

PROCEDURES FOR THE GRANT OF A GENERAL AUTHORISATION

P02/21

10th August 2021

FOREWORD

This document provides guidance and explains the procedures for the granting of a general authorisation.

A general authorisation is required for the provision of postal services outside the scope of universal service in Gibraltar.

All applicants are required to notify the Gibraltar Regulatory Authority of their intention to provide postal services outside the scope of the universal service by completing notification form P01/21.

Following receipt of a correctly completed notification form, the Gibraltar Regulatory Authority will enter the details in the register of authorised persons and individual licences.

CONTENTS

1. INTRODUCTION.....	4
1.1 Definitions	4
1.2 Notification Form	5
1.3 Important Notice And Additional Requirements.....	5
1.4 Method Of Submitting A Notification.....	5
1.5 Register Of Authorised Persons.....	6
1.6 General Authorisation Fees	6
2. Notification of amendments to a General Authorisation....	7
2.1 Updates And Changes To A General Authorisation.....	7
2.2 Cessation Of A General Authorisation.....	7
3. Data Protection.....	8

1. INTRODUCTION

In accordance with the provisions of the Post Office Act (the "Act") and the Postal Services (Authorisation) Regulations 2012 (the "Authorisation Regulations"), a general authorisation is required for the provision of postal services outside the scope of the universal service in Gibraltar.

Under the terms of the Act, once a duly completed notification form has been received the postal service provider may start providing services outside the scope of the universal service without any express permission from the Gibraltar Regulatory Authority (the "Authority"). However, operations are subject to such requirements and conditions as may be applicable by law.

1.1 Definitions

"authorised person" means a person who is authorised pursuant to Part I of the Act to provide postal services in Gibraltar;

"charging year" means the period beginning with the commencement of regulation 12 of the Authorisation Regulations and ending with the next 31st March; or any subsequent period of 12 months beginning with 1st April.

"essential requirements" means conditions that may be imposed by the Authority or the Minister on the supply of postal services on the basis of the following non-economic reasons

-

- (a) the confidentiality of correspondence;
- (b) the security of the network as regards the transport of dangerous goods;
- (c) respect for the terms and conditions of employment or social security schemes, laid down by law or by collective agreement negotiated between social partners; and
- (d) where justified, data protection (including personal data protection, the confidentiality of information transmitted or stored and protection of privacy), environmental protection and town-planning considerations.

"general authorisation" means an authorisation, regardless of whether it is regulated by a class licence or under general law and regardless of whether such regulation requires registration or declaration procedures, which does not require the postal service provider concerned to obtain an explicit decision by the Authority before exercising the rights stemming from the authorisation;

"postal item" means an item addressed in the final form in which it is to be carried by a postal service provider. In addition to items of correspondence, such items also include books, catalogues, newspapers, periodicals and postal parcels containing merchandise with or without commercial value;

"postal services" means services involving the collection, clearance, sorting, transport and distribution of postal items;

"postal service provider" means an undertaking providing one or more postal services.

1.2 Notification Form

Any person who intends to provide postal services outside the scope of the universal service in Gibraltar is required to notify the Authority by completing **Notification Form P01/21**.

Any person who plans to submit a notification is encouraged to contact the Authority beforehand in order to facilitate the process and obtain guidance where appropriate.

There is no fee for the submission of the Notification Form.

1.3 Important Notice And Additional Requirements

A general authorisation does not automatically entitle any person to, and does not exempt it from, the obligation to obtain and/or notify for and comply with, any permit, right of use and/or other approval or authorisation however so described, that may be necessary in Gibraltar law for the provision of postal services.

Where services are provided by a number of separate legal entities with common ownership or control (e.g. different subsidiaries or associated companies established to provide distinct services), a separate Notification Form should be completed by each legal entity. When forwarding notifications, entities should indicate the identity of related or connected entities which are also engaged in the provision of postal services.

1.4 Method Of Submitting A Notification

Formal notification will only be recognised once a duly completed form is received by the Authority. To facilitate processing, the Notification Form can be completed electronically by filling in the required fields and emailing **postal@gra.gi**.

