

Postal Services Law

The following is an unofficial translation of the Postal Service Law No. 34 of 2007.

Law No. (34) of 2007 Postal Services Law

Article 1: This law shall be called (the Postal Services Law of 2007), and shall be come into force as of the date of its publication in the Official Gazette.

Article 2: The following words and expressions wherever stated herein, shall have the meanings assigned to them hereunder, unless the context indicates otherwise.

- The Ministry: Ministry of Information and Communications Technology.
- The Minister: The Minister of Information and Communications Technology.
- The Commission: The Telecommunications Regulatory Commission established pursuant to the provisions of the effective Telecommunications law.
- The Board: The Board of Commissioners of the Commission that is formed pursuant to the provisions of the Telecommunications law.
- The Commissioner: The member of the Board.
- The Public Postal Operator: A public Shareholding Company that is entrusted with the task of providing postal services according to the provisions of this law.
- Vesting Date: The date on which the Public Postal Operator shall start to carry out its tasks by virtue of a decision from the Council of Ministers.
- The Private Postal Operator: any person that transports a private postal article against a fee.
- The letter: any form of written information, whether wrapped or un-wrapped, addressed to a specific person or a specific address, including any packet or parcel, or box, or cover containing such information.
- The Article: any written or un-written letter, or payment order of an amount of money, or an envelope, or packet, or parcel, or box, or cover containing anything or information.
- Postal Article: The article that is transported or distributed by the public postal operator, and whose weight does not exceed (31) kilograms .

Private Postal Article: The article that is transported by another person than the public postal operator against a fee.

The Postal Stamp: Any mark, or sticker, sealed or printed design, of specified value issued according to a valid legislation, or to the law of any other country for the purpose of postal clearance, or for the use of the stamps collectors.

Postal Depository Box: Any box or container installed by the Public postal operator in a public or private place, for the purpose of receiving the postal article from the beneficiaries

Postal bag: Any container, bag, box, basket or parcel in which the postal article is transported

The Postal private box: A container prepared by the public postal operator to be leased to a specific person to convey the postal article to him.

The Post Office : Any building or vehicle for receiving and delivering postal articles or for sending them or processing them in any other manner by the Public Postal Operator.

The Employee :Any employee of the Public or Private postal operator, or agent, or contractor, or a concessionaire, or any other person delegated to submit goods or services to the public or private postal operator.

Money Order: any form of money transference forms for a specific value sent to a specified person as defined in the Postal Financial Services Agreement for the Universal Postal Union.

Postal Order: Any form of money transfer of specified value sent to a non-specified person according to the definition stated in the Postal Financial Services Agreement of the Universal Postal Union.

Postal Financial Instrument: Any postal remittance, or postal order or a proof of advanced purchase from the public postal operator or any similar instrument or any blank or incomplete form intended to be used for any of these instruments.

Performance Contract: The contract concluded by the Council of Ministers between the Minister and the public postal operator and for a limited renewable period to regulate the relation between both parties.

Universal Postal Services: Collecting, transporting and distributing the postal articles throughout the Kingdom with reasonable prices and in a quality level that covers the needs of the beneficiaries in accordance with the General Policy of the Postal Sector and the related instructions issued by the Ministry.

Article 3: The ministry shall undertake the following tasks and authorities:

- 1- To articulate the general policy of the postal sector in the Kingdom, and to submit such policy to the Council of Ministers for approval, and to set the necessary plans and programs to implement it, and issuing the instructions related to the universal postal services in coordination with the commission.
- 2- To encourage investment in the postal sector.
- 3- To encourage competition between the operators in the postal sector to guaranty the provision of advanced postal services of a good standards and appropriate prices.
- 4- To follow-up the implementation of the international commitments of the Kingdom in the postal sector by the concerned parties.
- 5- To safeguard the Kingdom's interests with other countries, regional and international organizations, international unions, and other bodies concerned with the postal services affairs, and to supervise the representation of the Kingdom in them in cooperation with the concerned parties.
- 6- To issue stamps in different kinds according to the Bylaw pertaining thereto.
- 7- To prepare draft laws and bylaws pertaining to the postal services, and to present them to the Council of Ministers to take the appropriate decisions in that regard.
- 8- Any other tasks entrusted to it by virtue of any other legislation.

