



END-USER AFFAIRS: HALF YEARLY REPORT

July – December 2016

Published: February 2017

Internal Reference: MCA/R/17-2792

Malta Communications Authority
Valletta Waterfront, Pinto Wharf, Floriana, FRN 1913
T: +356 21 336 840 | E: info@mca.org.mt | W: www.mca.org.mt

1. CONTENTS

1.	CONTENTS	2
2.	INTRODUCTION	3
3.	STATISTICAL OVERVIEW OF COMPLAINTS AND ENQUIRIES RECEIVED	4
4.	ELECTRONIC COMMUNICATIONS COMPLAINTS ANALYSIS	6
4.1	Overview of Electronic Communications Complaints	6
4.2	Bills, Charges and Tariffs.....	7
4.3	Quality of Service and Service Provision	8
4.4	Termination and Switching.....	9
4.5	Contractual Complaints.....	10
4.5	Compensation/Unfair Commercial Practices	10
5.	POSTAL AND e-COMMERCE COMPLAINTS.....	11
6.	MCA'S INITIATIVES.....	12

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/help>.

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 2016. The report also provides information on enforcement actions and initiatives undertaken by the MCA during this period.

3. STATISTICAL OVERVIEW OF COMPLAINTS AND ENQUIRIES RECEIVED

Between 1st July and 31st December of 2016, the MCA received 120 complaints, a decrease of 5% when compared to the complaints received during the first half of 2016. It is to be noted that 48% of the complaints received, the Authority had sufficient evidence available at hand to further investigate and require the service provide to take remedial action. During this period, the MCA also received 227 enquiries, a decrease of approximately 25% when compared to the first half of 2016.

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, all complaints received by the MCA during the last 6 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

