





MALTA COMMUNICATIONS AUTHORITY

End-User Affairs: Half Yearly Report

July – December 2023

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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.

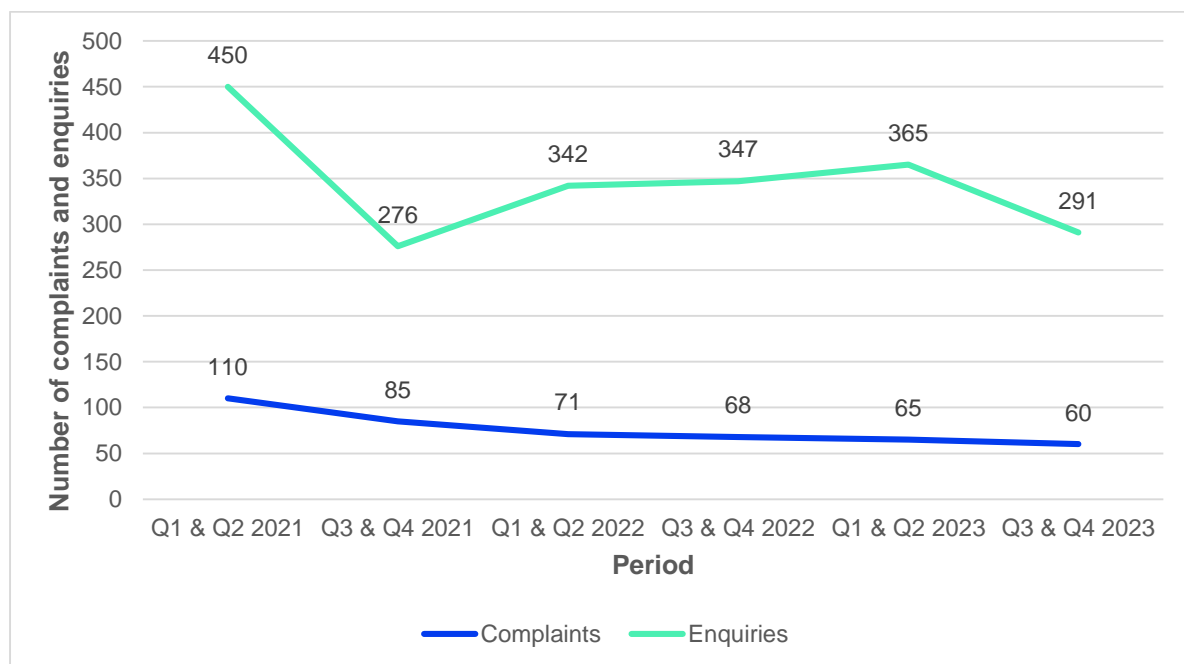
This report provides a statistical analysis of the complaints and enquiries received by the Authority during the last six months of 2023 and also provides information on enforcement actions and related monitoring activities undertaken by the MCA during this period.

2. Statistical Overview of Complaints and Enquiries received

Between the 1st of July and the 31st of December 2023, the MCA received sixty (60) complaints, compared to sixty-five (65) complaints received in the previous period (January to June 2023). During the period under review, the MCA also received two hundred ninety-one (291) enquiries, a decrease of twenty percent (20%) 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 2021 till Q3 and Q4 of 2023¹.

Figure 1

Complaints and Enquiries (Q1 & Q2 2021 – Q3 & Q4 2023)



