



**Rights of passengers travelling by sea and inland waterway
(Regulation (EU) N° 1177/2010)**

ACTIVITY REPORT

2015

NEB's Terms of Reference

- 1) On 1st November 2013 subsidiary legislation (SL 378.16) was enacted whereby the Director General of the Office for Consumer Affairs within the Malta Competition and Consumer Affairs Authority was designated as the person responsible for the enforcement of the provisions of Regulation (EU) 1177/2010.
- 2) The MCCAА is therefore the sole National Enforcement Body since November 2013.
- 3) Passengers with complaints and feeling aggrieved even after the response from carriers or terminal operators to their complaint under Article 24 of the Regulation can refer their claim to the MCCAА under the provision of Article 25(3)(b).

Under Article 5 of SL 378.16 carriers and terminal operators found to have operated in infringement of the Regulation can be fined between € 470 and € 47,000 and, in the case of failure to meet a compliance order, a daily fine of between € 120 and € 230 for each day of non-compliance. Compliance orders are issued under Article 94 of the Consumer Affairs Act (Chapter 378), particularly for infringements of a persistent nature.

Article 6 of the same subsidiary legislation provides for the party aggrieved by a decision to file an appeal before the Competition and Consumer Appeals Tribunal. Article 7 provides a further and final measure for redress to any party aggrieved by the decision of the Appeals Tribunal by appealing to the same Tribunal regarding its decision.

3.A) Statistics on Complaint Handling at Carrier Level (Cruises)

Year	Number of complaints received by carriers	Reason for complaint (e.g. cancellation, delay, discrimination, lack of assistance, please indicate whether it is a disability related complaint):	Number of complaints rejected by the carrier and appealed by the passenger	Comments (if any):
From 18 Dec 2012 – 31 Dec 2013	Not Available	Not Available	Not Available	Not Available
From 1 Jan 2014 – 31 Dec 2014	Not Available	Not Available	Not Available	Not Available

3.B) Statistics on Complaint Handling at Carrier Level (Ferry Services)

Year	Number of complaints received by carriers	Reason for complaint (e.g. cancellation, delay, discrimination, lack of assistance, please indicate whether it is a disability related complaint):	Number of complaints rejected by the carrier and appealed by the passenger	Comments (if any):
From 18 Dec 2012 – 31 Dec 2013	27	Delays		Attributed to adverse weather conditions.
From 1 Jan 2014 – 31 Dec 2014	26	Delays		Attributed to adverse weather conditions.

3.C) Statistics on Complaint Handling at Terminal Operator Level

Year	Number of complaints received by terminal operators	Reason for complaint (e.g. cancellation, delay, discrimination, lack of assistance, please indicate whether it is a disability related complaint):	Number of complaints rejected by the terminal operator and appealed by the passenger	Comments (if any):
From 18 Dec 2012 – 31 Dec 2013	(cruise) ≈ 200 (3-4/week) (ferry) 7	Non-Reg 1177/2010 issues (e.g. baggage-related) (ferry) Stranded passengers		
From 1 Jan 2014 – 31 Dec 2014	(cruise) ≈ 200 (3-4/week) (ferry) 4	Non-Reg 1177/2010 issues (e.g. baggage-related) (ferry) Stranded passengers & one disability-related case involving on-board vehicular parking.		

3.D) Statistics on Complaint Handling at NEB Level

Year	Number of complaints received by NEB(s)	Reason for complaint (e.g. cancellation, delay, discrimination, lack of assistance, please indicate whether it is a disability related complaint):	Comments (if any). Please specify how many of the cases received were solved. If applicable, please indicate what happened to the unsolved cases (referral to Court, ADR alternative dispute resolution)?
From 18 Dec 2012 – 31 Dec 2013	1	cancellation	1
From 1 Jan 2014 – 31 Dec 2014	3	cancellation	3

In Malta, *your Member State* (please underline the correct answer)

~~○ Passengers can always submit their complaint directly to the NEB, or~~

- Passengers are obliged to submit their complaints to the carrier/terminal operator first, and they can only submit a complaint to an NEB if they are not satisfied with the solution offered by the carrier/terminal operator.

Do you use a complaint form at national level (please underline the correct answer)?:

~~○ No~~

- Yes (if yes, please provide a copy of this form to the Commission if different from the Commission template). Attached and downloadable from <http://www.mccaa.org.mt/en/sea-passenger-rights>

Did you transfer any complaints to NEBs of another Member State? If yes, how many complaints?

- None between 18th December 2012 and 31st December 2014.

