



# **Postal Sector – Managing Common Operational Issues in a Multi-Operator Environment**

## **Decision Notice**

**1<sup>st</sup> December 2009**

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## Foreword

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This document outlines the MCA's decision to introduce arrangements for managing common operational issues in a multi-operator environment.

In order to create the conditions for an environment that is conducive to the onset of competition and in preparation of full market opening of the postal sector by the end of December 2012, the MCA issued a consultation document in August 2009<sup>1</sup> proposing a set of minimum standards setting out the duties and obligations of licensed postal operators (i.e. postal operators operating services falling within the scope of the universal service) relating to common inter-operator issues that arise in a multi-operator environment.

The objective of these minimum standards, which the MCA is issuing as a Decision Notice through this document, is to minimise postal operator and consumer confusion in a multi-operator environment, thereby ensuring prompt handling and delivery of postal articles. These minimum standards will also help to maintain mail integrity, preserve customers' confidence in the postal system and provide operational certainty to new entrants.

One response to the consultation was received from Maltapost plc (hereinafter referred to as Maltapost). The response received has been of assistance to the MCA in helping it form a view on the consultation issues.

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<sup>1</sup> MCA (2009), Postal Sector – Managing Common Operational Issues in a Multi-Operator Environment. Consultaion Paper (on-line): <http://www.mca.org.mt/infocentre/openarticle.asp?id=1223&pref=16>

## 1. Introduction

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Setting out in a clear manner how postal operators are expected to work together wherever necessary, and ensuring that proper systems and procedures are in place to deal with any 'overlaps' that might occur between postal operators, ensures that users continue to receive a quality service and that the integrity of mail is safeguarded.

In recognising the need for a framework to manage inter-operator issues, the MCA proposed, through a consultation document issued in August 2009, the introduction of a set of minimum standards setting out the duties and obligations of licensed postal operators for managing common operational issues. The common operational issues discussed in the consultation document related to:

- the identification of mail as carried by a postal operator;
- accessing elements of the postal infrastructure<sup>2</sup> and services;<sup>3</sup>
- the timely and efficient extraction and repatriation of mail which has entered the postal facilities of a postal operator which is not the intended operator;<sup>4</sup> and
- the redirection of misdirected customer enquiries.

In the consultation document the MCA proposed that, upon notification by the MCA, Maltapost as the designated Universal Service Provider (USP) would need to provide a standard offer (referred to as a 'Reference Offer') that would set out the processes and arrangements that Maltapost would commit to adopting to address common inter-operator issues between Maltapost and other licensed postal operators (refer to **Section 3**). As for operational issues between other licensed postal operators, the MCA proposed that these should commercially negotiate and agree on the most efficient arrangements among themselves.

### 1.1 Format of this Document

The remaining sections of this document provide a summary of the consultation topics, the views of the respondent and the MCA's position. Each section is accompanied by the MCA's decision.

**Appendix A** details the MCA's decision applicable to all licensed postal operators on the minimum standards for the management of common operational issues in a multi-operator environment.

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<sup>2</sup> The postal infrastructure comprises the structures and facilities necessary to guarantee the consumer an effective and reliable mail delivery in the country.

<sup>3</sup> Including access to the mail redirection and postcode information and post office boxes.

<sup>4</sup> Including misposted and reposted (gone away, forwarded, misdelivered etc) and referred to together as "misdirected mail".

## 2. Minimum Standards

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This section establishes the minimum standards for the management of common operational issues in a multi-operator environment, thereby ensuring prompt handling and delivery of postal articles.

### 2.1 Postal Identifier

A postal identifier mark can be said to be the backbone of any arrangement for managing postal inter-operator issues. A postal identifier mark ensures that there is accountability during the entire chain of conveyance, and enables both postal operators and mail recipients<sup>5</sup> to trace and identify the operator tasked with handling postal articles.

The Postal Services (General) Regulations (the Regulations)<sup>6</sup> define a postal identifier as:

'any postage stamp, postmark or impression that is unique to each postal operator and which satisfies the following:

- (a) it is affixed to, or impressed on, or printed on postal articles;
- (b) it exclusively identifies the postal operator; and
- (c) it clearly indicates to members of the public that those postal articles have been or are intended to be, accepted by that postal operator for the purpose of being conveyed by post.<sup>7</sup>

Regulation 62A of the Regulations stipulates that a postal operator shall on accepting a postal article for conveyance by post and prior to conveying the postal article, impress or print on the postal article its postal identifier. Moreover, a postal operator which provides services within the scope of the universal service shall ensure that a postal article carried by him is marked with a postmark which indicates the date when it was delivered into the care of the said postal operator.

#### Summary of Consultation Issue

In addition to the provisions already found in legislation, the MCA proposed the inclusion of additional provisions in the minimum standards relating to the registering and publishing of postal identifier marks and how these should appear on the postal articles handled by postal operators.

The MCA asked for views and comments on the proposed provisions regarding the postal identifier and on any other issues that would need to be addressed.

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<sup>5</sup> "Recipient" in relation to a postal article, means a party who is the addressee of the postal article.

<sup>6</sup> Refer to Legal Notice 28 of 2009 (on-line) : [www.doi.gov.mt/EN/legalnotices/2009/01/LN%2028.pdf](http://www.doi.gov.mt/EN/legalnotices/2009/01/LN%2028.pdf)

<sup>7</sup> See Postal Services (General) Regulations, reg. 2 thereof.

### Summary of Respondent' viewpoint

Maltapost commented positively on the MCA's proposal that postal operators must register their postal identifier mark with the MCA and publish their postal identifier mark on their website for public information.

### MCA's position

The provisions regarding the postal identifier mark are to be implemented as proposed in the consultation document. The MCA notes that licensed postal operators are obliged to include a date stamp alongside their respective postal identifier marks and that they cannot tamper with another operator's date stamp or identifier mark.

#### Decision 1

- i. Every Licensee must have a postal identifier mark as specified in Regulation 62A of the Regulations. The postal identifier mark must be easily identifiable as the mark belonging to the relevant Licensee.
- ii. Every Licensee must ensure that the postal identifier mark, together with a date stamp, is clearly and legibly marked on each postal article that it handles for the purpose of it being conveyed by post.
- iii. Every Licensee must register its postal identifier mark with the MCA. The MCA will publish the postal identifiers on its website for public information. In addition, every licensee must publish their postal identifier mark for public information.

These provisions are reflected in **Section 2** of the minimum standards and will come into force on 1<sup>st</sup> January 2010.

## 2.2 Access to the Postal Infrastructure and Services

Access to elements of the postal infrastructure and services is considered as an important step towards creating a more competitive environment. It is important that the postal infrastructure and services of any postal operator does not in itself represent an obstacle for new postal operators entering the market.

Directive 2008/06/EC highlights that 'consumer interests would also be furthered through the enhanced inter-operability between operators resulting from access to certain elements of infrastructure and services.' Article 11(a) of this Directive states that 'Member States shall ensure that transparent, non discriminatory access conditions are available to elements of the postal infrastructure or services provided within the scope of the universal service, such as a postcode system, address database, post office boxes, delivery boxes, information on change of address, re-direction service and return to sender service.'

Regulation 67 of the Regulations stipulates that 'postal operators shall have a right and, when requested by other postal operators, an obligation to negotiate access with each other for the purpose of providing postal services.' The same article also specifies that

the 'Authority may issue directives to the USP requiring it to meet reasonable requests for access to, and use of, specific elements of the public postal network in situations where the Authority considers that denial of access, or unreasonable terms and conditions having a similar effect would hinder the emergence of a sustainable competitive market or would not be in the interest of the end-user.'