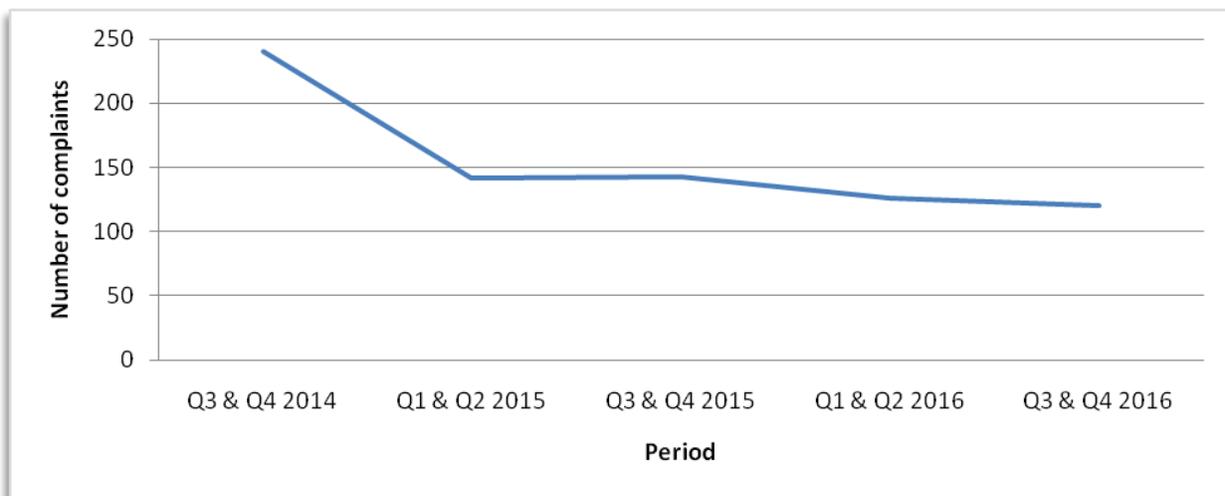


Figure 2

Complaints by Sector

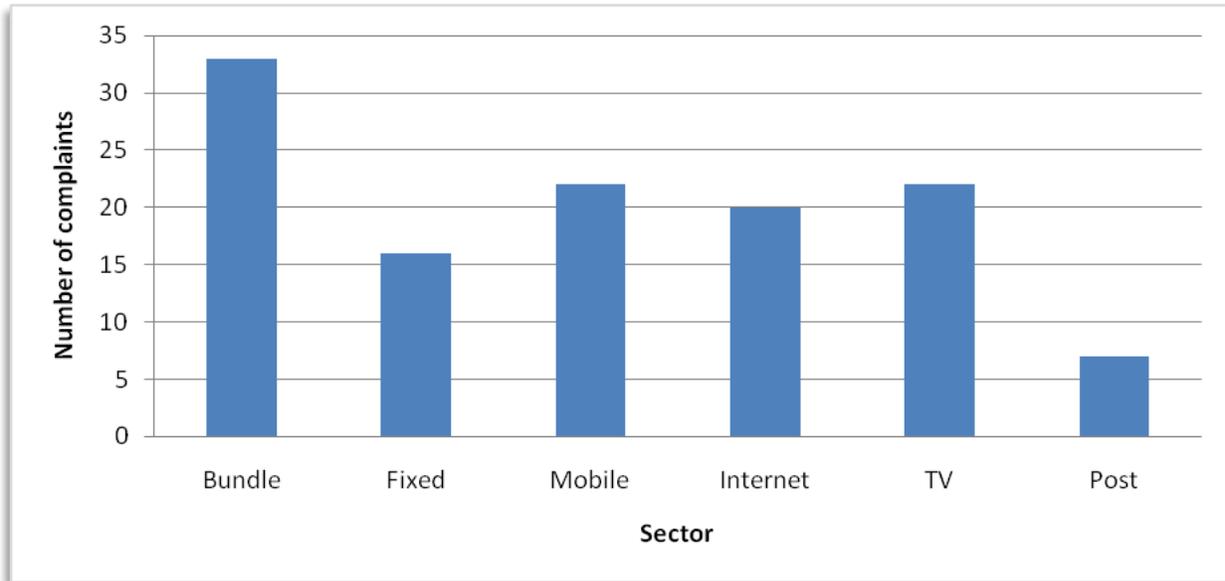
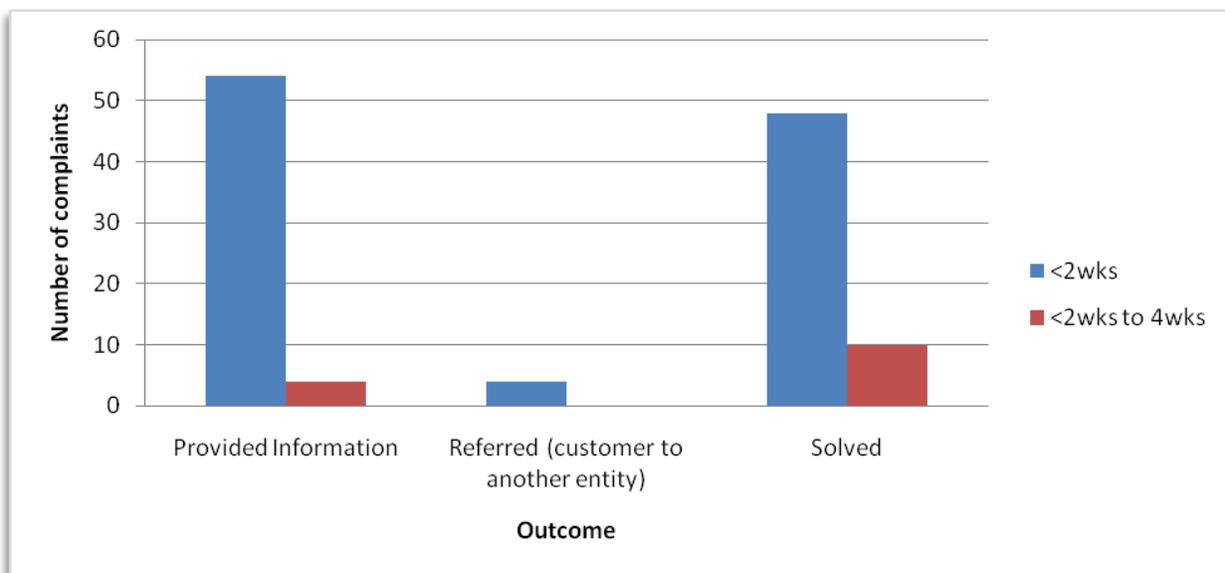