Article 4: a) A public shareholding company will be established by a decision of the Council of Ministers, to be registered by virtue of the Companies Law, and provided that the government owns all of its shares.

b) The company's objectives shall be determined by virtue of its Articles of Incorporation to administrate and operate the public postal services and undertake any other related activities.

c) The company shall be considered a public postal operator from the Vesting Date.

d) The company shall be the legal and realistic successor of the Ministry of Post and Communications with regard to all the postal services and other services that the Ministry used to provide before the authorization date with the exception of the Postal Savings Fund Services.

Article 5: All fees pertaining to the postal services and the related services that are valid at the authorization date shall remain valid according to the bylaws pertaining thereto or the instructions issued by the Ministry in this respect, until changed by the decisions issued by the company for this purpose.

Article 6: a- A contract shall be concluded by the Council of Ministers and for a limited renewable period between the Minister and the Public Postal Operator called (Performance Contract) to regulate the relation between both parties, provided it includes the following:

- 1- Criteria and conditions for providing the postal services that the Public Postal Operator carries out according to the provisions of Para (C) of article (8) of this law.
- 2- How to handle the complaints regarding the postal services and the procedures that the Public Postal Operator should take for this purpose.
- 3- Any other matters agreed upon by both parties including the financial commitments that may be incurred by the Public Postal Operator for the treasury.

b- No amendments may be made to the performance contract except with the consent of the Council of Ministers.

Article 7: The Ministry shall prepare with the participation of the Public Postal Operator, and on its expense, a financial report about the postal services it conducted during the previous twelve months before the authorization date, provided it is accomplished during the period specified in the performance contract.

Article 8: The public postal operator shall be committed to the following:

- a) Abide by the general policy of the postal sector issued by the Council of Ministers, provided that it is notified thereof in writing by the Minister.
- b) To preserve the kingdom's commitments under any charter or international valid agreement.
- c) To provide universal postal services in the Kingdom and outside it that would guarantee the accomplishment of the following:
 - 1- The availability of service to all beneficiaries in a fair and non-discriminatory manner.
 - 2- To collect unified fees for transporting the postal articles proportionately with the weight of the article and its kind, according to bases that would guarantee the cost of provision of the service and a reasonable profit for the operator.
 - 3- To provide service for the beneficiaries at the level that would fulfill their different needs, especially the industrial and commercial ones.

Article 9: The Commission shall carry out the following tasks and authorities:

- a) To set the bases that the Public Postal Operator is committed to abide by, when determining the services tariff by virtue of the exclusive right granted to it under the provisions of article (12) of this law .
- b) To issue licenses to the Private Postal Operators by virtue of a bylaw issued for this purpose, in which the bases and conditions of licensing are specified as well as the fees paid to the Commission against that .
- c) To monitor the implementation by the Public Postal Operator of the conditions of the performance contract concluded with him, and to submit a report in that respect to the Minister within two months of the end of each financial year, and at any other time it deems fit, attached to it are its recommendations in this respect .
- d) To monitor the implementation of the provisions of this law, and to ascertain any breach of its provisions, and to take the appropriate measures in this respect.
- e) To regulate the postal services in the kingdom in accordance with the public policy approved by the Council of Ministers and to issue the related instructions

Article 10: The Council of Ministers, upon the recommendation of the Minister based on the recommendation of the Council, determines the amount that the Public Postal Operator has to pay to the commission against the expenses the commission incurs when performing the tasks assigned to it by virtue of the provisions of this law.

Article 11: The Postal Services shall include the following:

- a) To receive and deliver the letters and postal cards and printed materials including literature for the blind and postal parcels.
- b) To receive and deliver the postal parcels.
- c) To issue internal and external money orders and postal orders.
- d) The service of private post office boxes.
- e) Any postal service accredited by the Universal Postal Union.

Article 12: The public Postal Services Operator shall have the exclusivity right to carry out the following:

- a) To transport the articles which weight do not exceed (500) gm in the kingdom and outside it.
- b) To print the issued postal stamps, or to assign it's printing to others, against the approval of the Council of Ministers and according to the conditions determined by the council.
- c) To install postal depository boxes in public places.
- d) To provide the service of private post office boxes.

