



MCCAA

OFFICE FOR CONSUMER AFFAIRS

ACTIVITY REPORT 2021

RIGHTS OF PASSENGERS TRAVELLING BY BUS AND COACH REGULATION (EU) NO. 181/2011

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

On 1st November 2013 subsidiary legislation (SL 378.15) was enacted whereby the Director General (Consumer Affairs), 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 MCCAA is the sole National Enforcement Body since November 2013.

The applicability of this Regulation to Malta is limited in that no bus and coach service operating on the Maltese territory is of a distance of 250km or more. Consequently, in respect of Malta, the following are the rights applicable to all bus and coach services:

- The contract conditions and tariffs applied by carriers shall be offered to the general public without any direct or indirect discrimination based on nationality;
- Non-discriminatory treatment of disabled persons with reduced mobility;
- Any loss of or damage to wheelchairs, other mobility equipment or assistive devices needs to be compensated by carriers and terminal managing body;
- Carriers and terminal managing bodies must provide adequate travel information to passengers;
- Carriers shall set up and have in place a complaint handling system for the rights and obligations set out in the Regulation.

This activity report is prepared in accordance with the provisions of Article 29 of Regulation (EU) 181/2011 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 181/2011 and containing statistics on complaints and sanctions applied.

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The Bus Market in Malta

In Malta public transport service is operated by one operator through a concession agreement. This agreement is between Transport Malta and Malta Public Transport for the provision of a scheduled public transport service in Malta and Gozo. Transport Malta is responsible for regulating all forms of land transport, including all vehicles, drivers and transport services operators in Malta. Public transport in Malta is subsidised in certain circumstances. Certain free public transport measures have been introduced to incentivise the use of public transport.

Information and Statistics on Complaint Handling

The complaint handling procedure of the NEB requires that passengers make their complaint to the travel operator in the first instance. 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 completing the **online form**

Alternatively, one can submit a complaint to the MCCAA ADR Solution, which is the Residual ADR Body competent to handle disputes where there are no sector specific ADR entities. Full details on how to submit a dispute through the MCCAA ADR Solution is through the following link: <https://adr.mccaa.org.mt/>

To date no sanctions have been applied by the Maltese NEB.

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Statistical Data

Year	No. of Complaints	Reason for Complaints (e.g. cancellation, delay, discrimination, lack of assistance)	Comments
From 1 January – 31 December 2019	2	1 of which on alleged discrimination	<p>1 complaint related to alleged discrimination: A wheelchair user complained about not being able to access public transport. Upon investigation by the NEB it resulted that the wheelchair used by the complainant did not satisfy the specifications as established in the conditions of carriage by the operator. The complainant was provided with the necessary explanation and the issue was subsequently resolved.</p> <p>1 of the complaints related to other type of complaints: This was with regard to a top up issue of the transport membership card offered by the transport operator.</p>
From 1 January – 31 December 2020	3	n/a	Other type of complaints: issues related to the application for transport card (Tal-Linja card)

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Guidance and Enforcement

The Authority monitors the market on the basis of the complaints received. Thus, in the land 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 land transport is provided on the MCCAA's website (<https://mccaa.org.mt/Section/Content?contentId=1218>) and periodically information is given about this topic on the various communication channels used by the Authority.