



***ESWATINI
COMMUNICATIONS
COMMISSION***



Postal and Courier Services Licensing Guidelines 2021

ESWATINI COMMUNICATIONS COMMISSION ACT, 2013

(Act No. 10 of 2013)

(Under Sections 6 and 7)

In exercise of the powers conferred by Sections 6, 7 and 38 of the Eswatini Communications Commission Act, No.10, 2013, the Eswatini Communications makes the following Guidelines.

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PART 1 (Preliminary Provisions)

1. Citation and Commencement

- (1) These Guidelines shall be cited as the Eswatini Communications Commission (Postal and Courier Services Licensing Guidelines, 2021).
- (2) These Guidelines shall come into force on the date of publication by the Commission.

2. Powers of the Commission to issue guidelines

- (1) These Guidelines are issued are in terms of Section 38 (b) of the Eswatini Communications Commission Act, 2013.

3. Mandate of the Commission

- (1) The Commission issues these Guidelines pursuant to section 6(b) of the Eswatini Communications Commission Act.

Section 7(o) requires that the Commission shall establish minimum quality and security standards for any of the communications services, products and activities relating to any matter regulated by the Commission and regulate such measures as may be necessary to ensure public and private safety.

Section 6(k), 6(l) and 6(m) confers the right on the Commission to administer certain aspects of the Competition Act (2007), Fair Trading Act (2001), and the Standards and Quality Act (2003).

Section 7(p) enjoins the Commission to ensure compliance with national and international communications agreements to which Eswatini is a party. In defining postal market, the Commission has assigned the meaning as provided under the Eswatini Posts and Telecommunications Act, 1983. Further, the Commission has assigned the meaning as provided by regional and international instruments to which Eswatini is a party.

Section 7(g) provides for the Commission to grant any authorization for the carrying out of any operation or activity relating to any matter within the remit of the Commission.

4. Interpretation

(1) In these Guidelines, unless the context otherwise requires –

“Act” means the Eswatini Communications Commission Act, no.9 of 2013;

“Applicant” means a person who has submitted an application for a license, renewal, amendment, surrender or transfer of a license;

“Commission” means the Eswatini Communications Commission established under section 3 of the Eswatini Communications Commission Act, no.9 2013;

“Corporation” means the Eswatini Posts and Telecommunications Corporation established by the Eswatini Posts and Telecommunications Corporation Act, 1983;

“Courier Service” means the collection, transmission and delivery, whether by land, by water or by air from one place, whether within or outside Eswatini, to another place, whether within or outside Eswatini, of postal articles with additional features including:

- a. Speed,
- b. Approximate delivery period
- c. Proof of delivery
- d. Track and Trace

“Designated Postal Operator” means Eswatini Posts and Telecommunications Corporation (EPTC) as designated by the Commission for the operation and provision of universal postal services and to fulfil the related obligations arising out of the Acts of the Universal Postal Union;

“Documents” mean a postal article consisting of any piece of written, drawn, printed or digital information, excluding objects of merchandise;

“Goods” mean a postal article consisting of any tangible and movable object other than money, including objects of merchandise, which does not fall under the definition of “documents” as provided above;

“Postal article” means anything dispatched by a postal or courier service licensee within the 0 – 30 Kg weight range and further described as either documents or goods;

“Postal Service” means the services performed and facilities provided in connection with the collection, transmission and delivery, whether by land, by water or by air from one place, whether within or outside Eswatini, to another place, whether within or outside Eswatini, of postal articles;

“Reserved area” means delivery of universal postal services that are exclusively provided by the designated postal operator as part of universal postal services under conditions approved by the Commission;

“Tariff” means any charges raised by the postal and courier services licensee for the provision of postal services;

“Unreserved areas” means all postal and courier services falling outside the scope of the reserved area services;

“Universal services obligation” means an obligation placed on a designated postal service provider to provide the minimum set of services prescribed by the Commission;

“UPU” means the Universal Postal Union, a specialized agency of the United Nations that coordinates policies among member nations on postal services.

5. Application

- (1) These Guidelines shall apply to all existing and prospective Postal and Courier service providers as may be defined by the Commission.

6. Objectives

- (1) To regulate the provision of Postal and Courier services in Eswatini, with the aim of:
 - a. Promoting quality of service and responsiveness to customer needs;
 - b. Increasing access to quality and affordable Universal Postal services;
 - c. Promoting private sector participation and fair competition in the Postal and Courier Sector;

- d. Enhancing postal security and integrity;
- e. Promoting e-commerce in the country;
- f. Promoting research and development in the postal sector; and
- g. Enhancing cooperation with relevant sub-regional, regional organizations while ensuring compliance with international commitments and standards.

(2) To set out the legal and administrative process for the licensing of Postal and Courier services in Eswatini,

(3) To provide guidance and clarity regarding the definition of the Postal Sector in the Kingdom of Eswatini including the services that fall within the scope of the said definition.

7. Compliance to Guidelines

(1) Any person or business engaging in the provision of Postal and Courier Services as defined by the Commission, shall comply to the provisions of these Guidelines.

PART II (Provision of Postal and Courier Services)

8. Licensing of Postal and Courier Licensees

(1) A person shall not engage in the provision of Postal and/or Courier services, as defined by the Commission, except under the authority of a license issued by the Commission.