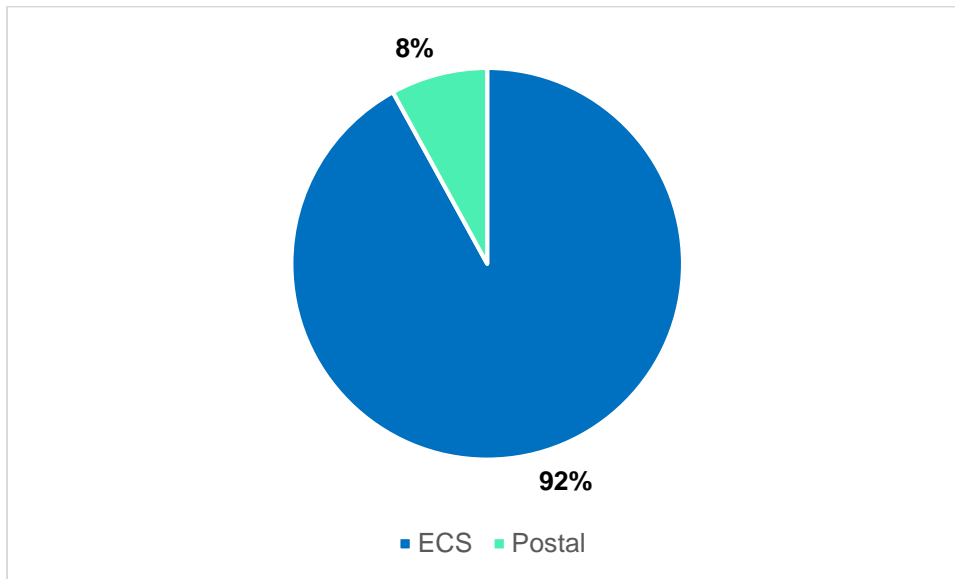
The MCA receives complaints from end-users about their landline, mobile, internet, TV and postal services. These complaints tend to be more complex in nature due to the fact that the MCA requires that end-users seek its intervention only after they have lodged a complaint with their service provider 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 last six (6) months of 2023.

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

Figure 2

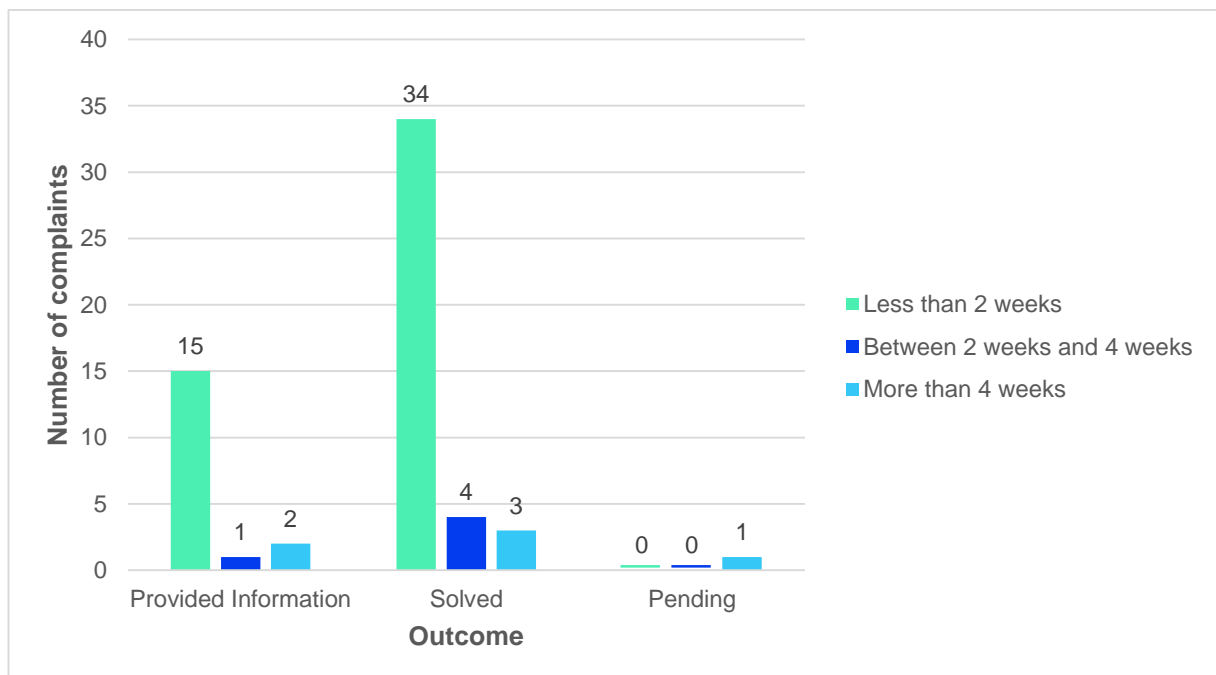
Complaints received by MCA (July – December 2023), classified by sector



