



POSTAL SERVICE REGULATORY LAW

www.tra.gov.om

E-mail: post@tra.gov.om

PO Box 579, Ruwi 112, Sultanate of Oman



His Majesty Sultan Qaboos Bin Said

**Postal Service
Regulatory Law
No. 71/2012**



Chapter1

DEFINITIONS AND GENERAL PROVISIONS

Article (1)

In the application of the provisions of this Act, the following terms and expressions shall have the meanings assigned to each of them unless the text otherwise requires:

1. **“The Ministry”**: Ministry of Transport and Communications;
2. **“The Minister”**: Minister of Transport and Communications;
3. **“The Authority”**: Telecommunications Regulatory Authority;
4. **“The Chairman of the Board”**: Chairman of the Authority’s Board of Directors;
5. **“ Postal articles “**: Letters, postcards, printed papers, literature for the blind, small packets, postal parcels and other items that can be conveyed by mail as per the provisions of the Universal Postal Convention and other relevant international agreements in force for the Sultanate.

6. “ **Letters** “: Any document having the character of current and personal correspondence such as air letters, hard envelopes issued by postal services provider to be used for registered mail, audio materials such as optical discs (CDs) and recording tapes.
7. “**Postcard**”: A piece of paper with photograph, where the right-hand or upper side is intended for writing the address of the addressee and postal clearance procedures, and the left-hand or lower side is intended for the phrases to be written by the sender. Postcards shall be sent uncovered and shall be treated as a letter if any of these conditions be infringed.
8. “**Publications**”: Newspapers, magazines, pamphlets, bound or fragmented books, periodicals, commercials, musical notes, printing drafts, fingerprint cards, photographs, paintings, albums, greeting and condolence cards and commercials written in prominent letters or engraved characters, and anything similar.
9. “**Literature for the blind**”: Papers written in bold letters that are designed to teach the blind reading and writing, audio recordings and special papers designed for use by the blind that are sent by a formally recognized institution or entity, and shall be sent uncovered.
10. “**Small packets**”: Small packages that contain items with value or papers/documents having the character of personal correspondence, but not similar to publications. Small packets shall be packed in a way that allows the contents to be checked with ease.

11. “**Postal parcels**”: A package or a packet or bags that contains goods or items for the purpose of conveyance or distribution, but do not have the character of correspondence.
12. “**Waste**”: Postal articles with unknown address of the sender or the addressee. The Regulation explains how to store or treat such items as per the provisions of relevant international agreements in force for the Sultanate.
13. “**Postal services**”: Services involving the collection, clearance, sorting, distribution and delivery of all postal articles in all parts of the Sultanate, whether in a traditional or express manner, and the issuance and marketing of stamps and other items that are designed for postal articles such as envelopes and seals. Postal services also include installation of mailboxes, and any other services approved by the Authority or the Universal Postal Union or the relevant international agreements in force for the Sultanate.
14. “**Universal services**”: Postal services to be provided by the Company or the licensee in accordance with the provisions of this Act.
15. “**Reserved services**”: Postal services in which the company has an exclusive statutory in providing them in accordance with the provisions of this Act.
16. “**Related services**”: Financial services provided on behalf of others, such as the collection of water, electricity and communications bills, newspapers’ subscription, pension payments, advertisements and other services. Such services also include providing

funds and transferring money, and international and domestic express shipping of parcels of weight and dimensions exceeding postal articles as stipulated in the Regulation.

17. **“Postal services provider”**: The Company or the licensee or any person acting on behalf of the foregoing in providing postal services in accordance with the provisions of this Act.
18. **“The Company”**: Oman Post Company (S.A.O.G)
19. **“Licensee”**: Any person (other than the Company) who has been granted a license from the Authority to provide postal services in accordance with the provisions of this Act.
20. **“License”**: A decision issued by the Authority to a person to provide postal or related services.
21. **“Carrier”**: Any party (other than postal service providers) legally involved in the performance of carriage of persons or goods by land, sea or air within the Sultanate or across its borders.
22. **“Postage stamp”**: Any label, poster, printed or impressed design with a predetermined value based on a legislation in the Sultanate or any other country; which is specifically designed for the purpose of clearance of postal articles regardless of the means, tool or machine used to put the stamp on those postal articles; or for the use of amateur stamp collectors.

