





MALTA COMMUNICATIONS AUTHORITY


# End-User Affairs: Half Yearly Report

## January – June 2023

MCA/R/23-5053

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## 1. Introduction

One of the main objectives of the Malta Communications Authority (“MCA”) is to safeguard the interests of end-users in the electronic communications (“ECS”), postal and e-commerce sectors.

In order to fulfil this function, the MCA provides assistance to those end-users who encounter difficulties while using any of the services within its remit. In this respect, when an end-user is not satisfied with the redress or response provided by his/her service provider, he/she may file a complaint with the MCA. The extent of the action the MCA can take in relation to a complaint, depends on the particulars of the issues involved and on the MCA's powers at law. There are instances where although the complaints received relate to the provision of a service regulated by the MCA, the Authority is not empowered at law to intervene and would therefore have to refer end-users to other competent entities.

The Authority also receives a number of enquiries, as distinct from complaints, from end-users in relation to the services it regulates. The MCA makes every effort to provide end-users with the requested information in a timely manner. Alternatively, when such requests do not fall directly within MCA's remit, it assists end-users by directing them to the appropriate body. More information on MCA's complaint and enquiry procedure is available at <https://www.mca.org.mt/consumer/help>.

In addition to the above, the MCA monitors the sectors it regulates, and carries out various mystery shopping exercises to identify areas of concern and undertakes the necessary regulatory action to address such issues. In so doing, the Authority ensures that service providers comply with their obligations at law and that end-users are provided with up to date information on their rights and obligations when using any communications services regulated by the MCA.

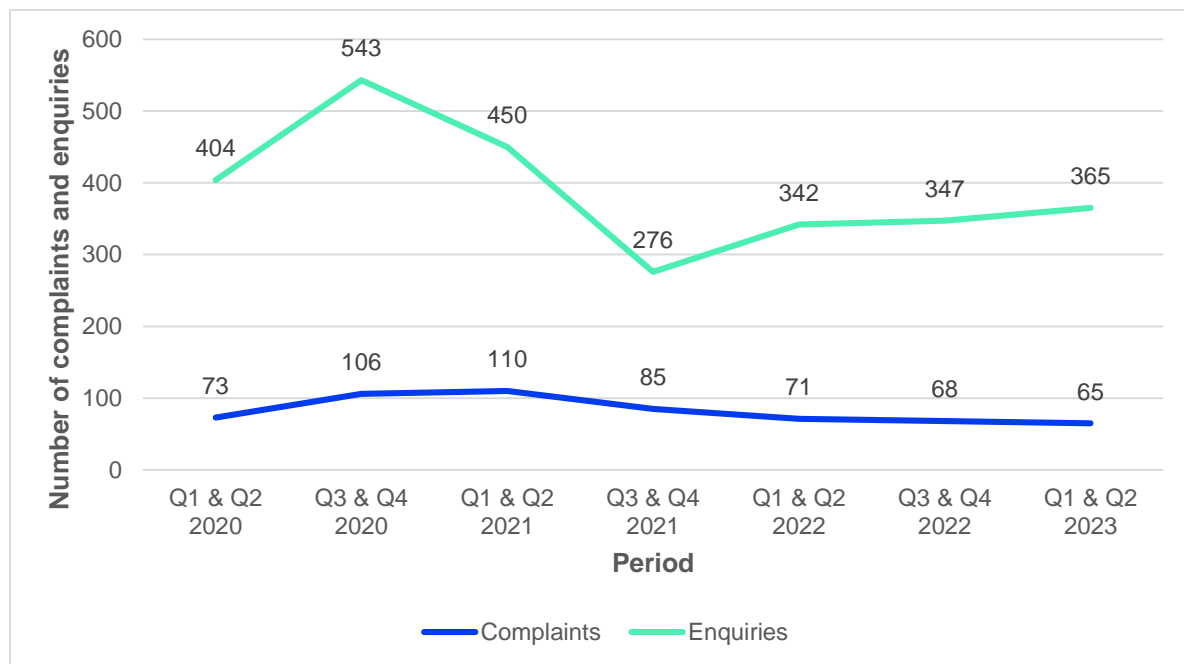
This report provides a statistical analysis of the complaints and enquiries received by the Authority during the first six months of 2023 and also provides information on enforcement actions and related monitoring activities undertaken by the MCA during this period.