(2) The Commission shall prescribe the terms and conditions of each licence.

(3) A person who operates or provides postal and courier services without a license commits an offence and shall, on conviction, be liable to a fine not exceeding E10,000.00 (Ten Thousand Emalangeni) for every day during which that person continues to operate or provide the postal or courier services or represent as operator or provider of postal and courier services.

8.1. Licence Categories

(1) The Commission shall issue licenses in the following categories:

a. Individual Licence:

- i. Designated Postal Operator

b. General Licences:

- i. International and Domestic Commercial Courier Licence (For provision of services within and beyond national boundaries)
- ii. Domestic Commercial Courier Licence (For provision of services only within national boundaries).

8.2. Application for a Licence

- (1) Any person may apply for a licence from the Commission to provide Postal or Courier services as defined in these Guidelines.
- (2) An application for a licence shall be made in writing using a licence application form made available on the ESCCOM website.
- (3) Any person who knowingly gives false information in the licence application shall be guilty of an offence.
- (4) All applications for a licence shall be accompanied by the prescribed fees as set out in Schedule 3 before the Commission may consider the application.
- (5) An application that is not accompanied by any of the documents listed in the licence application form shall be considered to be incomplete and will not be processed by the Commission.

8.3. Fees payable

- (1) A non-refundable application fee shall be paid during the submission of an application to the Commission, by way of an electronic transfer or via direct deposit into the Commission's bank.
- (2) A Licensee shall pay an annual **licence fee of 5% of Gross Annual Turnover** or a minimum amount of E7500.00 or whichever is higher, for the duration of the validity of the licence.
- (3) The annual licence fee is payable within ninety (90) days after Licensees' financial year end.
- (4) The licence renewal fee is non-refundable and payable on application for renewal of a licence.

- (5) The designated postal operator shall make a contribution towards the Universal Service and Access Fund of 0.5% of the Gross Annual Turnover.
- (6) The Commission may, from time to time, review licence fees.
- (7) All fees payable shall be as prescribed in Schedule 3.

8.4. Grant of licence

- (1) After considering an application, the Commission may issue or decline a licence under these Guidelines.
- (2) In considering whether to grant a licence to an applicant, the Commission shall give due regard to the following criteria:
 - a. Technical capability of the applicant:
 - i. The Commission will consider whether the applicant possesses the relevant and technical expertise.
 - b. Financial capability of the applicant to carry out the business activity.
 - c. The need to protect the interest of users of postal and courier services and promote the development of services that are responsive to consumer needs.
 - d. The need to stimulate fair competition.
- (3) Where a licence application is approved by the Commission, the appropriate licence shall be issued to the licensee.
- (4) Where the Commission declines an application, reasons for such refusal shall be furnished to the applicant in writing within thirty (30) days of such a decision.
- (5) An applicant, whose application for a licence is refused may lodge an appeal with the Appeals Board in accordance with Section 44 of the Act.
- (6) A licensee shall commence the provision of services within a maximum period of twelve (12) months from the date of issuance of the licence.
- (7) Where a licensee fails to provide services within the period referred to in subsection (6), the

licensee shall submit to the Commission reasons for failure to provide the services and the Commission may extend the period as may be considered appropriate.

- (8) Where a licensee fails to provide the services after the expiry of the extended period provided for in subsection (7), the Commission shall revoke the licence.

8.5. Validity of Licence

- (1) An Individual Licence shall be valid for a period of ten (10) years from the date of issue unless revoked in terms of the provisions herein.
- (2) A General Licence shall be valid for a period of five (5) years from the date of issue unless revoked in terms of the provisions herein.

8.6. Conditions of a licence

- (1) A licence shall:
- a. state the terms and conditions under which the licence is granted;
 - b. specify the postal or courier service to be provided there-under;
 - c. continue to be in force for the specified period unless suspended or revoked;
 - d. state the geographical area for which the licence is authorized; and
 - e. other conditions which the Commission may impose from time to time
- (2) A licensee shall provide the service for which the licence has been obtained in an efficient manner and at market-oriented pricing methodologies.
- (3) Notwithstanding clause 8.6 (2) above, the Commission may from time to time evaluate the competitiveness of the sector and if need be, shall apply competition principles which may consider cost-oriented pricing and the manner in which the business is conducted.
- (4) A licence shall not be used for a purpose other than that for which it was issued.
- (5) A licensee who makes any other use of a licence, or contravenes the conditions of the licence commits an offence.

8.7. Transfer of licence

- (1) A licensee shall not transfer, cede, lend, pledge, alienate or encumber a licence, in any way, manner or form, without the written consent of the Commission.
- (2) An application by a licensee for the transfer of a licence shall be made in writing to the Commission.
- (3) The Commission shall consider the same terms and conditions for the grant of a new licence in determining if the transfer should be approved/endorsed.
- (4) The Commission may, in the exercise of its discretion, refuse the application for the transfer of a licence.
- (5) A licensee, not satisfied with the decision of the Commission may lodge an appeal with the Appeals Board in accordance with Section 44 of the Act.