In its consultation document the MCA tackled three aspects dealing with access to elements of postal infrastructure and services that would minimise postal operator and consumer confusion in a multi-operator environment, thereby ensuring prompt handling and delivery of postal articles. These included the: (1) sharing of postcode information; (2) sharing of redirection information; and (3) access to post office delivery boxes.

### **2.2.1 Sharing of Postcode Information**

Postcodes are important not only to ensure that the postal article can be delivered to the person for which it is intended, but also in ensuring the quality of service in terms of timely delivery. This is because as a unique, universal identifier, it unambiguously identifies the addressee's locality and facilitates the nation-wide conveyance and efficient sorting of postal articles and reduces the number of misdelivered postal articles.

The Regulations state that 'the USP shall submit to the MCA updated lists of postcodes and shall publish them in a manner that ensures reasonable publicity including but not limited to affixation on the notice board of each of its post offices.'<sup>8</sup> Maltapost as the designated USP can therefore be considered as the custodian and originator of the nation-wide postcode system. Within a liberalised environment access to postcode information may be required by other postal operators to deliver postal articles.

#### **Summary of Consultation Issue**

In the consultation document the MCA proposed that Maltapost as the designated USP should be responsible for the provision and administration of a nationwide postcode system and offer to share the use of the postcode information at prices, terms and conditions that are reasonable, objective, justifiable, transparent and non-discriminatory.

Besides the MCA's proposals on access to Maltapost's postcode information by other postal operators, the MCA also invited comments on whether access to Maltapost's postcode information by other postal operators will be important for mail delivery in a liberalised environment.

#### **Summary of Respondent's viewpoint**

Maltapost's comments centred on the assertion that other operators may find it more convenient to devise their own postcode system to accommodate their processes. Maltapost also stated that it is "already selling its postcode database to businesses that are conscious of the importance of the correct addressing of mail".

Maltapost noted that the introduction of "a modern postcode system in Malta was wholly a Maltapost plc initiative" which "required a substantial start-up investment" and still

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<sup>8</sup> Refer Regulation 15(2) of the Postal Services (General) Regulations.

requires a daily expense to maintain and update due to such changes such as for example renumbering and new developments.

Maltapost also highlighted that the definition of the postcode system used in the proposed minimum standards should be amended as follows: "A postcode is a series of letters and digits added to a postal address to aid in the sorting of mail."

#### **MCA's position**

The MCA maintains its position that it is not deemed efficient or effective to have more than one postal operator managing a nation-wide postcode system. The MCA is of the opinion that in a liberalised environment access to postcode information may be required by other postal operators to effectively deliver postal articles.

As stated in the consultation document the MCA recognises Maltapost as the custodian and originator of a nation-wide postcode system and must offer to share the use of the postcode information with other postal operators on just, reasonable and non-discriminatory terms.

With respect to the postcode definition used in the minimum standards the MCA is of the opinion that the proposed definition should be retained. The MCA notes that the Universal Postal Union (UPU) describes the postcode as the "fundamental, essential element of an address" and "a unique universal identifier" which "unambiguously identifies the addressee's locality and assists in the transmission and sorting of mail items."<sup>9</sup>

#### **Decision 2**

Maltapost as the designated USP is responsible for the provision and administration of a nation-wide postcode system.

Maltapost must offer to share the use of the postcode information (i.e. the combination of addresses and postcodes) with other licensed postal operators at prices, terms and conditions that are reasonable, objective, justifiable, transparent and non-discriminatory.

These provisions are reflected in **Section 3** of the minimum standards which will come into force on 1<sup>st</sup> January 2010.

#### **2.2.2 Sharing of Redirection Information**

The mail redirection service allows a user who has moved to a new address to continue receiving mail, bearing the previous address, for a period of time. In line with Regulation 23(c) of the Regulations, Maltapost as the USP is obliged to provide a mail redirection service. This however does not impede other licensed postal operators from offering a mail redirection service.

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<sup>9</sup> UPU, postcodes (on-line) : [http://www.upu.int/post\\_code/en/postcodes.html](http://www.upu.int/post_code/en/postcodes.html)

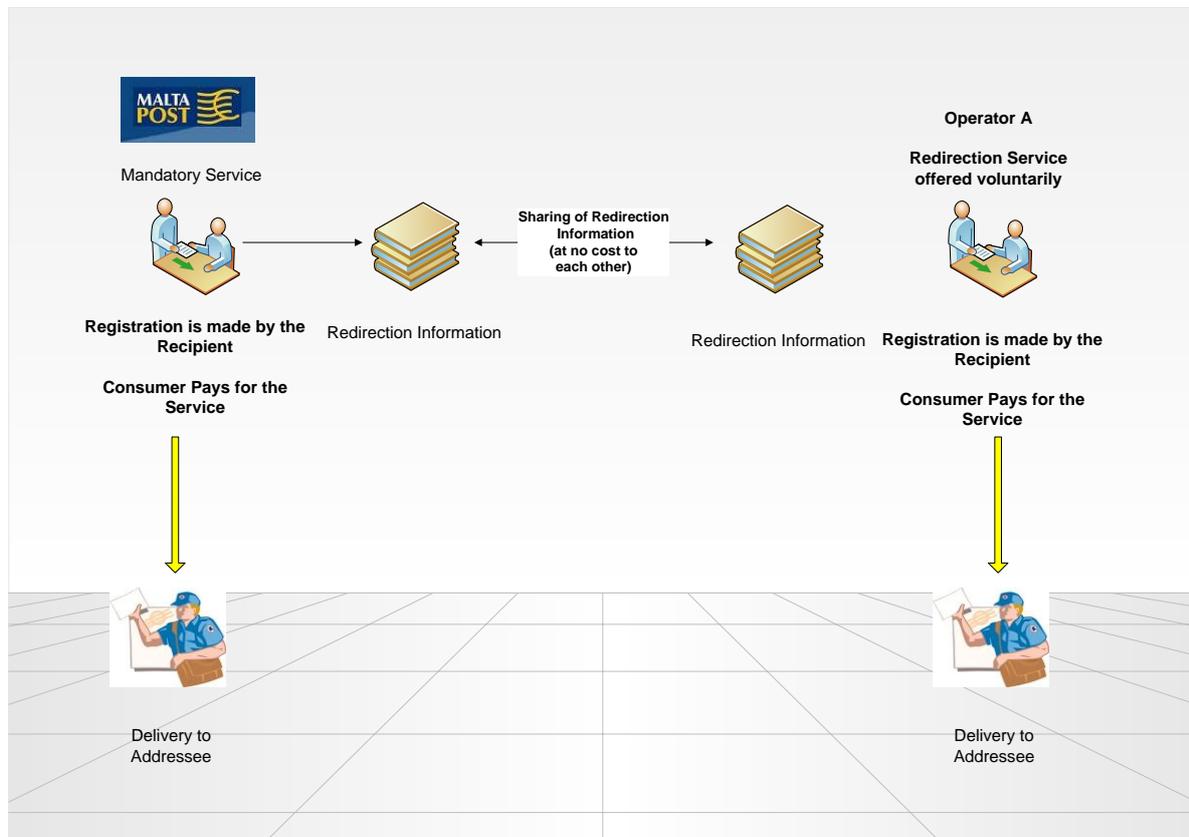
### Summary of Consultation Issue

The MCA’s proposals put forward in the consultation document are based on the premise that within a multi-operator environment it would be inconvenient for recipients to have to inform all postal operators in order to have their postal articles effectively redirected.