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 eighty-two percent (82%) of all complaints received were addressed within two (2) weeks. Ninety percent (90%) were closed within twenty (20) working days. By the time of publishing this report the MCA had 1 pending case.

Figure 3

Time taken by MCA to Handle Complaints (from receipt to closure), July – December 2023

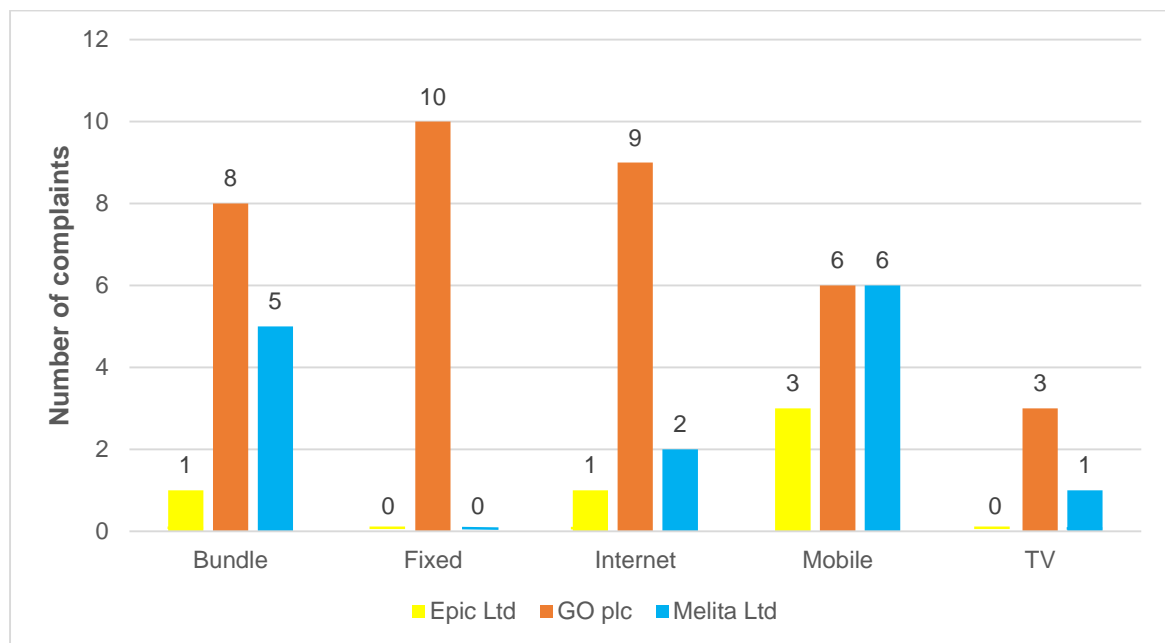


3. Electronic Communications

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

Figure 4

Complaints received by MCA (July – December 2023), classified by service and ECS Provider



Seventy-three percent (73%) of the ECS complaints received during the second half of 2023, related to quality of service (QoS) followed by complaints in relation to billing issues eighteen percent (18%), termination and switching of services five percent (5%) and contractual complaints four percent (4%).

3.1 Quality of Service and Service Provision

Complaints received which are classified in this category include complaints regarding faults: twenty-four (24), internet speed: five (5), installation of services: three (3), customer care: three (3), non-access to service/s: three (3), and indoor mobile reception: two (2).