8.8. Requirements for Franchise, Agency and Subsidiary Operations

- (1) A Licensee may provide all or part of its services on a sub- contractual, agency or franchise basis or through a subsidiary company without the requirement that the subcontractor, agent, franchisee or subsidiary holding a licence in terms of these Guidelines, if: -
 - a. the subcontractor, agent, franchisee or subsidiary complies with the terms and conditions of the licence held by the licensee; and
 - b. the subcontractor, agent, franchisee or subsidiary is registered with the Commission by the licensee.
- (2) The liability of a subcontractor, agent or franchisee in relation to the performance of postal or courier services, is limited to the same extent as the liability of the licensee, but this shall not affect the liability of the subcontractor to the Licensee.

8.9. Renewal of Licence

- (1) An application for the renewal of a licence shall be submitted at least twelve (12) months prior to the expiration of the licence, and the Commission shall make a decision relating to such renewal application by no later than three (3) months before the expiry of the licence.

- (2) The Commission shall have regard to the performance of the licensee in the previous licence period when considering an application for a renewal of a licence.
- (3) The application process for the renewal of a licence shall be stipulated in each licence.
- (4) A licensee who fails to submit an application for renewal or whose application for renewal is rejected by the Commission, shall cease to provide the postal or courier service on the expiration of the existing licence.

8.10. Amendment of Licence

- (1) A licensee may apply to the Commission to modify a term or condition of a licence.
- (2) The Commission may, where it deems necessary and prudent, also initiate the modification of a licence.
- (3) The Commission shall take into account, amongst other considerations;
 - a. the justified interests of a licensee;
 - b. The principles of fair competition and equality of treatment when modifying a licence;
- (4) The application by a licensee to vary the terms or conditions of a licence shall be published in:
 - a. the Gazette;
 - b. The website of the Commission; and
 - c. A daily newspaper of national circulation.
- (5) The Commission shall give due consideration to any representations made by the licensee.
- (6) The Commission shall give any interested party thirty (30) days to submit written comments, and/or objections, if any, on the proposed modification, to the Commission, subject to the provisions of section 32 of the Act.
- (7) The Commission shall give due regard to the submissions of the licensee and the comments and/or objections of interested parties.

- (8) The Commission may grant a licensee a period of time to comply with the modification of its licence where modification causes undue hardship on the licensee.
- (9) A licensee aggrieved by the decision of the Commission, may lodge an appeal to the Appeals Board in writing in accordance with section 44 of the Act.

8.11. Change of Information

- (1) A notice of change of information must be submitted to the Commission.
- (2) A licensee shall notify the Commission prior to a change of information with respect to the following:
 - a. Name of the licensee
 - b. Contact details, including the person;
 - c. Shareholding; and
 - d. Company physical and postal address.

8.12. Production and Display of a Licence

- (1) A licensee shall produce the licence for inspection to any member of the Commission or to an officer duly authorized by the Commission.
- (2) A licensee shall display in a conspicuous manner, its licence at all its authorized operating premises.
- (3) A licensee who refuses or fails to produce a licence for inspection, or fails to display such licence commits an offence and is liable to be dealt with in accordance with Sections 42 and 43 of the Act.

9. Designated Postal Operator

- (1) The Eswatini Posts and Telecommunications Corporation (EPTC hereinafter) is the Designated Postal Operator.

10. Universal Postal Services

- (1) The Commission shall, through the issuance of guidelines/ licence conditions or other applicable means, take measures to ensure that consumers enjoy the right to a Universal

Postal Service involving the permanent provision of quality basic postal services at all identified points in the Kingdom of Eswatini, at affordable prices and in fulfilment of the treaty obligations prescribed in the Universal Postal Convention to which Eswatini is a signatory.

10.1. Designation of the Universal Postal Service Provider

- (1) Eswatini Posts and Telecommunications Corporation shall have the obligation to provide universal postal services as may be determined by the Commission from time to time.
- (2) Notwithstanding, subsection 10.1. (1) above and in exceptional circumstances, the Commission may, for a specified time period, require any other licensee to provide all or part of the Universal Postal Obligations.

10.2. Responsibilities of the Commission in regulating the Universal Service Obligation (USO)

- (1) The Commission shall, through licence conditions or other appropriate instruments, define the scope of the Universal Postal Services to be offered by the designated postal operator (DPO) along with the following parameters of the universals service obligation:
 - a. the required quality of service,
 - b. access and service targets, and
 - c. affordability.
- (2) The Commission shall monitor the adherence of licensees to the universal service obligation requirements above.
- (3) The Commission shall determine the mechanisms for financing the provision of universal service obligation.

10.3. Funding of the Universal Service Obligation

- (1) Without limiting the generality of subsection 10.2 (3), the Commission may, subject to the prevailing conditions, require licensees to adhere to the following Universal Access and Service Funding Mechanisms:

10.3.1. Reserved Area

- (1) The Commission may set out the scope of services that are to be offered exclusively by the designated postal operator,
- (2) The reserved services shall include, but shall not be limited to:
 - a. Postal articles (Documents) between 0kg – 1kg,
 - b. The production and issuance of Postage Stamps,
 - c. Provision of postal address boxes,
 - d. Use of the term “Post Office” in relation to outlets and other operating premises or building.
- (3) Where any other licensee undertakes to accept, convey and deliver the postal articles that are reserved under (2) a., such a service shall be distinguished from the basic postal service envisaged in this provision by the following mandatory additional features:
 - a. Provide track and trace services;
 - b. Proof of delivery;
 - c. Approximate delivery period;
 - d. Charge 3 times more for the same weight-step.
- (4) The Commission, will from time to time review the weight-threshold of postal article (documents) of reserved services.
- (5) Services falling outside the scope of the reserved area as described above, shall be considered as unreserved, and all licensees may provide these services in line with these guidelines and other applicable requirements.