To this end the MCA proposed that a cost effective system should be put in place to ensure that all postal articles, regardless of which postal operator is delivering the mail, reach the recipient who has registered for a mail redirection service with any one postal operator who offers a mail redirection service. This however did not imply that postal operators would be required to offer a mail redirection service.

The MCA proposed that all postal operators offering mail redirection services must make available at no cost (as they would be already recovering their costs from their customers) to other licensed operators offering mail redirection, information on the redirected addresses of its customers upon request, provided that consent has been given by the customer to share such information. However, in order to share the redirection information postal operators would have to provide a redirection service for all mail (except for mail exempt from redirection under legislation). Consumers would also have had to be informed of the limitations of the service.

**Figure 1** below gives an overview of the MCA’s proposal put forward in the consultation document.



**Figure 1: The Sharing of Redirection Information as proposed in the MCA’s consultation document**

The MCA invited views and comments on the proposed provisions and on alternative arrangements that could address the sharing of redirection information more effectively.

#### Summary of Respondent's viewpoint

In its response Maltapost commented that information would not be shared mutually as: (a) "operators other than Maltapost plc would not be interested in setting up a redirection database themselves"; and that (b) other operators which Maltapost assumes would target mainly bulk mailers "would not need to collect redirection information from their other clients (addressees) when this is available from Maltapost plc." Maltapost also commented that access to Maltapost's database should be granted against a fee, especially if it is taken into account that Maltapost would need to develop a database that caters for live access.

Maltapost also made reference to paragraph 4.1 of the proposed minimum standards<sup>10</sup> whereby the MCA had highlighted that sharing of redirection information should occur only if "consent has been granted by the Recipient to share the Redirection Information with other Licensees." Maltapost commented that this would constitute an onerous task on their part as two separate databases would need to be maintained. Moreover, Maltapost highlighted that if the cost is to be borne by the consumer such a measure would in fact be subsidised by the persons who are opting out. Maltapost therefore proposed that consumers requesting a mail redirection service should only be informed that "the information would be shared with other licensed operators, and that such information is covered by postal secrecy."

Maltapost also made reference to the definition used in the consultation document and commented that the "definition proposed is not sufficient for an operator to determine when a redirection should take place. For a redirection to be effected, both the previous and the redirected address need to be communicated to the operator in question."

#### MCA's position

Following Maltapost's response and further analysis by the MCA of the issues related to the sharing of redirection information between postal operators the MCA recognises that a system whereby a customer could register for a redirection service with any postal operator offering a mail redirection service could increase complexity and lead to the creation of different databases containing mail redirection information. With various registers in place mail integrity and security issues could also be compromised.

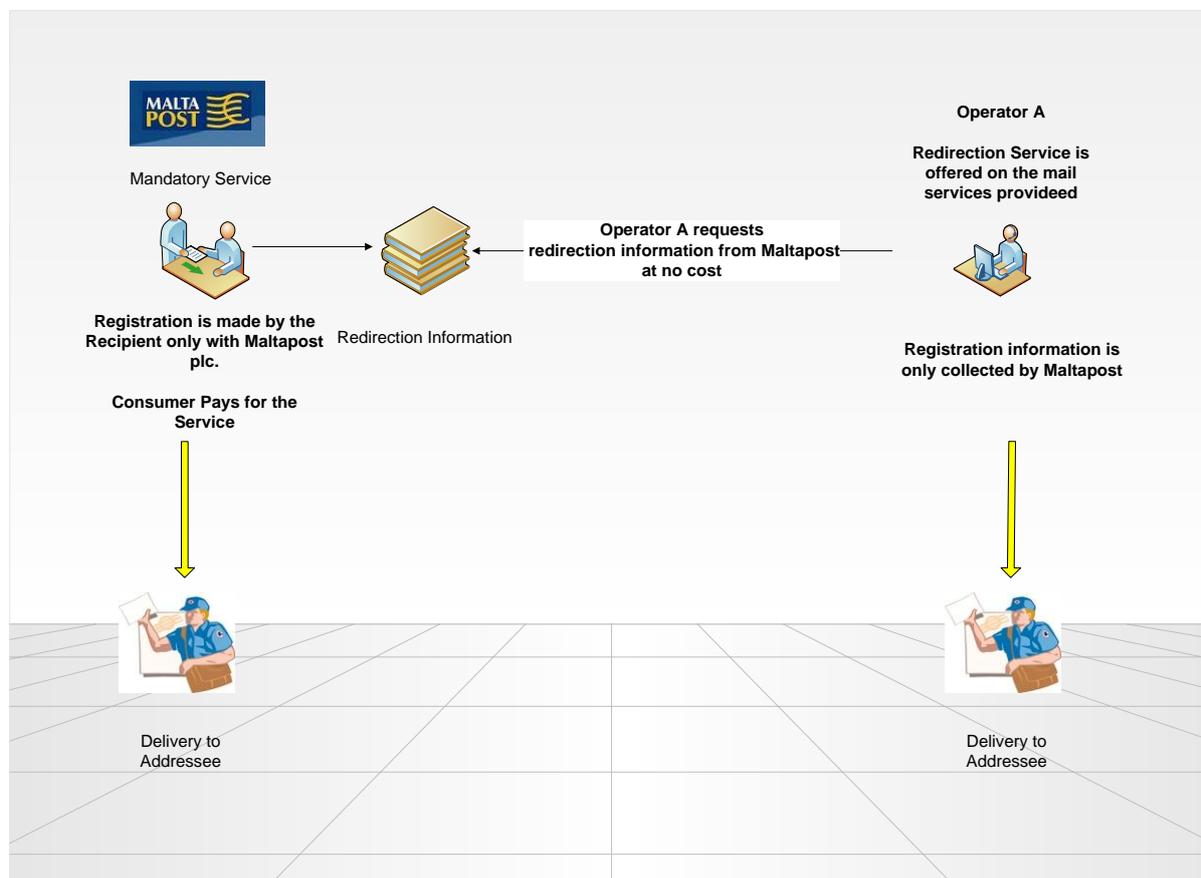
The MCA has therefore revised its proposal whereby Maltapost, as the USP obliged to provide a mail redirection service, will be the only postal operator responsible to share redirection information with other postal operators. Other postal operators who want to offer redirection services would be able to access the redirection information maintained by Maltapost for free. The MCA's revised position for the sharing of redirection information is portrayed in **Figure 2** below.

With regard to the fact that postal operators could request redirection information from Maltapost at no cost, the MCA reiterates its point that Maltapost will already be

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<sup>10</sup> MCA (2009), *ibid.*, 20.

recovering its costs directly from their customers (i.e. Maltapost already impose charges on its own customers when they subscribe to the mail redirection service).



**Figure 2: Revised MCA's position for the sharing of redirection information**

With regard to Maltapost's comments on how this information is to be shared, as stated in the consultation document this should be detailed in the Reference Offer (refer to **Section 3**) to be provided to the MCA by Maltapost.

With regard to the MCA's proposal that "unless the Recipient expressly opts out, the Licensee may share the Redirection Information with other Licensees, which are also offering Redirection Services, for the purposes as permitted by the Recipient"<sup>11</sup>, the MCA has reviewed its proposal following Maltapost's comments.

The consultation proposal is now being replaced with the obligation for Maltapost to make it known to recipients, who have requested the mail redirection service, that it is required to share the redirection information with other licensed postal operators which have requested the information for the purpose of redirecting mail. In addition all postal operators must clearly inform their customers whether or not they provide a redirection service based on the redirection information provided by Maltapost.

