



Notification Form for a General Authorisation to solely provide Postal Services outside the scope of the Universal Service

Malta Communications Authority
Valletta Waterfront, Pinto Wharf, Floriana FRN 1913, Malta, Europe.
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EXPLANATORY STATEMENT

Definition of which postal services fall outside or within the scope of the universal services

Express mail services are considered as postal services falling outside the scope of the universal service, while all other types of postal services are generally considered as falling within the scope of the universal service.

In order to be considered as an express mail service the following characteristics are required:

- If it is originating from a sender in Malta and intended for delivery to an addressee in Malta, it is required to take place within 24 hours;
- If it is originating from a sender outside Malta intended for delivery to an addressee in Malta, it is required to take place within 24 hours from when the postal article arrives in Malta;
- It is clearly identified as an express mail service from acceptance to delivery, and also included in the Terms & Conditions of service;
- It includes a guaranteed pre-set delivery time;
- It includes priority handling, tracking and managerial control;
- It allows end-to-end tracking;
- A written acknowledgement of delivery is provided;
- It contains additional value-added features over those falling within the scope of the universal services, including the possibility of a premium price for a better quality of service.

If a postal service provider is of the opinion that although the service it wishes to offer is not of an express mail service nature, but it should still be considered as falling outside the scope of the universal services, it may communicate its reasons in detail to the Malta Communication Authority (hereafter 'the Authority') for consideration. Only justifications based on the parameters as set out in the MCA's Decision Notice entitled '*Regulatory Direction on Specific Aspects of the Universal Postal Service*' dated 25th March 2011 would be considered.

GUIDANCE NOTE

This application form contains two parts:

Part I should be completed in its entirety either in print or in block letters if in writing.

Part II is a declaration which requires the signature/s of:

- In the case of an individual, the person in whose name the application is made.
- In the case of a partnership, any two partners duly authorised.
- In the case of a company or other body corporate (legal entity), any two directors or any director together with the company secretary, who must be duly authorised.
- In the case of a co-operative or other body, the president and secretary of the co-operative, or other body who must be duly authorised.
- In the case where the applicant is located overseas, the application must include a contact address in Malta. The applicant must as a minimum be registered as an overseas company in Malta in accordance with Maltese law.

This form may be completed electronically or in block letters and may be sent by e-mail to facilitate processing; however the final application form must contain a wet signature¹.

Two copies of the completed form together with, an original copy of the Memorandum & Articles of Association of the applicant company (where applicable) and a copy of the ID card/passport in the case of an individual should be submitted in an envelope clearly marked "Notification for a Postal Service General Authorisation" addressed to:

The Chief of Operations
Malta Communications Authority
Valletta Waterfront
Pinto Wharf
Floriana FRN1913
Malta

In accordance with Regulation 48 (3) of the Postal Services (General) Regulations (hereafter 'the Regulations'), upon receipt by the Authority of a correctly completed Notification Form, the person concerned is deemed to be authorised to provide those postal services outside the scope of the universal service, as indicated in the same notification subject to the conditions of the General Authorisation determined by directive of the Authority.

Authorised undertakings are required, under regulation 48 (4) of the Regulations, to notify the Authority of any changes to the information supplied in this Notification within fourteen days of such change in relation to the information supplied.

¹ an original written signature

The newly authorised postal service undertaken is required to be included by the Authority in the Register of Authorised Undertakings in accordance with regulation 50 of the Regulations.

CESSATION OF OPERATIONS

Any undertaking providing postal services outside the scope of the universal service and which intends to cease its operations and withdraw its notification, is required to notify the Authority in writing at least fourteen days prior to the cessation of such activities.

GENERAL DEFINITIONS

Information pertaining to the number of employees involved in the provision of parcel delivery services in Malta. This information shall be provided according to established company reporting practices relating to statistical information on the basis of their own calculation. The Malta Communications Authority may require to provide the methodology of calculation and may comment on and request a change of this methodology if necessary.

Determining whether a parcel service delivery provider is established in more than one Member State. A parcel delivery service provider is established in more than one member state if it is owned by or owns (at least 80% ownership) another parcel delivery service provider that is established in a different Member State in the EU / EEA. A parcel delivery service provider is also established in more than one member state if it has a branch or an agency for the provision of cross-border parcel delivery services.

Detailed description of the parcel delivery services offered. Provide this information where possible and indicate whether added value is offered.

General Terms and Conditions for parcel delivery services. Attach a copy of the relevant documents in an Annex to this form. Also provide details of complaints procedures for users and any potential limitations of liability. If the relevant documents are available online, provide the link (s).