10.3.2. The Universal Service and Access Fund

- (1) The Commission shall, in consultation with the Minister, identify and determine specific initiatives that will be financed through the said Fund aimed at achieving universal and access of postal and courier services across the Kingdom.

10.3.3. Other Funding Mechanisms

- (1) The Commission may recommend additional funding mechanisms to the Minister in order to enhance the sustainability of the Universal Service and Access Fund
- (2) Such measures may include:

- a. Government subsidies
- b. Government Grants.

11. Legal Possession and Ownership of Postal articles

- (1) The licensee is deemed to possess a postal article from the moment that such an item is handed to the licensee or their agent,
- (2) Possession of postal article passes to the addressee, upon delivery of the said postal article,
- (3) The licensee shall be liable for damage, loss and theft of the postal article from the point of receipt of the said item until the delivery is completed.

12. Delivery of Postal articles

- (1) Unless otherwise stated, a postal article is deemed to have been delivered to the addressee if:
 - a. deposited into the private letter box of the addressee
 - b. left at the residence or place of work of the addressee and if left in an identified postal receptacle, or
 - c. left with the employee or agent or another person authorized to receive the postal article on behalf of the addressee.
 - d. delivered to the proprietor or manager of premises or with the agent of the proprietor where the addressee is a guest or is a resident at a hotel, hostel or lodging; or
 - e. handed over to the addressee or addressees duly authorized representative over the counter.

13. Disposal of Undeliverable articles

- (1) Licensees shall develop and file with the Commission, their documented procedures for the disposal of items deemed undeliverable.
- (2) The Commission shall specify the minimum requirements for such procedures and policies, which shall include, but shall not be limited to:
 - a. The circumstances under which an item shall be deemed to be undeliverable including procedures for items addressed to deceased persons;
 - b. Steps to be exhausted before an item is determined to be undeliverable;
 - c. The retention period for undeliverable items;

- d. The process of disposal.

14. Security and Safety Measures

- (1) The Commission shall, from time to time, stipulate, through licence conditions, guidelines or other appropriate determinations, requirements to be adhered to by all licensees in order to enhance postal security and integrity and prevent postal crimes.
- (2) All Licensees shall take reasonable steps to improve security and combat crimes in the postal and courier sector;
- (3) Such steps shall include but not be limited to the following:
 - a. Where applicable, before accepting any item for conveyance, require the sender to declare its contents;
 - b. In respect of all systems, tools, equipment and installations operated, maintained or used to offer their services, take all proper and adequate safety measures to safeguard life of staff, the general public and property;
 - c. Not accepting for transmission any prohibited items as specified by applicable laws of the country, international conventions and Postal Regulations and Guidelines;
 - d. Displaying a list of prohibited items in a conspicuous place at their place of business

15. Prohibited and Dangerous articles

- (1) The following items shall not be admitted, conveyed or delivered by licensees:
 - a. Dangerous goods
 - b. Narcotics and psychotropic substances;
 - c. Obscene or immoral articles;
 - d. Sharp instruments;
 - e. Items that are prohibited for importation or circulation in the country of destination;
 - f. Items which, by their nature or their packing, may expose officials or the general public to danger, or soil or damage other items, equipment or third-party property;
 - g. Betting advertisements if relating to illegal business
 - h. Any living creature;
 - i. Coins, bank notes, precious stones and other minerals
 - j. Radioactive materials and other dangerous substances.

- (2) The Commission shall, in consultation with other regulatory agencies, allow the exceptional conveyance and delivery of specific prohibited items and dangerous goods under the specific conditions outlined under Schedule 5.

16. Quality of Service (QoS)

- (1) The Commission shall:
- a. Set the Quality-of-Service standards for the designated postal operator, specifying the Quality-of-Service parameters against which performance shall be evaluated and the associated target levels;
 - b. Require courier service providers to lodge their quality-of-service standards with the Commission for approval.
 - c. Conduct measurements against the Quality-of-Service parameters;
 - d. Audit the Quality-of-Service reports submitted by Operators;
 - e. Publish Quality of Service information as appropriate;
 - f. Amend these parameters or the targets from time to time to accommodate developments in the sector; and
 - g. Apply the appropriate sanctions where a licensee fails to meet the targets, does not remedy a Quality-of-Service performance breach after notification from the Commission to do so, or to comply with the reporting requirements specified under this Quality-of-Service framework.
- (2) Where a licensee fails to meet the specified target values of a Quality-of-Service parameter, the Commission may request a detailed explanation from the Licensee of the reasons behind the Licensee's failure to meet the specified target, along with a detailed action plan with timelines to ensure that the necessary steps are taken to improve performance to meet the specified target.

