

ZA5215

**Flash Eurobarometer 278
(Business Attitudes towards Enforcement and Redress
in the Internal Market)**

**Country Specific Questionnaire
Malta (English)**

Flash 278

Business attitudes towards enforcement and redress in the internal market

B. Screeners

B1. Does your company sell directly to final consumers?

- Yes 1
- No 2
- [DK/NA] 9

[IF NOT YES, INTERVIEW TO BE TERMINATED]

B2. How many employees do you have in your company?

- Employees
- [DK/NA] 9999

[IF LESS THAN 10, INTERVIEW TO BE TERMINATED]

C. Demos / background

C1. What was your companies' turnover in 2008? (Or if possible from the database)

- €
- Refusal 8888
- [DK/NA] 9999

C2. Do you have a legal service or a lawyer in your company?

- Yes 1
- No 2
- [DK/NA] 9

C3. Which of the following sales channels do you use?

- In-premises sales 1
- Internet 2
- Phone 3
- Post 4
- Doorstep selling 5
- Other out-of-premises channels 6

- [DK/NA]..... 9

C4. Which of the following product categories is the largest in your sales? (If not available through the NACE code)

- Food and drinks 1
- Clothing, footwear and accessories (including jewellery and cosmetics) 2
- Furniture, furnishings and decoration (including do-it-yourself goods and maintenance products)..... 3
- Household appliances, electronic goods and information technology goods 4
- Leisure goods (ex. books, audiovisual material, toys...)..... 5
- Cars, motor vehicles and parts 6
- Other goods..... 7
- Financial services 8
- Telecommunications services 9
- Energy or transport services 10
- Hotels and restaurants..... 11
- Other services 12
- [DK/NA]..... 99

C5. In how many EU countries outside Malta do you have subsidiaries or retail outlets?

- Countries
- [DK/NA]..... 99

C6. To how many EU countries do you currently make cross-border sales to final consumers?

In our definition, a cross-border sale is a sale by phone, post or e-commerce or by a home visit to a final consumer (i.e. the general public) resident in a different EU Member State from that of the seller. The origin of the products sold is not relevant. Of prime importance is that the final customer is resident in a different EU country from the seller, when the transaction takes place. Sales in shops to people from another EU country, who are on holidays or on a shopping trip, do not qualify as cross-border transactions.

- I sell only to consumers in Malta..... 0
- Countries
- [DK/NA]..... 99

C7. If the provisions of the laws regulating transactions with consumers were the same throughout the 27 Member States to how many EU countries would you be interested in making cross-border sales to final consumers?

- None, we have no interest in cross-border sales 0
- Countries
- [DK/NA]..... 99

A. Proposed questions for 2009 questionnaire

Before the interview starts, explain to interviewees that:

“Consumer legislation” should be understood as legislation dealing with the economic interests of consumers which does not include product safety. When questions relate to product safety, it will be explicitly stated.

“Product safety” relates to consumer products only and does not include industrial products, nor food. Unsafe products are failing to comply with safety standards, not rifles or knives.

“Consumer authorities” are national, regional and local public authorities carrying out market surveillance activities and other activities designed to ensure compliance with consumer and product safety legislation.

Information & awareness of legal obligations towards consumers

TREND

A1. How well informed are you about your legal obligations towards consumers arising from consumer legislation in your country?

By consumer legislation we mean legislation dealing with the economic interests of consumers which does not include product safety. When questions relate to product safety, it will be explicitly stated.

All responses are strictly anonymous.

- Fully informed 1
- Well informed..... 2
- Not well informed 3
- Not informed at all..... 4
- [DK/NA]..... 9

NEW

A2. And how well informed do you think consumers are about their rights arising from consumer legislation in your country?

- Fully informed 1
- Well informed..... 2
- Not well informed 3
- Not informed at all..... 4
- [DK/NA]..... 9

MODIFIED TREND

A3. How well are you informed about the legislation on product safety?

By ‘Product safety’ we mean issues relating to consumer products only and not including industrial products, nor food. By unsafe products we mean products that are failing to comply with safety standards, not products that are not safe by their nature like rifles or knives.

- Fully informed 1
- Well informed..... 2
- Not well informed 3
- Not informed at all..... 4
- Not relevant because you don’t sell products 5
- [DK/NA]..... 9

TREND

A4. Do you know where you can find or get relevant information and advice about consumer legislation either regarding your own country or other EU countries?