The MCA received a total of twenty-four (24) fault reports from the different end-users, in relation to fixed telephony, fixed internet, mobile and TV. In eighteen (18) 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 scheme². 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 case, a solution could not be found and the end-user was provided the option to terminate the contract without incurring penalty fees. In four (4) 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 Authority received five (5) complaints regarding poor internet performance. In these cases, end-users were invited to provide screenshots of speed tests carried out through a wired connection. In four (4) of the cases received, after the end-users provided the MCA with screenshots of speed tests showing lower speeds than those listed in their contract, the MCA contacted the respective service provider in order to ensure that the necessary actions are taken to address these issues. In the remaining case, the information provided by the subscribers indicated that the issues experienced were being caused by external factors beyond the service providers' control. In these instances, the MCA provided tips and other information which could help to improve the internet coverage range over Wi-Fi connections.

During this period the MCA received three (3) 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 and/or the availability of network in the area. 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.

The MCA received three (3) 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.

During the period under review, the MCA received three (3) complaints regarding non-access to service which are being summarised hereunder:

Case 1: The end-user requested his service provider to reconnect the service at his second residence since it had been temporarily disconnected following a previous request made by the end-user. Whilst the service provider acknowledged the end-user's request it was not processed accordingly and the services were not reconnected as requested. Following MCA's intervention, the services were activated.

Case 2: The end-user subscribed to a mobile service and requested a specific number. Due to a technical error from the service provider's end the contract was not assigned to the number requested by the end-user. As a result, the end-users' contacts were trying to contact him on a different number and were not reaching their intended recipient. Following MCA's intervention the matter was addressed to the end-user's satisfaction.

² The MCA is publishing information on the different fault repair timeframes and compensation schemes published by service providers in the terms and conditions of subscriber contracts'. This table is intended to serve as a tool for consumers to seek easily accessible information on the type of redress they should expect to receive when experiencing faults. This table can be accessed in PDF format from [here](#).

Case 3: The end-user's mobile service was suspended due to non-payment of bills. Following the necessary investigations, it transpired that the end-user had requested to settle the bills via direct debit mandate, however this request was not processed accordingly by the provider. Although the end-user resorted to paying the bills manually, for some reason the service provider's systems did not recognise these payments and suspended for the end-user's services due to non-payment of bills. The service provider reconnected the service following MCA's intervention.

The MCA received two (2) complaints regarding mobile reception. The complaints referred to the MCA were related to poor indoor mobile network signal. In the cases referred to us, the MCA managed to find a remedial action with the respective service provider to the satisfaction of the end-users.

3.2 Billing, Charges and Tariffs

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

Out of the nine (9) overcharging complaints received, MCA's investigations concluded that in five (5) cases the charges disputed by the subscribers were charged by the providers incorrectly. In four (4) of these cases, MCA's investigation revealed that the end-users were entitled to receive a discount or refund on their bill which was promised by their service provider but was not processed.

The MCA also received a complaint whereby an end-user was charged for an unreturned equipment which he claimed that he never had. Upon further investigations, it resulted that the equipment was issued under the end-user's name erroneously. This charge amounted to €150 which was adjusted accordingly.

In the remaining other four (4) 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, the end-user raised a request to view the pre-paid usage report, however, his request was not processed accordingly. After MCA's intervention the service provider in question provided the end-user with a copy of the usage report and also issued a compensation for the delay in processing his request.

3.4 Termination and Switching

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

During this period the MCA received two (2) complaints regarding termination of service. In both these cases, the MCA provided guidance to the end-users on the procedure they needed to follow to terminate the service/s.

The MCA received one (1) mobile number portability complaint during the period under review. The MCA followed this complaint with the respective service providers and ensured that the case was addressed in the shortest timeframe possible.

3.5 Contractual

During this period the MCA also received two (2) complaints regarding contractual related matters.

In one of these complaints, the end-user was not provided with a copy of the contract. The MCA intervened and requested the respective service provider to provide the end-user with a copy of the signed contract. In the other complaint, the MCA found no grounds of non-compliance by the provider and hence the MCA provided the necessary clarifications to the concerned end-user.