23. “**Mailbox**”: A container designed by the Company, which is installed in a public or private place for the purpose of collecting, distributing or delivering postal articles.
24. “**Post office**”: A place established by the postal service provider for the purpose of providing licensed postal or related services, whether it is a moveable property or a real estate.
25. “**Postal tariff**”: Fees prescribed by the Authority and received by the postal services provider for each rendered postal or related service.
26. “**International terminal dues**”: Financial rights and obligations of an international character for the postal service provider with respect to foreign entities for distributing international mail or providing related services in the Sultanate on behalf of those entities, or for the services provided by those foreign entities on behalf of the service provider outside the Sultanate.
27. “**Beneficiary**”: The person receiving postal or related services.
28. “**Regulation**”: The executive regulation for this Act.

Article (2)

The Ministry shall propose the general policy of the postal sector and submit the same to the Council of Ministers for approval, and follow up for its implementation through coordination with the concerned authorities. This policy aims to:

1. Ensure the provision of high quality postal services to beneficiaries in all regions of the Sultanate at reasonable price within the limits of existing possibilities.
2. Advance and develop the postal sector to meet the requirements and needs of the economic and social development.
3. Liberalise the market and prepare the postal sector for competition.
4. Encourage the private sector, locally and internationally, to invest in the postal sector and overcome obstacles that may prevent achieving the same.
5. Represent the Sultanate and work for its interests, and follow up the implementation of its obligations towards other countries, international and regional organisations, and unions and associations concerned with postal services.

Article (3)

The Authority shall perform the following functions:

1. Advise the Ministry on the general policy of the postal sector.
2. Implement the approved general policy for the postal sector.
3. Regulate the provision of postal services in the Sultanate in accordance with the provisions of this Act.
4. Oversee and monitor the postal services providers to ensure the provision of licensed services of appropriate quality at approved tariff.
5. Receive complaints from beneficiaries and decide on with final administrative decisions.
6. Issue final administrative decisions upon matters in which a dispute arises between the service providers, or between
- 7- Prepare an annual report on the activities of the sector after coordinating with the Ministry and submitting the report to the Council of Ministers for consideration and approval.

Article (4)

As per the provisions of this Act, the fees for the services provided by the Authority are set by a decision issued by the Chairman of the Board.

Article (5)

The Authority may review the final administrative decisions it has issued in application of the provisions of this Act if an appeal is made to the Authority by any of the concerned parties. Submitting an appeal and making a determination for resolving it shall be according to the procedures set forth in the Regulation, taking into account the deadlines laid down in the Administrative Judiciary Court Law.

Article (6)

The Ministry of Finance bears the capital costs necessary to implement the provisions of this Act by the Authority. The operational expenses are funded by revenues generated by fees and penalties collected by the Authority or through a court order within the framework of implementing the provisions of this Act.

Chapter 2

PROVISIONS FOR POSTAL ARTICLES AND THEIR CONFIDENTIALITY

Article (7)

The confidentiality of postal articles is protected under the provisions of this Act, and no postal articles may be controlled or disclosed or shown save as in the circumstances and conditions set out in this Act or the relevant international agreements in force for the Sultanate.

Article (8)

As an exception to the provisions of Article (7) of this Act, postal articles may be viewed in the following cases:

- 1- Postal articles classified as waste.
- 2- Postal articles seized upon a decision from competent judicial authorities to investigate felonies or misdemeanors.
- 3- Postal articles addressed to a merchant who is declared bankrupt in implementation of a court ruling.
- 4- In other cases in which any other law permits control or disclosure of postal articles.

Article (9)

Postal articles handed in to the postal service provider may not be seized or controlled and documents and administrative books or papers of the postal service provider may not be viewed and so copies thereof may not be extracted, unless, upon a request from the competent judiciary authorities.

Article (10)

The competent judiciary authority shall return the postal articles and documents, books and papers referred to in the previous article to the postal service provider marked that they were opened by the said authority in case of being opened by such judiciary authority after completing.

Article (11)

Confidentiality of postal articles shall be deemed violated in the following cases:-

- 1- Deliberate viewing of the content of postal articles in violation of the provisions of Article (8) of the Act.
- 2- Providing information about the postal articles or authorize viewing of the relevant documents, books and papers in cases other than those legally allowed.
- 3- Disclosing contents of postal articles or disclosing what is provided therein.

