



MALTA COMMUNICATIONS AUTHORITY

## **END-USER AFFAIRS: HALF YEARLY REPORT**

**July – December 2017**

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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 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 powers at law. 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 have 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 at <https://www.mca.org.mt/consumer/help>.

In addition to the above, the MCA monitors the sectors it regulates, and carries out various mystery shopping exercises 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 regulated by the MCA.

This report provides a statistical analysis of the complaints and enquiries received by the Authority during the second half of 2017 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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The below statistical report provides an overview of the complaints and enquiries received by the MCA during the second half of 2017. Between 1<sup>st</sup> July 2017 and 31<sup>st</sup> December 2017, the MCA received 113 complaints, an increase of 10.78% when compared to the complaints received during the first half of 2017.

The complaints investigated by the MCA tend to be 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 time possible. To this effect, 99% of the complaints received by the MCA during the last 6 months of 2017 were closed within 20 working days.

In addition to the above, during the period under review, the MCA also received 238 enquiries, an increase of 1.27% when compared to the first half of 2017.

**Figure 1**

*Complaints and Enquiries by Quarter*

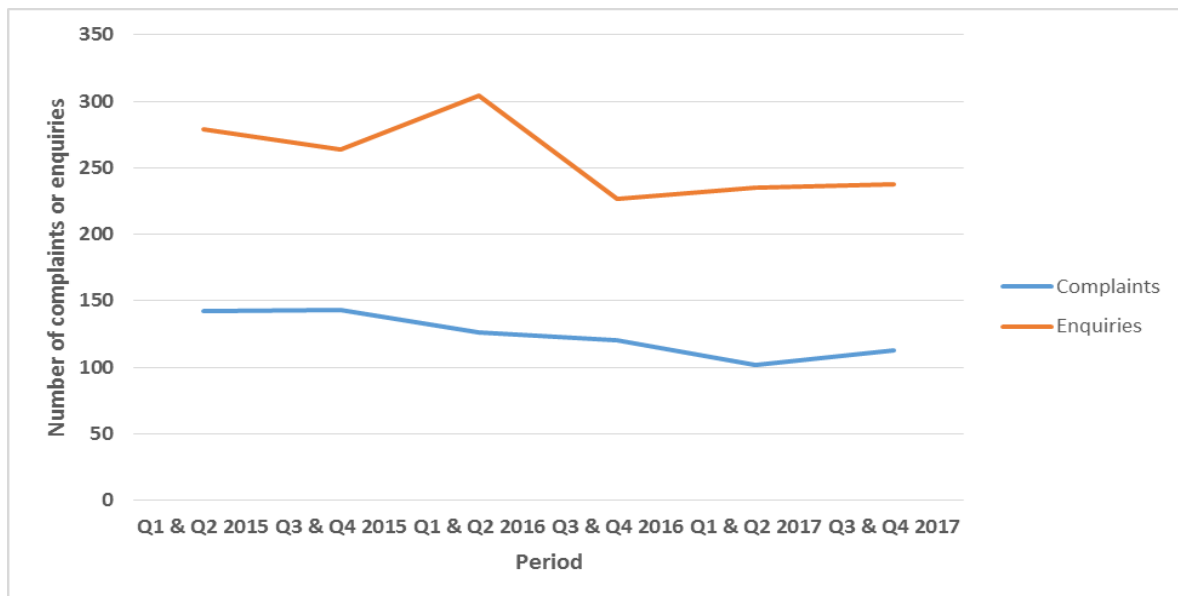


Figure 2

*Complaints by Sector*

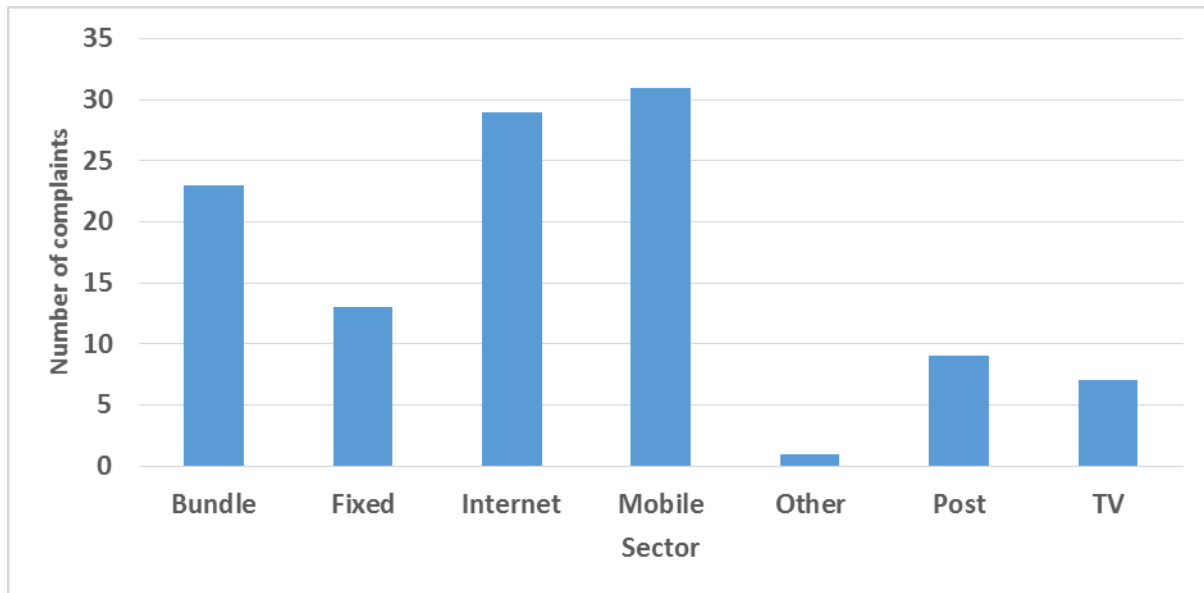
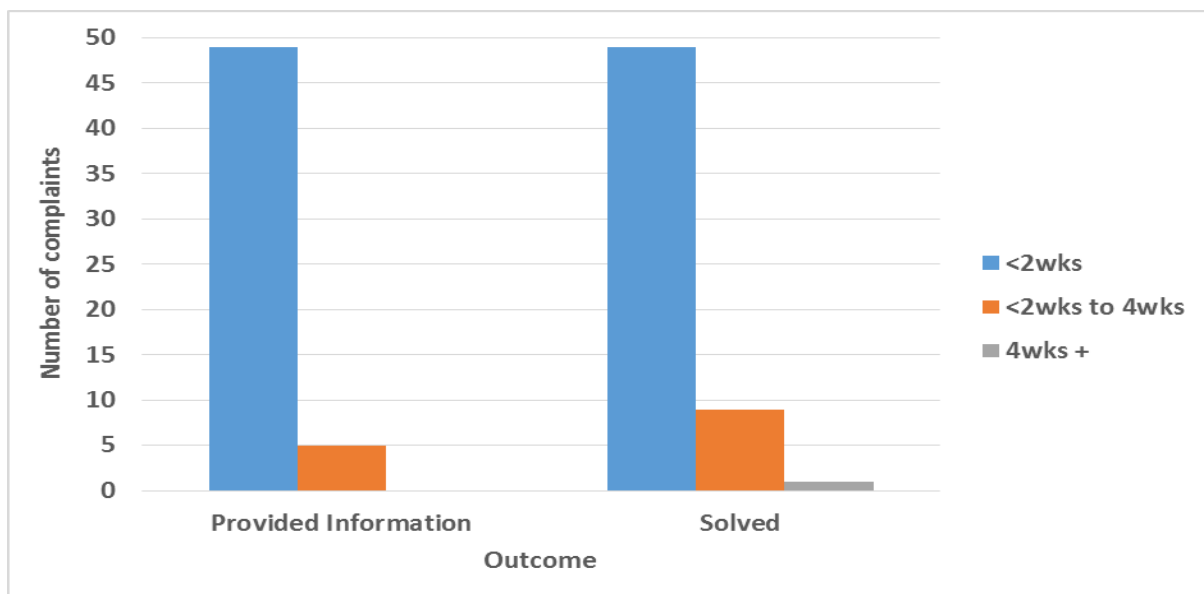