Figure 3

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



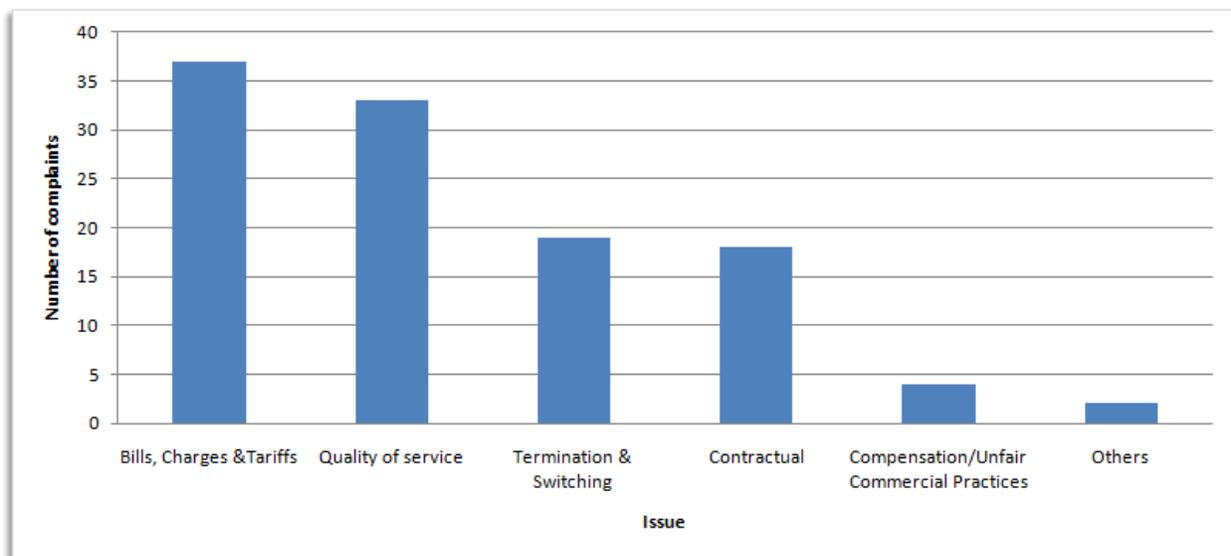
4. ELECTRONIC COMMUNICATIONS COMPLAINTS ANALYSIS

4.1 Overview of Electronic Communications Complaints

Complaints received during the second half of 2016, related predominantly to billing and quality of service. The Authority also received complaints regarding termination and switching, contractual complaints, and unfair commercial practices and compensations. This report provides information on the main findings for the period covering July to December 2016.

Figure 4

Complaints by Issue



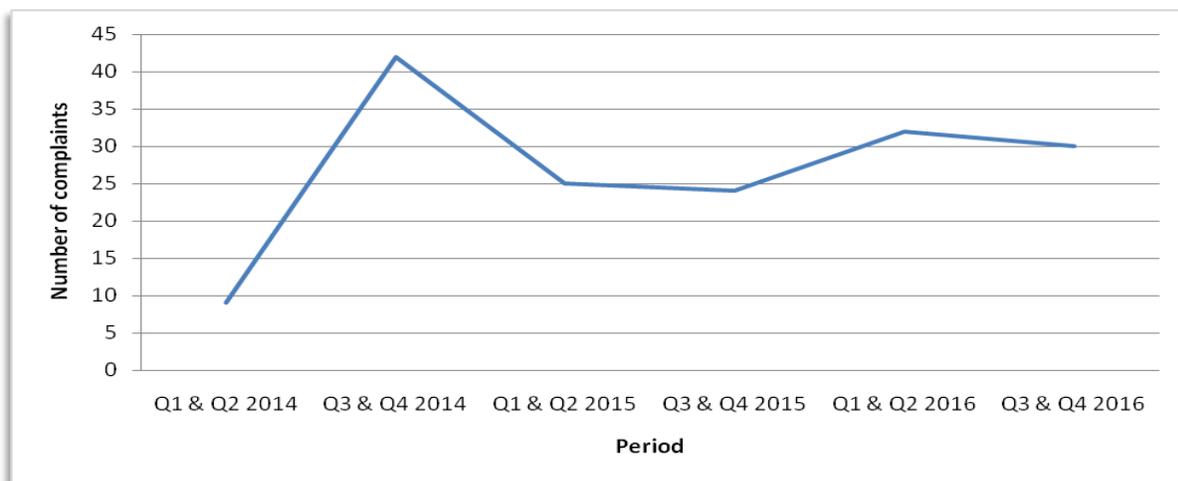
Complaints categorised under the heading ‘Others’ include complaints received regarding mobile device and Internet Protocol (IP) address.

4.2 Bills, Charges and Tariffs

- This category of complaints includes claims received regarding incorrect billing (30), non-payment of bills (4), tariffs (2) and paper bills (1);
- The majority of complaints received during the second half of 2016 related to incorrect billing with a total of thirty (30) complaints received. In thirteen (13) 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 remaining seventeen (17) cases, following the required investigations, the Authority closed the cases and provided the necessary clarifications to end-users accordingly;
- 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. The MCA has raised this matter directly with the responsible service provider after it resulted that the majority of reports received were against it. On the basis of enforcement actions taken by the MCA, the service provider is implementing a number of measures to address MCA’s concerns;
- During the period under review, the MCA also received four (4) 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.

