



World Consumer Protection Map

Contribution by
Malta

Page 2: Contact of respondent

Q1 **Malta**

Name of responding member State

Q2

Name of responding authority/agency:

Malta Competition and Consumer Affairs Authority

Page 3: Consumer protection legislation

Q7 **No**

Does your country's Constitution contain a provision on consumer protection?

Q8 **Respondent skipped this question**

If you do, please provide de following details:

Q9 **Yes**

Does your country have have specific law(s) on consumer protection ?

Q10 **Date** **02/12/1994**

If you do, when was the main specific law first enacted?

Q11 **Date** **23/04/2020**

If your main specific law on consumer protection has been revised, when was the date of its latest revision?

Q12

Please provide the following details of the current specific law(s):

1- Name of law

**Consumer Affairs Act (Chapter 378 of the Laws of Malta)
and any regulations made thereunder**

1- URL link

<https://legislation.mt/eli/cap/378/eng/pdf>

Q13

Please check all the fields that your consumer protections law(s) cover.

**Consumer rights/legitimate needs,
Access by consumers to essential goods and services,
Protection of vulnerable and disadvantaged consumers,
Terms and conditions,
Promotional marketing and sales practices (including
misleading advertisement)
,
Voluntary codes for businesses,
Dispute resolution,
Redress,
Consumer education,
Consumer information**

Q14

From your previous answer, your specific consumer protection law(s) do(es) not cover the following field(s). Please name the relevant law(s) covering this/these field(s):

Physical safety	Product Safety Act (Chapter 427 of the Laws of Malta)
Product quality	Product Safety Act (Chapter 427 of the Laws of Malta)
Restrictive business practices (competition/antitrust)	Competition Act (Chapter 379 of the Laws of Malta)
Electronic commerce	Electronic Commerce Act (Chapter 426 of the Laws of Malta)
Food distribution	Food Safety Act (Chapter 449 of the Laws of Malta)
Water	Regulator for Energy and Water Services Act (Chapter 545 of the Laws of Malta)
Pharmaceuticals	Medicines Act (Chapter 458 of the Laws of Malta)
Energy	Regulator for Energy and Water Services Act (Chapter 545 of the Laws of Malta) and Electricity Marketing Regulations (Subsidiary Legislation 545.13)
Public utilities	Regulator for Energy and Water Services Act (Chapter 545 of the Laws of Malta) [for energy and water Only]
Tourism	Malta Travel and Tourism Services Act (Chapter 409 of the Laws of Malta)
Data protection and privacy	Data Protection Act (Chapter 586 of the Laws of Malta)
Financial services	Malta Financial Services Authority Act (Chapter 330 of the Laws of Malta)

Q15

Please indicate the URL Link of the relevant law(s) to each field:

Physical safety	https://legislation.mt/eli/cap/427/eng/pdf
Product quality	https://legislation.mt/eli/cap/427/eng/pdf
Restrictive business practices (competition/antitrust)	https://legislation.mt/eli/cap/379/eng/pdf
Electronic commerce	https://legislation.mt/eli/cap/426/eng/pdf
Food distribution	https://legislation.mt/eli/cap/449/eng/pdf
Water	https://legislation.mt/eli/cap/545/eng/pdf
Pharmaceuticals	https://legislation.mt/eli/cap/458/eng/pdf
Energy	https://legislation.mt/eli/cap/545/eng/pdf and https://legislation.mt/eli/sl/545.13/eng/pdf
Public utilities	https://legislation.mt/eli/cap/545/eng/pdf
Tourism	https://legislation.mt/eli/cap/409/eng/pdf
Data protection and privacy	https://legislation.mt/eli/cap/586/eng/pdf
Financial services	https://legislation.mt/eli/cap/330/eng/pdf

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Q16

Name of Ministry responsible for consumer protection:

Ministry for Tourism and Consumer Protection

Q17

URL link of responsible Ministry for consumer protection:

<https://tourism.gov.mt/en/Pages/MinistryforTourismandConsumerProtection.aspx>

Q18

Year when consumer protection was assumed by the current responsible ministry:

2020

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Q19

Yes

Do you have a main consumer protection authority/agency?

Q20

Name of main consumer protection authority/agency:

Malta Competition and Consumer Affairs Authority

Q21

URL of main consumer protection authority/agency:

<https://mccaa.org.mt/>

Q22

Year of creation:

2011

Q23

Annual budget: (in USD)

7214805

Q24

Total number of staff:

159

Q25

Total number of staff directly affected to consumer protection:

41

Q26

Yes

Do you have a law/decreed that governs the main consumer protection authority/agency?