## 2. Statistical Overview of Complaints and Enquiries received

Between the 1<sup>st</sup> of January and the 30<sup>th</sup> of June 2023, the MCA received sixty-five (65) complaints, a slight decrease of four percent (4%) when compared to the previous period (July to December 2022). During the period under review, the MCA also received three hundred sixty-five (365) enquiries, an increase of five percent (5%) when compared to the previous period. Figure 1 below provides further details on the trends of complaints and enquiries received from Quarter 1 (Q1) and Q2 of 2020 till Q1 and Q2 of 2023<sup>1</sup>.

Figure 1

Complaints and Enquiries (Q1 & Q2 2020 – Q1 & Q2 2023)



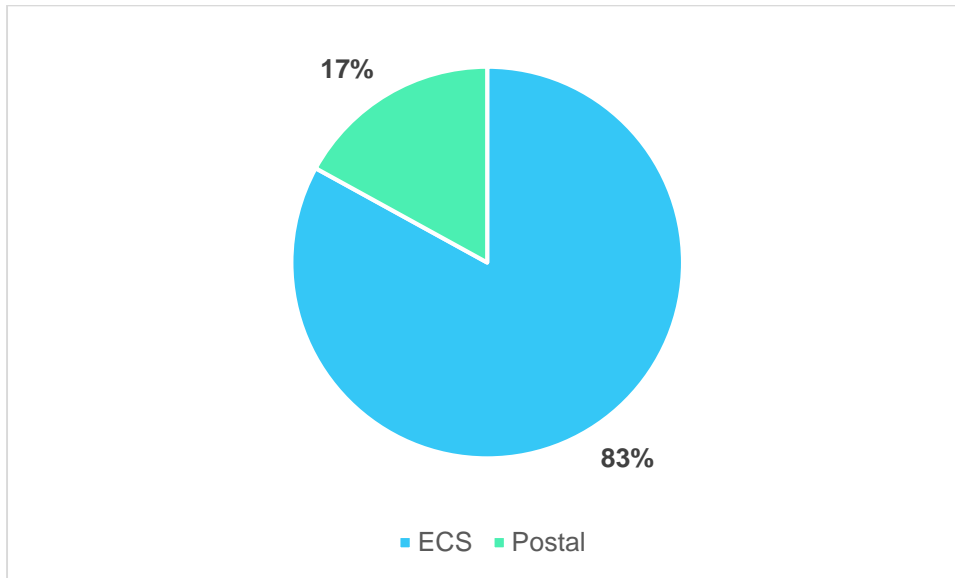
The MCA receives complaints from end-users about their landline, mobile, internet, TV and postal services. These complaints tend to be more complex in nature due to the fact that the MCA requires that end-users seek its intervention only after they have lodged a complaint with their service provider and should they still not be satisfied with the outcome of their claim.

Figure 2 shows the proportion of the electronic communications services (ECS) to postal services complaints received by the MCA during the first six (6) months of 2023.

<sup>1</sup> Q1 refers to the period January to March, Q2: April to June, Q3: July to September; and Q4: October to December.

