



PORTS AND YACHTING DIRECTORATE

Transport Malta

Our Ref. TM/PYD/10/96 Vol III

Malta Transport Centre,
Triq Pantar,
Hal Lija, LJA 2021
Malta

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Port Notice Number 07/20

To: Ship Owners and Ship Operators
Ship Agents
Ship Masters
Marine Terminals and Marine Facilities

Dispute resolution and procedures in connection with bunkering operations

The Authority for Transport in Malta (Authority) and the Regulator for Energy and Water Services (Regulator) hereby remind all of the provisions of the Dispute Resolution (Procedures) Regulations (S.L.545.30), issued under the Regulator for Energy and Water Services Act (Cap. 545 of the Laws of Malta).

The Regulations in question provide the possibility, where a dispute, however so described, arises between an authorised provider and a customer, to bring forth a complaint to the Regulator, for such dispute to be settled by the Regulator. This is also applicable for bunkering operations where a dispute arises between the bunkering fuel operator and provider and the receiving vessel.

The Regulations lay down the applicable procedures to be followed for a complaint to be properly lodged and the process adopted leading to a decision to the dispute. In this respect, before filing a complaint, a person should familiarise himself in full with the provisions of such Regulations, especially with those dealing with exceptions and those instances where a complaint can be refused by the Regulator.

It is important to note that a decision made by the Regulator shall be binding on the parties to the dispute.

To file a complaint, the customer must fill the Complaint Form attached to this Port Notice which is also downloadable from the Regulator's web-site and ensure that all sections of the form are fully completed and typed or handwritten in block letters.

The Complaint Form together with all associated documentation referred to therein can be sent either by email at enquiry@rews.org.mt or sent by post to:



Transport Malta

Regulator for Energy and Water Services,
Zentrum Business Centre, Level 1
Mdina Road
Qormi
Malta

Should any complaint be received by the Authority, this will be directed to the Regulator to be handled accordingly.

Capt David Bugeja
Chief Officer and Harbour Master
Ports and Yachting Directorate

12 April 2020

Important information

To submit a complaint regarding a dispute with a REWS' authorised provider under the Dispute Resolution (Procedure) Regulations (S.L.545.30), you should have first filed your complaint with such authorised provider and have exhausted the complaints handling process of the authorised provider to settle your dispute.

Please ensure that all sections of the complaint form are fully completed and typed or handwritten in block letters. Note that the review of your complaint may be delayed if any section is not completed in full and/or not accompanied by all relevant documentation and correspondence with the authorised provider against whom you are submitting your dispute.

I have filed my complaint with the authorised provider: YES ☐ NO ☐

I have read and agreed with the terms and conditions set by the Regulator for Energy and Water Services for my complaint to be considered: YES ☐ NO ☐

Complaint Reference Number (if available): _____
/ Authorised Provider Reference (if available) _____

The number issued by the authorised provider in relation to your complaint. Please note the Regulator for Energy and Water Services cannot handle your complaint until you have exhausted the complaint process administered by the authorised provider.

1. Applicant Information

1.1 Full Name: _____
Last First

1.2 ID / Passport No.: _____
Where the consumer filing the complaint is a Company / Legal Organisation, details of the Legal Representative should be submitted

1.3 Company's / Organisation's Name: _____
If applicable – where consumer filing the complaint is a Company / Legal Organisation

1.4 Company's / Organisation's Registration No.: _____
If applicable -where consumer filing the complaint is a Company / Legal Organisation

1.5 Address: _____
Property No./ Name - Street Address
Town / City Postcode

1.6 Telephone: _____

1.7 Email: _____

2. Details of Authorised Provider

2.1 Details of Authorised Provider: _____

2.2 My dispute is about:

Electricity Supply:	<input type="checkbox"/>
Water Supply and/or Wastewater Services:	<input type="checkbox"/>
LPG – (Gas):	<input type="checkbox"/>
Electrical Installation Works:	<input type="checkbox"/>
Other services carried out by an authorised provider:	<input type="checkbox"/>

Specify _____

2.3 ARMS Ltd Account Number: _____
(if relevant to the complaint)

3. Details of Complaint

3.1 My complaint is about:

Please tick one or more of the following as applicable:

Bills, charges and /or deposits:

☐

High / Low voltage:

☐

Customer service / Quality of service:

