

EU – consumer awareness

THIS WEEK we have an article by Dr David Fabri who has made a significant contribution, and a name for himself, in Maltese consumer legislation. In view of his involvement and experience, his views on the EU consumer protection directives and Maltese consumer policy are worth reading:

Maltese consumer policy and EU Directives: the good news and the bad news

Needless to say, the directives have introduced a number of pro-consumer requirements in a number of areas. However, it seems that certain directives have been formulated on a rather *ad hoc* and reactive basis (e.g. the timeshare and the comparative advertising directives.) They did not really form part of a particularly clear strategy.

We must bear in mind that a consumer policy in Malta already exists. It came of age between 1991 and 1994. The White Paper *Rights for the Consumer*, published in 1991, provided a comprehensive pro-active blueprint for a long-term legislative reform programme favouring enhanced and increased consumer protection.

In late 1994, a Consumer Affairs Act was adopted by Parliament. Both the White Paper and the Consumer Affairs Act 1994 were local products, reflecting locally formulated responses to locally identified problems and situations. Both were proper home-grown efforts attempting to set out an achievable and sensible agenda for Maltese consumers in the light of our economic and cultural development. Their indebtedness to EU policy and directives was actually quite negligible.

This was also the approach adopted in the former government's green paper, selectively circulated for con-

sultation last August, which reaffirmed and continued the development of a home-grown consumer agenda. This document foresees the setting up of an autonomous public authority to regulate and oversee both competition and consumer affairs, the introduction of a consumer ombudsman, the appointment of regulators to monitor and to report on designated sectors of business by private or public undertakings, as well as a number of significant improvements to the Consumer Affairs Act and the Door-to-Door Salesmen Act of 1987.

Nothing in these proposals is incompatible with EU consumer directives or with their future integration into our law – indeed some of the proposals improve on certain provisions of the directives. It is therefore within such a framework that the EU requirements should be integrated.

Indeed, without any prodding or insistence from anyone, we have already managed to introduce into our law a number of consumer protection measures, some not directly yet contemplated in the directives. These mechanisms have enhanced the legal status of the Maltese consumer, and include a publicly-funded department to receive and handle consumer complaints, the Consumer Claims Tribunal and its application of equity rather than the strict wording of the law, the consumer's right to re-

ceive both material and moral damages, and parameters for the regulation of consumer associations.

We might have achieved none of these had we rigidly restricted our approach to a bland and unthinking implementation of EU directives. However, the risk that this approach may yet be adopted is still there. But, there are really no short cuts in the formulation of proper policy and legislation – this is true of any subject including consumer protection. One therefore trusts that this simplistic option will be discarded. Hopefully, the temptation shall not prove too strong.

* * *

I thank Dr Fabri for this week's contribution and hope this is his first of many. We are very lucky because, among our contributors in this regular feature, we have Malta's leading experts in consumer law, standardisation, technical consumer protection legislation, and, of course, the European Union.

If you have any questions on the subjects, write to me. I have no doubt our experts will supply you with the right answers. It is up to you to maximise on the opportunity. When it's "make up your mind" time, we should be able to make an "informed and educated" choice.

Film processing and photo printing local charges

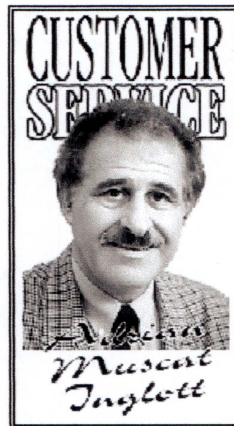
IN VIEW of your article of November 29, I would like to add my experience.

As a returned migrant who happens to be a photo enthusiast, I was disappointed by the exorbitant charges for film processing and photo prints. For example, I was charged around Lm5 for the processing and printing of a 24-exposure film – and this after I complained. In Australia the cost for this was \$5.95 (equivalent to Lm1.38). With Lm5 worth, back in Australia, I would have had nearly four films processed!

Since then I had to reluctantly take fewer photos even though Malta is filled with sights worth taking pictures of. This was firstly because I cannot afford it and secondly because I feel I should not be ripped off. I believe the prices are not fair. The quality of the photos processed locally is no better than overseas. They are processed with similar equipment and the result is practically the same. I fully agree with Mr A.G. Portelli and confirm what he said. I support him in the campaign.

Unfortunately excessive prices in Malta are not restricted to photo processing. As far as I know, comparing prices in Australia with those in Malta (for almost everything), the latter are sometimes twice as much and at times three times as much as those in Australia.

It seems that the authorities go out of their way to help businesses but forget consumers. (Joseph Montesin) Evidently the globalisation syn-



drome is with us. The sooner we all realise this and act on it the better. In this context a returned migrant's perception helps to see things in the right perspective. As a fellow returned migrant I can see why Mr Montesin aimed his parting shot at the authorities. However, it is not the case.

We do have an environment in which we can help ourselves in the same way as businesses help themselves. Their strength comes from the simple fact that they got their act together – acting on a united front. They succeeded in establishing a strong business lobby whose voice is heard and, more importantly, listened to by the authorities, including the government.

It is up to us consumers to help ourselves accordingly – acting together on a united front. For the umpteenth time I regret to say that, locally, individual consumers only take an interest in a given issue if directly affected. We must transcend our self-centred parochial mentality and think generic on a united front. A big consumers' association would generate a strong consumer lobby which would eventually form part of the "listened-to" constituted bodies.