Figure 2

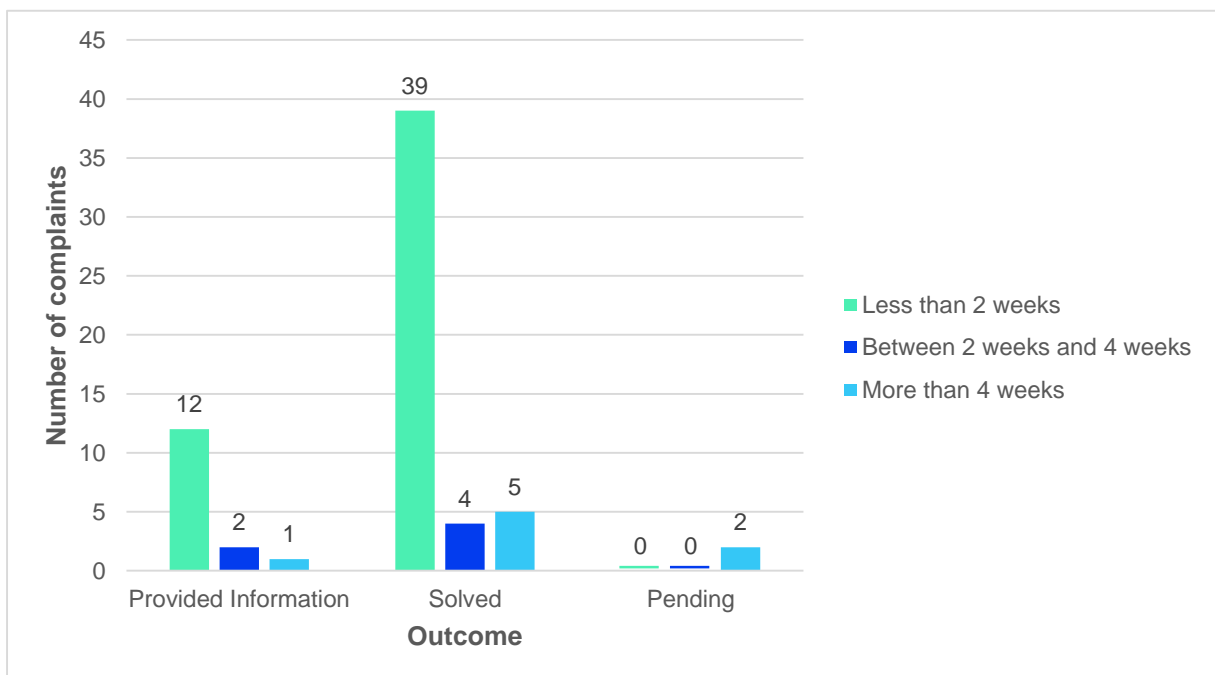
Complaints received by MCA (January – June 2023), classified by sector



The time required to address a complaint may vary from one instance to another depending on the nature of the particular case. The MCA commits to close complaints within the shortest timeframe possible. During the period under review seventy-nine percent (79%) of all complaints received were addressed within two (2) weeks. Eighty-eight percent (88%) were closed within twenty (20) working days. By the time of publishing this report the MCA had 2 pending cases.

Figure 3

Time taken by MCA to Handle Complaints (from receipt to closure), January – June 2023

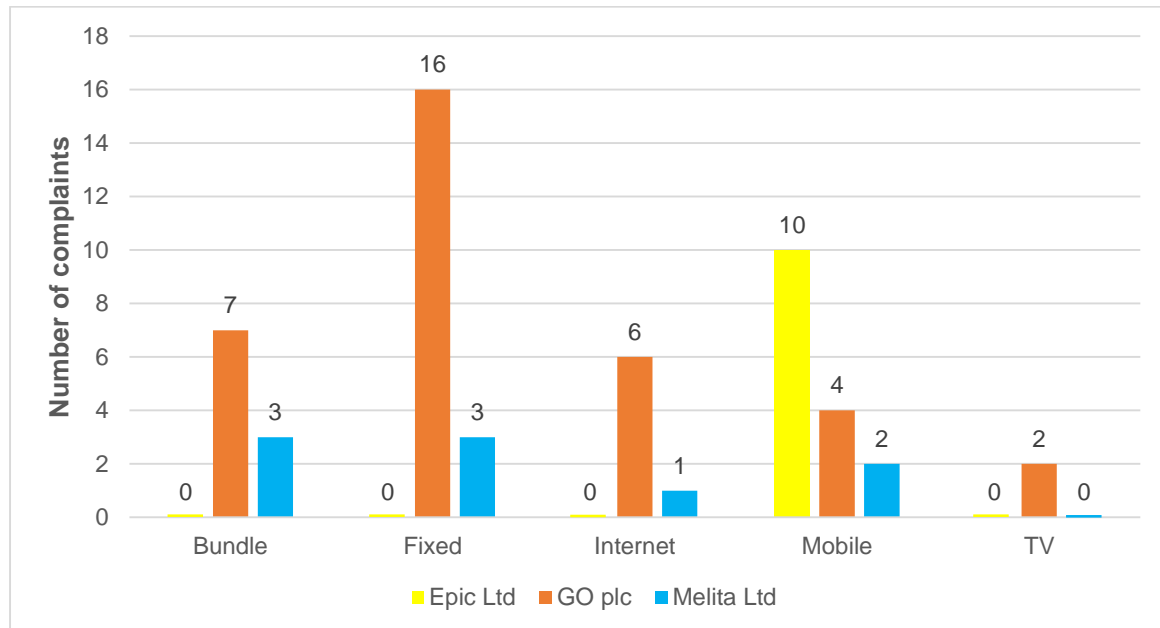


### 3. Electronic Communications

Figure 4 provides statistical information about the total number of electronic communication services complaints received by MCA during the first six (6) months of 2023, classified in accordance with the complainant's ECS provider.