Article (12)

The postal service provider may seize postal articles addressed to the following:

- 1) Deceased person;
- 2) Incapacitated person;
- 3) Bankrupt person;
- 4) Dissolved or bankrupt company;
- 5) Person or company that his/their postal articles are levied a judiciary sentence of seizure.

Seizure of postal articles shall continue in such cases till the issuance of a judiciary decision for how to dispose thereof, and the Regulation shall set forth how to store the postal articles during that period.

Article (13)

Postal materials shall be deemed in possession of the postal service provider, from the time of receiving the materials or placing the same in the mailbox designated for collecting postal articles till they are delivered to the addressee or his associate or any other person that can receive the postal materials in the ordinary course of business, or dispose the same as prescribed by the Regulation.

Article (14)

Weights and dimensions of letters, parcels and other postal articles that are subject to the provisions of this Act shall be within the limits established by the relevant international agreements in force for the Sultanate, and as prescribed in the Regulation.

Chapter 3

LICENCES

Article (15)

It is not permissible to provide pay postal or related services without obtaining a license from the Authority pursuant to the provisions of this the Act.

Article (16)

The Authority is the sole responsible for issuing licenses required for providing postal and related services, and in particular the following services:

1. Traditional postal services;
2. International express mail services;
3. Local express mail services;
4. Postal parcels services;
5. International and local express shipping services of parcels not exceeding weights and dimensions specified by the Authority.

Article (17)

The Authority may not authorize the provision of postal services unless the license applicant satisfies the required conditions as established in the Regulation.

Article (18)

Applications for obtaining the license shall be made on the standard forms prepared by the Authority for this purpose, along with attaching documents prescribed by the Regulation and prove of payment of the prescribed fees.

A decision on the application shall be made by the Authority within a period not exceeding sixty (60) days from the date of its submission. The license is issued by a decision from the Chairman of the Board for a period of five (5) years, renewable for similar period /periods upon request from the stakeholder sixty (60) days before the expiry of its duration, provided that the required terms and conditions are satisfied and prescribed fees are paid. In case of rejecting the application or renewal a justified decision of the rejection shall be provided, a “no reply” within the said period in both cases shall be implicitly considered rejection of the request. The concerned may file a grievance disputing the rejection decision according to Article (5) of this Act.

In all cases applications shall not be considered unless prove of payment of the prescribed fees is attached.

Article (19)

The Authority may reject renewal, amend or revoke the license at any time before the end of its duration if:

1. The Licensee violates his obligations prescribed in this Act, the Executive Regulation or the conditions on which the license is issued, or refuses to remedy the reasons of the breach within the period set by the Authority after a written notification of the violation was served on him.
2. The public interest requires

However, the Authority shall revoke the license, either in part or as a whole, in the following two conditions:

1. Based on the Licensee`s request.
2. In implementation of the relevant international agreements in force for the Sultanate with respect to revoke mentioned in (1); the Authority shall ensure continuation of the provision of postal services included in the revoked license.

Chapter 4

POSTAL SERVICES

Article (20)

The Company is the sole provider of reserved postal services within the period specified by the Authority in accordance with the conditions of the license issued for it. These services are limited to:

1. Issuing and marketing postage stamps (posters) within the framework of the annual program for designing postage stamps that the Authority approves after written coordination with the Ministry, which shall be communicated to the Company well in advance of the start of its fiscal year.
2. Collection, clearance, sorting, distribution and delivery of letters weighting up to 250g through appropriate and possible means.
3. Collection, clearance, sorting, distribution and delivery of postal parcels weighting up to 5kg through appropriate and possible means
4. Installation of mailboxes for various postal usages.

Article (21)

Without prejudice to the provision of Article (20) of this Act, express and traditional universal postal services are provided through the Company and the licensee according to the conditions of the license issued for both of them. Such services include:

1. Collection, clearance, sorting, distribution and delivery of letters weighting up to 250g through appropriate and possible means.
2. Collection, clearance, sorting, distribution and delivery of postal parcels weighting up to 5kg through appropriate and possible means
3. Registered letters services.
4. Insured letters service.
5. Collection, clearance, sorting, distribution and delivery of publications and small packets.