<sup>11</sup> Ibidem.

It is noted that the MCA has revised the definition used for the redirection information to reflect the revised way forward discussed above and Maltapost's comments to include both the previous and redirected address when sharing redirection information with other postal operators.

### Decision 3

- i. Maltapost Plc as the universal service provider must, upon reasonable request, make available in a timely manner to other Licensees the redirected address of any Recipient, who has requested for the mail Redirection Service ('Redirection Information'). In this respect, Maltapost Plc must make it known to such Recipients that it is required to share the Redirection Information with other licensed postal operators which have requested the Redirection Information.
- ii. Any Licensee which chooses to access Redirection Information must offer a redirection service for all mail (except for mail exempt from redirection under legislation).
- iii. Maltapost plc must not charge other Licensees for the Redirection Information. Instead, Maltapost plc may only recover costs from Recipients who request for the Redirection Service.
- iv. Licensees must only use the Redirection Information provided by Maltapost plc for the purpose of a Redirection Service.
- v. A request for the Redirection Service (whereby the Redirection Information will be shared with other licensees) can only be made with Maltapost plc.
- vi. Licensees must clearly inform their customers whether they provide a Redirection Service based on the Redirection Information provided by Maltapost plc.

These provisions are reflected in **Section 4** of the Minimum Standards. This section of the standards will come into force on the 1<sup>st</sup> June 2010 giving Maltapost the necessary time to update its processes and procedures to reflect these provisions.

### 2.2.3 Access to Private Delivery Boxes

A Private Delivery Box, or as more commonly referred to, a Post Office (PO) Box, is a uniquely addressable lockable box located on the premises of a postal operator.

In the Regulations this is defined as a 'box installed in a post office and in which postal articles other than parcels, are placed to await collection by that box-holder or by his authorised agent.' Paragraph (h) of Regulation 23 states that Maltapost as the USP is obliged to provide private delivery boxes. However, this does not impede other licensed postal operators from offering this type of service.

#### Summary of Consultation Issue

In its consultation document the MCA proposed that any postal operator operating PO Boxes must allow other postal operators access to its PO boxes for the deposit of postal

articles on reasonable, objective, justifiable, transparent and non-discriminatory grounds.<sup>12</sup>

These criteria must also be applied in the setting of any tariffs, if applicable, which must be based on the incremental cost of providing such access.<sup>13</sup>

The MCA invited views and comments on the proposed provisions regarding access to private delivery boxes.

#### Summary of Respondent's viewpoint

Maltapost agreed with the MCA's proposals. However, it highlighted that certain elements related to the processing and sorting of particular mail items might increase the cost of such a service for these items.

#### MCA's position

In the consultation document the MCA highlighted that the setting of any tariffs, if applicable, must be based on the incremental cost of providing such access.<sup>14</sup> The details of such tariffs should be dealt with in the Reference Offer (refer to **Section 3**) that Maltapost would be obliged to provide for the MCA's approval. In proposing the Reference Offer Maltapost would also have to justify the tariffs charged.

#### Decision 4

Any Licensee that operates Private Delivery Boxes (Post Office Boxes) shall allow other Licensees access to its Post Office Boxes on/for reasonable, objectively justifiable, transparent, and non-discriminatory conditions and tariffs. Any tariffs, if applicable, must be based on the incremental cost of providing such access.

These provisions are reflected in **Section 5** of the minimum standards and come into force on 1<sup>st</sup> January 2010.

### 2.3 Operational Issues

In its consultation document the MCA had consulted upon a set of procedures that would deal with operational issues between postal operators. The issues that arise relate mainly to identifying, extracting and 'repatriating' postal articles that have entered the

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<sup>12</sup> For example, a postal operator operating PO Boxes must provide the requesting operator the address and location details for 'handing off' postal articles for delivery to PO Boxes, the terms and conditions for access to PO Boxes, the times at which the postal operator will accept postal articles, any conditions regarding the postal articles (e.g. pre sorting requirements), and the delivery standard.

<sup>13</sup> These are costs associated with additional operational activities that arise as a direct result of the postal operator having to provide access (e.g. handling of postal articles). For example this must take into consideration, if applicable, the cost of sorting and delivering of mail items to the relevant PO boxes.

<sup>14</sup> MCA (2009), *ibid.*, 10,

incorrect postal network and not the network of the postal operator which is responsible for the postal article.<sup>15</sup>

The issues that were tackled in the consultation document referred to: (a) misdirected postal articles; (b) miscollected postal articles; and (c) misdirected customer service enquiries.

### 2.3.1 Misdirected Postal Articles

'Misdirected postal articles' refer to postal articles which have entered the postal facilities of a postal operator which is not the intended postal operator due to the postal articles being reposted ('reposted postal articles') or misposted ('misposted postal articles').

'Reposted postal articles' is the term used to describe postal articles that have been delivered by a postal operator but then 'reposted' into the incorrect network by the recipient of the item. The recipient could be re-posting the item for several reasons:

- **Forwarded:** affixing the new address of the addressee where the addressee has changed address;
- **Gone away:** where the addressee no longer resides at that address;
- **Unwanted:** where the addressee does not wish to receive the mail item;
- **Misdelivered:** where the mail item is correctly addressed but has been delivered to the incorrect address.

These categories of 'reposted postal articles' are grouped together because they all relate to postal articles that have been delivered by a postal operator, but for some reason, have re-entered the postal system.

'Misposted postal articles' refer to postal articles that, due to a sender error, have entered the postal facilities of a postal operator which is not the intended operator.

#### Summary of Consultation Issue

In the consultation document the MCA proposed identical arrangements for handling misposted and reposted postal articles, collectively referred to as misdirected postal articles.

To ensure that mail is not unduly delayed and that a recipient postal operator is not inconvenienced in having to store other operators' postal articles, the MCA proposed that a postal operator should notify the intended postal operator, before noon on the day following identification of the postal article/s, that it is in possession of misdirected postal articles.

The MCA proposed that the recipient postal operator should make available for collection at least twice weekly to the intended operator the mail that has been misposted or reposted into its network, free of charge. This was based on the premise that this would

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<sup>15</sup> Including misposted and reposted (gone away, forwarded, misdelivered etc) and referred to together as "misdirected postal articles".

not place any unreasonable burden on the operator that receives the misdirected postal articles and would also help to minimise any undue delay in delivery as a consequence of the misdirection.

The MCA also proposed that unless otherwise agreed between the parties, the intended operator must collect the misdirected postal articles from the recipient operator as soon as reasonably practicable during the specified collection times and ensure that the misdirected postal articles are delivered in a timely manner. If the intended postal operator fails to collect the misdirected mail on the appropriate day, and no alternative arrangements are in place, the recipient operator should arrange for the misdirected mail to be returned to the intended operator and the recipient operator should be entitled to recover its reasonable costs associated with doing so.

The MCA invited views and comments on the proposed provisions for handling misdirected postal articles.

#### **Summary of Respondent's viewpoint**

Maltapost agreed that in the case of misdirected postal articles the recipient postal operator must make available twice a week the misdirected postal articles for collection by the intended operator. However, it argued that the "obligation to notify the intended operator by noon of the next day following receipt is unnecessary." According to Maltapost notification "should only be necessary the day preceding the established day of collection." Maltapost also highlighted that a fee should be charged for the misdirected mail items.

#### **MCA's position**

The MCA is of the opinion that immediate notification by the recipient postal operator is necessary as it would further ensure the transparency of the advocated procedure. It is important to highlight that this is only a minimum requirement and a recipient postal operator could make available the misdirected mail on more than the two days indicated in the minimum requirements.