Figure 3

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

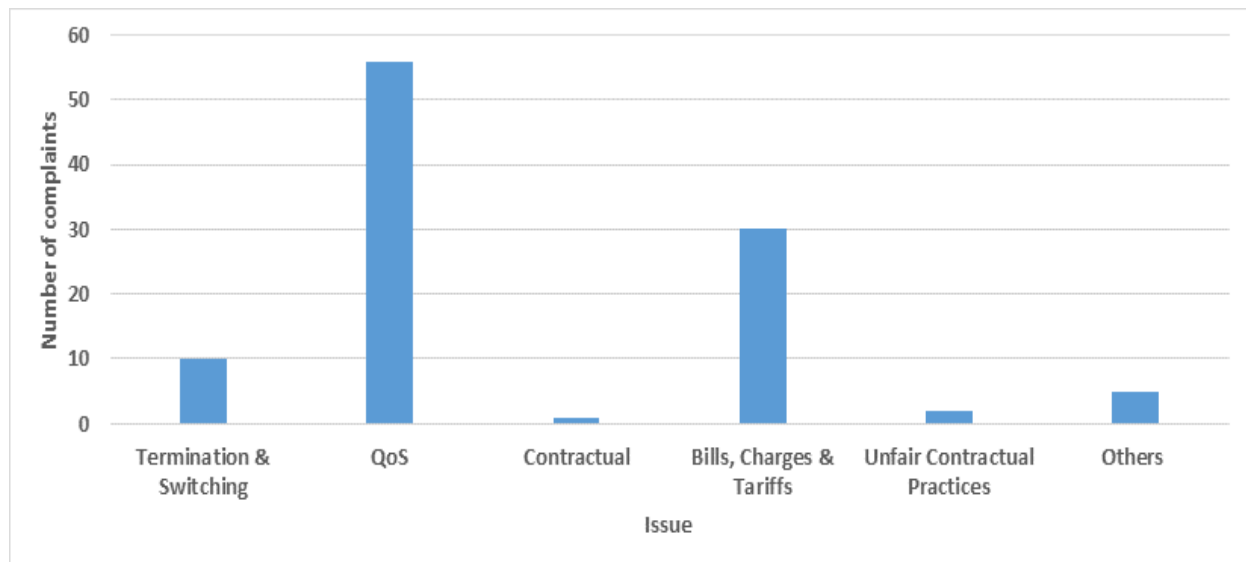


## 4. ELECTRONIC COMMUNICATIONS COMPLAINTS ANALYSIS

Complaints received during the second half of 2017, related predominantly to quality of service (QoS) followed by billing issues. Other complaints received by the Authority related to termination and switching of services, contractual issues and unfair commercial practices. This report provides information on the main findings for the period covering July to December 2017.

**Figure 4**

### *Electronic Communications Complaints by Issue*



*Complaints categorised under the heading ‘Others’ include complaints received regarding data protection, MCA’s free Wifi, Electromagnetic Field (EMF) and Freephone numbers.*

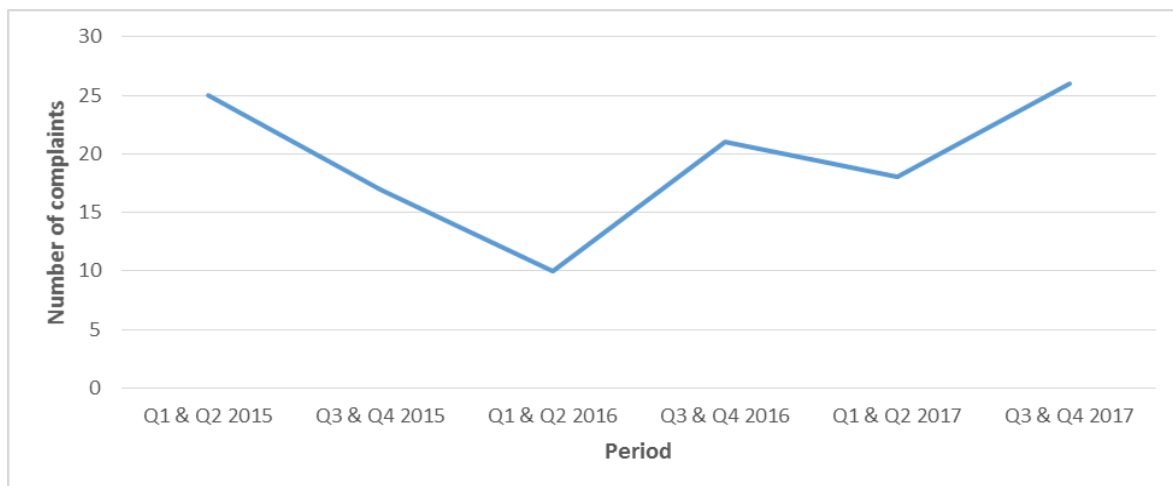
### **4.1 Quality of Service and Service Provision**

