



Malta: implementation of the Representative Actions Directive

Representative Actions (Consumers) Act 2023 (Act XVII of 2023; Cap. 635 of the Laws of Malta)

Malta transposed the Directive through a dedicated piece of primary legislation, the Representative Actions (Consumers) Act 2023, published on 5 June 2023 and entering into force on 25 June 2023. The Act also amends the Consumer Affairs Act (Cap. 378) and the Malta Communications Authority Act (Cap. 418), to adapt terminology in line with the Directive and to confer on the Malta Communications Authority the power to issue injunctive measures in the communications and digital services sphere.

The Consumer Affairs Council serves as the competent authority responsible for the implementation of the Directive. The mechanism operates on an opt-in basis, and the court's certification decision shall be published in the media so that eligible consumers may opt in within a five-month period. Jurisdiction over representative actions lies with the civil courts, commercial division.

Malta's pre-existing Collective Proceedings Act (Cap. 520) has been amended to remove consumer law from its scope, which is now exclusively governed by the new Act. Consumer law redress and injunctive measures are therefore dealt with through the representative actions framework. However, the Collective Proceedings Act is retained for competition law matters. The scope of the new mechanism covers all areas provided for in Annex I of the Directive.

For official texts:

<https://parlament.mt/media/122542/act-no-xvii-representative-actions-consumers.pdf> (Act No XVII of 2023)

Amy Adams

Maria José Azar-Baud

Un regard comparatiste et pluridisciplinaire

Founder: Maria José Azar-Baud

<https://observatoireactionsdegroupe.com/>