Figure 4

Complaints received by MCA (January – June 2023), classified by service and ECS Provider



Sixty-one percent (61%) of the ECS complaints received during the first half of 2023, related to quality of service (QoS) followed by complaints in relation to billing issues twenty percent (20%), termination and switching of services thirteen percent (13%) and contractual complaints six percent (6%).

### 3.1 Quality of Service and Service Provision

Complaints received which are classified in this category include complaints regarding faults: eleven (11), customer care: ten (10), installation of services: four (4), internet speeds: three (3), mobile reception: three (3), and non-access to service/s: two (2).

The MCA received a total of eleven (11) fault reports from the different end-users, in relation to fixed telephony, fixed internet and TV. In ten (10) of these cases the faults were repaired by the respective providers and end-users were provided compensation in line with their service provider's compensation scheme. In cases where the faults could not be repaired within a short timeframe, end-users were also provided with a temporary solution until the services were fully restored. In one of the cases, the MCA guided the end-user to check his/her devices and equipment as it resulted that the fault was not originating from the service provider's end.

The MCA received ten (10) complaints from end-users who were unable to reach their service provider's customer support through telephone. In these cases, the end-users' details were forwarded to the respective service provider in order for these to be contacted and assisted accordingly. The majority of the customer care complaints received (8) were related to GO plc. Notwithstanding these complaints, towards the end of the period under review, the MCA noticed a considerable improvement in the response time taken by GO to answer telephony customer care calls. Section 5 of this report provides more information on the mystery shopping activity that the MCA carries out on a daily basis with regards to the telephony customer care response time of service providers. The MCA will continue to monitor the performance of providers in answering customer care telephony calls until it is satisfied that end-users will be able to have access to a customer care agent within a reasonable time from making their call. In order to assist end-users, the MCA publishes information of the different customer care support channels offered by local service providers in one comprehensive and easily accessible fact sheet. This can be accessed through the following link: <https://www.mca.org.mt/articles/telecoms-customer-care-support>.

During this period the MCA received four (4) complaints related to reports from end-users regarding delays in having their services installed. In the majority of these cases, service providers could not complete the installations by the date committed to with end-users, due to difficulties experienced in accessing third party properties. The MCA monitored the progress made in these cases and ensured that all possible measures were taken by service providers to complete installations within the shortest timeframes possible.

During the period under review, the MCA received two (2) complaints regarding non-access to service which are being summarised hereunder:

**Case 1:** An end-user was experiencing difficulties with outgoing calls and SMS towards Greek mobile numbers. The service provider suggested that the end-user changes some settings in his/her phone and the matter was resolved immediately.

**Case 2:** The end-user's services were suspended without any prior notice due to non-payment of bills. The MCA intervened amicably in this matter and the service provider agreed that the services are restored and the end-user agreed to settle all outstanding bills.

### 3.2 Billing, Charges and Tariffs

This category of complaints includes claims received regarding incorrect billing or overcharging: nine (9), itemised billing: one (1), and non-payment of bills: one (1).

Out of the nine (9) overcharging complaints received, MCA's investigations concluded that in two (2) cases the charges disputed by the subscribers were charged by the providers incorrectly. These two (2) cases are summarised hereunder:

**Case 1:** The end-user was charged for a roaming bundle but was not notified by the provider that such roaming bundle was activated whilst roaming in a non-EU/EEA country. Furthermore, the end-user also received a welcome SMS which was not applicable to the tariff plan he was subscribed to. In view of these shortcomings, the provider agreed to refund this amount (i.e. €17.97).

**Case 2:** An end-user received a bill with a usage of €538.43 for MMS services which the end-user claimed to have not sent. When the end-user initially lodged a complaint with the service provider, the end-user was provided with a partial refund of €270. The MCA referred the matter to the service provider and after an investigation was carried out, the provider agreed to refund the full amount of €538.43 billed to the end-user.