17. Consumer Rights and Obligations

- (1) Consumers of postal and courier services shall have the right to:
- a. file a complaint with the licensee within one (1) month of receiving the unsatisfactory service;
 - b. receive clear and complete information about rates, terms and conditions for available and proposed products and services;
 - c. be charged only for the products and services subscribed to;

- d. select a service provider and service of the consumer's choice;
- e. personal privacy and protection against the unauthorized use of personal identifiable information;
- f. bills that are accurate and that are capable of being understood, for products and services authorized by the consumer and fair, prompt redress in the event of a dispute in the provision of the products and services;
- g. protection from unfair trade practices, including false and misleading advertising and anti-competitive behaviour by licensees; and
- h. equal opportunity for access to the same type and quality of service as other consumers in the same area at substantially the same rate subject to the appropriate technology required to serve specific consumers.

(2) Consumers shall have the following obligations and responsibilities:

- a. to truthfully declare the contents of postal articles being tendered for conveyance,
- b. to provide correct address information,
- c. to pay for services rendered.

18. Collaboration and Interconnection

(1) Licensees shall be free to enter into commercial collaboration and interconnection arrangements by mutual agreement subject to the approval of the Commission;

(2) Where the interconnection sought involves access of another licensee to the Designated Postal Operator, the interconnection fees shall be subject to the approval of the Commission.

(3) Such Agreements shall adhere to the following principles:

- a. transparency;
- b. non-discrimination;
- c. fair competition;
- d. access to interconnection information;
- e. equality of access;
- f. quality of services and standards with appropriate service level agreements, and
- g. confidentiality.

- (4) Licensees shall file their interconnection draft agreements with the Commission prior to their effectiveness.
- (5) The interconnecting parties shall have the right to get information from each party in order to plan, establish or maintain the interconnection.
- (6) Interconnecting parties shall use such information solely for the purpose for which it was supplied and respect confidentiality thereof.

19. Offences

- (1) A person who:
 - a. hinders or obstructs an officer of the Commission from performing a function or discharging a duty as provided in the Act and these Guidelines; or
 - b. impersonates an Officer of the Commission;
 - c. other than in accordance with the terms of a valid licence issued under these guidelines, operates a postal or courier service;
 - d. affixes a placard, advertisement, notice, document, board, any other thing or disfigures a post office without the authority of DPO;
 - e. without a lawful excuse, knowingly transmits offensive material by post; uses fictitious stamps knowingly for postal purposes;
 - f. without authority from the DPO, uses any of the words "Post Office", "letterbox" or similar reserved words;
 - g. transmits a prohibited article by postal or courier service,
 - h. unlawfully or wilfully removes, destroys or damages any installation or plant used for postal services; or provides false information when applying to register for a licence;
 - i. Without due authority or lawful excuse, the proof of which shall be on the person, transfers a licence to another person;
 - j. Knowingly gives false information to the Commission;
 - k. makes, alters, imitates, or imports or assists in making, altering, imitating or importing any postage stamp, or uses, issues, offers, exposes for sale, sells, deals in or has the custody of or possession of any stamps knowing that they have been made or altered, or to be imitation;

- l. engraves or in any manner marks on any place, thing or material a stamp, mark or device, or any imitation or facsimile, used by or made for the purposes of the functions of DPO; or
- m. makes use of a stamp, dye, plate or paper engraved or made for the functions of DPO or sells, disposes of, purchases, receives, or has custody of any paper or material bearing an impression or mark of a stamp, dye or plate,

commits an offence and is liable, on conviction, under the Criminal laws process of Eswatini.

(2) A stamp, dye, plate, instrument or material found in the possession of a person in contravention of these Guidelines, shall be seized and confiscated.

20. Enforcement

(1) Where the Commission determines that a licensee has contravened any conditions of a licence, the Act or Regulations, Guidelines, decision, directives, codes, standards, policies or any other legal framework made under the Act, the Commission reserves the right to impose any of the following regulatory sanctions:

- a. issue a compliance order;
- b. issue a cease-and-desist order;
- c. impose a fine;
- d. issue warnings;
- e. suspend a licence;
- f. revoke the licence; or
- g. make any other order considered appropriate.

(2) In imposing sanctions under subsection (1), the Commission shall consider any aggravating factors, including -

- a. the gravity of the contravention;
- b. the duration of the contravention;
- c. whether the contravention resulted in injury to a person or property;
- d. whether the licensee acted knowingly, recklessly, or in a negligent manner;
- e. whether the licensee has a previous history of contraventions; or
- f. whether the licensee is a repeated offender.

- (3) In imposing a sanction, the Commission may, in addition consider any mitigating factors including –
- a. the gravity of the contravention;
 - b. the enormity of the consequences of the contravention;
 - c. whether the licensee took prompt action to correct the contravention;
 - d. whether the contravention was accidental; or
 - e. whether the licensee voluntarily disclosed the contravention to the Commission.
- (4) A licensee, not satisfied with the decision of the Commission may lodge an appeal with the Appeals Board in accordance with Section 44 of the Act.

