



MCCAA

OFFICE FOR CONSUMER AFFAIRS

ACTIVITY REPORT 2025

RAIL PASSENGER RIGHTS AND OBLIGATIONS

REGULATION (EU) NO. 2021/782

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Activity report of Malta

Regulation (EU) No 2021/728 on rail passenger rights and obligations

Year of 2023 and 2024

Enforcement Responsibilities and Applicability of Regulation (EU) 2021/782 in Malta

On 22 November 2024, the [Rail Passengers' Rights and Obligations \(Implementing\) Regulation \(Subsidiary Legislation 378.21 of the Laws of Malta\)](#) were enacted and the Director General (Consumer Affairs), Office for Consumer Affairs within the Malta Competition and Consumer Affairs Authority (MCCAA) was designated as the person responsible for the enforcement of the provisions of Regulation (EU) 2021/728. The MCCAA is the sole National Enforcement Body.

Article 31(4) of Regulation (EU) 2021/782 establishes that the enforcement obligations as regards station managers and infrastructure managers provided for in the Regulation shall not apply to Malta for as long as no railway system is established within Malta's territory and as regards railway undertakings for as long as no railway undertaking has been licensed by a licensing authority designated by Malta in accordance with Article 2(1) of the same Regulation.

The applicability of Regulation (EU) 2021/728 to Malta is limited to the articles related to ticket vendors and tour operators. Ticket vendors and tour operators are subject to a number of obligations under the Regulation, particularly those found in the following Articles:

- Contractual conditions and non-discriminatory tariffs (Article 5);
- Travel information (Article 9);
- Availability of tickets and reservations (Article 11);
- Through tickets (Article 12);
- Persons with disabilities and persons with reduced mobility (Articles 21, 22 and 24); and
- Information to passengers about their rights (Article 30).

Complaint and other actions

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The Authority monitors the market on the basis of the complaints received. Whilst there are no complaints to be reported for the period under review, in the event that any reports reach the Authority, the NEB would start by investigating the individual complaint for any shortcomings in the economic operator's operations. If necessary, the operator would be contacted to communicate any corrective actions necessary.

Sanctions and penalties

With regards to sanctions, Subsidiary Legislation 378.21 establishes that any person who fails to comply with the obligations under these Regulations shall be guilty of an infringement punishable by a penalty of not less than four hundred and seventy euro (€470) and not exceeding forty-seven thousand euro (€47,000). In the case of non-compliance with a compliance order issued in terms of the [Consumer Affairs Act \(Chapter 378 of the Laws of Malta\)](#), the Civil Court shall impose a daily penalty of not less than one hundred and twenty euro (€120) and not more than two hundred and thirty euro (€230) for each day of non-compliance.

Subsidiary Legislation 378.21 also provides that any person who feels aggrieved by a judgement, order, penalty or measure issued by the Civil Court, may appeal before the Court of Appeal within 20 days from the judgement of the Civil Court. The appeal may be made on any point of law and, or of fact.

Under the provisions of the Consumers Affairs Act, the Director General can initiate enforcement proceedings by first conducting an investigation either on his/her own motion or upon a reasonable allegation of an infringement of consumer legislation, made by any person, in writing. Subsequently, where upon the conclusion of an investigation it appears that there was an infringement of consumer legislation, the Director General will initiate judicial proceedings before the Civil Court, requesting from the Court the appropriate remedy or the imposition of penalties. At any stage of the investigations, the Director General may either seek to obtain or accept remedial commitments from the person concerned to cease the alleged infringement.