In the remaining other seven (7) overcharging complaints, the MCA provided the end-users with the necessary information and clarifications regarding the disputed charges and no further action was required from the MCA.

The MCA received one (1) complaint related to itemised billing. In this case, due to a technical issue the end-user was unable to view the usage he made for a particular month. The service provider in question, resolved the issue and granted the end-user access to the itemised bill usage as requested.

### 3.4 Termination and Switching

This category of complaints includes claims received regarding number portability and termination of service/s.

In total the MCA received four (4) number portability complaints during the period under review. The MCA followed these complaints with the respective service providers to ensure that cases were addressed in the shortest timeframe possible.

During this period the MCA received three (3) complaints regarding termination of service. In two (2) of the cases referred to the MCA, the respective service providers disconnected the end-users' services without any notice or justification. The Authority intervened to have the services reinstated. In the other case, the Authority provided guidance to the end-user on the procedure they needed to follow to terminate the service/s.



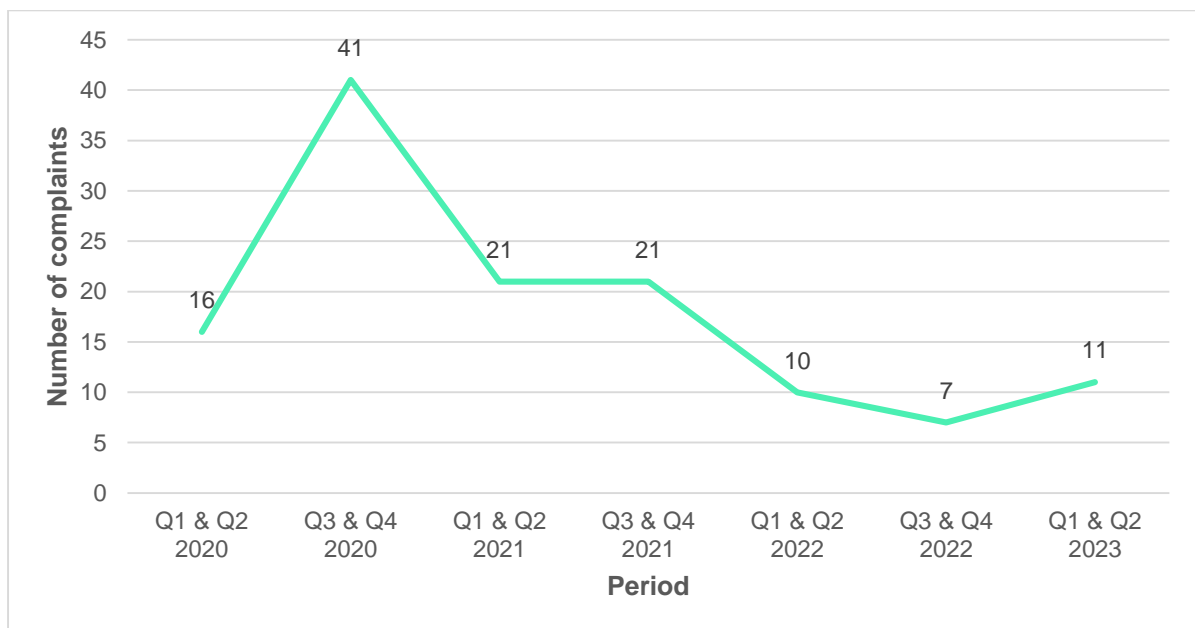
## 4. Postal Services and E-Commerce

The MCA registered eleven (11) postal complaints during the first six months of 2023.

Figure 5 shows the trends in postal complaints received by the MCA between Q1 & Q2 of 2020 and Q1 & Q2 of 2023.

Figure 5

Postal Complaints (Q1 & Q2 2020 – Q1 & Q2 2023)



The complaints received by the Authority related to undelivered mail: six (6), redirection of mail: two (2), customer care: two (2) and delayed delivery: one (1).

Complaints regarding undelivered, redirection and delayed mail vary from one another and may therefore require different redress depending on the particular circumstances of the case. In general, when investigating complaints which relate to undelivered mail, redirection of mail or delayed delivery, the Authority refers the details of the cases to respective postal operator for it to monitor more closely the provision of the services provided in the affected areas being reported to ensure that any identified issues are addressed.