21. Transitional Provisions

- (1) A person providing postal or courier, and related services for which there was no requirement to be licensed before the commencement of these guidelines, and which services are required to be licensed under these guidelines, shall apply for a licence within thirty (30) days of coming into force of these guidelines.
- (2) A person referred to in subsection (1) shall continue to provide services pending the determination of the application by the Commission.
- (3) From the date of coming into force of the Guidelines, existing service providers shall be required to comply with the Guidelines within a period of twelve (12) months.



Postal and Courier Licensing Guidelines 2021
General Licence Conditions (Schedule 1)
All Individual and General Licence Holders

1. Tariffs for Courier Services

- (1) All tariffs for courier service providers shall be lodged with the Commission.
- (2) Proposed new tariffs shall be lodged with the Commission at least thirty (30) days before coming into effect.
- (3) Tariff adjustments or new tariff proposal submitted by the Licensee to the Commission shall set out:
 - a. details of the nature and amount of charges payable for the licensed services
 - b. the method of determining the charges.

2. Tariffs for Postal Services

- (1) All tariffs shall be subject to the approval of the Commission.
- (2) Proposed new tariffs shall be lodged with the Commission at least thirty (30) days before coming into effect.
- (3) Tariff adjustments or new tariff proposal submitted by the Licensee to the Commission in respect of universal postal services shall set out:
 - a. details of the nature and amount of charges payable for the licensed services
 - b. the method of determining the charges.

3. Obligations of licensees on tariffs

- (1) All tariffs set by the licensees shall be market-orientated.
- (2) Licensees shall make available to its customers the tariffs for postal and courier services offered to various destinations and at various weight steps for the benefit of the public, at all business premises.

4. Powers of the Commission on postal and courier services tariffs

- (1) The Commission shall have the power to order the discontinuance of any tariff which it determines to be unjust and unreasonable.

5. International Standards and Commitments

- (1) All Licensees shall adhere to international conventions, agreements and standards to which the Kingdom of Eswatini is a party in relation to postal and courier services.

6. Exercise of Duty and Care

- (1) A licensee shall be considered liable for damage, loss and theft of items under their care, from the point of receipt of such an item from the customer until the delivery of the item is completed.
- (2) Licensees shall therefore develop and disclose to customers, information pertaining to the extent of liability for items under their care, along with their policy for liability and compensation where loss or damage occurs.
- (3) Licensees shall file with the Commission their Liability and Compensation Policy including insurance arrangements.
- (4) Licensees shall also undertake to do the following in this regard:
 - a. Make best efforts to ensure the delivery of items to the intended destination and recipient,
 - b. Publish information on how to deal with dangerous goods and prohibited substances at their outlets,
 - c. Exercise due care in handling and processing of items to prevent loss, theft, fraud, damage and tampering,

- d. Notify the sender, using appropriate channels and within a reasonable period, of the inability to deliver articles within the specified time:
- e. Coordinate with relevant authorities to ensure that items are screened according to stipulated safety and security protocols,
- f. Take necessary measures to ensure that suspicious articles are detected and dealt with according to the applicable laws and regulations.

7. Staffing Requirements

- (1) Licensees shall ensure that Staff at all their outlets have a thorough and accurate knowledge of products and related services; and wear corporate and/or protective clothing that is appropriate for their roles and responsibilities.

8. Other Operational Requirements

- (1) Licensees shall operate from at least one permanent business address that is registered with the Commission.
- (2) Operating premises shall have the following minimum standards:
 - a. An appropriately built public counter or other appropriate facility for the acceptance of articles and interaction with customers;
 - b. Safe storage facilities for postal articles under their custody;
 - c. Adequate and appropriate equipment and transportation arrangements;
 - d. A room or lobby for the comfort of customers waiting to be served with adequate ventilation and lighting; and
 - e. Facilities at its premises giving due regard to the requirements of members of the society with special needs.
 - f. Adequate means of transport (means of transport available for providing the services).

9. Competition and Fair Trading

- (1) Licensees shall adhere to the applicable laws and regulations pertaining to competition and fair-trading including refraining from unfair, discriminatory or predatory practices.

10. Complaint Management Procedures

- (1) Licensees shall establish and maintain a consumer complaint handling system which shall incorporate the liability and compensation management procedures;

- (2) Licensees shall further, publish and avail to consumers, information about its consumer complaints handling system in clear and simple language and prominently display at its place of business, notification to consumers of their right to complain about service.
- (3) In designing the consumer complaints' handling system, Licensees shall take into account the interests and rights of persons with special needs and ensure ease of access to its consumer complaint handling system; and make provision for escalation or appeal of complaints within its organisational structure where the consumer is not satisfied with the initial complaint resolution.
- (4) Licensees shall develop a complaints' handling procedure and maintain a log of consumer complaints which shall be made available to the Commission upon request.