Q27

If you do, please provide the following details:

Reference of the law/decreed

**Malta Competition and Consumer Affairs Authority Act
(Chapter 510 of the Laws of Malta)**

URL to law/decreed

<https://legislation.mt/eli/cap/510/eng/pdf>

Q28

Does your main consumer protection authority/agency have POLICY MAKING powers over any of the following fields?

Consumer rights/legitimate needs,
Access by consumers to essential goods and services,
Protection of vulnerable and disadvantaged consumers,
Physical safety,
Product quality,
Terms and conditions,
Promotional marketing and sales practices (including misleading advertisement)
,
Voluntary codes for businesses,
Restrictive business practices(competition/antitrust),
Dispute resolution,
Redress,
Consumer education,
Consumer information

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Q29

From your previous answer, your main authority/agency does not have POLICY MAKING powers over the following fields. Please name the relevant authorities/agencies with powers over these fields:

Electronic commerce	Malta Communications Authority
Financial services	Malta Financial Services Authority
Food distribution	Environmental Health Directorate
Water	Ministry for Energy and Water Management
Pharmaceuticals	Malta Medicines Authority
Energy	Ministry for Energy and Water Management
Public utilities	Ministry for Energy and Water Management (for Energy and Water only)
Tourism	Malta Tourism Authority
Data protection and privacy	Office of the Information and Data Protection Commissioner

Q30

URL Link of the relevant authority/agency to each field:

Electronic commerce	https://www.mca.org.mt/
Financial services	https://www.mfsa.mt/
Food distribution	https://deputyprimeminister.gov.mt/en/environmental/Pages/Home-Page.aspx
Water	https://energy.gov.mt/en/Pages/The%20Ministry/Brief.aspx
Pharmaceuticals	http://www.medicinesauthority.gov.mt/home?l=1
Energy	https://energy.gov.mt/en/Pages/The%20Ministry/Brief.aspx
Public utilities	https://energy.gov.mt/en/Pages/The%20Ministry/Brief.aspx (for water and energy only)
Tourism	https://www.mta.com.mt/en/home
Data protection and privacy	https://idpc.org.mt/

Q31

Does your main consumer protection authority/agency have ENFORCEMENT powers over any of the following fields?

- Consumer rights/legitimate needs,
 - Protection of vulnerable and disadvantaged consumers,
 - Physical safety,
 - Product quality,
 - Terms and conditions,
 - Promotional marketing and sales practices (including misleading advertisement)
 - ,
 - Voluntary codes for businesses,
 - Restrictive business practices (competition/antitrust),
 - Redress
-

Q32

From your previous answer, your main consumer protection authority/agency does not have ENFORCEMENT powers over the following fields. Please name the relevant authorities/agencies with powers over these fields:

Electronic commerce	Malta Communications Authority
Financial services	Malta Financial Services Authority
Food distribution	Environmental Health Directorate
Water	Regulator for Energy and Water Services
Pharmaceuticals	Malta Medicines Authority
Energy	Regulator for Energy and Water Services
Public utilities	Regulator for Energy and Water Services (For energy and water Only)
Tourism	Malta Tourism Authority
Data protection and privacy	Office of the Information and Data Protection Commissioner
Dispute resolution	Consumer Affairs Council

Q33

URL Link of the relevant authority/agency to each field:

Electronic commerce	https://www.mca.org.mt/
Financial services	https://www.mfsa.mt/
Food distribution	https://deputyprimeminister.gov.mt/en/environmental/Pages/Home-Page.aspx
Water	https://www.rews.org.mt/#/en/home
Pharmaceuticals	http://www.medicinesauthority.gov.mt/home?l=1
Energy	https://www.rews.org.mt/#/en/home
Public utilities	https://www.rews.org.mt/#/en/home
Tourism	https://www.mta.com.mt/en/home
Data protection and privacy	https://idpc.org.mt/
Dispute resolution	https://tourism.gov.mt/en/cac/Pages/default.aspx

Q34

Respondent skipped this question

Regarding enforcement, how many infringement cases does your authority/agency handle on average per year?

Q35

Yes

Has your authority/agency imposed sanctions and/or other measures for breaches of consumer protection law(s)?

Q36

Maximum amount for sanction/measure allowed by consumer protection law(s): (in USD)

55685

Q37

Respondent skipped this question

Record highest amount for any sanction/measure imposed: (in USD)

Q38

Please detail if necessary, what kind of sanctions and/or other measures are available in your jurisdiction

In the case of non-compliance with the decree of the Civil Court, the Civil Court shall also impose a daily penalty of not less than one hundred and twenty euro (€120) and of not more than two hundred and thirty euro (€230) for each day of non-compliance

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Q39

Yes

Are there any non-governmental consumer organizations/associations in your country?

Q40

Yes

Do you have a law/decreed that governs consumer organizations/associations?