More information on postal services and the type of redress applicable in cases of lost or undelivered mail is available in the end-users' section on [MCA's website](#).

During the first six months of 2023, the MCA did not receive any complaints regarding e-Commerce services.

## 5. Customer Care Telephone Response Time

The MCA conducts an ongoing mystery shopping exercise aimed at measuring the time taken for a telephone call to be answered by a customer care agent of the main communications service providers.

Figure 6 (Electronic Communication Services Providers) and Figure 7 (MaltaPost) present a moving average trend line based on measurements recorded for each operator. Ongoing analysis of such metrics and relative trends, helps the MCA in carrying out its compliance monitoring function, especially when sudden shift in trends are recorded. The test calls made by MCA are terminated after a lapse of five (5) minutes if no customer care agent attends to the call.

### Electronic Communications Service Providers ('GO plc', 'Melita Ltd', 'Epic')

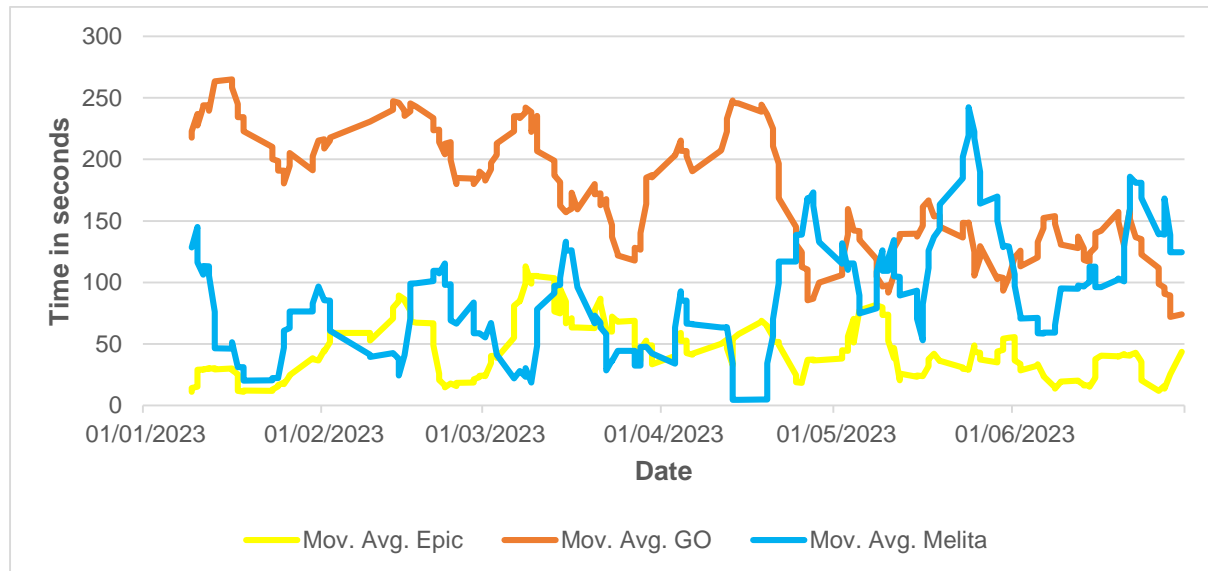
During the period under review the MCA carried out eight hundred and eighty-eight (888) calls to the customer care telephony support lines of the three main service providers. From this mystery shopping exercise seventy-nine (79%) of the calls made were answered within 5 minutes when compared to fifty-nine percent (59%) of the calls made during the previous 6 months. Furthermore, sixty (60%) of the calls made during the first six months of 2023 were answered within two (2) minutes when compared to forty-four percent (44%) of the calls made during the last six months of 2022.

The following table shows the percentage of the calls answered within five (5) minutes and within two (2) minutes by the respective service provider.

