



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Directorate C : Fundamental Rights and Citizenship  
**Unit C2 : Union Citizenship rights and Free movement**  
Head of Unit

Brussels, **10. 02. 2016**  
JUST/C2/ChB/rg (2016)s657187

Ms Johanna McRae  
[johannaxisas@hotmail.com](mailto:johannaxisas@hotmail.com)

Dear Ms McRae,

I refer to your complaint of 27 August 2013 which was registered under the reference number CHAP 2013(2750).

After the Commission's intervention, the Maltese Government promised to make it a priority to solve the discriminatory treatment of EU citizens in Malta regarding access to reduced utility tariffs.

Consequently, the Maltese authorities informed the Commission in January 2014 that EU citizens would be able to submit the "Change in number of persons declaration" together with a form of identification which include national identity cards and national passports in order to access reduced utility tariffs.

According to the information available to the Commission, this issue has been solved satisfactorily.

The Maltese government also assured the Commission that claims of EU citizens who suffered losses would be analysed on a case by case basis by ARMS Ltd. and, where an EU citizen had been unduly denied the application of reduced water and electricity rates he/she would be entitled to a refund.

The Maltese authorities set up a procedure in order to allow Union citizens, who have been negatively affected by the previous, discriminatory policy, to be granted refunds.

According to the information received by the Commission, the customer care structures of ARMS Ltd. has been instructed to deal with the claims submitted by applicants adversely affected by the previous, discriminatory practice.

The Maltese government informed the Commission that ARMS Ltd. can be contacted through various channels, namely:

- Physically at its customer services outlets in Malta and Gozo:
  - Gattard House, National Road, Blata 1-Bajda, Malta;
  - ARMS Offices, Triq ta' Wara s-Sur, Victoria, Gozo;
- Electronically by email at [customer-care@arms.com.mt](mailto:customer-care@arms.com.mt);
- By free phone on 8007 2222;
- Through postal address: ARMS Ltd. P.O. Box 63, Marsa, MRS 1000, Malta.

Furthermore, a new application form (Form H1) to submit requests for redress has been made available on the front page of the website of ARMS Ltd<sup>1</sup>. In addition to that, a set of 'Frequently Asked Questions' has been made available on the website of ARMS Ltd<sup>2</sup> to further explain the process.

On 29 September 2015, the Maltese authorities also expressed their willingness to refund persons who had not applied initially for the reduced tariff because they had been dissuaded by the previous discriminatory practice.

Q&A number 19 of section 11 "Billing Questions" reads as follows:

***What happens in cases where a prior application to be charged the residential rate had not been submitted?***

*Account holders, being EU nationals and who had not applied to be charged the residential rate prior to 2013, may exceptionally submit an H1 application to claim a refund from ARMS Ltd. In such cases applicants must, together with their application and in addition to the documentation referred to above, submit proof that s/he was primarily resident in Malta at the address linked to the account at the time in question. ARMS Ltd reserves the right to request the applicant to declare on oath that s/he was primarily resident in Malta at the specified address for the applicable time period.*

I am thus pleased to inform you that the Maltese authorities have rectified their policy which now complies with EU law.

The Commission is thus satisfied with the steps taken by the Maltese authorities and intends to close the infringement procedure (NIF 2011/2197) against the Republic of Malta.

We will thus close your case, unless we receive within four weeks of the date of this letter new information of relevance that might justify further examination of the complaint by our department.

I appreciate that you have taken the time to inform the Commission of the problem experienced in Malta and have thus contributed to the correct application of EU law.

As to the problem concerning the difficulty to access reduced tariffs when renting an apartment, on 18 November 2014, the European Commission sent a letter to the Maltese authorities through the so called EU PILOT project (ref. EU PILOT n. 7132/14).

On 13 January 2015, the Maltese authorities replied to the Commission's EU PILOT letter and several contacts between the European Commission and the Maltese authorities took place since then.

---

<sup>1</sup> [https://www.smartutilities.com.mt/wps/wcm/connect/88f2eb70-57ec-481a-a6d18806eeb9a48b/4459+ARMS+WATER+FORMS\\_H1+EL.pdf?MOD=AJPERES](https://www.smartutilities.com.mt/wps/wcm/connect/88f2eb70-57ec-481a-a6d18806eeb9a48b/4459+ARMS+WATER+FORMS_H1+EL.pdf?MOD=AJPERES)

<sup>2</sup> [https://www.smartutilities.com.mt/wps/portal/Public%20Area/armsHelp/FAQs/FAQs.Billing!/ut/p/b1/04\\_Sj9CPykssy0xPLMnMz0vMAfGjzOKd3Y0CzYzdfMw8DQLcDBxNfN0DnRydDd0NjfqLsh0VAfyOU2w!/?](https://www.smartutilities.com.mt/wps/portal/Public%20Area/armsHelp/FAQs/FAQs.Billing!/ut/p/b1/04_Sj9CPykssy0xPLMnMz0vMAfGjzOKd3Y0CzYzdfMw8DQLcDBxNfN0DnRydDd0NjfqLsh0VAfyOU2w!/)

Given the fact that these contacts relate to an investigation of the European Commission which might lead to an infringement procedure, at this point I am not entitled to provide you with any further information concerning this issue.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'MH B' followed by a flourish.

Marie-Hélène Boulanger