



**Rights of passengers travelling by bus and coach
(Regulation (EU) N° 181/2011)**

ACTIVITY REPORT

2015

1) Distribution of tasks between different NEBs

On 1st November 2013 subsidiary legislation (SL 378.15) 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) 181/2011. The MCCA is the sole National Enforcement Body since November 2013.

*If there are several NEBs in your Member State, describe how the tasks stipulated in the Regulation are distributed between them? What are the tasks of the NEB submitting the reply to this questionnaire? **Not Applicable. There is only one NEB in Member State Malta.***

2) Information and statistics on complaint handling:

Year	Number of complaints	Reason for complaint (e.g. cancellation, delay, discrimination, lack of assistance):	Comments (if any):
From 1 March 2013 – 31 December 2013	<i>Nil</i>	<i>Not Applicable</i>	<i>None</i>
From 1 January - 31 December 2014	<i>Nil</i>	<i>Not Applicable</i>	<i>None</i>

In Member State Malta:

- ~~○ Passengers can always submit their complaint directly to the NEB, or~~
- Passengers are obliged to submit their complaints to the carrier/terminal managing body etc first, and they can only submit a complaint to an NEB if they are not satisfied with the solution offered by the carrier/terminal managing body, etc

Use of a complaint form at national level:

- ~~○ Yes (if yes, please provide a copy of this form to the Commission)~~
- No

The following methods of communication can be used to file complaints:

- in paper format
- electronically (e.g. by email or via a website)
- ~~○ by phone~~
- in person at the NEBs office

Reattribution of any complaints to NEBs of other Member States.

No complaints reattributed.

Possibility of settlement of passengers' complaints via alternative dispute resolution

- ~~○ Yes~~
- No (legislation vis-a-vis the ADR Regulation was not yet enacted until the end of 2014 but a Consumer Claims Tribunal satisfied many of the ADR provisions).

If an NEB takes a decision based on a complaint, will this decision be binding for the complainant and the carrier, terminal manager etc against whom the complaint was made?

First of all, passengers with complaints and feeling aggrieved even after the response from a carrier, to their complaint under Article 27 of the Regulation can refer their claim to the MCCA under the provision of Article 28(3).

Under Article 5 of SL 378.15 any person, including carriers, travel agents, tour operators, ticket vendors or terminal managing bodies 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.

Do you have any information about the number of complaints that passengers submitted to carriers, terminal managing bodies, ticket vendors etc operating in the territory of your Member State since 1 March 2013? (If yes, please indicate the number of those complaints.)

No. of Complaints submitted to:	YEAR 2013	YEAR 2014
Operator	5,475	3,183
Transport Malta	3,996	1,338
Totals	9,471	4,521

3) Information and statistics on sanctions:

Year	Number of sanctions imposed:	Type of sanction imposed (in case of fines, what was the sum imposed):	Reason for imposing the sanction (which provision of the Regulation was breached) :
From 1 March 2013 – 31 December 2013	<i>Nil</i>	<i>None</i>	<i>Not Applicable</i>
From 1 January 2014 – 31 December 2014	<i>Nil</i>	<i>None</i>	<i>Not Applicable</i>

Sanctions imposed in procedures which started on the basis of complaints or on the NEB's own initiative.

No sanctions were imposed by the NEB.

Are the sanctions imposed by the NEB or by another body (if it is imposed by another body, please indicate the name of this body)?

Sanctions due to infringements of the Regulation are imposed by the NEB. However, failure to meet the conditions of contract between the operator and Transport Malta may result in penalties imposed by Transport Malta.

4) Other actions in order to ensure the correct application of the Regulation:

How do you monitor that carriers, terminal managing bodies, ticket vendors etc respect the Regulation? Do you organize inspections?

Monitoring exercises are complaints driven. Any complaint reaching the NEB and which indicates a shortcoming in a carrier's, travel agent's, tour operator's, ticket vendor's or terminal managing body's requirements to meet the provisions of the Regulation, the relevant entity is contacted for verification and corrective action, if due.

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

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

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 (common handling of complaints, common inspections, etc)? (if yes, please specify)

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 bus and coach passenger rights? (If yes, please specify)

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

Article 11 of the Regulation provides that *"In cooperation with organisations representative of disabled persons or persons with reduced mobility, carriers and terminal managing bodies shall, where appropriate through their organisations, establish, or have in place, non-discriminatory access conditions for the transport of disabled persons and persons with reduced mobility. The access conditions provided for in paragraph 1, including the text of international, Union or national laws establishing the safety requirements, on which these non-discriminatory access conditions are based, shall be made publicly available by carriers and terminal managing bodies physically or on the Internet, in accessible formats on request, in the same languages as those in which information is generally made available to all passengers."* How this provision has been implemented in your Member State?

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 11 of the Regulation covering accessibility and information were enforceable prior to 2013. 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.