Q41

In case you have a law/decreed that governs consumer organizations, please provide the following details:

Reference of the law/decreed

Part IV of the Consumer Affairs Act (Chapter 378 of the Laws of Malta)

URL to law/decreed

<https://legislation.mt/eli/cap/378/eng/pdf>

Q42

Do consumer organizations/associations fulfil any of the following functions?

**Consultation in policy making,
 Legal advice to consumers,
 Consumer education,
 Consumer information,
 Consumer publications,
 Legal representation for consumer collective actions**

Q43

No

Do consumer groups/associations receive public funding?

Q44

Name the three largest non-governmental consumer organizations/associations in your jurisdiction:

1- Name	Consumers' Association
1- Website	http://camalta.org.mt/
2- Name	Association for Consumer Rights
2- Website	http://www.acrmlta.com/

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Q45

Yes

Can consumers obtain redress through judicial channels?

Q46

Yes

Is there a specialized judicial mechanism for consumer complaints?

Q47

If there is, please provide the following details

Name	Consumer Claims Tribunal
URL Link	https://mccaa.org.mt/tribunal

Q48

Yes

Do you have collective redress/class actions for consumer complaints?

Q49

Who can represent consumer interests in court?

**Consumers individually,
Lawyers,
Consumer protection enforcement authority/agency,
Consumer associations**

Q50

Respondent skipped this question

What is the highest damages award following a collective redress/class action?

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Q51 **Mediation/ Conciliation, Arbitration**
 Regarding out-of-court/alternative consumer dispute resolution, are there any of the following?

Q52
 If there are any of the above, please provide the following details:

1- Name	Complaints and Conciliation Directorate with the Office for Consumer Affairs, Malta Competition and Consumer Affairs Authority (also has the role of Residual ADR Body)
1- URL Link	https://mccaa.org.mt/Section/Content?contentId=1193
2- Name	Arbitration Centre
2- URL Link	https://mac.org.mt/en/Pages/Welcome-MAC.aspx
3- Name	List of ADR bodies in Malta as per below link (to select Malta)
3- URL Link	https://ec.europa.eu/consumers/odr/main/?event=main.adr.show2

Q53 **Yes**
 Are there any CROSS-BORDER out-of-court/alternative consumer dispute resolution initiatives?

Q54
 If there are, please provide the following details:

1- Name	List of ADR bodies in Malta as per below link (to select Malta)
1- URL Link	https://ec.europa.eu/consumers/odr/main/?event=main.adr.show2

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Q55 **No**
 Are there any self-regulation initiatives from businesses?

Q56 **Respondent skipped this question**
 Please provide (up to) 4 examples of the self-regulation initiatives from businesses:

Q57

Yes

Are there any co-regulation initiatives between businesses and public entities?

Q58

Please provide (up to) 4 examples of the co-regulation initiatives between businesses and public entities:

1- Name of initiative	Service with a Smile Award
1- Scope of application	The scope of the Service with a Smile Award is to encourage good relationships between consumers and traders. It also recognises those retailers and/or service providers who invest in good customer care and after sales service. Furthermore, it promotes trading practices that give additional benefits to consumers than those provided by the law.
1- URL link	https://mccaa.org.mt/Section/Content?contentId=1222
2- Name of initiative	Trust You Scheme
2- Scope of application	The scope of the Trust You Scheme it is to enhance trust between consumers and business operators and therefore enable consumers to purchase products and services with much greater confidence.
2- URL link	https://mccaa.org.mt/Section/Content?contentId=1228

Q59

Do self-regulation and/or co-regulation initiatives cover any of the following issues? (Please relate to UNGCP Guideline 11)

**Fair and equitable treatment,
Responsible commercial behaviour,
Disclosure of information and transparency,
Education and awareness-raising,
Consumer complaints and disputes**

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Q60

What kind and how many international cooperation agreement(s) on consumer protection does your authority/agency participate in?

	Bilateral	Multilateral/Regional
Formal (treaties)		
Informal (memoranda of understanding)	1	

Q61

Respondent skipped this question

Please provide name and URL link of formal bilateral agreements (treaties):

Q62

Please provide name and URL link of informal bilateral agreements (memoranda of understanding):

MoU between MCCA and the Competition Authority of the Republic of Albania on bilateral cooperation to recognise the common values underlying the respective regulations in the field of competition policy and competition enforcement, namely to exchange best practices on the economics of antitrust and merger control, amongst others, and to share results of studies and other published knowledge regarding competition policy.

Q63

Respondent skipped this question

Please provide name and URL link of formal multilateral/regionals agreements (treaties) that address consumer protection:

Q64

Respondent skipped this question

Please provide name and URL link of informal multilateral/regionals agreements (memoranda of understanding) that address consumer protection:

Q65

Restrictive business practices(competition/antitrust)

Do cooperation agreements on consumer protection (be those formal/informal/bilateral/regional) cover any of the following fields?