[READ OUT - MULTIPLE ANSWER IS POSSIBLE]

- Yes, with regard to legislation in my own country 1
- Yes, with regard to legislation in other EU countries 2
- [Yes, mentioned the European Consumer Centre specifically] 3
- No, neither for my country nor for other EU countries 4
- [DK/NA] 9

NEW

A5. In the past two years, have you actively searched for information or advice on consumer legislation (for example by contacting the consumer authorities in writing or by phone or by searching on websites?)

- Yes 1
- No, I already have this information, there was no need to search for it 2
- No, because I did not need this information 3
- No, because I don't know where to get this information 4
- No, although such information would be useful 5
- No, for other reasons 6
- [DK/NA] 9

Knowledge of consumer legislation

NEW

A6.

IF COUNTRY= FR, PL, CY, CZ, DK, EE, FI, LV, PT, SE, MT, SI

With respect to distance selling, that is when a product is purchased on the internet, phone or post, what is the length of the cooling-off period in your country?

How many CALENDAR days is it?

.....Calendar days

IF COUNTRY= AT, BE, BG, ES, IE, LT, LU, NL, SK, UK, HU, EL, IT, RO

With respect to distance selling, that is when a product is purchased on the internet, phone or post, what is the length of the cooling-off period in your country?

How many WORKING days is it?

.....Working days

IF COUNTRY=DE

With respect to distance selling, that is when a product is purchased on the internet, phone or post, what is the length of the cooling-off period in your country?

How many weeks is it?

.....Weeks

The cooling off period is the legal right of a consumer to return a product purchased on the internet, phone or post within a certain period without paying a penalty.

NEW

A7. Please complete the following statement correctly.

The consumer has the right to ask for a defective product to be replace or repaired... (To be adapted nationally)

- Within 1 year from the date of the original purchase or 1
- Within 2 years from the date of the original purchase or 2
- Within minimum 2 years from the date of the original purchase and longer for some specific products? 3
- [None of the above] 4
- [DK/NA] 9

[REPLACE OPTION 2 IN UK (EXCEPT SCOTLAND) AND IE:

- Within 6 years from the date of the original purchase

[REPLACE OPTION 2 IN SCOTLAND:

- Within 5 years from the date of the original purchase

NEW

A8. Please state whether the following commercial practices are prohibited or not Malta?

- Prohibited..... 1
 - Not prohibited..... 2
 - [DK/NA]..... 9
- A. Including an invoice or a similar document seeking payment in marketing material. 1 2 9
- B. Advertising products at a very low price compared to other offers without having a reasonable quantity of products for sale. 1 2 9
- C. Making exaggerated statements in an advertisement. 1 2 9
- D. Describing a product as 'free' although it is only freely available to customers calling a premium rate phone number. 1 2 9

NEW

A9. Please indicate whether the following statements related to product safety are correct or not?

- Correct 1
 - Not correct 2
 - [DK/NA] 9
- A. Upon the authorities' request, retailers must cooperate with the authorities to prevent risks posed by products which they supplied. 1 2 9
- B. Retailers must immediately notify the authorities about any unsafe product they are selling. 1 2 9
- C. Retailers must immediately recall unsafe products from their customers. 1 2 9
- D. Retailers should disclose to the authorities contact details of producers / importers of unsafe products. 1 2 9

Compliance with consumer legislation

NEW

A10. In the past twelve months, have you come across fraudulent advertisements, statements or offers made by your competitors?

Fraudulent advertisements attempt to obtain money without selling anything.

- Yes, on several occasions 1
- Yes, once or twice 2
- No 3
- [Not applicable] 8
- [DK/NA] 9

NEW

A11. In the past twelve months, have you come across misleading or deceptive advertisements, statements or offers made by your competitors?

Misleading or deceptive advertisements are advertisements which contain false information or present factually correct information in a misleading manner about the goods or services to be sold.

- Yes, on several occasions 1
- Yes, once or twice 2
- No 3
- [DK/NA] 9

NEW

A12. In the past twelve months, are you aware that your competitors knowingly sold any unsafe products?

