

Case law

Case Details

National ID: Court of Appeal, Judgement 3/2011/1

Member State: Malta

Common Name: Borg Bonello Benny vs Awtorita' ta' Malta Ghall-Kompetizzjoni u Ghall-Affarijiet tal-Konsumatur u d-Direttur Generali (Konsumatur)

Decision type: Administrative decision in appeal

Decision date: 29/10/2019

Court: Court of Appeal

Subject:

Plaintiff:

Defendant:

Keywords: misleading action, misleading omission, B2C, unfair commercial practices

Directive Articles

Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 6](#) Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 7](#)

Headnote

ECLI:MT:ACIV:2019:118917

In carrying out its transport services, Arriva Malta Limited had the power to impose fines on passengers. However, consumers were not informed of this power when they were given information regarding how Arriva Malta Limited would operate. In doing so, Arriva Malta Limited omitted from giving consumers the material information they would need to make an informed decision before using these services and deceived the average consumer by not explaining the risks consumers may face when making use of such services.

Facts

The plaintiff, who is the president of the local consumer organisation Ghaqda tal-Konsumaturi, complained to the Director-General (Consumer Affairs) regarding Arriva Malta Limited's provision of transport services. One of the issues complained about concerned the fact that Arriva Malta Limited engaged in unfair commercial practices as it did not inform consumers about the conditions attached to the tickets purchased and the ticket fares.

This judgement is the defendant's appeal from the Competition and Consumer Appeals Tribunal's decision.

Legal issue

The fact that Arriva Malta Limited was implementing a new transport system does not excuse its unfair commercial practices.

Decision

The plaintiff had an interest in bringing a complaint against the defendant because the complaint dealt with issues that were in the interest of consumers generally.

URL: <https://ecourts.gov.mt/onlineservices/Judgements/Details?JudgementId=0&CaseJudgementId=118917>

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Related Cases

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Legal Literature

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Result

The Court dismissed the Director General's appeal and upheld the decision of the Competition and Consumer Appeals Tribunal.