Q66

Does your consumer protection enforcement authority/agency have any of the following powers regarding cross-border fraudulent and deceptive commercial practices affecting consumers?

Investigate,
Pursue,
Obtain redress,
Share information and evidence

Q67

Yes

Do you have any experience in cross-border cooperation on enforcement?

Q68

If you do, please provide a short description

The Office for Consumer Affairs within the Malta Competition and Consumer Affairs Authority is the Single Liaison Office responsible for co-ordinating the application of the Consumer Protection Co-operation Regulation (EU) 2017/2394; and also competent authority for a number of consumer protection rules falling under this Regulation. This Regulation on cooperation between national authorities responsible for the enforcement of consumer protection laws lays down a cooperation framework to allow national authorities from all countries in the European Economic Area to jointly address breaches of consumer rules when the trader and the consumer are established in different countries.

Q69

Do you engage in technical cooperation or capacity building activities on consumer protection?

	Bilaterally	Through an international organization/network
As a recipient	Yes	Yes
As a donor	Yes	Yes

Q70

If you have engaged in technical cooperation or capacity building activities on consumer protection as a recipient/as donor and/or through an international organization/network, please provide the following details for each initiative

1- Name of programme/project	Consumer Protection Cooperation Network
1- Name of cooperating partner(s)	European Union Member States (Consumer Protection Enforcement Bodies)
1- Starting date of programme/project	2006 (as per Regulation (EC)2006/2004)
1- Finish date of programme/project	Ongoing
1- Scope of programme/project (list areas of work)	Cooperation between national authorities responsible for the enforcement of consumer protection laws

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Q71

Yes

Does your authority/agency carry out information and education initiatives?

Q72

Do information and education initiatives carried out by your authority/agency cover any of the following fields?

**Product hazard,
Product labelling,
Legislation, dispute resolution,
Weight and measures, prices and quality,
Electronic commerce,
Financial services,
Sustainable consumption**

Q73

Does your authority/agency provide specific education and information initiatives for vulnerable and disadvantaged consumers?

Yes

Q74

If your authority/agency does, please provide the following details:

1- Name of initiative

**Educational slots on TV and Radio Programmes,
information articles in local newspapers and talks to
consumer groups in the community**

1- Scope of initiative

Consumer education

1- URL link

<https://mccaa.org.mt/Section/Content?contentId=1221>

1- Impact (short description)

**Empower consumers on their legal rights and
responsibilities**

Q75

Do consumer organizations/associations provide education and information initiatives?

Yes

Q76

If consumer organizations/associations do, please provide the following details:

1- Name of consumer organization/association

Consumers' Association (The Consumers' Association (CA) provides education to consumers mainly through the advice given to consumers. Regarding information, the CA provides information to consumers on current issues mainly through its website <http://camalta.org.mt/> and its Facebook Page <https://www.facebook.com/Consumers-Association-Malta-113307498687305/>. Moreover, the local media regularly seeks the CA's views, where it takes such opportunities to inform consumers of how to protect their rights on matters discussed.)

1- URL link of initiative

<http://camalta.org.mt/>

2- Name of consumer organization/association

Association of Consumer Rights (Malta) (The Association for Consumer Rights (Malta) (ACR) [Transparency Register 2020, ID NO:719495934670-17] is committed to create consumer awareness with regards to products, services and methods of production which may be supplied both by the private and public sectors. It also regularly receives complaints from consumers and gives advice on how to address such complaints. ACR provides information on current consumer issues through its website <http://www.acrmalta.com/> and its Facebook Page <https://www.facebook.com/Association-for-Consumer-Rights-Malta-487339081369249/>. Moreover, ACR issues press releases to create consumer awareness and organizes conferences on targeted consumer issues. ACR is also represented on other consumer associations, such as ANEC and EESC/CCMI, to keep abreast of and to contribute in consumer issues.)

2- URL link of initiative

<http://www.acrmalta.com/>

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Q77

Yes

Does your authority/agency conduct research and analysis on consumer protection issues?

Q78

If your authority/agency does, please provide the following details:

1- Main area of work	Consumer Satisfaction and Consumer Awareness
1- URL link to online library or publication(s)	N/A

Q79

Yes

Do other organizations/associations conduct research and analysis on consumer protection?

Q80

If other organizations/associations do, please provide the following details:

1- Main area of work	The Consumers' Association (CA) occasionally conducts small research projects when resources are available. Analysis is mainly carried out from consumer complaints received, wherein any issues are then raised with the local authorities mainly Ministries, since one of the CA's roles is that of a pressure group.
1- URL link to online library or publication(s)	N/A