The MCA considers it reasonable that all postal operators bear their own costs of handling misdirected postal articles as this is an issue that arises from a multi-operator environment and which affects every postal operator equally. It is noted that if the intended postal operator fails to collect the misdirected postal articles the recipient operator would be entitled to recover its costs associated with doing so.

## Decision 5

- i. In the event that any licensee (“Recipient Licensee”) receives misdirected postal articles due to them being reposted or misposted into the Recipient Licensee’s network, the Recipient Licensee shall inform the Licensee for which the misdirected postal articles are intended (“Intended Licensee”) before noon on the day following identification of the postal article/s. It shall also make available the misdirected postal articles, at a minimum, twice a week for collection by the Intended Licensee. The Recipient Licensee shall bear its own costs in doing so.
- ii. Unless otherwise agreed between the parties, the Intended Licensee must collect the misdirected postal articles from the Recipient Licensee as soon as reasonable practicable during the specified collection times and ensure that the misdirected postal articles are delivered in a timely manner. The Intended Licensee shall bear its own costs in doing so.
- iii. If the Intended Licensee fails to collect the misdirected postal articles on the appropriate day, and no alternative arrangements are in place, the Recipient Licensee should arrange for the reposted or misposted postal articles to be returned to the Intended Licensee and the Recipient Licensee should be entitled to recover its reasonable costs associated with doing so. The Intended Licensee must ensure that the misdirected postal articles are delivered in a timely manner.

These provisions are reflected in **Section 6** of the minimum standards and will come into force on 1<sup>st</sup> January 2010.

### 2.3.2 Miscollected Postal Articles

‘Miscollected postal articles’ refer to postal articles which have been collected in error by a postal operator which is not the intended operator (when collecting postal articles, Operator A may accidentally collect letters meant for Operator B). This problem relates mainly to the collection of bags, or other containers, rather than individual postal items.

#### Summary of Consultation Issue

In its consultation document the MCA proposed that a postal operator which miscollects postal articles (miscollecting operator) must promptly return all miscollected postal articles to the relevant postal operator for which such miscollected postal articles are intended by the next working day, or at the latest, on the next working day this mistake was subsequently discovered by the miscollecting operator. In addition, the MCA proposed that the miscollecting operator shall bear its own costs in doing so.

The MCA invited views and comments on the proposed provisions for handling miscollected postal articles.

### Summary of Respondent's viewpoint

Whilst Maltapost agreed that an operator which miscollects postal articles must promptly return all miscollected postal articles by the next day, it highlighted that the licensee who miscollects postal articles should be legally responsible for any consequences that may arise out of its negligence. They highlighted that this in fact may lead to problems relating to quality of service and integrity of mail and that the "intended operator should not be held liable to pay for the negligence of the miscollecting operator".

### MCA's position

The MCA notes that that in the event of miscollected postal articles this would not happen for single piece postal articles but would mostly occur in the event that another operator enters the bulk mail market, whereby a postal operator would go to the bulk mailer's premises to collect the postal items.

The MCA notes that such situations could inadvertently occur to any licensee, therefore the MCA has taken the decision that licensees should handle this on a reciprocal basis. Here, Licensee A would bear the costs of returning the letters to Licensee B and vice versa if the reverse should occur.

With respect to the measurement of the quality of service of bulk mail (EN 14534: 2003) section 4.2.1 indicates that for "measurement purposes the date of deposit is when the postal operator takes responsibility for the mail." Therefore, in the event that a postal operator miscollects postal items the transit time would start to be measured when the postal items are in the hands of the intended operator.

### Decision 6

- i. A Licensee which miscollects postal articles ("Miscollecting Licensee") must promptly return all miscollected postal articles to the relevant Licensee for which such miscollected postal articles are intended for ("Intended Licensee") by the next working day, or at the latest, on the next working day the mistake was subsequently discovered by the Miscollecting Licensee. The Miscollecting Licensee shall bear its own costs in doing so.
- ii. Unless otherwise agreed between the Licensees, the Miscollecting Licensee must return at its own cost the miscollected postal articles to the Intended Licensee's sorting facility that is notified to the Miscollecting Licensee for such purpose.
- iii. Upon receipt of the miscollected postal articles, the Intended Licensee must ensure that the miscollected postal articles are delivered in a timely manner.

These provisions are reflected in **Section 7** of the minimum standards and will come into force on 1<sup>st</sup> January 2010.

### 2.3.3 Misdirected Customer Service Enquiries

'Misdirected enquiries' are complaints or enquiries received by a postal operator in respect of postal articles for which it is not the intended postal operator. As misdirected customer service enquiries relate by definition to a situation where a receiving customer (it is expected posting customers will contact the correct postal operator) is confused or concerned about the service they have, it is important that they are not further inconvenienced by problems with the interface between different operators.

#### Summary of Consultation Issue

In the consultation document the MCA proposed that the postal operator receiving the complaint identifies as soon as practically possible the misdirected customer service enquiry. This should be done by first asking the customer to establish certain facts such as the type of postal article received and the postal operator which has distributed the postal article. The latter would be identified from the postal identifier mark on the postal article. The MCA proposed that the postal operator will then advise the consumer that they are unable to help and then provide the contact telephone number for the intended postal operator. The MCA suggested that a similar process should be put in place to ensure that queries or complaints made by email, fax or letter are redirected as quickly and efficiently as possible with the minimum level of inconvenience to the customer.

The MCA also proposed the inclusion of a provision whereby if the identity of the postal operator cannot be discerned from the postal identifier mark the postal operator would only be required to refer the complainant to the sender of the postal article.

Moreover the MCA proposed that the postal operator should have sufficient personnel properly trained (and with access to all the relevant information) in order to handle complaints or other enquiries in accordance with the process being proposed.

The MCA invited views and comments on the proposed provisions for handling misdirected customer service enquiries.

#### Summary of Respondent's viewpoint

In its response Maltapost agreed that it is in the interest of the users of the postal services for customer care enquiries to be directed to the correct postal operator. It also suggested:

- a. a coordinated annual training session to be held by the MCA; and
- b. the setting up of a common database that would contain the list of customer care contact persons and possibly even the postal identifier marks of each operator as the latter is the best tool to identify a postal operator.

#### MCA's position

The MCA notes that training is the responsibility of the postal operators in line with the minimum standards set by the MCA for protecting the integrity of mail. With regard to the setting up of a common database, as stated in the consultation document the MCA intends to publish on its website the postal identifier marks of each postal operator. The

MCA notes that it does not find any problem in publishing the customer care contact details of the respective postal operators.

#### **Decision 7**

- i. If a Licensee receives a complaint or other enquiry that should have been directed to another Licensee, the Licensee receiving the complaint or other enquiry shall:
  - a. Treat that complaint or other enquiry with the same degree of care and importance that it would if the complaint or other enquiry should have been made to that Licensee;
  - b. Explain to the complainant that he/she should contact the other relevant Licensee; and
  - c. Provide to the complainant the contact details of the other relevant Licensee.
- ii. If a Licensee receives a complaint or other enquiry where the identity of the Licensee to which that complaint or other enquiry should have been made is not discernable from the relevant postal article, the Licensee receiving the complaint or other enquiry is only required to refer the complainant to the Sender of the postal article.
- iii. Licensees must take all reasonable steps to ensure that they have sufficient personnel properly trained (and with access to all relevant information) in order to handle complaints or other enquiries in accordance with the other provisions of this section.
- iv. The MCA will publish on its website the customer care contact details of each licensed postal operator for public information.

