



27.6.2014

NOTICE TO MEMBERS

Subject: Petition 1129/2012 M. H. (German), concerning discrimination in the setting of public transport fares in Malta

1. Summary of petition

The petitioner complains of unequal treatment of EU citizens in the setting of bus fares by the bus company Arriva in Malta. This company offers cheaper rates to Maltese citizens or to citizens with a Maltese residence permit. EU citizens and members of their families who hold a residence document are likewise eligible for lower fares. All other EU citizens pay the high rate. The petitioner considers that this constitutes discrimination, and calls for an inquiry.

2. Admissibility

Declared admissible on 20 December 2012. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 30 April 2013

The issue of alleged discrimination with regard to bus transport tariffs in Malta on the grounds of nationality has been brought to the attention of the Commission on several occasions. As the Commission was not satisfied with the justifications given by the Maltese authorities in the framework of the pre-infringement proceedings it has initiated infringement proceedings against Malta in January 2013 for indirect discrimination based on nationality. The Commission is currently examining the reply of the Maltese authorities received in March 2013.

At this stage the Commission is of the opinion that the Maltese bus fare scheme does not comply with Articles 18 and 21(1) TFEU and that the situation where Union nationals who

have made use of their free movement rights have to pay a higher price for bus tickets in the Maltese bus transport is not acceptable.

4. Commission reply (REV), received on 27 June 2014

In January 2013, the European Commission initiated an infringement procedure against Malta for discriminatory bus transport tariffs.

Subsequently, an amendment to the Maltese Regulations removed the discrimination. It was published on 25 March 2014 (see Legal Notice 94 of 2014, Passenger Transport Services (Amendment) Regulations, Government Gazette n°19.225).

The Commission now intends to close the infringement case.