators involved. In cases where problems persist, the 'MCCAA' is notified, as unfair commercial practices are regulated under the Consumer Affairs Act³, which is administered by this entity. The most prominent and recent issue of this nature relates to mobile packages being marketed as unlimited despite the fact that they are subject to a restrictive fair usage policy. The Authority is pleased to note that in this instance, the packages, which were generating most consumer complaints, were voluntarily amended, by the service providers, to address the issues being raised.

Shifting away from electronic communications, towards the end of 2010, the Authority received a number of complaints regarding non-delivery of firearms to Malta from Germany by DHL Malta. During the first six months of 2011, the Authority intervened and investigated this matter, together with the German postal regulator, the German operator, as well as the local postal operators (MaltaPost plc and DHL Malta) to address this issue. The matter was resolved when the German postal operator started dispatching parcels sent by suppliers of firearms under a business customer contract.

Enquiries

The MCA handles a large number of enquiries related to all the sectors it regulates. Most commonly, the MCA provides the relevant information or directs the end-users to the appropriate body to address their query.

In 2011, the largest portion of enquiries received related to the TV sector. The Digital Switchover was the main reason for enquiries during the first half of 2011. The MCA was responsible for the setting up of the digital, free-to-air network. This was up and running in December 2010. Following the recent adoption of the amendments to the Broadcasting Act, the Broadcasting Authority undertook a selection process and determined that the additional

³ Chapter 378 of the Laws of Malta, Part VII thereof.

channels, which will be carried on this network together with TVM and Education 22, will be Favourite TV, Net TV, One TV and Smash TV.

The MCA is pleased to note that enquiries regarding eCommerce have been on the increase. This indicates a healthy uptake of eCommerce by the Maltese public. Further information on eCommerce can be obtained through the following links:

e-Commerce Guidelines for Consumers

<http://www.mca.org.mt/article/consumer-guides-electronic-commerce>

e-Commerce Guidelines for Business

<http://www.mca.org.mt/article/ecommerce-guides-business>

Mobile roaming has been a regular subject of enquiry. The MCA would like to refer to the recent reductions in EU roaming tariffs and charges. Those interested may follow this link for further reading:

Roaming Tariff Charges

<http://www.mca.org.mt/article/press-release-cheaper-roaming-tariff-charges-come-force>

Projects undertaken

Throughout the first six months of 2011, the MCA has undertaken certain projects with the aim to further protect consumer interests.

First and foremost, in March 2011, the MCA published a consultation document on the notification process in instances where operators propose to change subscribers' terms and conditions. This proposed decision includes several aspects, which are of benefit to consumers. It builds upon the obligations operators had under the decision published by MCA in 2008. Following the consultation document, feedback has been received and assessed and a final decision was published in October 2011.

More information on any of the above topics may be found on our newly revamped website by accessing the consumer corner at <http://www.mca.org.mt/consumers>.