PART 1 - INFORMATION REQUIRED FROM APPLICANT

1. DETAILS OF UNDERTAKING

Name of undertaking providing postal services outside the scope of the universal service:

_____ Website: _____

Company registration number*: _____ VAT No.: _____

Registered Address of undertaking including post code:

E-mail: _____ Telephone: _____

Legal status and form: _____

Group Name/Franchise Network/Parcel Service Provider Group (if applicable)

To be filled in only in case providers are incorporated outside Malta:

Country of domicile: _____ MFSC OC certificate No: _____

2. CONTACT PERSONS' DETAILS

Primary contact person:

Name: _____ Designation: _____

E-mail: _____ Telephone: _____

Mobile: _____

3. MAIL INTEGRITY/COMPLAINT HANDLING/QUALITY OF SERVICE PROCEDURES

If the Mail Integrity procedures are established, they should to be attached to this form.

Mail Integrity procedures should be in line with the MCA Decision entitled "Postal Sector - Minimum Standards for protecting the integrity of mail of the 8th June 2006 which include procedures for the purpose of minimising the risk of loss theft damage and interference to mail, and procedures that ensure directors, officials, employees, agents and sub-contractors are selected, trained and assessed.

If Mail Integrity procedures are yet to be developed, they are required to be drawn up and provided to the MCA within two months of the date of this licence.

4. CHARACTERISTICS OF THE POSTAL SERVICE

Involvement in the Postal Value Chain (please tick the appropriate box)

Clearance Notes/remarks _____

Sorting Notes/remarks _____

Transport Notes/remarks _____

Distribution Notes/remarks _____

PART 1 - INFORMATION REQUIRED FROM APPLICANT ...continued

5. DETAILS OF SERVICES PROVIDED OUTSIDE THE SCOPE OF THE UNIVERSAL SERVICES

Provision of Express Mail Services - Malta (including Gozo and Comino):

Yes No

Notes: _____

Provision of Express Mail Services - Trans-border:

Yes No

Notes: _____

Provision of other Postal Services outside the Scope of the Universal Service:

Yes No

If 'Yes' please provide detailed information on the services provided:

If Postal Services are not provided throughout the Maltese Islands, or is provided solely in

Do you provide a Postal Service in any other EU Member State besides in Malta?

Yes No

If 'Yes', you are kindly requested to attach a copy of the General Terms and Conditions with this notification form.

Are there more than 25 employees (Full time equivalent) involved in the provision of parcel delivery services in Malta?

Yes No

If 'Yes', you are kindly requested to attach a copy of the General Terms and Conditions with this notification form.

IMPORTANT NOTE:

Undertakings are required by law to notify the MCA of any changes or new activities to all the above information within fourteen days prior to the commencement of the relevant

PART 2 DECLARATION

On behalf of the applicant, I/we hereby declare that:

- the services provided fall entirely outside the scope of the Universal Service according to the MCA Decision Notice entitled *Regulatory Direction on Specific Aspects of the Universal Postal Service* dated 25th March 2011;
- the applicant shall develop within two months from the date of commencement of the relevant activity and thereafter maintain and operate adequate mail integrity procedures;
- the applicant shall at all times comply in every respect with the conditions attached to any authorisation that may be awarded to the applicant as the same may be modified from time to time;
- the applicant shall at all times comply with lawful directions of the Malta Communications Authority and with the obligations at law; and
- the information provided by me/ us on behalf of the applicant is accurate and complete in all respects.

Notifying undertakings should refer to the document at

<http://www.mca.org.mt/sites/default/files/attachments/decisions/2012/dn-postal-usomar.pdf>

Signature # 1: _____

Full name of Signatory: _____

I.D. card no. : _____

Position held** : _____

Signature # 2: _____

I.D. card no. : _____

Full name of Signatory: _____

Position held** : _____

Date: _____

** applicable where applicant is a company, co-operative or other body corporate

DATA PROTECTION CLAUSE

In terms of the General Data Protection Regulation (EU) 2016/679 (GDPR), and the Data Protection Act (Chapter 586 of the Laws of Malta), the Malta Communications Authority (hereafter 'the Authority') will process any personal data supplied on this application/notification form or subsequently supplied by yourself, whether orally or in writing, for all or any of the following:

- the proper processing of your application/notification form as submitted;
- preventing, detecting and/or prosecuting fraud, any administrative noncompliance, and any other non-compliant or criminal activity or omission which the Authority is bound to report and/or act upon whilst meeting any other legal or regulatory obligations;
- establishing, exercising or defending any legal action;
- internal management, research and statistics, systems administration, the development and improvement of the Authority's services;
- the proper conduct of our obligations arising under any law or statutory instrument and the protection and promotion of our legitimate interests; and
- to make public the necessary information as specified in the relevant law and/or instrument.

Relevant data will be disclosed or shared as appropriate with all our employees and with other third parties if pertinent to any of the purposes listed above.

By signing this form, I/we am/are hereby granting my/our consent to the MCA to process my/our personal data and personal data belonging to third parties granted herein with their consent, for the sole purpose of this application in accordance with the General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act (Cap. 586 of the Laws of Malta).

The Authority undertakes to implement appropriate measures and safeguards for the purpose of protecting the confidentiality, integrity and availability of all data processed.