These provisions are reflected in **Section 8** of the minimum standards and will come into force on 1<sup>st</sup> January 2010.

### 3. Arrangements among Postal Operators

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This section establishes how reciprocal arrangements among licensed postal operators should be put in place. The minimum standards provide general guidelines which licensed postal operators should adopt and are not intended to prescribe specific details and processes. The MCA would expect licensed postal operators to commercially negotiate and enter into reciprocal arrangements and specify the detail and processes to reflect these guidelines. Where licensed postal operators fail to reach agreement, they can approach the MCA for dispute resolution on matters relating to the minimum standards issued, in accordance with the laws administered by the MCA (refer to **Section 4**).

#### Summary of Consultation Issue

The MCA proposed that the MCA would require Maltapost, as the incumbent USP, to propose a Reference Offer ('RO'). The RO would be a standard offer that would set out the processes and arrangements that Maltapost would commit to adopting to address common inter-operator issues between Maltapost and other licensed postal operators. The agreement should be, where applicable, on a reciprocity basis (i.e. governing both Maltapost and other postal operators).

In line with the MCA's proposals Maltapost would be required to submit the proposed RO to the MCA for approval within 90 days of it being required to do so. The MCA would conduct a public consultation on the proposed agreement. Upon approval by the MCA, Maltapost would be required to publish its RO in the manner as required by the MCA. Maltapost would require MCA's prior approval for any modification to its RO.

According to the MCA's proposal the RO would contain details, but not limited to: (1) terms and conditions on which postal code information will be shared and how; (2) address or location details for hand-over/collection of mail; (3) procedures for hand-over/collection of mail (i.e. hours, integrity and security of mail, procedures, etc); and related tariffs (if any, and if justified).

As for other licensed postal operators, the MCA proposed that these would negotiate and agree on the most efficient arrangements among themselves. Otherwise, Maltapost's RO could be used as the benchmark for other postal operators. In its proposals the MCA highlighted that it would not intervene in commercial negotiations among new entrants so long as the arrangements comply with the guidelines set out under the proposed minimum standards.

The MCA invited views and comments on the reciprocal arrangements to be reached among licensed postal operators and on the proposal to require Maltapost as the incumbent designated USP to provide a Reference Offer.

#### Summary of Respondent's viewpoint

Maltapost commented that whilst it agrees with the procedures suggested by the MCA regarding the submission of a Reference Offer to the MCA it sought a clarification that "Maltapost plc be granted the same terms that Maltapost plc grants such operators as per the Reference Offer approved by the MCA."

### MCA's position

As already highlighted in the consultation document the RO "should be on a reciprocity basis (i.e. governing both Maltapost and other postal operators)."<sup>16</sup> The instances where this would not apply relate to the sharing of postal code information as this would be shared by Maltapost with other operators and not vice versa. Given the changes to the sharing of mail redirection information reciprocity would also not apply in this case.

Other licensed postal operators are required to negotiate and agree on the most efficient arrangements among themselves. Maltapost's RO could be used as the benchmark for other operators. The MCA will not intervene in commercial negotiations among new entrants so long as the arrangements comply with the guidelines set out under the proposed minimum standards.

The MCA would like to point out that in line with Regulation 67 of the Regulations all authorised postal operators have an obligation to negotiate access with each other for the purpose of providing postal services.

### Decision 8

Maltapost Plc as the designated universal service provider is required to adopt a Reference Offer that: (a) specifies the applicable prices terms and conditions on which it will offer to share Postal Code Information; (b) specifies the applicable terms and conditions on which it will share Redirection Information; and (c) establishes reciprocal arrangements with other Licensees.

Within 90 days of being notified to do so by the MCA, Maltapost Plc must submit its proposed Reference Offer to the MCA for approval and the MCA may seek public comments. Upon approval by the MCA, Maltapost Plc must publish its Reference Offer in the manner as required by the MCA and obtain MCA's prior approval for any modification to its Reference Offer. The MCA may from time to time by notice to Maltapost Plc specify additional requirements that must be adopted in the Reference Offer.

These provisions are reflected in **Section 1** of the minimum standards and will come into force on 1<sup>st</sup> January 2010.

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<sup>16</sup> MCA (2009), *ibid.*, 14.

## **4. Enforcement, Dispute Resolution and Information**

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This section describes the enforcement action against non compliance with the minimum standards and a mechanism for dealing with complaints and disputes.

### **4.1 Enforcement Measures**

#### **Summary of Consultation Issue**

The MCA proposed that in the event that the MCA concludes that a postal operator has contravened any provision of these minimum standards, the MCA may take such enforcement measures as it considers appropriate in line with the applicable postal services legislation. This may also include the imposition of administrative fines.

A breach of the proposed minimum standards would constitute a breach to the conditions of the authorisation and the MCA will assess the appropriate action to take in accordance with the applicable legislation.

The MCA invited view and comments on the proposed approach to enforce the minimum standard.

#### **Summary of Respondent's viewpoint**

Maltapost commented that: "Besides action on the part of the MCA with regard to breach of minimum standards by any operator, the MCA should also serve as a reference point for postal operators that feel aggrieved by any action that a postal operator may be taking which may not necessarily amount to a breach. The MCA should have the necessary powers to intervene and deliver directives accordingly."

#### **MCA's position**

In the event that the MCA concludes that a postal operator has contravened any provision of these minimum standards, the MCA may take such enforcement measures as it considers appropriate in line with the applicable postal services legislation.

As noted in Decision 10 below, any postal operator who fails to voluntarily reach an agreement in relation to the requirements of the minimum standards may request the MCA to resolve the dispute.

### **Decision 9**

- i. In the event that the MCA concludes that a Licensee has contravened any provision of these minimum standards, the MCA may take such enforcement measures as it considers appropriate in line with its powers at law. This may also include the imposition of administrative fines.
- ii. A breach of the proposed minimum standards would constitute a breach to the conditions of the licence and the MCA will assess the appropriate action to take in accordance with its powers at law.

These provisions are reflected in **Section 9** of the minimum standards and will come into force on 1<sup>st</sup> January 2010.

## **4.2 Complaints and Dispute Resolution**

### **Summary of Consultation Issue**

In the consultation document the MCA proposed that any aggrieved operator may refer any complaint or dispute in relation to any provisions of these minimum standards to the MCA for final determination in line with the MCA's Guidelines for Inter-Operator Complaints, Disputes and Own Initiative Investigations.<sup>17</sup>

The MCA proposed that it may commence an investigation against a Licensee where there appears to be a breach of these minimum standards and that it may be requested to resolve a dispute between Licensees in the event that they fail to voluntarily reach an agreement between them.

The MCA invited views and comments on the proposed approach for dealing with inter-operator complaints and disputes.

### **Summary of Respondent's viewpoint**

Maltapost agreed that the procedure issued by the MCA "should apply in such cases as per the 2008 published guidelines."

### **MCA's position**

The minimum standards will be implemented as proposed in the consultation document.

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<sup>17</sup> MCA (2008), MCA Guidelines for Inter-Operator Complaints, Disputes & Own Initiative Investigations (online) : <http://www.mca.org.mt/newsroom/openarticle.asp?id=674&source=2>

### **Decision 10**

- i. The MCA will consider and, where appropriate, commence an investigation against a Licensee where the MCA receives a complaint from any person alleging contravention of these minimum standards by the Licensee in line with the guidelines that the MCA may from time to time issue concerning inter-operator disputes and/or complaints.
- ii. The MCA may, on its own motion, commence an investigation against a Licensee where there appears to be a contravention of these minimum standards by such Licensee.
- iii. Where Licensees fail to voluntarily reach an agreement regarding any dispute in relation to the requirements of the minimum standards, any of the Licensees involved in the dispute may request the MCA to resolve the dispute.
- iv. The party submitting any such complaint or dispute for determination to the MCA, shall under pain of nullity, act in accordance with guidelines that the MCA may from time to time issue concerning inter-operator disputes and/or complaints.
- v. Any final determination by the MCA of any such complaint or dispute as may be referred to it in accordance with these standards, shall be without prejudice to the right of any party to the complaint or dispute to contest the final determination of the MCA.