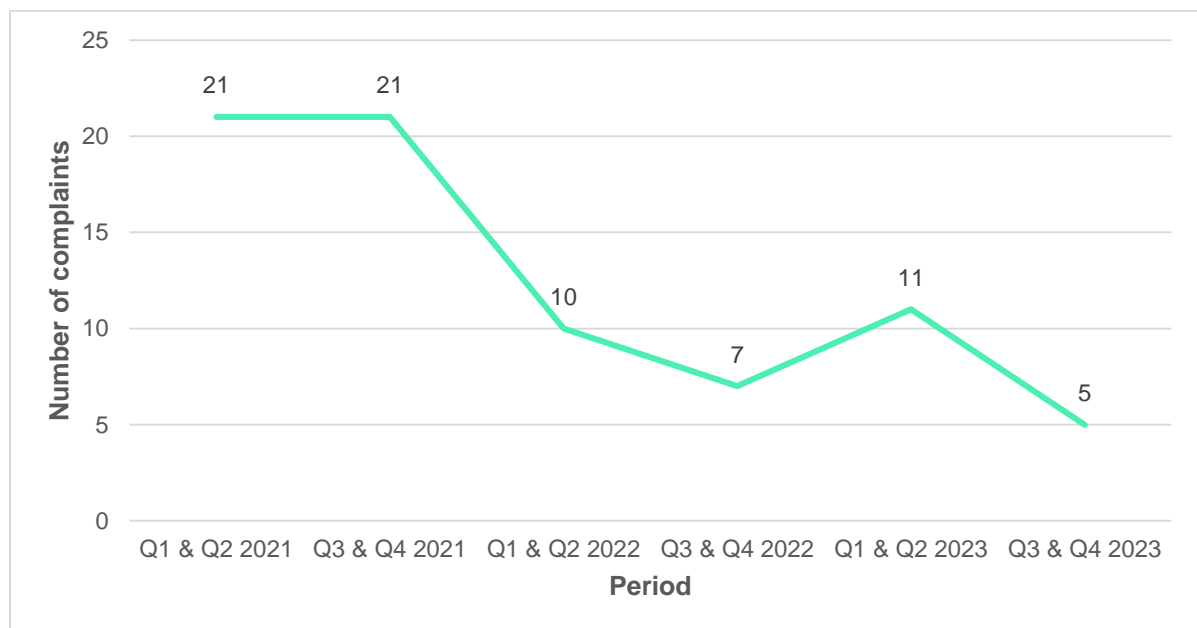
4. Postal Services and E-Commerce

The MCA registered five (5) postal complaints during the last six months of 2023.

Figure 5 shows the trends in postal complaints received by the MCA between Q1 & Q2 of 2021 and Q3 & Q4 of 2023.

Figure 5

Postal Complaints (Q1 & Q2 2021 – Q3 & Q4 2023)



The complaints received by the Authority related to registered mail: two (2), undelivered mail: two (2) and mis-delivered mail: one (1).

The postal complaints received by the MCA in the last six months require different redress depending on the particular circumstances of the case. In general, when investigating complaints which relate to undelivered or mis-delivered mail, 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 last 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.