Article 13: In spite of what was contained in Article (12) of this law, the exclusivity services of the Public Postal Operator do not include the following:

- a) The letters pertaining to the goods and that are attached thereto.
- b) The articles that are transported for free.
- c) The article which weight does not exceed (500) gm, if the fee collected for its transportation was not less than five times the fee collected by the Public Postal Operator to transport the lowest weight segment of letters, by regular or air mail, and to the same destination.
- d) The article that is transported by the consignee or one of his employees.
- e) The article that is transported from the post office or the postal depository box or to any one of them.
- f) Any manual (catalogue) or newsletter.

Article 14: a. In spite of what is stated in any other legislation, the Public Postal Operator shall undertake the following authorities:

- 1- To determine conditions for providing the postal services that he performs including the validity period of any postal stamps.
- 2- To determine the postal services fees, taking into consideration the bases set by the commission by virtue of the provisions of Para (a) of Article (9) hereof.
- 3- To conclude contracts with others to use the franking machines and determine the conditions of their use.

b. With consideration of the authority of the Council of Ministers regarding the Kingdom's relations with any international organization or country, the Public Postal Operator may, for the purposes of providing any postal service, contact directly any postal institution in any country, or agency or international organization concerned with the postal affairs, carry out any arrangements for the purpose of providing facilities, or determining the fees and prices, or condition of payment, or accounting or for the operating, engineering or administrative purposes or any other purpose.

Article 15: a) If the Public Postal Operator breaches any of the commitments he incurs by virtue of the provisions of this law, or by any conditions of the performance contract, the Council of Ministers may, upon the recommendation of the Minister based on the recommendation of the Commission, take any of the following measures individually or collectively:

- 1. Amend the performance contract.
- 2. Appoint auditors or controllers from the specializations needed to evaluate the performance of the operator.
- 3. Appoint a party to supervise the public postal operator for a period not exceeding two years

4. Assign any party, if necessary, to provide any of the exclusivity services instead of the Public Postal Operator, in spite of what was contained in the performance contract

5. Cancel the performance contract.

B. The Public Postal Operator shall incur any expenses resulting from taking any of the measures stipulated in items (2),(3) and (4) of Para (a) of this article.

Article 16: For the purposes of this law, the postal article is considered as being transported by post, from the time it is received by the Public Postal Operator, or from the time it is deposited in the postal depository box, and until any of the following is done:

- a) Conveying it to the address of the consignee written on the article, or any other address for him.
- b) Taking it from the private post office box of the consignee.
- c) To convey it in any method acknowledged in the terms and conditions of postal article.
- d) To dispose therefrom by virtue of the conditions pertaining to the non-deliverable postal articles or any other conditions stated herein or in any other legislation.

Article 17: a) The public postal operator or any of his employees are not considered liable for any damages or losses incurred by any person due to any of the matters stated below, provided that the international conventions in which the Kingdom is a party thereof are taken into consideration.

1. Not to duly deliver the postal articles or any delay in delivering it.
2. Any delay, halting or restriction of any articles service or any equipment related thereto, or any of the auxiliary services.
3. Any loss of confidentiality resulting from the use of any postal service.

b) In spite of what was contained in Para (a) of this Article, the following should be taken into consideration:

- 1- The responsibility of the Public Postal Operator and any of his employees for any mistake in the payment or any delay therein, and pertaining to any remittance of money through him, or any other breach in any document used regarding the remittance by virtue of the banks law and any bylaws issued by virtue thereof.
- 2- To pay any compensation regarding any of the cases stated in Para (a) hereof, according to what is decided by the Public Postal Operator in addition to any payable compensation by virtue of the provisions of any international charter or convention in which the Kingdom is party.

c) In spite of what was contained in Para (a) of this Article, the following should be taken into consideration:

- 1- The Public Postal Operator or any of his employees are considered liable for any damages or losses incurred by any person due to any neglect or deceptive act, related to any of the matters stated in Para (a) of this Article.

Article 18: a) The printed or sold stamps by the Ministry shall remain fit for use for the Public Postal Operator.

- b) The Public Postal Operator is not considered committed to re-purchase the postal stamps except in the cases and under the conditions stipulated by instructions issued for this purpose.