- Yes, on several occasions 1
- Yes, once or twice 2
- No 3
- Not relevant because I don't sell products 4
- [DK/NA] 9

NEW

A13. In the past twelve months, are you aware that your competitors tried to unduly coerce or pressurise consumers to purchase something or sign up to a contract?

- Yes, on several occasions 1
- Yes, once or twice 2
- No 3
- [DK/NA] 9

NEW

A14. In the past twelve months, are you aware that your competitors used what you regard as unfair consumer contract terms?

Unfair contract terms are terms which cause a significant imbalance in the parties' rights and obligations arising under the contract, to the detriment of the consumer.

- Yes, on several occasions 1
- Yes, once or twice 2
- No 3
- [DK/NA]..... 9

NEW

A15. Now, thinking about all legislation dealing with the economic interests of consumers, please say whether you strongly agree – agree – disagree – strongly disagree with the following statements.

Let me confirm once more that all responses are strictly anonymous.

- Strongly agree..... 1
- Agree 2
- Disagree 3
- Strongly disagree 4
- [DK/NA]..... 9

- A. You comply with consumer legislation. 1 2 3 4 9
- B. Your competitors comply with consumer legislation. 1 2 3 4 9

NEW CORE

A16. In relation to consumer legislation, did any of the following take place in the past two years?

(Multiple answers possible, to be adapted for Finland, Germany and Austria)

- Yes 1
- No 2
- [Not applicable] 8
- [DK/NA]..... 9

- A. You were contacted by the consumer authorities in the framework of a general control concerning your national sales..... 1 2 8 9

[IF COUNTRY IS NOT AT OR DE]

- B1. You were contacted by the consumer authorities in the context of a specific control concerning your national sales 1 2 8 9

[IF COUNTRY IS AT OR DE]

- B2. You were contacted by the consumer authorities or by consumer organisations in the context of a specific control concerning your national sales

[IF COUNTRY IS NOT AT OR DE]

- C1. One of your competitors has been the subject of a control by the consumer authorities 1 2 8 9

[IF COUNTRY IS AT OR DE]

- C2. One of your competitors has been the subject of a control by the consumer authorities or by consumer organisations.
- D. You have been informed by the consumer authorities (or by consumer organisations) that they consider you are breaching consumer legislation. For example, in a meeting or telephone call with an official, by sending you a letter or email notifying non-compliance with legislation, by taking you to court, or through an injunction..... 1 2 8 9
- E. One of your competitors has been informed by the consumer authorities (or by consumer organisations) that they consider your competitors are breaching consumer legislation. 1 2 8 9
- F. You have been sanctioned by a self-regulatory body for not respecting the agreed codes of conduct / codes of practice..... 1 2 8 9
- G. You have learned through the media about a breach of consumer legislation in your market. 1 2 8 9
- H. You were contacted by the consumer authorities in the framework of a general control concerning your cross-border sales..... 1 2 8 9
- [IF COUNTRY IS NOT AT OR DE]
- I1. You were contacted by the consumer authorities in the context of a specific control concerning your cross-border sales 1 2 8 9
- [IF COUNTRY IS AT OR DE]
- I2. You were contacted by the consumer authorities or by consumer organisations in the context of a specific control concerning your cross-border sales
- J. You were contacted by the European Consumer Centre concerning a specific consumer complaint..... 1 2 8 9

MODIFIED TREND CORE

A17. In relation to product safety, did any of the following take place in your firm the past two years?

- Yes 1
- No 2
- [NOT RELEVANT, DON'T SELL PRODUCTS]..... 8
- [DK/NA]..... 9
- A. You received consumer complaints about the safety of any of the products you sold..... 1 2 8 9
- B. The authorities checked the safety of any of the products you were selling..... 1 2 8 9
- C. The authorities asked you to withdraw or recall any of the products you were selling 1 2 8 9
- D. The authorities asked you to issue a public warning about the safety of any of the products you were selling 1 2 8 9
- E. You, as a retailer, carried out any tests to make sure that any of the products you were selling were safe 1 2 8 9
- F. Other action (spontaneous)..... 1 2 8 9

MODIFIED TREND CORE

A18. The following statements relate to monitoring compliance with consumer and product safety legislation. Please say whether you strongly agree – agree – disagree – strongly disagree with the following statements.