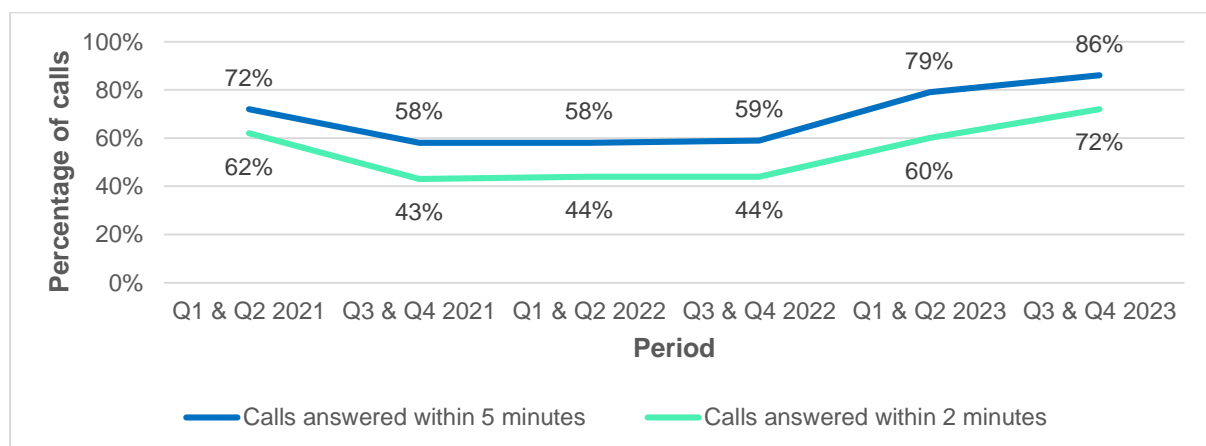
Figure 7 (Electronic Communication Services Providers) and Figure 8 (MaltaPost) present a moving average trend line based on measurements recorded for each operator. Ongoing analysis of such metrics and relative trends, helps the MCA in carrying out its compliance monitoring function, especially when 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 nine hundred and eleven (911) calls to the customer care telephony support lines of the three main service providers. From this mystery shopping exercise eighty-six percent (86%) of the calls made were answered within 5 minutes when compared to seventy-nine percent (79%) of the calls made during the previous 6 months. Furthermore, seventy-two percent (72%) of the calls made during the last six months of 2023 were answered within two (2) minutes when compared to sixty percent (60%) of the calls made during the first six months of 2023. The MCA noticed an improvement in the response time of ECS providers when compared to previous periods as can be seen from 'Figure 6' below.

Figure 6

Electronic Communications Services Providers – Percentage of calls response time (Q1 & Q2 2021 – Q3 & Q4 2023)