Article 19: If the Public Postal Operator could not deliver any postal articles from the Kingdom or return it to its sender, he has to take the following measures:

- a) To open the article and inspect its contents by a committee formed for this purpose by three of his employees to determine the identity of the consignee, his address or the address of the sender.
- b) To wrap the article that was opened, if the Public Postal Operator obtained the necessary information, and stated the reasons for opening it, and the legal ground for this act, and to deliver it to the consignee or return it to the sender without delay.
- c) To retain the article for a period not exceeding six months as of the date of opening it, if the Public Postal Operator did not obtain the necessary information.

Article 20: a) If any person claimed the article stipulated in Para (c) of article (19) hereof during the period specified therein, and it was proven to the Public Postal Operator the right of this person in it, he has to deliver it to him, otherwise, the operator shall have to undertake any of the following measures:

- 1. To destroy the article or any part thereof, or to sell any of its contents, and add the amount to the account of his operating income.
 - 2. To apply the provisions of Article (21) hereof, if the article contained any cash currencies.
- b) The Public Postal Operator shall maintain a record stating therein the measure taken in respect of the article according to the provisions of Para (a) hereof for a period of eighteen months as of the date of disposing thereof.

Article 21.a-1) If the Public Postal Operator received a sum of money to deliver it to another person, and it was not claimed during one year of the date of maturity, the Public Postal Operator remits this sum to an account for unclaimed sums.

- 2) If any person had any right in any sum deposited in the fund, he has to claim it during a period of two years as of the date of remitting this sum to the fund; otherwise it will be transferred to the public income account.
- b. The Public Postal Operator shall not be liable for any article containing coins or securities payable to their holder, or precious stones, or jewels, or platinum, golden or silver materials unless insured.

Article 22-a) No commissioner, or their spouses or any of their descendants or predecessors till the second-degree, shall have any interest direct or indirect, in the postal sector services throughout the duration of his membership in the board, or during two years of the termination of this membership, and if he had until the Vesting Date any interests, he has either to assign it or to resign from the board.

- b) Each commissioner shall submit to the Council of Ministers a declaration in writing that acknowledges the non-existence of any interest for him, his spouse or to any of his relatives till the second degree in the postal sector, and in the event of any similar interest arising during his membership in the Board or during the two years of the date of termination of this membership,

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he shall notify the Council of Ministers thereof. Failure to do so shall be a reason for ending this membership.

- c) If any commissioner violated the provisions of Para (a) hereof, or did not honor the undertaking submitted by him, according to the provisions of Para (b) thereof, his membership in the board is terminated, and he is tried for not being credit worthy, and shall return all the amounts he obtained as a result of this violation, in addition to the compensation due on him to any of the parties that incurred damage as a result thereof.

Article 23: Any employee working for the Public Postal Operator who does any of the following actions shall be punished by imprisonment for a period not less than three months, and not more than three years or for a fine of not less than (100) dinars, and not more than (500) Dinars, or by both punishments:

- a) Has owned or issued a postal financial tool illegally.
- b) Has illegally placed on the postal article any seal, sticker, or mark accredited by the public postal operator.

Article 24: Shall be punishable for a period not less than one year, and not more than three years, or for a fine of not less than (500) Dinars, and not more than (1000) dinars, or by both punishments, every employee of the Public or Private Postal Operator that has disclosed secrets of his job or disclosed the existence of any postal article or private postal article or disclosed the contents of any of them, unless his work required that.

Article 25: Shall be punishable by imprisonment for a period of not less than one week and of not more than six months or by a fine of not less than (100) Dinars, and of not more than (300) dinars or by both punishments each who :

- a) Has removed a postal stamp from a postal article being conveyed.
- b) Has used a cancelled postal stamp of which the cancellation mark has been removed.

Article 26: Shall be punishable by imprisonment for a period of not less than one year and of not more than three years or by a fine of not less than (500) Dinars, everyone who possessed intentionally and illegally any papers allocated for printing postal stamps in addition to compensating the Public Postal Operator for any financial loss it incurred as a result of that.