These provisions are reflected in **Section 9** of the minimum standards and will come into force on 1<sup>st</sup> January 2010.

## **4.3 Information and Reporting**

### **Summary of Consultation Issue**

The MCA proposed that within three (3) months commencing from the 1<sup>st</sup> January of each year each licensed postal operator must provide the details of the total number of misdirected postal articles in respect of which that postal operator was the receiving operator during the relevant year.

The MCA invited views and comments on the proposed approach for the reporting of information.

### **Summary of Respondent's viewpoint**

Maltapost agreed with the MCA's proposals.

### **MCA's position**

The proposed minimum standards will be implemented as proposed in the consultation document.

**Decision 11**

- i. Within three (3) months commencing from 1<sup>st</sup> January of each year, each Licensee must provide the MCA with details of:
  - a) the total number of Misdirected Postal Articles in respect of which that Licensee was the receiving operator during the relevant year ending 31<sup>st</sup> December; and
  - b) where relevant, the total number broken down by intended operator.
- ii. Licensees must supply to the MCA:
  - a) their correct and up-to-date customer services contact details; and
  - b) any other information in relation to the subject matter of these minimum standards as the MCA may require.

These provisions are reflected in **Section 9** of the minimum standards will come into force on 1<sup>st</sup> January 2010.

## **5. Changes to the Minimum Standards**

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The MCA recognises that the minimum standards for managing postal inter-operator issues may have to be amended over time as the postal market environment changes.

As highlighted in the consultation document the MCA will maintain the role of managing and developing these standards and will also ensure that these evolve to meet the changing needs of the market. The MCA may at any time review, add to, vary or revoke these minimum standards. The MCA will introduce such changes to the minimum standards by seeking the views of all stakeholders.

All requests by postal operators for changes to the existing requirements should be referred to the MCA. Prior to reviewing any proposed changes, the MCA will ensure that such changes further the interests of users of the postal services and promote the efficient conduct and inter-operability between licensees so as to ensure that postal articles are delivered in a timely and efficient manner.

All proposals that appear consistent with the objectives may be subject to public consultation. The MCA will take the views of the responses received to the consultation into account in reaching its final decision on the request for change.

## Appendix A – Minimum Standards

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In exercise of the powers conferred by Article 76A of the Postal Services Act, the Malta Communications Authority (MCA) hereby issues the following minimum standards for managing common operational issues in a multi-operator environment.

### 1 Preliminary

#### 1.1 Citation and Commencement

1.1.1 These Standards may be cited as the **Minimum Standards for Managing Common Operational Issues** and shall come into force on the 1<sup>st</sup> January 2010 except for Section 4 which will come into force on 1<sup>st</sup> June 2010.

#### 1.2 Interpretation

“Act” means the Postal Services Act (Cap. 254).

“Regulations” means the Postal Services (General) Regulations (Subsidiary Legislation 254.01).

“Article of correspondence” has the meaning ascribed to it in the Act.

“Licensee” means any entity granted a licence to operate services within the scope of the universal service.

“MCA” means the Malta Communications Authority.

“Miscollected postal article” is a postal article which has been collected in error by a Licensee which is not the intended Licensee.

“Misdirected postal article” is a postal article that has entered the postal facilities of a licensee which is not the intended operator due to mail being reposted or misposted.

“Misposted postal article” refers to a postal article that, due to a sender error, has entered the postal facilities of a postal operator which is not the intended operator

“Postcode” means a unique, universal identifier, which unambiguously identifies the addressee’s locality and assists in the transmission and sorting of postal articles.

“Postal Services” has the meaning ascribed to it in the Act.

“Postal Article” has the meaning ascribed to it in the Act.

“Postal Identifier” has the meaning ascribed to it in the Regulations.

“Private Delivery Box” (or “Post Office Box”) has the meaning ascribed to it in the Regulations.

“Recipient” in relation to a postal article, means a party who is the addressee of the postal article.

“Redirection Service” means a service provided by a Licensee which allows a Recipient who has moved to a new address to continue to receive postal articles bearing the previous address, for a period of time as subscribed.

“Redirection Information” means the previous and redirected address of any Recipient who has requested for the Redirection Service with Maltapost Plc and who is aware that this information will be shared with other Licensees who request it.

A “Reference Offer” is a standardised offer for access, made by a mandated Licensee to provide mandated services to a requesting Licensee.

“Reposted postal article” means a postal article that has been delivered by a licensee but then reposted into the incorrect network by the recipient of the postal article.

“Sender” has the meaning ascribed to it in the Act.

1.2.1 A reference in these minimum Standards to a “section”, shall, unless otherwise stated, be construed as a reference to the corresponding section in these minimum standards and shall include all sub-sections within that section.

### **1.3 Purpose**

1.3.1 These minimum standards set the duties and obligations relating to common inter-operator issues for licensed postal operators (i.e. postal operators operating services falling within the scope of the universal service). To this end these standards aim to promote the following objectives:

- a) furthering the interests of users of the Postal Services; and
- b) promoting the efficient conduct and inter-operability between Licensees so as to ensure that postal articles are delivered in a timely and efficient manner.

1.3.2 Every Licensee is required to comply with these minimum standards in accordance with Article 76A of the Act. In particular, every Licensee must establish reciprocal arrangements with other Licensees to address the requirements specified in sections 5 to 7.

1.3.3 Without prejudice to section 1.3.2, the MCA will require Maltapost Plc as the designated universal service provider to adopt a Reference Offer that: (a) specifies the applicable prices, terms and conditions on which it will offer to share postal code information under Section 3; (b) specifies the applicable terms and conditions on which it will share Redirection Information under Section 4; and (c) establish reciprocal arrangements with other Licensees to address the requirements specified in sections 5 to 7. Within 90 days of being notified to do so by the MCA, Maltapost Plc must submit its proposed reference offer to the MCA for approval and the MCA may seek public comments. Upon approval by the MCA, Maltapost Plc must publish its Reference Offer in the manner as required by the MCA and obtain MCA’s prior approval for any modification to its reference

offer. The MCA may from time to time by notice to Maltapost Plc specify additional requirements that must be adopted in the Reference Offer.

- 1.3.4 The obligations contained in the minimum standards are in addition to those contained in the Act, as well as other regulations, licences or decisions issued by the MCA.
- 1.3.5 If any provision of the minimum standards is held to be unlawful, all other provisions will remain in full force and effect.

#### **1.4 Variation, revocation, exemption etc.**

- 1.4.1 The MCA may at any time review, add to, vary or revoke these minimum standards.
- 1.4.2 The MCA may exempt any Licensee from all or any of the provisions of these minimum standards. A Licensee that wishes to be exempted from any of these minimum standards shall submit a written request to the MCA containing the reasons supporting the request. Any exemptions shall be subject to such terms and conditions as the MCA may specify and may, without limitation, be on a one-time basis, temporary, permanent, for a fixed period or effective until the occurrence of a specific event. The MCA may provide an opportunity for public comments before granting or denying any request.

