



OFFICE FOR CONSUMER AFFAIRS

ACTIVITY REPORT 2021

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

Malta Competition and Consumer Affairs Authority
Mizzi House, National Road, Blata l-Bajda HMR 9010, Malta.

www.mccaa.org.mt

Phone: +356 2395 2000

Fax: +356 21242406

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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 a penalty of not less than four hundred and seventy euro (€470) and not exceeding forty-seven thousand euro (€47,000). 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), the Civil Court shall impose a daily penalty of not less than one hundred and twenty euro (€120) and not more than two hundred and thirty euro (€230) for each day of non-compliance.

S.L. 378.16 also provides that any person who feels aggrieved by a judgement, order, penalty or measure issued by the Civil Court, may appeal before the Court of Appeal within 20 days from the judgement of the Civil Court. The appeal may be made on any point of law and, or of fact.

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 provides a ferry service between Malta, Catania, Genova and Livorno;
- Tirrenia Lines which operates a ferry service between Malta, Catania, Napoli, Livorno and Genova; 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 908,549 and 59,018, respectively for 2019 and 2020¹. The ferry service between Malta and Gozo carried 5,917,780 passengers in 2019 and 3,773,981 in 2020². Other ferry passengers amount to 323,970 for 2019 and 219,720 for 2020³.

¹ [Transport Malta Annual Report 2020 – Table: Cruise Passengers in Malta, pg. 42](#)

² National Statistics Office – [Regional Statistics Malta 2021 Edition – 5.2.3 – Quarterly sea transport between Malta and Gozo by year](#)

³ [Transport Malta Annual Report 2020 – Table: RO-RO and Catamaran Ferry Passengers in Malta, pg.43](#)

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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 or info@mccaa.org.mt;
- by completing the **online form** (generic form); or
- by completing the Sea Passenger Rights Complaint 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/>

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 2019–31 December 2019	1	Lack of assistance Passenger could not reach to the parked car in the garage with a baby in a pushchair	--	Trader refused liability since the passenger did not inform them beforehand. Subsequently referred to Consumer Claims Tribunal for legal redress.
From 1 January 2020–31 December 2020	1	Cancellation of trip due to Covid 19	--	Disagreement regarding the amount to be refunded. Complaint was subsequently withdrawn by complainant.

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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.