Article (22)

Provision of related services shall be through the Company or the licensee according to the conditions of the license issued for both of them and without prejudice to the provisions of the Banking Law.

Article (23)

Postal service provider may, after approval of the Authority, enter into agreement with a contractor to provide some postal and related services that is licensed to provide. The contractor, in providing services to the others, will act on behalf of the postal service provider in the scope of application of the provisions of civil and administrative liability before the Authority, and without prejudice to the criminal liability of the contractor for his violations of the provisions of this Act.

Chapter 5

OBLIGATIONS AND RESPONSIBILITIES OF POSTAL SERVICE PROVIDER

Article (24)

The postal service provider is obliged to observe the following when carrying out his work:

1. Abide by the general policy of the postal sector;
2. Abide by obligations of the Sultanate prescribed under the relevant international agreements in force for the Sultanate;
3. Provide postal and related services to all beneficiaries without discrimination and as per the set tariff;
4. Make available detailed information on postal and related services that he is licensed to provide, along with quality of service indicators , prescribed tariff and the procedures to be followed to make use of the services, and update such information on regular basis and publish them through available means as set forth in the Regulation;
5. Observe the provisions of the Regulation and decisions issued by the Authority for the implementation of the provisions of this Act and the conditions of the license granted to him;

6. Keep records necessary for the operation of the business, which are specified by the Regulation;
7. Enable the concerned employees of the Authority, who have judicial authority, to implement the provisions of this Act by granting them the right to enter all post offices and related places, and check all papers, documents, records, systems and other records when exercising their power prescribed by law.

Article (25)

The postal service provider shall not:

1. Provide services of postal items containing materials that their circulation is prohibited by relevant international agreements, regulations and rules in force for the Sultanate and, in particular, the following items:
 - a) Postal items containing narcotic drugs or psychotropic substances or toxic substances and other substances that laws prohibit their obtainment, possession, circulation or consumption, except those excluded by a special provision.
 - b) Postal items containing potentially explosive or flammable materials and other hazardous materials.

- c) Postal items containing radioactive materials, except those which are packed for transport in compliance with the standards of the International Atomic Energy Agency (IAEA) and sent by persons or entities legally authorized by competent authorities.
 - d) Postal items containing materials prejudicial to public order or offensive to religion or morality.
 - e) Postal items containing platinum, gold, silver, jewelry and other valuable articles of a like nature if the value exceeds the limits set by the Regulation.
 - f) Postal items containing materials that are due to their nature, packing or stacking may present risk for other postal articles or equipment or may pollute or damage them, or may impede the provision of postal services or may present risk for the staff of the service provider.
 - g) Postal items containing materials that their importation, exportation, circulation and the dealing of which are legally banned under the laws in force for the Sultanate.
2. Confiscate postal articles.
 3. Examine, seize or dispose the postal articles save as in the circumstances and manner set out in this Act, applicable rules and the relevant international agreements in force for the Sultanate as described in the Regulation.

Article (26)

The postal service provider shall be responsible for the provision of compensation for any loss or damage to postal articles, or for disruption or delay of delivery of such articles to the addressee. The service provider is exempted from liability in the cases and within the limits specified by the relevant international agreements in force for the Sultanate as described in the Regulation.

Article (27)

The civil liability of the postal service provider for registered or insured items ends upon delivery to the addressee in a legal manner, or upon disposal of the items as specified in the Regulation.

Article (28)

Without prejudice to any criminal or civil liability that may arise from the provisions of the applicable laws, if the service provider breaches any of his obligations under the provisions of this Act, Regulation, decisions implementing its provisions or the license granted to him, the Authority may take, according to the gravity of the offense, one or more of the following measures:

- 1- Issue a written warning to the offending service provider to remove the offence within a period of time specified by the Authority.
- 2- Collect a financial fine of 50 Omani Riyals for each day the violation continues with a total not more than 5000 Omani Riyals.

- 3- Appoint auditors to evaluate the performance of the postal service provider.
- 4- Suspend the license for a period not less than one month and not exceeding six months, taking into account ensuring the provision of postal services provided under the suspended license throughout the suspension duration, which shall be provided through a substitute postal service provider with rights defined by the Regulation.

Chapter 6

POSTAL SERVICES TARIFF

Article (29)

Postal services tariff is set by a decision issued by the Chairman of the Board based on a proposal from the service provider, a 'no reply' within thirty working days of its submission shall be implicitly considered rejection of the proposal.