## **2 Postal Identifier Mark**

- 2.1 Every Licensee must have a postal identifier mark as specified in Regulation 62A of the Regulations. The Postal Identifier mark must be easily identifiable as the mark belonging to the relevant Licensee.
- 2.2 Every Licensee must ensure that the Postal Identifier mark, together with a date stamp, is clearly and legibly marked on each postal article that it handles for the purpose of it being conveyed by post.
- 2.3 Every Licensee must register its postal identifier mark with the MCA. The MCA will publish the postal identifiers on its website for public information. In addition, every licensee must publish their postal identifier mark for public information.

## **3 Sharing of Postcode Information**

- 3.1 In line with Regulation 15(2) of the Regulations, Maltapost Plc as the incumbent universal service provider shall maintain and update a list of postcodes.
- 3.2 Maltapost Plc must offer to share the use of the postcode information (namely the combination of addresses and postcodes), with any Licensee on/for reasonable, objectively justifiable, transparent and non-discriminatory conditions and tariffs.

## **4 Sharing of Redirection Information**

- 4.1** Maltapost Plc as the universal service provider must, upon reasonable request, make available in a timely manner to other Licensees the redirected address of any Recipient, who has requested for the mail Redirection Service ('Redirection Information'). In this respect, Maltapost Plc must make it known to such Recipients that it is required to share the Redirection Information with other licensed postal operators which have requested the Redirection Information.
- 4.2** Any Licensee which chooses to access Redirection Information must offer a redirection service for all postal articles (except for postal articles exempt from redirection under legislation).
- 4.3** Maltapost Plc must not charge other Licensees for the Redirection Information. Instead, Maltapost Plc may only recover costs from Recipients who request for the Redirection Service.
- 4.4** Licensees must only use the Redirection Information provided by Maltapost Plc for the purpose of a Redirection Service.
- 4.5** A request for the Redirection Service (whereby the Redirection Information will be shared with other licensees) can only be made with Maltapost Plc.
- 4.6** Licensees must clearly inform their customers whether they provide a Redirection Service based on the Redirection Information provided by Maltapost Plc.

## **5 Private Delivery Boxes (Post Office Boxes)**

- 5.1** Any Licensee that operates Private Delivery Boxes (Post Office Boxes) shall allow other Licensees access to its Post Office Boxes on/for reasonable, objectively justifiable, transparent, and non-discriminatory conditions and tariffs. Any tariffs, if applicable, must be based on the incremental cost of providing such access.

## **6 Misdirected Postal Articles**

- 6.1** In the event that any licensee ("Recipient Licensee") receives Misdirected postal articles due to them being reposted or misposted into the Recipient Licensee's network, the Recipient Licensee shall inform the Licensee for which the Misdirected postal articles are intended ("Intended Licensee") before noon on the day following identification of the postal article/s. It shall also make available the Misdirected postal articles, at a minimum, twice a week for collection by the Intended Licensee. The Recipient Licensee shall bear its own costs in doing so.
- 6.2** Unless otherwise agreed between the parties, the Intended Licensee must collect the Misdirected postal articles from the Recipient Licensee as soon as reasonable practicable during the specified collection times and ensure that the Misdirected Letters are delivered in a timely manner. The Intended Licensee shall bear its own costs in doing so.

- 6.3** If the Intended Licensee fails to collect the misdirected postal articles on the appropriate day, and no alternative arrangements are in place, the Recipient Licensee should arrange for the reposted or misposted postal articles to be returned to the Intended Licensee and the Recipient Licensee should be entitled to recover its reasonable costs associated with doing so. The Intended Licensee must ensure that the Misdirected Letters are delivered in a timely manner.

## **7 Miscollected Postal Articles**

- 7.1** A Licensee which miscollects postal articles ("Miscollecting Licensee") must promptly return all miscollected postal articles to the relevant Licensee for which such miscollected postal articles are intended for ("Intended Licensee") by the next working day, or at the latest, on the next working day the mistake was subsequently discovered by the Miscollecting Licensee. The Miscollecting Licensee shall bear its own costs in doing so.
- 7.2** Unless otherwise agreed between the Licensees, the Miscollecting Licensee must return at its own cost the miscollected postal articles to the Intended Licensee's sorting facility that is notified to the Miscollecting Licensee for such purpose.
- 7.3** Upon receipt of the miscollected postal articles, the Intended Licensee must ensure that the miscollected postal articles are delivered in a timely manner.

## **8 Misdirected Customer Service Enquiries**

- 8.1** If a Licensee receives a complaint or other enquiry that should have been directed to another Licensee, the Licensee receiving the complaint or other enquiry shall:
- a) Treat that complaint or other enquiry with the same degree of care and importance that it would if the complaint or other enquiry should have been made to that Licensee;
  - b) Explain to the complainant that he/she should contact the other relevant Licensee; and
  - c) Provide to the complainant the contact details of the other relevant Licensee.
- 8.2** If a Licensee receives a complaint or other enquiry where the identity of the Licensee to which that complaint or other enquiry should have been made is not discernable from the relevant postal article, the Licensee receiving the complaint or other enquiry is only required to refer the complainant to the Sender of the postal article.
- 8.3** Licensees must take all reasonable steps to ensure that they have sufficient personnel properly trained (and with access to all relevant information) in order to handle complaints or other enquiries in accordance with the other provisions of this section.
- 8.4** The MCA will publish on its website the customer care contact details of each licensed postal operator for public information.

## 9 Enforcement and Dispute Resolution

- 9.1** In the event that the MCA concludes that a Licensee has contravened any provision of these minimum standards, the MCA may take such enforcement measures as it considers appropriate in line with its powers at law. This may also include the imposition of administrative fines.
- 9.2** A breach of the proposed minimum standards would constitute a breach to the conditions of the licence and the MCA will assess the appropriate action to take in accordance with its powers at law.
- 9.3** The MCA will consider and, where appropriate, commence an investigation against a Licensee where the MCA receives a complaint from any person alleging contravention of these minimum standards by the Licensee in line with the guidelines that the MCA may from time to time issue concerning inter-operator disputes and/or complaints.<sup>18</sup>
- 9.4** The MCA may, on its own motion, commence an investigation against a Licensee where there appears to be a contravention of these minimum standards by such Licensee.
- 9.5** Where Licensees fail to voluntarily reach an agreement regarding any dispute in relation to the requirements of the minimum standards, any of the Licensees involved in the dispute may request the MCA to resolve the dispute.
- 9.6** The party submitting any such complaint or dispute for determination to the MCA, shall under pain of nullity, act in accordance with guidelines that the MCA may from time to time issue concerning inter-operator disputes and/or complaints.
- 9.7** Any final determination by the MCA of any such complaint or dispute as may be referred to it in accordance with these standards, shall be without prejudice to the right of any party to the complaint or dispute to contest the final determination of the MCA.

## 10 Information and Reporting

- 10.1** Within three (3) months commencing from 1<sup>st</sup> January of each year, each Licensee must provide the MCA with details of:
- a) the total number of Misdirected Postal Articles in respect of which that Licensee was the receiving operator during the relevant year ending 31<sup>st</sup> December; and
  - b) where relevant, the total number broken down by intended operator.
- 10.2** Licensees must supply to the MCA:
- a) their correct and up-to-date customer services contact details; and
  - b) any other information in relation to the subject matter of these minimum standards as the MCA may require.

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<sup>18</sup> MCA (2008), MCA Guidelines for Inter-Operator Complaints & Own Initiative Investigations (on-line) : <http://www.mca.org.mt/newsroom/openarticle.asp?id=674&source=2>