



# MCCAA

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## OFFICE FOR CONSUMER AFFAIRS

ACTIVITY REPORT 2023

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

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# **Activity report of Malta**

## **Regulation (EU) 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway**

### **Year of 2021 and 2022**

#### **I- 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.

#### **II- 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 and cargo 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.

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For the period under review, 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. (Grimaldi) which provides a ferry service between Malta, Catania, Genova and Livorno and Salerno, Catania, Malta;
- Tirrenia Lines which operates a ferry service between Malta, Catania, Napoli, Livorno and Genova;
- Grandi Navi Veloci (GNV) which operates voyages between Malta, Palermo and Genoa;
- Ponte Ferries which operated a ferry service between Malta and Augusta for 1 month;
- Gozo Channel Co. Ltd which provides a ferry service between Malta and Gozo;
- Virtu Ferries Ltd. which provides a fast ferry service between Malta and Gozo; and
- Gozo Fast (GFF) which operates a fast ferry service between Malta and Gozo.
- Other ferry services between Valletta and the 3 Cities and between Valletta and Sliema

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 totals of passengers travelling on international voyages, cruises and local crossings are as per information in the following tables:<sup>1</sup>

<b>Table 1 – Volume of domestic passenger journeys by port</b>			
<b>Port</b>	<b>Year</b>	<b>Malta - Gozo</b>	<b>Gozo - Malta</b>
<b>Valletta – Fast Ferry Services</b>	<b>2021</b>	176,193	188,479
	<b>2022</b>	226,060	250,120
<b>Ċirkewwa/Mġarr</b>	<b>2021</b>	2,048,119	2,038,901
	<b>2022</b>	2,626,894	2,591,730

<b>Table 2 – Volume of international passengers – RO – RO &amp; Catamaran</b>			
<b>Port</b>	<b>Year</b>	<b>Passengers embarked</b>	<b>Passenger disembarked</b>
<b>Valletta</b>	<b>2021</b>	98,911	93,703
	<b>2022</b>	195,143	186,894

<sup>1</sup> Data provided by Transport Malta

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<b>Table 3 – Volume of cruise passengers</b>			
<b>Port</b>	<b>Year</b>	<b>Number of cruise ship visits</b>	<b>Number of cruise passengers</b>
<b>Valletta Cruise Port</b>	<b>2021</b>	115	141,917
	<b>2022</b>	305	489,571

### **III- Complaint Handling Process**

The MCCA, 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 MCCA.

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 consumer may seek further legal redress through the Consumer Claims Tribunal if an amicable agreement is not reached during conciliation.

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.

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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/>.

#### IV- Statistical Data

Table 5 – Statistical data of complaints submitted to the National Enforcement Body									
	Total number of complaints	Reason for complaint							Comments
		Accessibility and information (Article 9)	Right to assistance (Article 10)	Compensation of mobility equipment or other specific equipment (Article 15)	Assistance in the event of cancelled or delayed departures (Article 17)	Re-routing and reimbursement in the event of cancelled or delayed departures (Article 18)	Compensation in the event of delay in arrival (Article 19)	Other	
From 1 January to 31 December 2021						2			
From 1 January to 31 December 2022						16	1	1	Complaints were against one particular operator who seized its operations within 1 year of starting operating.

## V- Guidance and Enforcement

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

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.

Under the provisions of the Consumers Affairs Act, the Director General can initiate enforcement proceedings by first conducting an investigation either on his own motion or upon a reasonable allegation in writing made by any person of an infringement of consumer legislation. Subsequently where upon the conclusion of an investigation it appears that there was an infringement of consumer legislation, the Director General will institute judicial proceedings before the Civil Court requesting the Court the appropriate remedy or the imposition of penalties. At any stage of the investigations, the Director General may either seek to obtain or accept remedial commitments from the person concerned to cease the alleged infringement.

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.