11. Disclosure of Information

- (1) Licensees shall:
 - a. Publish the standard terms and conditions including tariffs under which it provides each category of products/services and the applicable compensation policies to consumers; and ensure that a statement of all applicable terms and conditions is promptly made available for inspection at the request of any member of the public;
 - b. Inform consumers of their obligations, and the repercussions arising from a breach of such contractual obligations;
 - c. Before entering into a contract to provide services, inform the consumer of any existing contractual warranty and the redress options available should the contractual warranty be broken.
 - d. Use all reasonable endeavours to ensure that information obtained or received in the provision of the service by itself or its agents, sub-contractors or Licensees is kept confidential, that is, not disclosed or made accessible to third parties or used otherwise than for the purposes or furtherance of the provision of the service or as required by applicable laws;
 - e. Not disclose information of a customer except with the consent of the customer, except for the prevention or detection of crime or the apprehension or prosecution of offenders or except as may be authorised by or under the law.

12. Use of Technology

- (1) All Licensees shall use appropriate technology to enhance the quality of postal and courier services offered to the public.



Postal and Courier Licensing Guidelines 2021
Licence Conditions (Schedule 2)
Individual Holder

1. Designation of the Universal Postal Service Provider

- (1) The Eswatini Posts and Telecommunications Corporation (EPTC hereinafter) shall have the obligation to provide universal postal services in accordance with relevant laws, conventions and international agreements of Universal Postal Union and other similar international bodies;
- (2) The Licensee shall have the exclusive right to provide services for the reserved area.

2. Universal Postal Services

- (1) The Licensee shall be obliged to provide the following universal postal services in fulfilment of the Universal Postal Convention:
 - a. priority articles and non-priority articles up to 2 kg,
 - b. literature for people with special needs up to 7 kg,
 - c. special bags containing newspapers, periodicals, books and similar printed documentation for the same addressee at the same address called "M bags" up to 30kg,
 - d. postal parcels up to 20 kg,
 - e. insured and ordinary parcels,
 - f. accept and deliver cash on delivery (COD) items,
 - g. registered letters (with an insurance option) and signature on delivery (SOD) items, and
 - h. Issue and pay money orders.

- (2) In the context of universal service obligation, The Licensee shall also:
- a. extend basic postal services to all under-served and unserved areas,
 - b. provide postal outlets taking into account the population size and mail volumes of under-served and unserved areas,
 - c. ensure that there are sufficient retail outlets in the unserved and unserved areas accessible to all, taking into consideration the physical needs of vulnerable consumers such as the elderly and consumers with special needs,
 - d. improve service performance standards,
 - e. provide basic postal services at affordable rates to target groups which are subject to approval by the commission,
 - f. provide adequate facilities for the receipt from the dispatchers of basic letters
 - g. must render the reserved postal services using new technologies

- (3) In provision of universal postal services, the Licensee shall not:
- a. differentiate in the provision of services between services areas and under/unserved areas
 - b. discriminate in the discounts afforded to mail users and;
 - c. discriminate against any person in respect of the provision of the reserved postal service.

(4) Development of the Reserved area

- a. The Licensee must draw a sustainable programme for development of the reserved area for a period which will be reviewed annually by the Commission at the beginning of each financial year.

3. Postage and Revenue Stamps

- (1) The Licensee shall have the exclusive right and obligation to produce postage stamps and philatelic instruments to denote prepayment of the applicable postal charges.
- (2) The Licensee shall not delegate the right to issue postage stamps to any other party without the prior written approval of the Commission.
- (3) Postage stamps shall be available for sale to the public at all post offices at the prices equal to the value denoted thereon.

(4) The Licensee shall further:

- a. Archive in suitable storage conditions and display in its museum such number of each new stamp and issue or postage due label or other type of new philatelic material as agreed to with the Commission;
- b. Present to the Commission proof or progressive samples of any new stamp issue;
- c. Take appropriate steps to store in suitable conditions and preserve the original designs for postage stamps and postage due labels whether in the museum or in the archives;
- d. Store duplicate copies of original designs at a remote site, the whereabouts of which must be known by the Commission and the Curator of the museum.
- e. The Licensee shall ensure that printing plates of any new postage stamps issued are stored in suitable conditions by the printer for possible re-issues of a series of postage stamps.

(5) The Licensee shall destroy the printing plates when no longer required.

(6) The Licensee shall grant access to the Commission to philatelic archives of past stamp-issues relating to the Kingdom or other philatelic material or original designs kept in the archives or museum.

(7) The Licensee shall ensure that there is a proper security in connection with the printing and storing of postage stamps.

5. Remote Meter Setting Franking Machines

(1) The Licensee may:

- a. Appoint approved/accredited suppliers to sell and issue remote meter setting franking machines to users; and
- b. Formulate and apply a set of rules and policy for the issue of remote meter setting franking machines and inform the Commission in writing thereof.