- Strongly agree.....	1
- Agree	2
- Disagree.....	3
- Strongly disagree	4
- [DK/NA].....	9
A. The public authorities actively monitor and ensure compliance with consumer legislation in my sector in my country.	1 2 3 4 9
B. The public authorities actively monitor and ensure compliance with product safety legislation in my sector in my country.	1 2 3 4 9
C. Consumer NGOs actively monitor compliance with consumer legislation in my sector in my country.	1 2 3 4 9
D. The self-regulatory bodies actively monitor respect of codes of conducts or codes of practice in my sector in my country.	1 2 3 4 9
E. The media regularly report on businesses which do not respect consumer legislation.....	1 2 3 4 9
F. I changed my commercial practices as a result of a media story.....	1 2 3 4 9

Complaints

NEW

A19. What were the main issues consumers complained about in the past twelve months?

[OPEN ENDED WITH PRECODING - Multiple answers possible]

- Quality of the product (or service).....	1
- After sales or redress	2
- Delivery, provision, instalment (including customer service).....	3
- Price, tariff, invoice or bill.....	4
- Contract terms or guarantees	5
- Misleading advertisement, aggressive selling or fraudulent practices	6
- Lack of clear information	7
- Incidence related to unsafe products or services	8
- Ethical or environmental aspects	9
- Privacy issues	10
- Difficulties in switching / changing provider	11
- Others.....	12
- None.....	98
- [DK/NA].....	99

NEW

A20. What percentage of complaints you received in the past twelve months could you resolve directly with the consumer to their satisfaction?

- %	
- [DK/NA].....	999

Redress

TREND

A21. In the past two years, have you used Alternative Dispute Resolution (ADR) mechanisms (i.e. arbitrators, mediators, ombudsmen, conciliation bodies, consumer complaints boards, other out-of-court dispute resolution bodies) to settle disputes with customers? (Multiple answers possible, To be adapted for Finland)

- No, and I do not know any of those mechanisms 1
- No, but I know some ADR mechanisms 2
- No, but I am member of an ADR body..... 3
- Yes, I have used ADR mechanisms..... 4
- Yes, I regularly use those mechanisms..... 5
- Yes, through the ADR body I am a member of 6
- [DK/NA]..... 9

[IF A21=NO]

NEW

A22a. Why have you not used ADR?

READ OUT – ROTATE - Multiple answers possible

- You would be prepared to use ADR but there has never been a need..... 1
- You did not know ADR was available in your country for your sector..... 2
- You did not feel sufficiently informed about the ADR process 3
- You did not trust the ADR process..... 4
- ADR is too time consuming 5
- ADR is too expensive 6
- You preferred to resolve the matter in court..... 7
- ADR is not available in your country for your sector..... 8
- Other 9
- [DK/NA]..... 99

[IF A21=YES]

NEW

A22b. What was the outcome of your last ADR case?

- The dispute was settled 1
- The ADR took a decision/opinion but you decided to go to court 2
- The ADR took a decision/opinion but the consumer decided to go to court..... 3
- The ADR took a decision/opinion but you did not comply and the consumer did not go to court 4
- [DK/NA]..... 9

[ASK ALL]

NEW

A23. In the past two years, have you been taken to court to settle disputes with consumers?

[ONLY ONE ANSWER IS POSSIBLE]

- Yes, by individual consumers..... 1
- Yes, by a group of consumers as part of a collective court case 2
- Yes, by a representative body (i.e. consumer organisation or national authority) as part of a collective court case 3
- No 4
- [DK/NA]..... 9

NEW

A24. Would you prefer to settle a dispute with a group of consumers over the same problem through ...?

[ONLY ONE ANSWER IS POSSIBLE]

- Individual ADR or 1
- Collective ADR or 2
- Individual court proceedings or 3
- Collective court proceedings?..... 4
- [DK/NA]..... 9

Others

A25. Thinking about all non-food products currently on the market in your country, do you think that...?

[ONLY ONE ANSWER IS POSSIBLE]

- Essentially all products are safe..... 1
- A small number of sproducts are unsafe..... 2
- A significant number of products are unsafe 3
- [DK/NA]..... 9

NEW

A26. Are you a member of a code of conduct or code of practice related to consumer or commercial issues for your sector / market?

- Yes 1
- No 2
- [DK/NA]..... 9