Figure 5

Incorrect Billing Complaints

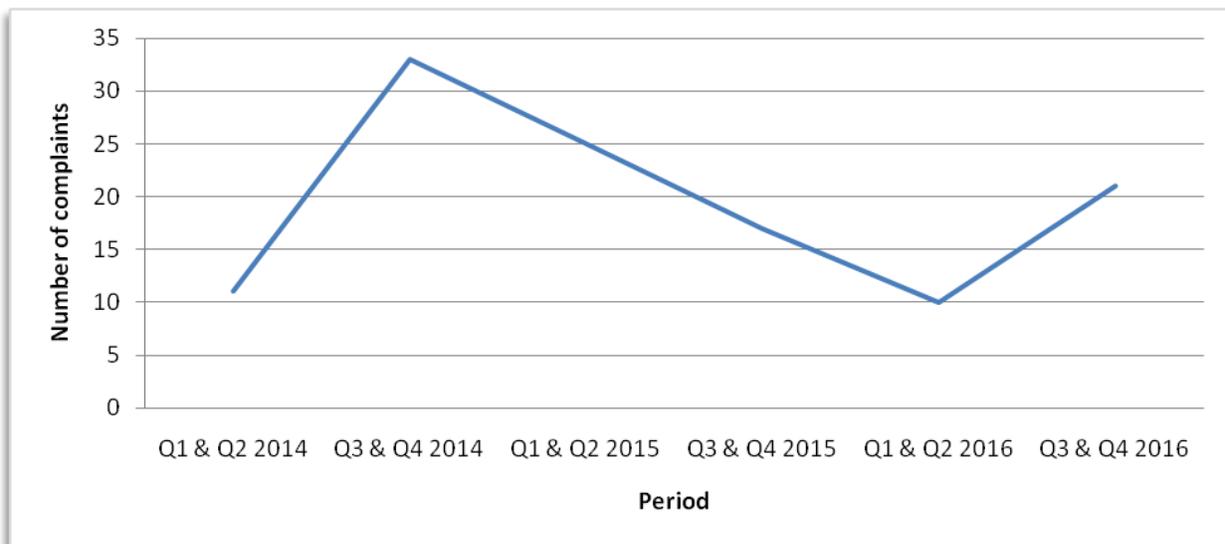


4.3 Quality of Service and Service Provision

- This category of complaints includes claims received regarding faults (21), non access of service/s (4), Internet speeds (3), customer care (2) mobile reception (1), installation (1), TV content (1);
- The most common type of complaint received within this category related to faults with a total of twenty one (21) reports received by the MCA during the second half of 2016. In the cases reported to the Authority, the MCA monitored the actions undertaken by the service providers to ensure that faults were repaired in the shortest time possible;
- The Authority also received four (4) complaints regarding difficulties in accessing services. Typical cases that fall within this category of complaints included cases where subscribers’ services were erroneously disconnected or cases where SMSs sent by subscribers to international numbers were not being delivered. The MCA intervened in those justified complaints and ensured that the necessary redress was provided to subscribers;
- The MCA also received three (3) claims regarding slow Internet speeds. These cases were satisfactorily addressed by the service providers concerned to the satisfaction of the subscribers.