☐

Water leakage:

☐

Disconnection of service:

☐

Sewage seepage / backflow:

☐

Opening / closing or transfer of account:

☐

Faulty meter:

☐

Payment methods

☐

High consumption:

☐

Alleged malpractice by an Authorised Provider:

☐

Meter reading:

☐

Other:

☐

Specify

3.2 When did you first notice there might be a problem?

3.3 When did you first complain to the authorised provider?

3.4 Has the authorised provider sent you his final decision on your complaint in writing?

YES
☐

NO
☐

3.5 Please attach a scanned copy of the authorised provider's decision / response:

3.6 Has there been any court / tribunal / arbitration proceedings relating to your complaint?

YES
☐

NO
☐

3.7 Please provide and attach full details here:

3.8 Have you contacted any other authority about your complaint?

YES
☐

NO
☐

3.9 Please provide and attach full details here:

3.10 Please use the space below to summarise your complaint and your attempts to resolve your complaint with the authorised provider. Please add additional pages if you do not have enough space below.

3.11 If you have any documents to support your complaint e.g. bills, copies of correspondence, photographs of installation, and any other relevant information and documentation that you consider relevant to be taken into account in the evaluation of your complaint, please enclose these with this form.

3.12 How would you like the authorised provider you are complaining about to put the matter right for you?

3.13 In the case of complaints related to electricity and water services, if you are not the registered account holder with ARMS Ltd., please enclose a signed document from the account holder, stating that you have permission to act on their behalf in relation to this complaint.

3.14 In the case of a complaint against an Authorisation A or Authorisation B holder (electrician), in relation to electrical installation works, please attach copies (if available) of:

1. any pre-works agreement including any design of electrical installation drawings and Bill of Quantities issued by the authorised provider for the installation works;
2. photos of the alleged malpractice in the electrical installation works;
3. any test certificates / schematics / drawings provided by the authorised provider;
4. any third-party independent certification and/or reports of the installation works;
5. details regarding the intended use of the installation provided to the Authorisation A and Authorisation B holder (electrician).

Note: An inspection of the electrical installation may be required to be carried out by the Regulator of Energy and Water Services. In such an event, the cost for such inspection shall be borne by the Regulator where the alleged malpractice is confirmed. In all other cases the Regulator shall be reimbursed for all inspection costs by the Complainant.

The Regulator for Energy and Water Services is subject to the Data Protection Act (Cap. 586) and the Freedom of Information Act (Cap.496).

4. Terms and Conditions, Signature

I confirm that:

- this represents my complaint to the Regulator for Energy and Water Services and that my answers are true and complete to the best of my knowledge;
- I have exhausted the complaints handling process of the authorised provider;
- I understand the extent to which the Regulator for Energy and Water Services may help me with my complaint insofar as provided by the Dispute Resolution (Procedure) Regulations (S.L.545.30);
- I am aware that the REWS will need to process my personal data, which could include sensitive information, in order to effectively deal with my complaint. This may specifically be processed to the authorised provider against whom I have made my complaint;
- I am aware that the Regulator for Energy and Water Services may request any additional information deemed necessary to carry out any investigation regarding my complaint;
- I agree that a copy of my complaint and copies of any accompanying or additional correspondence or documentation submitted to the Regulator for Energy and Water Services in relation to my complaint may be provided to and shared with relevant organisations including the authorised provider whom I am complaining about and for the purpose of carrying out any investigation;
- I agree that as part of their investigation into my complaint, the Regulator for Energy and Water Services may request any records and information relating to my account from the authorised provider;
- I am aware that the REWS handles complaints in a different way from courts, not usually requiring people to attend hearings in person but resolving disputes by correspondence/meetings;
- I am aware that the REWS may use the facts in my complaint as an example of where things can go wrong, but it will always respect my privacy and keep my personal data strictly confidential, except as authorized above for the purpose of handling my complaint;
- I am aware that any personal data found in this form is protected by the provisions of the Data Protection Act (Cap. 586) and of the General Data Protection Regulation (Regulation(EU) 2016/679) and that the REWS shall solely process this data for the purpose of this complaint and shall undertake to implement all the appropriate measures and safeguards for the purpose of protecting the confidentiality and integrity of all data processed;
- I agree to all these terms and conditions.

Signature: _____

Date: _____