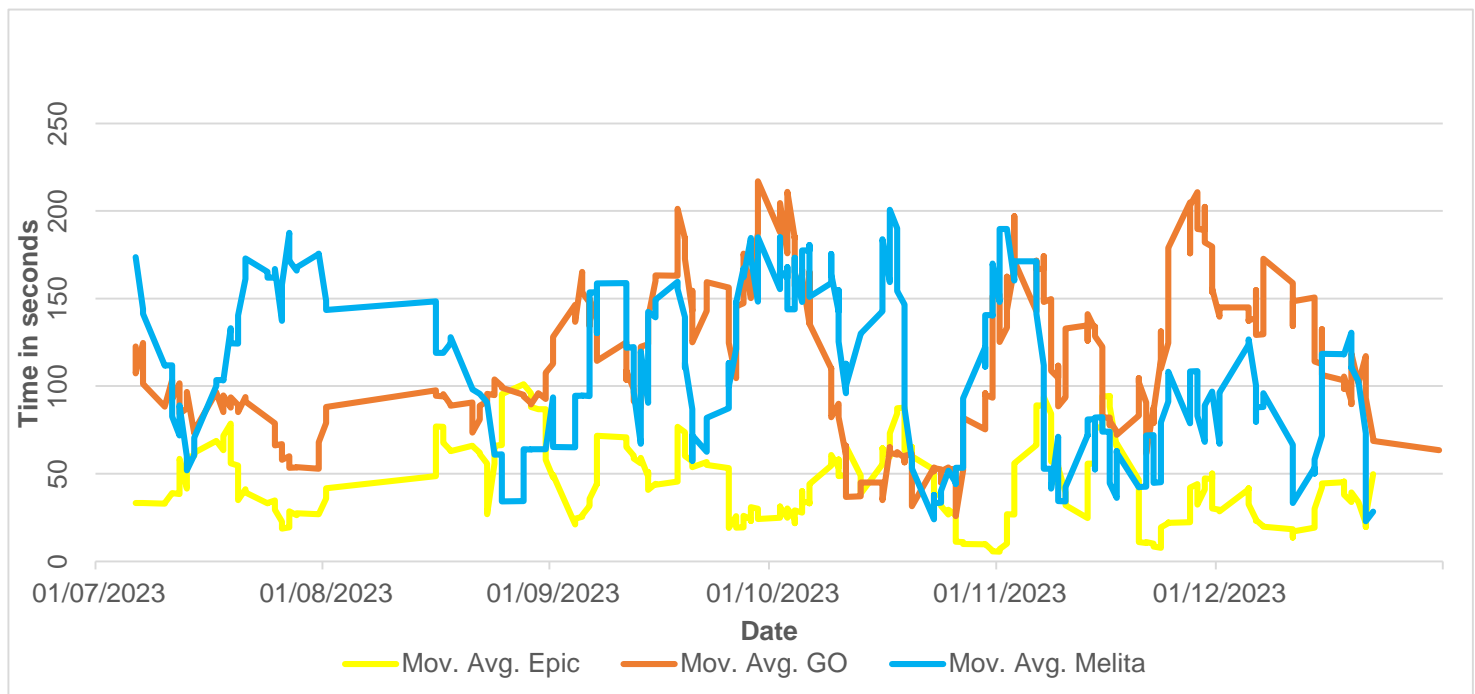


The following table shows the percentage of the calls answered within five (5) minutes and within two (2) minutes by the respective service provider.

	GO	Epic	Melita
Calls answered within 5 minutes	83%	98%	79%
Calls answered within 2 minutes	64%	90%	64%

Figure 7

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



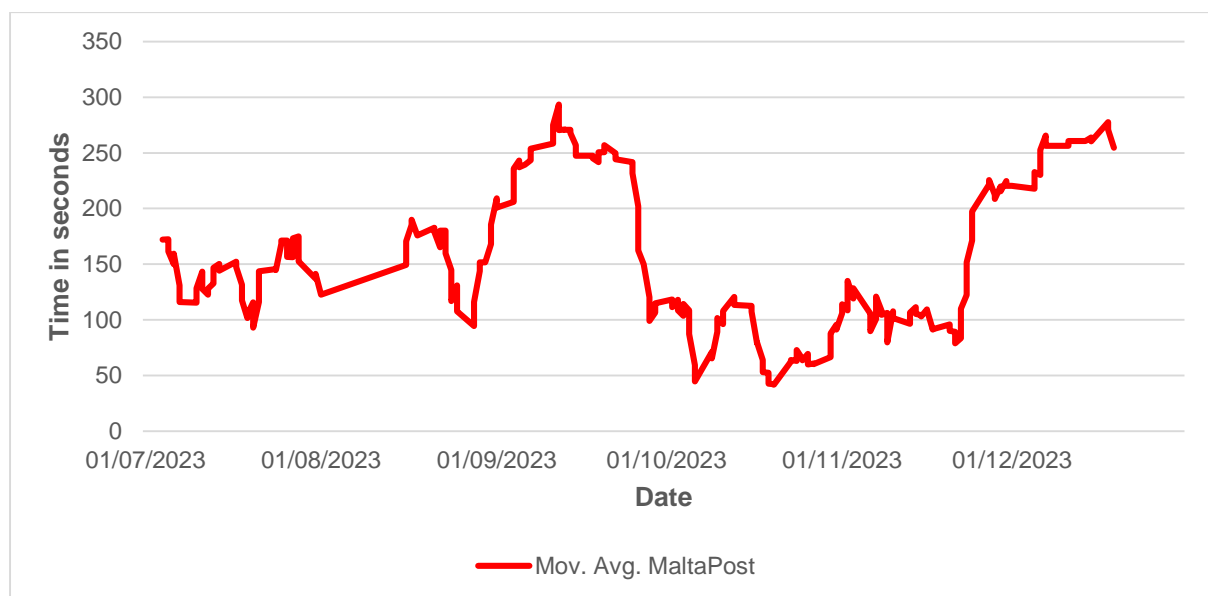
Postal Universal Service Provider ('MaltaPost')

On the basis of two hundred and fourteen (214) measurements taken at various times of the day between July and December 2023, eighty-one percent (81%) of the calls made to MaltaPost's customer care telephony service were answered within five (5) minutes, compared to eighty-three percent (83%) from calls made in the first six (6) months of 2023. Furthermore, forty-five percent (45%) of the calls made were answered within two (2) minutes, when compared to fifty-one percent (51%) from calls made during the first six (6) months of 2023.

