



EUROPEAN PARLIAMENT

2014 - 2019

Committee on Petitions

27.6.2014

NOTICE TO MEMBERS

Subject: Petition No 1463/2013 by Oskar Pecyna (Polish) on discrimination against EU citizens in Malta

1. Summary of petition

The petitioner calls for immediate measures by the European Commission towards the Maltese Government, because it discriminates against non-Maltese EU citizens. By way of example, the petition cites bus travel.

2. Admissibility

Declared admissible on 8 May 2014. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 27 June 2014

As to the utility tariffs, the European Commission kindly refers the Petitions committee to its reply on Petition 1405/2012.

As to the bus tariffs, the European Commission kindly refers the Petitions committee to its reply on Petition 682/2013.

Commission reply on petition 1405/2012 received on 30 April 2014 (CM1029369)

The Commission is aware of the allegedly discriminatory tariffs applied to EU citizens residing in Malta and of the problems encountered by non-Maltese EU citizens when trying to obtain the eco-reductions and energy allowances.

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The Commission initiated a formal infringement procedure against Malta by issuing a letter of formal notice on 12 October 2012.

In January 2014 the Maltese authorities informed the Commission about the steps taken to solve the problem. EU citizens may as of December 2013 submit the "Change in number of persons declaration" together with a form of identification which include national identity cards and national passports and will thus be able to benefit from reduced electricity and water tariffs and access eco-reductions and one-off energy allowances.

Concerning the alleged obligation imposed on Union citizens to pay deposits to the electricity and water companies, further investigation is needed to clarify the existence of such a practice.

Conclusion

With a view to the measures recently announced by the Maltese government, the Commission is going to monitor their implementation before deciding on the next steps.

The Commission will contact the Maltese authorities in relation to the deposits mentioned by the petitioner.

Commission reply on petition 682/2013 received on 27 June 2014 (CM1034819)

In relation to the energy and water rebates, the European Commission kindly refers the Petitions committee to the reply already given on petition 1405/2012.

In January 2013, the European Commission initiated an infringement procedure against Malta for discriminatory bus transport tariffs. An amendment to the Maltese Regulations removed the discrimination 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.

(see also reply given on petitions 1129/2012 and 1317/2012)

Concerning the alleged discriminatory treatment of EU citizens working in Malta, there are no indications that the Maltese institutions do not apply EU law on free movement of workers correctly. The Commission notes that Article 45 TFEU and Regulation (EU) No 492/2011, which aim at securing non-discriminatory treatment of EU workers with domestic workers, is directly applicable in all Member States. Article 7 of Regulation (EU) no 492/2011 specifically confers the right for EU migrant workers to equality of treatment in conditions of employment and work. The petitioner is therefore invited to make recourse to the competent national institutions or courts should she feel discriminated against in her individual situation as migrant worker in Malta.

Conclusion

In relation to EU migrant workers' rights and equal treatment, there are no indications that the Maltese institutions do not apply EU law on free movement of workers correctly. The Commission thus invites the petitioner to make use of the means of redress available at national level which, as a rule, enable EU citizens to assert their rights more directly and more

personally.