- This category of complaints includes claims received regarding faults twenty six (26), performance of internet twelve (12), non-access of service/s seven (7), mobile reception four (4), installation three (3), email account two (2), interference one (1) and ancillary service one (1);
- Fault complaints remain the most common type of quality of service complaints reported to the MCA with a total of twenty six (26) reports received by the MCA. Of these 26 reports, 23 included faults related to fixed internet and/or fixed telephony;

- Faults are generally caused by degradation, misuse, force majeure or third party disturbance, but could also be the result of damages to the service provider’s infrastructure, damages to the subscriber’s internal wiring or damages to the physical equipment. In the cases reported to the Authority, the MCA monitored the actions undertaken by the service providers to ensure that faults were repaired within the shortest time possible;
- The Authority received twelve (12) complaints regarding internet performance. In most of the cases end-users were asked to provide the MCA with screen shots of speed tests and with a copy of the contract indicating the typical speed for the service. <sup>1</sup> In six (6) of the cases received, the MCA intervened directly and ensured that the service provider rectified the situation. In the other cases the MCA guided the end-user on how to optimise his/her internet connection. In 2017, the MCA embarked on an educational campaign to inform the public on the way the internet operates and on end-users rights and remedies when dealing with internet service issues. More information is available from this link <https://www.mca.org.mt/internet>;
- The Authority received seven (7) complaints regarding difficulties in accessing services. This category of complaints varied in nature and included issues regarding transfer of services and non-access to certain international numbers. In all these cases, the MCA guided subscribers on the steps they needed to take to remedy the situation, and where necessary also monitored the actions taken by service providers until the issue was satisfactorily solved whilst ensuring that the necessary redress was provided to subscribers.

**Figure 5**

***Fault Reports***



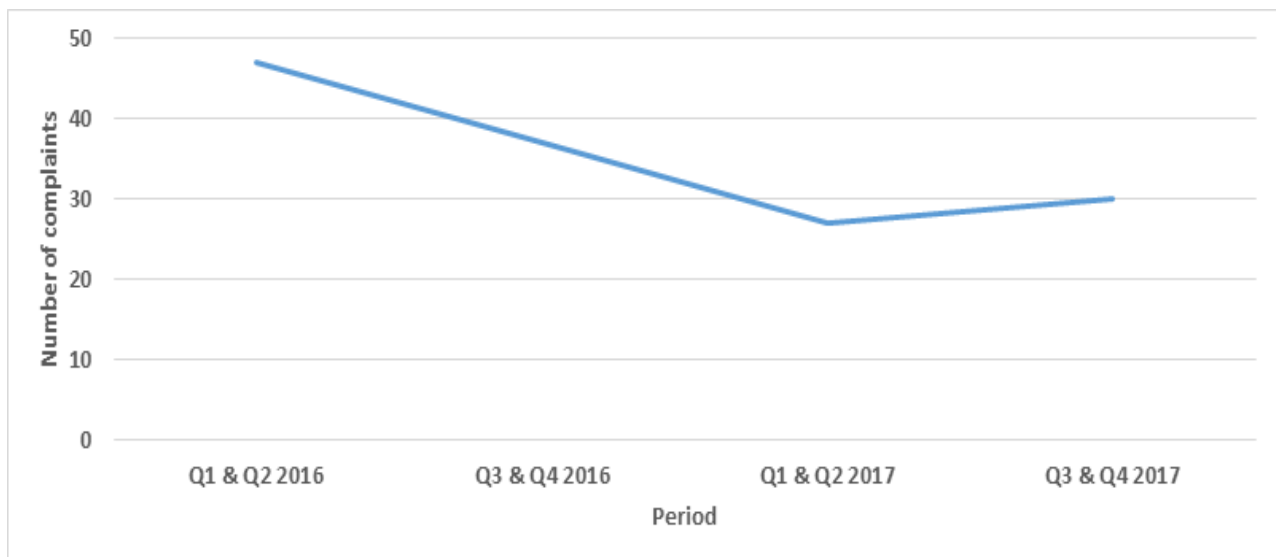
<sup>1</sup> In line with MCA’s Decision on [Broadband QoS Framework](#), internet service providers are required to establish a typical speed range (TSR) in the subscribers’ contract when choosing an internet service.

