

Consumer Complaints Handling Bodies

- *Malta Communications Authority*
The Malta Communications Authority (MCA), with the power conferred to it by the eCommerce Regulations³, can hear disputes between consumers and online traders established in Malta. However, prior to considering whether to proceed with a complaint made by a consumer, the MCA first determines whether the consumer has already lodged the complaint with the trader and has failed to reach a satisfactory solution. The Authority has the right not to accept the dispute if it is of the opinion that other means for resolving the matter in a timely manner are available to the parties or if legal proceedings have already been initiated by any of the parties or if another Authority is already investigating the case.
- *Malta Competition and Consumer Affairs Authority (MCCAA)*
In the event of a domestic dispute, whereby no agreement is reached between a trader and a consumer, the consumer can register a complaint with the Office for Consumer Affairs within the MCCAA. After obtaining all the necessary information from the complainant and after evaluating the case, a mediation process is set in motion. However, should this fail to produce the desired outcome, the consumer can then opt to take the case to the Consumer Claims Tribunal.
- *The European Consumer Centre (ECC)*
To instil consumer confidence in cross-border purchases, the EU set up a network of consumer centres in the 28 European countries, Norway and Iceland. These provide consumers with information on their rights under European legislation, whilst giving advice and assistance in the resolution of cross-border disputes. The local office handles complaints that are lodged by consumers in Malta against traders in other Member States. Likewise, a consumer in another Member State having problems with a trader in Malta can register a complaint with his/her country's ECC, who will in turn, liaise with the centre in Malta. In both instances, it is the ECC who will communicate with the trader concerned on behalf of the consumer.

Legal Redress

In the event of a dispute persisting after complaint handling and alternative dispute resolution systems have failed, legal remedies exist for the consumer to seek redress.

- *Consumer Claims Tribunal*
This tribunal has jurisdiction to hear and determine claims by consumers against traders whenever a consumer fails to obtain redress for claims whose value does not exceed €3494 (Lm1,500). However, it is also possible for the trader to make counter claims against a consumer regarding an action brought against him by the consumer in front of the Tribunal. Moreover, the tribunal may award the consumer, up to €233 (Lm100) compensation as moral damages for any pain, distress, anxiety and inconvenience. Additionally it can order either party to pay the other party a penalty of not more than €117 (Lm50) if a claim or defence thereto is considered vexatious or frivolous. It is important to note that before a consumer can submit his claim before the Tribunal, he must have first lodged his claim with the Director General for Consumer Affairs or a registered consumer association.
- *Small Claims Tribunal*
This tribunal, which falls under the jurisdiction of the Maltese law courts, can hear and determine claims submitted by any individual or entity, where the value of the claim does not exceed €3,494 (Lm1,500).

In either case, if the monetary value exceeds €3494 (Lm1,500) then the aggrieved party has to file his claim before the Court of competent civil jurisdiction, the Court of Magistrates if the amount exceeds €3494 (Lm1,500) or the Civil Court if the amount exceeds €11,650 (Lm5,000).

³ LN 251 of 2006 - <http://www.mca.org.mt/infocentre/openarticle.asp?id=986&pref=37>