Article (30)

The Authority shall set postal services tariff as per the following criteria:

- 1 - Is suitable to enable beneficiaries to enjoy postal services and related services.
- 2 - Is standardized for each type of postal services, and without discrimination between beneficiaries of similar legal status.
- 3- Is based on the actual cost of the service plus a reasonable profit margin.

Article (31)

The Authority may, on its own motion, after consulting the service provider or based on a proposal from the service provider, revise and modify the postal services tariff in the light of changing market conditions, which shall be according to objective guidelines as specified in the Regulation.

Chapter 7

CARRIER

Article (32)

Postal service providers may contract with a third party for the carriage of postal articles within the Sultanate or across its borders, and the carriage fees shall be set as per the agreed contract.

Article (33)

A Carrier, who is about to start or depart or sail, may not reject the carriage of any postal articles at the request of the postal service provider even in the absence of a signed contract between the two parties, and the fare due to the Carrier in this case shall be the carriage tariff that is predetermined by the Authority or an equivalent fare if the same is not available.

Article (34)

The tariff for the carriage of postal articles is determined by a decision issued by the Authority based on a proposal from the service provider and after studying the market, and the Authority may revise and modify the tariff following the same manner in the light of changing market conditions and according to objective guidelines as specified in the Regulation.

Article (35)

The Carrier shall at all times observe the following:

- 1- Collect postal articles from the postal service provider or his affiliate, and give a receipt of the item if asked to provide the same.
- 2- Include specifications of the postal articles in the ship's manifest.
- 3- Transport postal articles with care in a safe and dry place in a pest resistant container inside the transport means, which shall be firmly closed and isolated from other items.
- 4- Deliver the postal articles to the agreed place.
- 5- Deliver the postal items to the service provider or his affiliate at the agreed place, and the service provider or his affiliate shall give a receipt to the Carrier stating the delivery of the item if the latter asked for the same.

Article (36)

The Carrier shall be responsible for compensation for damages caused to the postal service provider due to the Carrier's fault in observing any of his obligations under items (2, 3, 4&5) of Article 35 of this Act.

Article (37)

Competent authorities may, upon request by the service provider, stop processing journey procedures for air or sea carrier, or stop the business of land carrier for the period specified by those authorities,

if there is serious evidence that the Carrier is in violation of any of the obligations set forth in item (1) of Article (35) of the Act.

Chapter 8

PENALTIES

Article (38)

A punishment with a fine not exceeding one hundred thousand Omani Riyals and not less than one thousand Riyals shall be inflicted upon any person who offers postal or related services without obtaining a license. The penalty shall be doubled in case of repetition.

Article (39)

Any person, who sends postal articles containing other postal articles directed to person/persons other than the addressee/addressees or to persons sharing the same accommodation with the addressee for the purpose of avoiding postal service tariff, shall be punished with a fine equivalent to ten times the specified tariff for each captured item.

Article (40)

Any person, who deliberately destroys or steals tools or equipment or machines or devices or facilities prepared by a service provider to exercise his licensed business activity according to the provisions of this Act, shall be punished with imprisonment for a period not exceeding three years and not less than six months, and with a fine not exceeding fifty thousand Omani Riyals and not less than one thousand Riyals, or with one of the two penalties.

Article (41)

Any person, who forges or imitates postal stamps for the purpose of using the same in the clearance of postal articles, or uses counterfeit postal stamps or previously used ones for the same purpose knowing the same, shall be punished with imprisonment for a period not exceeding six months and not less than one month, and with a fine not exceeding five hundred Omani Riyals and not less than one hundred Riyals, or with one of the two penalties.

without prejudice to the rights of bona fide third parties, in all cases of forgery or imitation, the court shall decide to confiscate all counterfeit or forged stamps and so all equipment and machines and materials used in the forgery crime.

Article (42)

Any person, who sends postal articles containing radioactive or potentially explosive or flammable materials via post in violation of the provisions of this Act while knowing the same, shall be punished with imprisonment for a period not less than seven years, and with a fine not exceeding ten thousand Omani Riyals and not less than five thousand Riyals.

In cases where possession of such materials is considered a crime under the provisions of any other law, the court shall decide to confiscate the postal articles that contain radioactive or potentially explosive or flammable materials.