Figure 8 provides details of these measurements. As previously stated, maximum call waiting time for the purpose of this exercise is capped at 300 seconds.

Figure 8

MaltaPost – Average Call Waiting Time (in seconds) to be answered by a Customer Care Agent (July – December 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 MCA's Decision on 'Price Indexation Clauses'

In recent months, several providers have introduced clauses in subscriber contracts allowing them to adjust charges or fees based on an objective consumer price index compiled by a public institution. These clauses, referred to as 'price indexation clauses', restrict consumers from terminating contracts without incurring early termination fees upon such adjustments.

On 7th December 2023 the MCA published a [Decision Notice](#), mandating requirements for providers of publicly available ECS, other than NI-ICS and other than transmission services used for the provision of M2M, offering service/s plans which are subject to a 'price indexation clause'.

Noteworthy requirements include:

- Maximum contract duration of new contracts with 'price indexation clauses' limited to six (6) months, effective from 8th January 2024;
- Providers may offer plans with a commitment period of up to twenty-four (24) months, provided they exclude 'price indexation clauses';
- Providers must obtain explicit consent from consumers before concluding contracts with a minimum duration period and which include 'price indexation clauses,' effective from 8th March 2024;
- Enhanced transparency obligations for contract summaries and websites publicising plans with price indexation clauses, effective from 8th March 2024;
- (Applicable only to contracts entered into before the publication and/or coming into force of the Decision): After six (6) months from the contract signing date, consumers have the right to terminate contracts without incurring early termination fees if providers implement price changes based on 'price indexation clauses', effective immediately. i.e. 7th December 2023.

During the first week of January 2024, the only two (2) local providers which were including 'price indexation clauses' in their contracts stopped including such 'price indexation clauses' in the contracts being offered to new prospective subscribers.

Decision 'Contracts, Transparency and Termination' comes into effect

In February 2023, the Malta Communications Authority (MCA) published a [Decision Notice](#) which became applicable on the **1st of September 2023** and which includes a set of rules (some of which are being retained from previous MCA decisions issued in 2011 and 2012) to be adhered to by electronic communications service providers with the aim of enhancing end-user protection within the telecoms sector.

The rules contained in this decision cover various subject matters and include:

1. Measures to be adhered to by providers when they decide to change any of the contractual conditions of their end-users (including termination of service/s plans and cessation of services);
2. Requirements on additional information to be included in contracts concluded with end-users. These include information requirements on:
 - a) E-mail forwarding or access to e-mails after termination of the contract with a provider of an internet access service;
 - b) Non-Payment of Bills; and
 - c) Limitations that may apply for the re/transmission of European football content.
3. Requirements to be adhered to by providers when concluding contracts with end-users to obtain their consent to subscribe to a service/s plan;
4. Transparency measures relating to the publication of information on services offered on the providers' website;
5. Measures on the applicability of early termination fees;
6. Measures on the refund of any unutilised advance payment or refundable deposit upon termination of a subscription or upon change of tariff plan;
7. Proposals on the provision of facilities that would ensure continued access of e-mails upon termination of an internet access service; and
8. Proposals on measures to be adhered to by providers in instances where end-users fail to pay their bills.

In addition to this, MCA's Decision Notice document also provides guidance to stakeholders on the correct application of several end-user right requirements contained in the laws administered by the MCA.

TELECOSTS (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 second 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;
- Tips to end-users on how to enhance their internet experience (<https://www.mca.org.mt/internet>);
- Awareness on the use of postcodes (<https://www.mca.org.mt/consumer/faqs>).

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



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