	<b>GO</b>	<b>Epic</b>	<b>Melita</b>
Calls answered within 5 minutes	65%	99%	87%
Calls answered within 2 minutes	42%	88%	68%

Figure 6

Electronic Communications Services Providers - Average Call Waiting Time (in seconds) to be answered by a Customer Care Agent (January – June 2023)



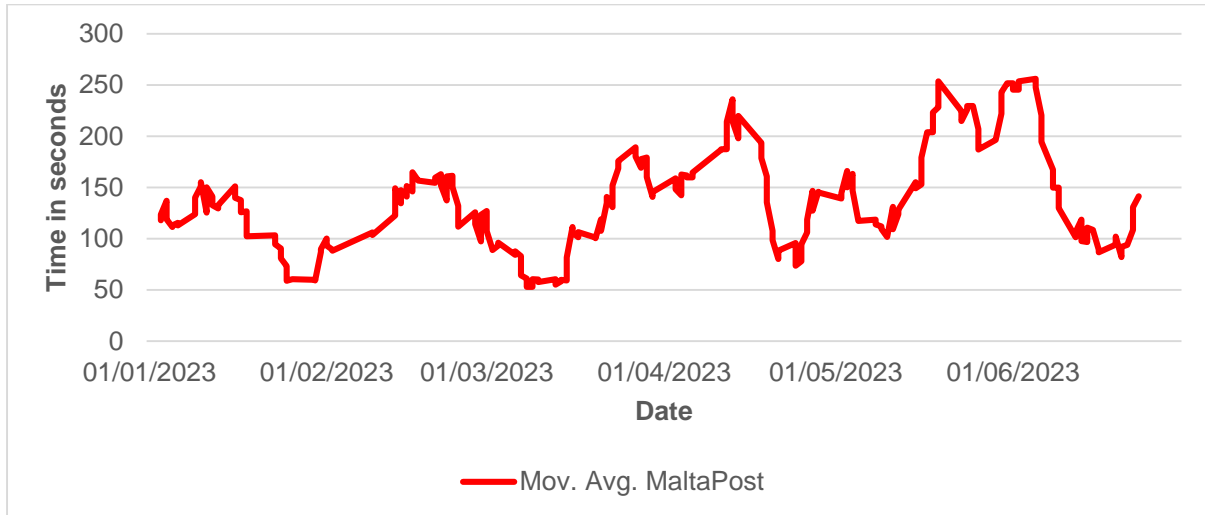
#### Postal Universal Service Provider ('MaltaPost')

On the basis of two hundred and twenty-two (222) measurements taken at various times of the day between January and June 2023, eighty-three percent (83%) of the calls made to MaltaPost's customer care telephony service were answered within five (5) minutes, compared to ninety-one percent (91%) from calls made in the last six (6) months of 2022. Furthermore, fifty-one percent (51%) of the calls made were answered within two (2) minutes, when compared to seventy-six percent (76%) from calls made during the last six (6) months of 2022.

Figure 7 provides details of these measurements. As previously stated, maximum call waiting time for the purpose of this exercise is capped at 300 seconds.

Figure 7

MaltaPost – Average Call Waiting Time (in seconds) to be answered by a Customer Care Agent (January – June 2023)



## 6. MCA Initiatives

Throughout the period under review the MCA embarked on a number of consumer protection initiatives which are summarised hereunder.

### **Publication of a Decision Notice titled ‘Contracts, Transparency and Termination’**

In February 2023, the MCA published a [‘Decision Notice’](#) which includes a set of rules to be followed by electronic communications service providers with the aim of strengthening end-user protection for telephony, internet and TV distribution services. This new Decision Notice updates and consolidates previous MCA decisions from 2011 and 2012, taking into account new developments and emerging issues in the telecommunications market. The rules contained in the Decision Notice address various subjects, including:

- Measures to be adhered to by providers when they decide to change any of the contractual conditions of their end-users;
- Requirements on additional information to be included in contracts with end-users;
- Requirements to be followed by providers when concluding contracts with end-users;
- Transparency measures relating to the publication of information on services offered;
- Measures on the applicability of early termination fees;
- Measures on the refund of any unutilised advance payment or refundable deposit upon termination of a subscription or change of tariff plan;
- Proposals on the provision of facilities that would ensure continued access of e-mails upon termination of an internet access service; and
- Measures to be followed to by providers in cases where end-users fail to pay their bills.

The Decision Notice also provides guidance to stakeholders on the correct application of several end-user right requirements outlined in the laws administered by the MCA. The ‘Decision Notice’ shall become applicable on the 1st of September 2023.

### **Contracts Which Enable Increases in Charges and Fees in Accordance with Changes in an Objective Consumer Price Index Compiled by a Public Institution**

In the first half of 2023, a number of electronic communications service providers introduced clauses in some of their subscriber contracts’ which enable them to increase any charges and/or fees of their service/s plans by an amount which corresponds to an objective consumer price index compiled by a public institution. These clauses state that end-users will not be entitled to terminate their contract without incurring the applicable early termination fees when such increase in charges and/or fees are implemented.