Alternatively, a duly completed notification form can be submitted to the Authority in an envelope clearly marked "General Authorisation Notification Form" by hand or registered mail, addressed to:

The Chief Executive Officer
Gibraltar Regulatory Authority
Postal Services Division
2nd Floor, Eurotowers 4
1 Europort Road
Gibraltar
GX11 1AA

In handling a notification, the Authority will ensure that the Notification Form is properly completed and may, if necessary, contact the notifying entity. The notification process comprises the following steps:

- (i) A completed Notification Form is sent to the Authority. If the form is completed correctly, the person is deemed to be authorised on the date of receipt of the Notification Form by the Authority.
- (ii) The Authority may request further information from a notifying person if, in its opinion, the Notification Form submitted has not been completed properly.
- (iii) The Authority will publish the relevant contact details of the notifying person on a register of persons that have notified the Authority.

Persons who have submitted a correctly completed Notification Form may commence operations without further formalities, subject to meeting any other requirements provided for in law or any other form of licensing required for the provision of such services.

1.5 Register Of Authorised Persons

In accordance with regulation 13(1) of the Authorisation Regulations, the Authority is required to establish and maintain a register of authorised persons and individual licences granted by the Authority under Part I of the Act.

Upon receipt by the Authority of a correctly completed Notification Form, the Authority shall update the register which is publicly available and published on the Authority's website in accordance with regulation 13(6) of the Authorisation Regulations.

In the event that the form is not completed correctly, the Authority shall inform the notifying party accordingly. Authorised persons are responsible for ensuring receipt of notification either directly with the Authority or by reference to the register of authorised persons, available on the Authority's website **www.gra.gi**.

1.6 General Authorisation Fees

In accordance with regulation 12(1) of the Authorisation Regulations, a person who, at any time in a charging year is a person to whom this regulation applies, shall pay the Authority a fee of £250.

For the avoidance of doubt, this regulation applies to a person who has submitted a duly completed notification form to the Authority and is therefore considered to have obtained a general authorisation under the provisions of section 4H of the Act.

2. NOTIFICATION OF AMENDMENTS TO A GENERAL AUTHORISATION

2.1 Updates And Changes To A General Authorisation

Regulation 3(4) and (5) of the Authorisation Regulations requires a person who has given a notification for providing postal services outside the scope of universal service, to also provide the Authority with notification when the service it provides has undertaken any significant differences, or when it ceases to provide it altogether.

Furthermore, in accordance with regulation 3(6), authorised undertakings or persons are required to notify the Authority of any changes to the information supplied in the Notification Form within seven days following such change in relation to the information supplied, namely:

- (a) Particulars identifying the person giving the notification including, in the case of a body corporate, the company registration number, its business address and, where that address differs from the address of its registered office, the address of its registered office;
- (b) Particulars identifying one or more persons who may be contacted if there is an emergency that is caused by or affects the provision of the notified service;
- (c) Addresses and other particulars necessary for effecting service on or contacting each of the persons mentioned in paragraphs (a) and (b) above.

Authorised undertakings should complete the Notification Form and submit to the Authority with all the relevant amendments.

2.2 Cessation Of A General Authorisation

Under the provisions of regulation 3(4) of the Authorisation Regulations, authorised persons must notify the Authority of their intention to cease providing the notified service before the provision of such service is terminated.

Formal notification to the Authority is required in the form of a signed letter, either to the Authority's address or by email to **postal@gra.gi**.

The register of authorised persons will then be updated following receipt of the formal notification of cessation.

3. DATA PROTECTION

The Authority will process any personal data supplied on notification form P01/21, in accordance with the provisions of the Data Protection Act 2004, for all or any of the following purposes:

- The proper processing of your application/notification form as submitted.
- Preventing, detecting and/or prosecuting fraud, any administrative non-compliance, and any other non-compliant or criminal activity or omission which the Authority is bound to report and/or act upon whilst meeting any other legal or regulatory obligations.
- Internal management and administration, research and statistics, and the development and improvement of the Authority's services.
- The proper conduct of the Authority's obligations arising under any law.

Relevant data will be disclosed or shared as appropriate with all our employees and with other third parties if pertinent to any of the purposes listed above.

By signing the form, you confirm that you are giving your explicit consent, on behalf of yourself and all the other persons specified on the form, for the Authority to process your respective personal information as outlined above.

The Authority will implement appropriate measures and safeguards with a view of protecting the confidentiality, integrity and availability of all data processed.

For further details, please refer to the privacy policy on our website.

CONTACT US

Gibraltar Regulatory Authority
2nd floor, Eurotowers 4, 1 Europort Road, Gibraltar

 (+350) 20074636

 communications@gra.gi

 www.gra.gi

