



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:

- 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 could 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 Chairman
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.

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.: _____

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

Country of domicile: _____ MFSC OC certificate No: _____

Registered Address of undertaking including post code:

E-mail: _____ Tel: _____ Fax: _____

2. CONTACT PERSONS' DETAILS

Primary contact person:

Name: _____ Designation: _____

E-mail: _____ Tel: _____ Mobile: _____

Finance contact person (if different from primary contact person):

Name: _____ Designation: _____

E-mail: _____ Tel: _____ Mobile: _____

Legal contact person (if different from primary contact person):

Name: _____ Designation: _____

E-mail: _____ Tel: _____ Mobile: _____

3. COMPLAINTS AND REDRESS CONTACT DETAILS

To be addressed to: _____

Address: _____

E-mail: _____ Tel: _____ Fax: _____

4. 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.

Person responsible for Mail Integrity issues

Name: _____ Designation: _____

E-mail: _____ Tel: _____ Mobile: _____

PART 1 - INFORMATION REQUIRED FROM APPLICANT...continued

5. DETAILS OF SERVICES TO BE PROVIDED

Please indicate all postal services outside the scope of the Universal Service to be provided below and indicate the geographic coverage for each service as appropriate – use additional sheets if necessary.

Description of all Services Provided:

Express Mail Services - Malta (incl. Gozo and Comino):

Express Mail Services - Trans-border :

Other Services outside the Scope of the Universal Service :

Please detail any services that are not provided to and from particular locations or not provided on the same terms throughout Malta

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 activity.

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/service-providers/decisions/decision-specific-aspects-universal-postal-service>

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 Data Protection Act (Chapter 440 of the Laws of Malta), 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 non-compliance, and any other criminal activity which the Authority is bound to report and/or act upon whilst meeting any other specific 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, you confirm that you are giving your explicit consent, in terms of the Data Protection Act, on behalf of yourself and all the other persons specified in this form, for the Authority to process your respective personal information as outlined above and you confirm that you have brought this Data Protection notice to the attention of these other persons and obtained their respective consents.

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