Figure 6

Fault Complaints

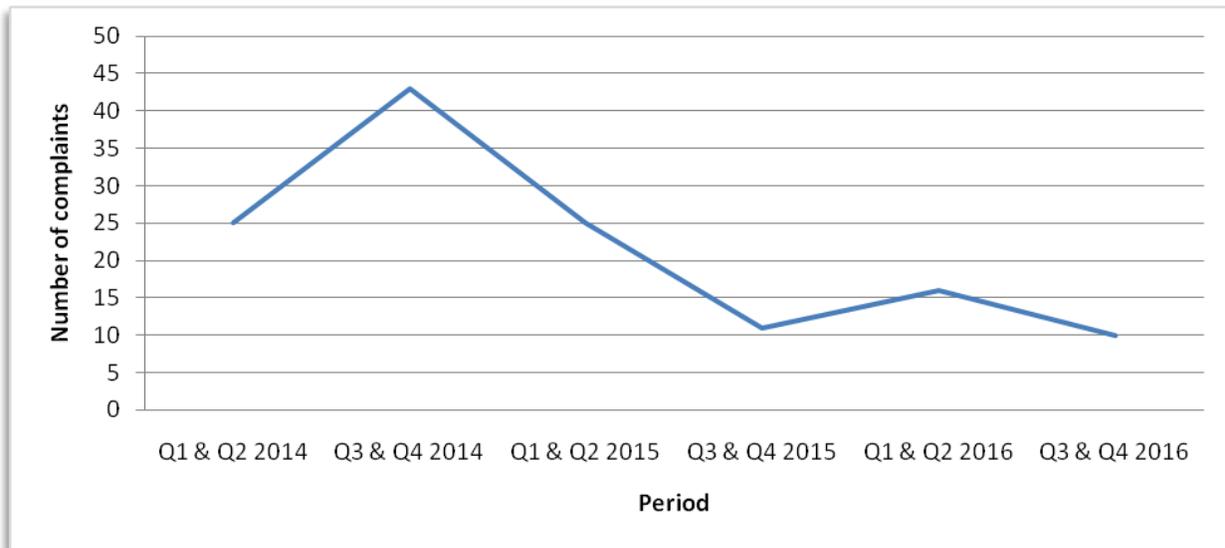


4.4 Termination and Switching

- This category of complaints includes claims received regarding termination and porting with total of nineteen (19) complaints;
- The MCA noticed a decrease in the number of termination complaints reported with the figure going down from sixteen (16) complaints received during the first two quarters of 2016 to ten (10) complaints received during the last six months of 2016. MCA’s intervention was only warranted in 4 of these complaints. In the remaining complaints the MCA assisted end-users by providing them information on the process they had to follow to terminate their services;
- The Authority also received nine (9) complaints from subscribers who wanted to port their telephony numbers. The MCA intervened in these cases until it ensured that the telephony numbers were successfully ported.

Figure 7

Termination Complaints



4.5 Contractual Complaints

- This category of complaints includes complaints regarding changes to the terms and conditions (15), non-provision of contract (2) and change of ownership (1);
- During the last six months of 2016, the majority of complaints related to complaints regarding changes implemented by service providers to different packages. One particular issue which raised a significant number of claims related to the provision of an add-on TV package which included a number of limitations. As a result of these complaints the MCA investigated this issue and it identified instances in which a number of individuals who had recently subscribed to this TV add-on package were not appropriately informed of all the limitations applicable to their package in the terms and conditions of their contract. As a result of this, following discussions between the parties involved, the service provider agreed to notify new impacted subscribers, providing them the option to exit the add-on TV package without incurring any penalty fees.

4.5 Compensation/Unfair Commercial Practices

- The MCA received two (2) complaints from subscribers regarding compensation and refund requests. When investigating these claims the MCA ensured that whenever it was evident that subscribers were entitled to a refund (for example when faults were not restored within the timeframes indicated in their contracts), this was provided to them accordingly;
- 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;
- During the second half of 2016 the MCA received two (2) complaints regarding unfair commercial practices. 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.

5. POSTAL AND e-COMMERCE COMPLAINTS

- Complaints of a postal nature received by the MCA during the period under review amounted to seven (7). These related to mis-delivery of ordinary mail (4), undelivered mail (1), compensation related to registered mail (1) and postage stamps (1);
- When investigating complaints regarding mis-delivery or undelivered mail, the MCA escalated the matter to the concerned service provider requesting it to take any necessary measures to monitor the service provided in the indicated areas to identify any possible shortcomings and to try to avoid that such issues re emerge in the future;
- In such cases the sender is entitled to claim for compensation in line with the service provider's compensation schemes. In the event that the subscriber is not satisfied with such a redress, the end-user may file a claim before the Consumer Claims Tribunal;
- No complaints regarding eCommerce services were registered during this period.

6. MCA'S INITIATIVES

- On 1st July 2016, MCA's decision regarding access of bills for Internet, TV and telephony services came into force. This decision provides the possibility to post-paid subscribers who do not have Internet to receive their 'standard bills' in hard copy format, free of charge. Further information on this subject is available in the [FAQs section](#) on MCA's website;
- On the 9th of October 2016, different countries from across the globe marked World Postal Day. The MCA took the opportunity to reach out to the general public to increase awareness on the postal services. Further information on the different types of postal services in Malta is available in the [Communications Services section](#) on MCA's website;
- In 2016 the MCA celebrated 15 years from its foundation. During the period under review, the end-user team participated in various programs to provide an overview of MCA's different functions and explain MCA's remit vis-à-vis consumers. Furthermore, the end-user team also uploaded several tips on social media informing end-users about their rights and obligations when using an electronic communications service;
- During the period under review the MCA participated in various TV and radio programs discussing various subjects of consumer interest. End-users can catch up on the themes discussed by following MCA's [YouTube channel](#).
- The MCA continuously monitors the operators providing the services regulated by the Authority. In so doing, the MCA conducts several mystery shopping exercises to ensure that service providers are complying with the laws administered by the MCA.