Article (43)

Any person, who sends postal articles containing narcotic drugs or psychotropic substances via post in violation of the provisions of this Act while knowing the same, shall be punished with imprisonment for a period not less than five years, and with a fine not exceeding ten thousand Omani Riyals and not less than three thousand Riyals.

In cases where possession of such materials is considered a crime under the provisions of any other law, the court shall decide to confiscate the postal articles that contain narcotic drugs or psychotropic substances.

Article (44)

Any person, who sends postal articles containing materials prejudicial to public order or offensive to religion or morality via post in violation of the provisions of this Act while knowing the same, shall be punished with imprisonment for a period not exceeding three years and not less than one year, and with a fine not exceeding three thousand Omani Riyals and not less than one thousand Riyals, or one thereof.

In all cases, the court shall decide to confiscate the postal articles containing materials prejudicial to public order or offensive to religion or morality.

Article (45)

Any person, who sends via post postal articles that may present risk for other postal articles or equipment that belong to the service provider or may pollute or damage them in a harmful manner while knowing the same, shall be punished with imprisonment for a period not exceeding one year and not less than six months, and with a fine not exceeding five hundred Omani Riyals and not less than one hundred Riyals, or one thereof.

Article (46)

Any person, who steals a postal article or possess or circulate a stolen postal article while knowing the same, or deliberately replace the content of a postal article or intentionally cause loss or damage for a postal article, shall be punished with imprisonment for a period not exceeding two years and not less than one year, and with a fine not exceeding one thousand Omani Riyals and not less than five hundred Riyals, or with one of the two penalties, and in case of negligence that penalty shall be limited to a fine only.

Article (47)

Any person, who deliberately discloses the confidentiality of a postal article in violation of the provisions of this Act, shall be punished with imprisonment for a period not exceeding one year and not less than six months, and with a fine not exceeding one thousand Omani Riyals and not less than five hundred Riyals, or with one of the two penalties.

The fine shall be doubled in case of repetition, and the punishment shall be imprisonment for a period not less than one year if the information and data obtained in violation of confidentiality of postal articles were used to blackmail the owners of the same or others, or harm them in any way.

Article (48)

Any person, who deliberately disrupts or delays the carriage or distribution of a postal article or constitutes a delivery in violation of the provisions of this Act, the Regulation and decisions implementing its provisions, or constitutes a receipt of a postal article unlawfully based on false information, shall be punished with imprisonment for a period not less than six months, and with a fine not exceeding five hundred Omani Riyals and not less than two hundred Omani Riyals, and in case of negligence that penalty shall be limited to a fine of one hundred Omani Riyals.

Article (49)

Any carrier, who refuses to accept postal articles for carriage or refuses to provide a receipt stating the delivery of the same in violation of the provisions of this Act, shall be punished with a fine not exceeding one thousand Riyals and not less than five hundred Omani Riyals.

Article (50)

Penalties stipulated herein shall not be prejudicial to any harsher punishment stipulated in any other law.

Chapter 9

CONCLUDING PROVISIONS

Article (51)

The concerned employees of the Authority designated by a decision from the Minister of Justice in agreement with the Minister upon nomination by the Authority shall have judicial authority within the scope of application of the provisions of this Act.

Article (52)

With regards to postal and related services stipulated in this Act, employees of the Authority are under the provisions of Articles (42) & (43) of the Telecommunications Regulatory Act.

Article (53)

The provisions of this Act shall not prejudice international agreements related to postal services that are in force for the Sultanate.

Article (54)

The Chairman of the Board shall issue the Regulation and decisions necessary to implement the provisions of this Act. Until then the current regulations and decisions shall remain applicable on its affective date and in such a manner so long as they do not contradict the provisions of this Act.

Article (55)

The Post Service Law issued by Royal Decree No. 27/80 is hereby canceled and all that infringes this Act or contradicts with its provisions shall stand cancelled.

Article (56)

Oman Post and other postal services providers, who are in operation in the Sultanate during the effective term of this Act, shall adjust therein status to comply with its provisions within six months of this Act coming into force. This term may be extended to a similar period by a decision of the Council of Ministers.

Article (57)

This Act shall be published in the Gazette and shall become operative from the date following its publication.

