



# MCCAA

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## OFFICE FOR CONSUMER AFFAIRS

ACTIVITY REPORT 2017

## RIGHTS OF PASSENGERS TRAVELLING BY SEA AND INLAND WATERWAY REGULATION (EU) NO. 1177/2010

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## Introduction and the role of MCCAA as the National Enforcement Body (NEB)

On 1st November 2013, the Rights of Passengers When Travelling by Sea and Inland Waterway Regulations (hereinafter referred to as Subsidiary Legislation (S.L.) 378.16) were enacted whereby the Director General (Consumer Affairs), Office for Consumer Affairs within the Malta Competition and Consumer Affairs Authority (MCCAA) was designated as the person responsible for the enforcement of the provisions of Regulation (EU) 1177/2010 (hereinafter referred to as the Regulation). The MCCAA is the sole National Enforcement Body (NEB) since November 2013.

S.L. 378.16 establishes that any person who fails to comply with the obligations under these Regulations shall be guilty of an infringement punishable by an administrative fine of not less than four hundred and seventy euro and not exceeding forty-seven thousand euro. In the case of non-compliance with a compliance order issued in terms of the Consumer Affairs Act (Chapter 378 of the Laws of Malta), a daily fine of not less than one hundred and twenty euro and not more than two hundred and thirty euro may be imposed for each day of non-compliance.

S.L. 378.16 also provides for any person aggrieved by a decision, order administrative fine or measure imposed by the Director General (Consumer Affairs), to file an appeal before the Competition and Consumer Appeals Tribunal. Any party to an appeal aggrieved by the decision of the Appeals Tribunal may, on points of law or on grounds of natural justice, appeal to the Court of Appeal in terms of the Consumer Affairs Act.

This activity report is prepared in accordance with the provisions of Article 26 of Regulation (EU) 1177/2010 requiring NEBs to publish a report on their activity in the previous 2 calendar years, containing a description of actions taken in order to implement Regulation 1177/2010 and containing statistics on complaints and sanctions applied.

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## General Information on the Maritime Sector in Malta

In Malta there are five ports, namely the Grand Harbour in Valletta, the Port of Marsamxett, the Port of Cirkewwa, the Port of Mgarr Gozo and the Port of Marsaxlokk.

The Grand Harbour is a multi-purpose international port and offers a comprehensive range of services including cruise and ferry berths. The Port of Marsamxett is primarily a leisure port and provides a base from where a number of domestic commercial vessels operate local cruises. The Port of Cirkewwa is a dedicated ferry terminal comprising passenger and vehicle handling facilities between Malta and Gozo, where a scheduled passenger ro-ro service operates between this Port and the Port of Mgarr Gozo. The Port of Mgarr Gozo is also a fishing port and hosts a marina and several berths for small craft and caters for small cargo vessels and the occasional cruise liner. The Port of Marsaxlokk only hosts the container transshipment terminal and industrial storage facilities and has a number of petroleum terminals.

The operators falling under this Regulation are:

- Virtu Ferries Ltd. which provides a ferry service between Malta and Sicily;
- Malta Motorways of the Sea Ltd. which operates a ferry service between Malta, Catania, Genova and Livorno; and
- Gozo Channel Co. Ltd which provides a ferry service between Malta and Gozo.

The passenger terminals within the scope of this Regulation includes also the Valletta Cruise Port. Virtu Ferries Ltd. and Gozo Channel Co. Ltd. operate their respective ferry terminals.

During the years under review, the total cruise passenger traffic stood at 670,244 and 682,222, respectively for 2015 and 2016<sup>1</sup>. The ferry service between Malta and Gozo carried 4,739,672 passengers in 2015 and 5,133,000 in 2016<sup>2</sup>. Other ferry passengers amount to 289,334 for 2015 and 310,008 for 2016<sup>3</sup>.

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<sup>1</sup> National Statistics Office – [Transport Statistics 2017 -Table 2.34: Total Cruise Passenger Traffic](#)

<sup>2</sup> National Statistics Office – [Transport Statistics 2017 – Table 2.39: Sea transport between Malta and Gozo by day of the week](#)

<sup>3</sup> Transport Malta Annual Report 2016 – [Table: Ferry Passengers in Malta](#)

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### Information and Statistics on Complaint Handling and Penalties

The MCCAA, as the NEB to this Regulation, is responsible for receiving complaints from passengers about an alleged infringement under this Regulation. Passengers shall, as a first step, submit the complaint to the carrier or terminal operator, prior to referring their complaint to the MCCAA.

If the complainant is not satisfied with the outcome of the complaint following the response of the travel operator the complaint can be brought forward to the Authority. The Authority will analyse the complaint and will conduct its conciliation procedure to seek an amicable agreement between the parties.

The Authority depending on the type and amount of complaints received will also conduct an investigation to determine if there were any breaches of the Regulations.

Complaints can be submitted as follows:

- by visiting the premises of the Complaints and Conciliation Directorate at Mizzi House, National Road, Blata I-Bajda or at the Valletta Office at 47A South Street, Valletta
- by writing a letter addressed to the Director, Complaints and Conciliation Directorate, Malta Competition and Consumer Affairs Authority, Mizzi House, National Road, Blata I-Bajda, Hamrun HMR 9010;
- by sending an email on [seapassengerrights@mccaa.org.mt](mailto:seapassengerrights@mccaa.org.mt) or [info@mccaa.org.mt](mailto:info@mccaa.org.mt);
- by completing the **online form** (generic form); or
- by completing the Sea Passenger Rights Complaint Form.

No sanctions have been applied by the Maltese NEB.

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## Statistical Data

### 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):	Number of complaints rejected by the carrier and appealed by the passenger	Comments (if any):
From 1 January 2015–31 December 2015	NIL	--	--	--
From 1 January 2016–31 December 2016	1	Difference in the fare from the price advertised		Case was withdrawn by complainant

## Guidance and Enforcement

The Authority monitors the market on the basis of the complaints received. Thus, in the sea transport sector as in other sectors, the Authority investigates complaints reaching the NEB for any shortcomings in the carrier's operations which do not meet the requirements of the Regulations. If necessary, the operator is contacted to communicate any corrective actions necessary.

Additionally, information about passenger rights in the field of sea transport is provided on the MCCAA's website (<https://mccaa.org.mt/Section/Content?contentId=1212>) and periodically information is given about this topic on the various communication channels used by the Authority.