This subject matter was at the centre of a ruling given by the Court of Justice of the European Union ‘CJEU’ in response to a question referred by the Supreme Court of Austria, following a dispute between the Austrian Consumers’ Association and A1 Telekom Austria AG. In this case, the CJEU ruled that a change in charges in accordance with changes in an objective consumer price index compiled by a public institution for the provision of electronic

communications networks or services, resulting from the operation of a price adjustment clause contained in the standard terms and conditions does not constitute a modification to the contractual conditions which grants the subscriber the right to withdraw from the contract without penalty.

The MCA is concerned that the inclusion of such clauses in end-user contracts will have a negative impact on end-users. To this effect, in August 2023, the MCA launched a public consultation in which it proposed a set of measures to be adhered to by providers in order to provide end-users a higher level of protection when subscribing to contracts which contain such clauses. The consultation period will run until 29 September 2023. Until then, interested stakeholders are invited to submit their written comments to the MCA on [consultations@mca.org.mt](mailto:consultations@mca.org.mt).

### **Compliance Study**

During the first half of 2023, the MCA conducted a mystery shopping exercise to gauge the correct implementation by ECS providers of end-user protection measures contained in S.L. 399.48 of the Electronic Communications Services and Networks (Regulations) 'ECNSR' and other MCA decisions.

For the scope of this exercise in February 2023, the MCA subscribed to a mobile post-paid subscription of the three (3) local mobile providers. This exercise was completed in accordance with Article 29 (1) (i) of the Malta Communications Authority Act which empowers the MCA to purchase services, *'in order to detect infringements of any provisions of this Act or of any other law which the Authority is empowered to enforce, or of any decision taken by the Authority'*.

During this exercise a number of shortcomings came to light which the MCA referred to the attention of the respective mobile service providers for the necessary action. In the coming months, the MCA plans to conduct a fresh mystery shopping exercise. The findings as well as any remedial actions taken by providers shall be included in a report which the MCA intends to publish in due course.

### **TELECOSTS ([www.telecosts.com](http://www.telecosts.com))**

Telecosts is a price comparison tool which assists consumers to select the most suitable service plan/s for their electronic communications needs by comparing the prices of various services offered by all the different local service providers. Throughout the period under review the MCA maintained the portal updated with the latest service plans offered by different providers.

When visiting the portal, consumers need to first choose the service (fixed telephony, mobile telephony, internet and bundles) they wish to compare and then complete a short series of questions, allowing them to filter the choices given based on their preferences. Consumers are then provided with a list of service plans which fit their indicated preferences, sorted in accordance of the calculated monthly cost starting from the cheapest service plan available. The portal can be accessed through the following link: <https://www.telecosts.com/>.

## Awareness Raising Initiatives

During the first half of 2023, the MCA embarked on several initiatives to raise awareness amongst consumers on different topics ranging from amongst others:

- the rights emanating from the 'Roaming Regulations' which are intended to safeguard end-users' interests when using their mobile services whilst roaming ([link](#) to MCA's roaming FAQs);
- the importance of being vigilant of any scams when making use of electronic communications services and on how to avoid becoming a victim ([link](#) to an MCA's article on this subject matter);
- The use of MCA's price comparison portal [www.Telecosts.com](http://www.Telecosts.com);
- The rights and obligations consumers have when porting their telephony service provider (<https://www.mca.org.mt/consumer/faqs?language=en>);
- Installation charges which may apply when subscribing to a new fixed telephony, fixed internet or TV service (<https://www.mca.org.mt/articles/installation-services-what-you-need-know>);
- Fault repair timeframes and compensations schemes which may apply if contracted QoS levels are not met (<https://www.mca.org.mt/articles/fault-repair-timeframes-and-compensation-schemes>);
- Service providers customer care support channels (<https://www.mca.org.mt/articles/publicly-available-electronic-communications-services-support-channels>);
- The provision of a contract summary to end-users before they subscribe to a contract (<https://www.mca.org.mt/consumer/faqs?language=en>).

The MCA used variety of media channels to disseminate information about consumer rights including [MCA's Facebook page](#) and [MCA's website](#).