#### 4.2 *Billing, Charges and Tariffs*

- This category of complaints includes claims received regarding incorrect billing or overcharging twenty two (22), non-payment of bills five (5), paper bills two (2) and tariffs one (1);
- Most of the complaints under this section pertained to incorrect billing or overcharging with a total of twenty two (22) complaints. In ten (10) of these cases the MCA monitored the actions undertaken by the service providers to ensure that any charges incorrectly billed are waived from the end-users bill. In the other twelve (12) cases the MCA provided the end-users with the necessary information to help them understand the disputed charges;
- The MCA received five (5) complaints pertaining to non-payment of bills. In the cases investigated, no further MCA action was warranted however MCA still assisted impacted end-users by providing them any information they required to restore their service.

**Figure 5**

#### *Billing, Charges and Tariffs Complaints*





#### **4.3 Termination and Switching**

- This category of complaints includes claims received regarding termination of service/s six (6), number portability three (3) and expiry of pre-paid time-window one (1);
- The number of complaints pertaining to termination of a service/s amounted to six (6) complaints. In four (4) cases, the Authority provided guidance to subscribers on the procedure they needed to follow to terminate the service/s. In the remaining two (2) complaints the Authority was required to intervene to ensure that the services were effectively terminated in line with the subscriber's request;
- Number portability complaints remained on the decline with a total of 3 complaints received. In the complaints referred to MCA, the Authority ensured that the subscribers' requests were adhered to and whenever necessary that subscribers were provided the necessary information about the procedure to follow to successfully port their numbers.

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

- During second half of 2017 the MCA received one (1) complaint regarding alleged unsolicited commercial communications and one (1) complaint regarding alleged mis-selling 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 the end-user to contact the Malta Competition and Consumer Affairs Authority (MCCAA), which is the competent Authority responsible from addressing such matters.

## 5. POSTAL SERVICES

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### 5.1 *Postal Complaints*

- In total the MCA received nine (9) complaints of a postal nature of which three (3) related to delayed mail, two (2) to redirection of mail, one (1) to mis-delivery, one (1) to customer care, (1) to lost mail and (1) to notification of failed delivery;
- The delivery of local ordinary mail, bulk mail and local registered mail, is subject to quality of standards (QoS) imposed by the MCA and which MaltaPost, being the universal service provider, is required to achieve. These include a next day delivery QoS performance target of 95% for local ordinary mail and bulk mail and a next day delivery QoS performance target of 98% for registered mail;
- Notwithstanding these targets, issues related to delayed, lost or mis-delivered mail may arise and in such cases the sender of such mail is entitled to compensation. It is important to note that any compensation awarded to customers does not cover the value of the contents in the postal article. When posting any articles, consumers may consider insuring the contents of their postal articles. More information on compensation provided by MaltaPost is available on MaltaPost's website;
- With respect to the complaints lodged with the Authority, the MCA brought these cases to the attention of the service provider so that it could look into matters and address any ensuing issues accordingly. More information on postal services is available in MCA's Postal Guidelines for end-users on [MCA's website](#);
- During the second half of 2017, the MCA did not receive any complaints regarding eCommerce services;
- Following enquiries received by the MCA, the Authority published a report which compares the different charges applied by different postal operators / couriers to their customers to handle clearance of goods received from non-EU countries. This report is accessible from this link: <https://www.mca.org.mt/articles/shopping-online-sellers-based-outside-eu>.