In the meantime, if you are interested in the photo processing and photo printing charges issue, write to me. This could put our ability to act together on a united front to the test. Eventually, we may be able to generate a strong consumer lobby.

On a positive note

I WOULD LIKE YOU to feature a very pleasurable and satisfying shopping experience. In October I needed to buy an outfit for a special occasion. I was running around various shops in Valletta and Sliema and, after numerous encounters with unfriendly shopkeepers and salesgirls, what seemed to be a futile errand ended in a very nice way.

I entered the Boutique Laurent in Manuel Dimech Street, Sliema, and was greeted by a smiling, polite shopowner. Without being patronising he showed me various dresses and finally helped me pick up a nice dress which suited my style and figure and fitted me perfectly. He was so nice about it and made me feel so special that both my husband and I left the shop happy and satisfied customers.

We would like to share this experience with your readers. (Cottina Pace)

Mrs Pace also sent me a copy of a letter she sent the shopowner in which she informed him that she was also going to write to me.

I thank the proprietor of Boutique Laurent and compliment him on having made such a positive impression on Mr and Mrs Pace.

FGP plastic-coated garage doors

IN THIS "pending" case I have been trying to obtain FGP's side of the case since October 22 and we now have a letter from their lawyer.

I write on behalf of FGP Ltd and refer to the article regarding FGP plastic-coated garage doors in your column of November 29.

I am directed by my clients to inform you that they have filed a lawsuit against the suppliers of the materials utilised by them for the production of garage doors in connection with which complaints have been received. This lawsuit concerns the quality of these materials.

Until the final determination of this suit, FGP are unable to positively address claims in this connection without seriously prejudicing their position in this case. (Dr S. Theak)

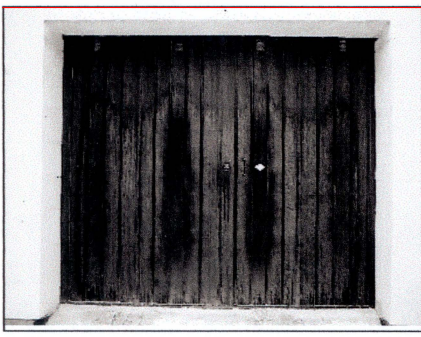
First of all this letter confirms that FGP has taken cognisance of the problem. They sold a product to Pierre Vella. A problem ensued and, quite correctly, the customer referred the matter to their suppliers. However they came up against problems and FGP, as confirmed by their lawyer, filed a lawsuit against the suppliers of the materials they used to produce garage doors.

Evidently in FGP's opinion Mr Vella has a valid case involving a valid complaint. Indeed the quality of the materials is questionable. Further evidence to this can be seen in the accompanying photo supplied by Mr Vella.

Now, looking at it from Mr Vella's point of view, he dealt with Mr

Darmanin of FGP whom he paid for the product. Mr Vella has not had any dealings with anybody but FGP whom, I repeat, he paid. He did not deal with FGP's suppliers and FGP's dealings with their suppliers are no concern of his.

This is a perennial issue which arises regularly in cases referred to me and, when I discuss such cases with complainants, I boringly repeat the statement "you must only deal with and obtain satisfaction from the person or establishment whom you pay". Suppliers and traders sell products and services to consumers at a profit and this is "fair" trading. Since they make a profit, they are obliged to accept full responsibility in their dealings with their suppliers.



They must accept the consequences which may result out of their transactions and dealings they freely enter into with their suppliers albeit on behalf of consumers. That is one of the recognised "trading" risks. As they say, "it goes with the badge". It is therefore up to FGP to take the matter up with their suppliers and I fully support them in their lawsuit against



them. I trust and hope that, in the end, fairness and justice will prevail.

However, at this stage, the delay of the outcome and the actual eventual outcome of the lawsuit does not come into it. It should have no bearing whatsoever on the way FGP should act in their dealings with their customer who, evidently, has a valid complaint. A problem of which, I repeat, FGP have taken cognisance.

FGP did the right thing when they sued their suppliers. However they are wrong to expect Mr Vella to wait for the final determination of the lawsuit. The outcome of FGP's lawsuit against their suppliers is FGP's responsibility and nobody else's. In

exactly the same way as profits are not passed on to consumers, losses should not be passed on to consumers. In this spirit I ask FGP to resolve the matter to Mr Vella's satisfaction and I thank them in anticipation for their co-operation. Indeed, if they did resolve the case with their customer it would strengthen their case against their suppliers.

Please send your letter, preferably typed, outlining your grievance to the establishment/trader concerned and a copy to: The Customer Service Column, The Sunday Times, PO Box 328, Valletta CMR 01, or vice versa. This must be made clear to both parties by marking your letter "c.c." accordingly. Readers must be prepared to have their full personal details disclosed to the relevant establishment/trader, their case published, and their name featured in full. It is up to the complainant to chase the progress of the case with the supplier while, in the process, copying me in. It is regretted that personal replies cannot always be given.

Letters of general interest not naming any establishment and letters of positive experiences need only to be sent to the above address. LETTERS, ONCE SENT, CANNOT BE WITHDRAWN AND ALL CASES ARE SUBJECT TO PUBLICATION. Readers are kindly requested not to telephone the Sunday Times offices in connection with the column. They must put their queries in writing.