Article 27: a) Shall be punishable by imprisonment for a period of not less than one year and of not more than three years or by a fine of not less than (500) Dinars, and of not more than (1000) Dinars, or by both punishments, each who has committed any of the deeds stated below against a postal bag, postal article or private postal article:

1. Has stolen it, destroyed it, or opened it intentionally or knowingly, or disposed thereof in any form without authorization.
 2. Impeded its acceptance, transportation, or its delivery intentionally or knowingly.
 - 3- He received it based on a wrongful allegation.
 - 4- He obtained it knowing that it is stolen.
 - 5- He delivered them intentionally in a wrongful manner.
 - 6- Has changed the content of any postal article or private postal article or postal letter, or any part thereof, or changed its cover or address.
- b. The provisions of this Article shall apply to the deeds that occur physically or electronically or in any other way.

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Article 28: Shall be punishable by temporary hard labor for a period not exceeding ten years or by a fine of not less than (1000) Dinars, and not more than (10 000) Dinars, or by both punishments , every person who sent the following through the public or private postal operator and without a prior consent of any of them :

- a) Any material that has endangered the life of any person.
- b) Any drug or material affecting the mind.
- c) Any explosive material or inflammable material or other harmful materials.
- d) Any radio-active material.

Article 29: Shall be punishable by imprisonment for a period of not less than one month and not more than two years, or for a fine of not less than (100) Dinars and not more than (300) Dinars, or by both punishments, everyone who was sent the following through the Public or Private Postal Operator :

- a) A polluting or destructive material to other materials, properties or equipment belonging to the public or private postal operator private properties.
- b) A material violating the ethics.
- c) An inciting letter or material.
- d) A threatening letter to others .
- e) A live animal.
- f) Any material that may endanger the life of any person.

Article 30: Shall be punishable for a period of not less than six months and not more than three years, or by a fine of not less than (300) dinars, and not more than (1000) Dinars, or by both punishments, each who claims a lie to the effect that a private postal article contains an explosive or harmful material that was sent or will be sent.

Article 31: a. Considering the rights of the Public Postal Operator pursuant to this law, no person can provide any postal service without getting a license from the commission by virtue of the provisions of the bylaw issued pursuant to Para (b) of Article (9) hereof, provided that the previously signed agreements with the Private Postal Operators shall remain effective for six months, and those Operators shall amend their legal positions according to the provisions of this law.

- b. Any person who provides postal services without getting a license by virtue of the provisions of the bylaw mentioned in Para (a) of this Article shall be punishable by a fine of not less than (1000) dinars and not more than (10000) dinars, as well as paying the licensing fees to the commission for the period that he offered those services without a license from the commission, and the fine and the licensing fees shall be multiplied in the case of repetition.
- c. Commission employees authorized to seize violations shall be considered as judicial police officers, and the reports prepared by them shall be valid until proven otherwise, provided that the seizure conditions stipulated in the Penal Procedure Code in force are observed, and for this purpose they are authorized to audit the licensees' records and financial data.
- d. Civil and Military Authorities as well as Public Security Forces shall extend to the Commission's employees every possible assistance to perform their work in seizing violations.

Article 32: There is nothing in this law that prevents the application of a greater punishment stipulated in any other law.

Article 33: The Ministry shall continue to provide postal services by virtue of the provisions of the Post and Post Savings Law no. (12) for the year 1988, and its amendments, and until the issuance of the authorization decision.

Article 34: The Council of Ministers may authorize the Public Postal Operator to practice any authority delegated to any public official party regarding the postal services, if the need arises therefore, provided that the decision includes the bases and conditions for practicing this authority.

Article 35: The Council of Ministers issues the necessary bylaws to implement the provisions of this law including the following:

- a) Measures for monitoring the postal articles and inspecting them, and confiscating the violating ones.
- b) The fees collected by the Commission against the licensing of the private postal operator.

Article 36: Each of the following laws and their amendments shall be cancelled,

- a) the Post and Postal Savings Law no. (12) of 1988, as of the Vesting Date, provided that the Bylaws issued thereby are valid, until cancelled or replaced .
- b) The Law for Transporting Postal Bags no. (34) of 1953.
- c) The Law for Establishing the Post and Telephone Agencies in Some Villages no. (14) of 1985 .

Article 37: The Prime Minister and the Ministers are authorized to implement the provisions of this law.