**ESWATINI
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Postal and Courier Licensing Guidelines 2021

FEES (Schedule 3)

All Individual and General Licence Holders

1. LICENCE FEES

License Category	Application Fee (E)	License Renewal Fee (E)	Annual Operating Fee	Annual contribution to the USF	Validity of a license
Individual License Designated Postal Operator - National Coverage	The fee to be determined by Commission and notified in a decision inviting applications	The fee to be determined by Commission and notified in a decision to renew	5% gross annual turnover with E7,500.00 as the minimum fee	0.5% gross annual turnover	10 years
General License International Commercial Courier -Service within national boundaries -Service beyond national boundaries	3 000.00	3 000.00	5% gross annual turnover with E7,500.00 as the minimum fee	N/A	5 years
Domestic Commercial Courier Service only within national boundaries	2 500.00	2 500.00	5% gross annual turnover with E7,500.00 as the minimum fee	N/A	5 years



Postal Licensing Guidelines 2021
Quality of Service (Schedule 4)
All Individual and Class Licence Holders

1. POSTAL ARTICLES

PARAMETER		DELIVERY STANDARD	TARGET %
ORDINARY MAIL			
a)	Percentage of mail delivered locally within 24hours after posting (before cut off time – 3pm) along the Mbabane – Manzini corridor	J + 1	95
b)	Percentage of all mail delivered to the rest of country (Domestic mail)	J + 2	95
c)	Incoming/Inbound International Mail	J + 8	85

**J stands for the day of Posting or presentation of an article at the receiving Counter*

2. PRIVATE LETTER BOXES/BAGS

PARAMETER	TARGET/STANDARD
New application in the urban Areas	7 working days
New application in the rural Areas	14 working days
Replacement of private box/bag lock consequent upon loss of keys	1 working day

**Applicable to only the DPO*

3. COMPLAINTS HANDLING PROCEDURE FOR POSTAL AND COURIER SERVICES

PARAMETER	TARGET/STANDARD
Complaints lodged by customers resolved within 30 days	-85 % -Documented Processes of complaint resolution -Complaints register and reports

4. OPERATOR DISCLOSURE FOR POSTAL AND COURIER SERVICES

PARAMETER	TARGET/STANDARD
Information displayed/available at each operational outlet to support a customer's purchase decision	Display of opening hours, tariffs, ESCCOM licence, contact information, delivery times, prohibited items/dangerous goods and terms and conditions of service provided, complaints handling procedure and all information as specified in the guidelines



Postal Licensing Guidelines 2021

Prohibited articles and Dangerous Goods (Schedule 5)

All Individual and Class Licence Holders

1. Prohibited articles

Description of item	Qualification for acceptance
i. Dangerous drugs	By insured box or by insured parcel post but only if sent for medical or scientific purposes to country which admits them when sent for those purposes.
ii. Narcotics and psychotropic substances;	
iii. Live bees, leeches, silk worms, parasites or destroys of noxious insects used for the purpose of controlling those insects	By letter post if addressed to officially recognized institutions.
iv. Obscene or immoral articles;	
v. Any postal article enclosed in an envelope with an open panel	By the inland service.
vi. Paper money not crossed for payment solely through post bank	(i) for transmission by the inland service by registered letter or registered parcel post. (ii) for transmission by the international service by registered letter post or insured letter post or insured parcel post.
vii. Coins, bank notes, precious stones and other minerals	
viii. Jewellery and other valuables	By registered letter post or insured parcel, or insured box
ix. Betting advertisements if relating to illegal business	
x. Any postal article bearing the word "registered" or any other phrase to that effect and any item which by these	By registered post

regulations is required to be registered or subject to the provisions of these Guidelines and is of a monetary value	
xi. Deleterious liquids, perishable biological substances, or other similar substances	By letter post at the letter rate of postage only if sent for medical examination or analysis to a recognized medical practitioner or qualified veterinary surgeon
xii. Inflammable liquids	Having a flash point of 32degrees centigrade or above but lower than 65 degrees centigrade; maximum amount one litre
xiii. Radioactive materials	Small quantities suitable packed, provided that when made up for the post radiation measured at the outside surface of a package does not exceed 10 milliroentgen per 24 hours by letter post at the letter rate of postage
xiv. Any item liable to custom duty	To countries, which permit by law or regulations, the importation of such items by post and by registered post if the law or regulations of the country or place of destination so requires
xv. Sharp instruments;	
xvi. Advertisement and publications relating to the treatment of general diseases or to any preparation for its prevention, care or relief	If addressed to duly qualified medical practitioners or chemist
xvii. Drugs and other prohibited narcotic substances	Except those legally authorized or dispatched for medical or scientific purposes

2. Dangerous Goods

i. Explosives, flammable gases
ii. Flammable liquids, flammable solids
iii. Oxidizing substances, toxic and infections substances
iv. Compressed gasses
v. Oxidizing Substances
vi. Radioactive items, corrosives
vii. Miscellaneous dangerous goods which include: <ul style="list-style-type: none"> • Magnetized goods • Dry ice • Lithium batteries

3. General Packaging Guidelines

- (1) Use padded envelops for items with sharp edges or odd shapes to prevent the items cutting through the outer packaging.
- (2) Use an outer carton strong enough to hold the weight of the contents.
- (3) Mark the parcel fragile or perishable if applicable.

- (4) Fragile items should not touch each other or the sides of the outer carton. Pack the items with bubble wrap, polystyrene chips or crushed paper to a depth of at least 5 cm around each item.
- (5) Write the sender's name and address clearly on the outer packaging so the item can be returned if undelivered.
- (6) Seal the parcel securely using strong tape along all the openings.
- (7) Flatten any sharp ends of staples and cover with tape.
- (8) If licensees re-use cardboard boxes or any other container already used to transport items, please ensure they have not been weakened as contents could get damaged. This would affect any compensation claim.
- (9) Consider using reinforced corners if the contents of the parcel are heavy.