

CONSUMER PROTECTION IN MALTA

Consumer protection is not new in Malta. The most recent consumer protection law having only been enacted in 1994. Malta already has laws which are in line with those of the EU. However, in some cases, Malta must introduce new regulations or update current rules to bring them in line with EU standards. These will enter into force between now and the end of 2002.

ADVERTISING

Advertising should help you as a consumer to make the right choice and not confuse or mislead you. EU says that advertising should respect your right for correct information. Equally, EU law on misleading advertising seeks to protect fair competition among businesses.

DOOR-TO-DOOR SELLING AND BUYING FROM HOME

When buying from someone who called at your home you are entitled for a certain period of time during which you may change your mind, even if you had already bought a product. This law does not cover all products and some contracts cannot be cancelled, for example in the case of construction, selling or renting of immovable property. The same applies when you buy directly from home ordering from a catalogue, Internet or any other means.

OTHER LAWS

Others laws of the EU cover among others, the guarantee given for products purchased from any EU Member State. The seller of a product is liable for a defective product if this defect occurs within two years and two months from the date of delivery to consumers. Another law relates to consumer credit. In this case, advertisements must make clear reference to the rate of annual interests that would apply to the credit.

HEALTH PROTECTION

Health protection is being discussed in the negotiations on social policy and employment (Chapter 13).

HOW LAWS WILL BE ENFORCED IN MALTA

For laws to be enforced, Malta is in the process of strengthening the Department of Consumer Affairs and the Department of Industry with more staff and more training. The Market Surveillance Committee within the Ministry of Economic Services is also to be involved. This Committee is to coordinate the work of the Ministries of Health, Agriculture, Fisheries, Transport, Communication and Tourism on the monitoring of standards of products and services sold in Malta. The Ministry of Tourism and the Malta Tourism Authority are responsible for the enforcement of laws that relate to the protection of consumer rights in tourism.

TRAVELLING

There are laws in the EU that give protection to consumers who travel. When booking a package holiday, you enjoy certain rights including the right to get what you have been promised in the travel brochure. You have other rights when buying timeshare. Another law gives remedy and compensation when you are denied boarding on your flight despite holding a valid ticket. This law on denied boarding is being discussed under the transport chapter.

PURCHASING OF PRODUCTS

According to EU law, no products can be sold if it can be harmful to consumers. Harmful products include products which are so similar to others that they may be used wrongly (e.g. a child's eraser that is in the shape of a fruit). Whenever there is serious danger for the consumers, emergency measures must be taken. In certain cases, as a consumer you also have the right to claim compensation if you suffer damages because of a defective product.

THE EU AND CONSUMER PROTECTION

Everyone is a consumer. For this reason, the European Union developed a policy on the protection of consumers. Several laws were enacted that give rights to consumers. The EU consumer policy is based on the right for consumers to be well-informed in order to make the right choice for themselves. The EU puts great emphasis on information and education of consumers and also on the consumers' right to be represented, especially through consumers' organisations. EU laws on consumer protection offer a minimum level of safeguards and each member state is free to introduce a higher level of protection.