4) Information and statistics on penalties (Article 28 of the Regulation)

Year	Number of penalties imposed:	Types of penalty (in case of fines, what were the amounts imposed):	Reason for imposing the penalty (which provision of the Regulation was breached) :
From 18 Dec 2012 – 31 Dec 2013	Nil	None	Not Applicable
From 1 Jan 2014 – 31 Dec 2014	Nil	None	Not Applicable

Among the penalties listed in the above table, how many were imposed following a complaint and how many were imposed at the NEB(s) own initiative?

Not Applicable as no penalties were imposed.

Which body(ies) imposed the penalties ?

Not applicable as no penalties were imposed.

5) Other action taken in order to ensure the correct application of the Regulation

Monitoring exercises are complaints driven. Once a complaint reaching the NEB indicates a shortcoming in a carrier's/ terminal operator's requirements to meet the provisions of the Regulation, the carrier / terminal operator is contacted for verification and corrective action, if due.

Websites of carriers and terminal operators are monitored proactively and advice for any amendments in view of the Regulation is given.

How do you monitor that carriers, terminal operators, ticket vendors etc. respect the Regulation (e.g. do you organise inspections)?

As above. No official inspections were carried out in 2013 and 2014.

Do you cooperate with organizations representing carriers, passengers, disabled people or consumers, consumer authorities or other national authorities? (if yes, please specify)

All local carriers and terminal operators were contacted in view of the questionnaire for this report. Also contacted was Cruise Lines International Association Europe (CLIA) in order to gather data regarding 'cruise' carriers. The national council representing disabled persons (KNPD) is contacted whenever the need arises. Issues reaching consumer associations and requiring MCCAА involvement for resolution are transferred accordingly.

Do you cooperate with NEBs in other Member States (if yes, please specify how) ?

In 2013 and 2014 there were no cases of complaints requiring NEB-NEB transfers or inter-NEB collaboration.

Have you taken any action to disseminate information about sea and inland waterway passenger rights? (If yes, please specify)

In 2013 and 2014, the resources for publicity campaigns were allocated to consumer rights covered by other regulations.

How has Article 9 of the Regulation on access conditions for disabled persons or persons with reduced mobility been implemented in your country ?

Article 44(1) of the Maltese Constitution insists that 'no citizen of Malta shall be deprived of his freedom of movement'. Article 9 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) commits signatories (Malta among them) to provide for

full accessibility in their countries. Thirdly, Act I of 2000, the Equal Opportunities (Persons with Disability) Act makes it illegal for anyone to treat or propose 'to treat a person who has a disability less favourably than he treats or would treat a person who does not have such a disability'. (Part II, para. 3.1(a)). Therefore many of the provisions in Article 9 of the Regulation covering accessibility and information were enforceable prior to 2010. A consultation process between the national council for persons with disabilities (KNPD) is underway with the aim of incorporating the [KNPD's design guidelines for accessibility](#) into local legislation through national standards.

6) General information on the environment in which the Regulation is applied in Malta

Could you briefly describe the sea and inland waterway market in your Member State? (If you have any data on the number of operators falling under the Regulation, the volume of passengers transported, please specify.)

Presently one operator, [Virtu Ferries](#), provides a ferry service between Malta and Sicily. Passengers carried in 2013 and 2014 were 195,026 and 205,904 respectively.

Another operator, [Gozo Channel Co. Ltd.](#), provides a ferry service between Malta and Gozo. The number of passengers carried in the years 2013 and 2014 was 4.4 million and 4.6 million respectively.

Although the traversed distances within the inland waterways on each side of Valletta exceed 1 km, the crew of the vessels operated through either of the two ferry services by [Marsamxetto Steamferry Services Ltd.](#) (Valletta Ferry Services Ltd.), at less than four persons renders them outside the scope of the Regulation.

The Maltese registered [Malta Motorways of the Sea](#) owned by the [Grimaldi Group](#) does not include Maltese ports in any passenger services offered.

Passenger terminals within the scope of the Regulation include [Valletta Cruise Port](#) which provided for 460,00 passengers in 2013 and 517,000 in 2014. Virtu Ferries and Gozo Channel Co. Ltd. operate their respective ferry terminals.

Articles 2(3) and 2(4) of the Regulation allow Member States to give exemptions from the application of the Regulation to domestic seagoing ships of less than 300 GT and to services covered by public service obligations/contracts. Please indicate whether your Member State has applied (one of) those exemptions and if so, please provide details.

There has not been an instance with the requirement for invocation of Article 2(3) , nor (to date) Article 2(4).

6) Any other comment/information to be reported

None.