



**Public Consultation on the General Terms and
Conditions Guidelines for Licensees under the
Postal Services Act 2012**

Please submit your responses to the questions in the box via
email to **pcpostal@mcmc.gov.my** no later than **15
SEPTEMBER 2021.**

Individual and/or organizational must provide name, email
address or telephone number to be contacted using the template
provided.

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INTRODUCTION

The Malaysian Communications and Multimedia Commission (“Commission”) is responsible for the administration of postal and courier industry services under the Postal Services Act 2012 (“PSA 2012”). The Commission has the function of protecting the interests of consumers of postal and courier services provided by the licensee in respect of;

- (i) The price charged;
- (ii) Continuity of postal and courier services, and
- (iii) Quality of postal services provided.

Under the Postal Services (Licensing) Regulations 2015;

- the licensee shall in any way publish the general terms and conditions of its services to the user; and
- the licensee shall publish information on the delivery standards and service charges it offers.

Therefore, in an effort to improve the quality of licensee services and protect the interests of consumers, the Commission through the strategic initiative of the ‘National Courier Accelerator Plan’ or PAKEJ proposes to develop the General Terms and Condition Guidelines for Licensee under the Postal Services Act 2012 (“Guidelines”) with the following objectives;

- To outline the minimum principles for the licensee in preparing the company's Terms and Conditions in accordance with the requirements of the licensing rules;
- To be a basic guide for consumers on the information that needs to be understood before choosing the postal and courier services to be used; and
- To clarify the rights and responsibilities of licensees and consumers to ensure that business transactions conducted transparently and ethically.

This Public Consultation Document is intended to obtain feedback from all stakeholders on the proposed General Terms and Conditions Guidelines for Licensees under the Postal Services Act 2012.

NATIONAL COURIER ACCELERATOR PLAN (PAKEJ)

What is National Courier Accelerator Plan (PAKEJ)?

Pelan Accelerator Kurier Negara, or PAKEJ, is brand name of the NPCIL action plan that aims to provide wider coverage, access and greater flexibility to users; enhance the Quality of Service (QoS) to provide seamless customer experience; and support the projected industry growth.

PAKEJ is a five-year plan (2021-2025) that will be implemented based on two key pillars: Achieving Industry Sustainability and First-Class Quality of Service (QoS) and Coverage-backed Growth.

DEFINITIONS

Postal Item Protection Service means a liability agreement between the licensee and the consumer in the event of damage or loss of a postal item while in the network of the licensee;

Licensee means a company that has been granted a license under the Postal Services Act 2012 to provide postal and courier services;

Consumer means a person who uses the licensee's postal network either as a sender or as receiver of postal items;

Guaranteed domestic courier service means the postal service provided by the licensee in accordance with the delivery service standard promised with a guarantee of refund of delivery charges if the service standard is not complied with;

Non-guaranteed domestic courier service means a postal service provided other than a guaranteed domestic courier service;

PUDO i.e. 'Pick up Drop Off' means a one-stop center facility that provides access to courier services for delivery and collection of postal items;

Domestic courier delivery service standard means the length of time promised by the licensee for the delivery of postal item when the postal item deposited by the sender to any access point or PUDO until it is delivered to the receiver's address or PUDO throughout Malaysia.

BASIC PRINCIPLES

These Guidelines highlight the principles in setting the benchmarks for good business practices for online and offline commercial activities with consumers. There are 5 basic principles proposed along with components and descriptions as listed below.

PRINCIPLE 1 : FAIR AND EQUITABLE CONDUCT

Licensees and consumers must conduct business fairly and honestly to ensure a good and ethical business culture.

| | Components | Descriptions |
|----------|---|---|
| 1 | The general responsibility of the postal item sender ("sender") | <ul style="list-style-type: none"> • Outline the basic responsibilities of postal item sender • The need for sender to understand terms and conditions set by the licensee; • The need for sender to ensure the postal article is not listed under the categories of prohibited and restricted items listed by licensee; |

| | Components | Descriptions |
|----------|--|--|
| | | <ul style="list-style-type: none"> • The need for sender to ensure that the packaging of postal article is safe, sturdy and complies with the guidelines set by the licensee; • The need for sender to provide complete information as requested by licensee; • The right for sender to claim damages against the licensee in the event of damage, loss or delay due to the licensee's negligence |
| 2 | General responsibility of the postal item addressee or receiver (“receiver”) | <ul style="list-style-type: none"> • Outline the basic responsibilities of the receiver of postal item • Make a report to the sender as soon as possible in the event of damage, loss or delay of postal item • Receiver has the right to claim compensation from the sender in the event of damage, loss or delay |
| 3 | General responsibilities of the licensee | <ul style="list-style-type: none"> • Compliance with the ‘Guidelines on Occupational Safety and Health in Courier Services Industry 2015’ issued by the Department of Occupational Safety and Health |

| | Components | Descriptions |
|--|-------------------|--------------------------------------|
| | | (DOSH), Ministry of Human Resources. |

QUESTION 1

The Commission seeks your views on the proposed principles and components of Fair and Equitable Conduct between sender, receiver and licensee are clear and meet the requirements.

PRINCIPLE 2: DISCLOSURE AND TRANSPARENCY

The licensee must provide complete, accurate and non - misleading information about the services, terms and conditions, fees charged and final costs to enable consumers to make informed decisions. Licensee should ensure that consumers have easy access to such information, particularly to the key terms and conditions.

| | Components | Explanation |
|----------|-------------------|--|
| 1 | Types of services | <ul style="list-style-type: none"> • Requirement of the licensee to declare the type of services offered namely; <ul style="list-style-type: none"> i) Guaranteed Domestic Courier Service ("guarantee service"); or ii) Non- guaranteed Domestic Courier Service |

| | Components | Explanation |
|----------|-------------------|--|
| 2 | Delivery | <ul style="list-style-type: none"> • Requirement of the licensee to declare the category of items for delivery as below; <ul style="list-style-type: none"> i) Category of prohibited items; ii) Category of restricted items; iii) Category of items that will not be given any compensation in the event of damage or loss • Requirement of the licensee to publish guideline of packaging |
| 3 | Information | <ul style="list-style-type: none"> • Requirement of consumers to provide complete information for security purposes and compensation process; <ul style="list-style-type: none"> i) Sender information; ii) Receiver information; iii) Declaration of postal items; iv) Value of postal items; v) Other relevant information (if required) |
| 4 | Rate | <ul style="list-style-type: none"> • The licensee's requirements to indicate clearly the service rate such as delivery rate, Surcharge, tax, insurance etc. |

| | Components | Explanation |
|----------|---------------------------|--|
| 5 | Identity of Licensee | <ul style="list-style-type: none"> • Requirements for any individual, agency, company or marketing platform that carries on a business or services and has a contract with the licensee for delivery services; <ul style="list-style-type: none"> i) To inform and publish to its consumers the identity of the third party offered or used by the licensee; ii) To comply with the rules and laws laid down under the Postal Services Act 2012 for the use of the services of the licensee. |
| 6 | Delivery Service Standard | <ul style="list-style-type: none"> • The requirement for licensee to declare and inform consumers the delivery service standard for Guaranteed Domestic Courier service and Non-guaranteed Domestic Courier delivery service; • The sender's right to claim compensation for delivery charges for Guaranteed Domestic Courier services (refund of delivery charges) |

| | Components | Explanation |
|----------|-------------------|---|
| | | <ul style="list-style-type: none"> The sender's right to claim compensation for Non-Guaranteed Domestic Courier Service delivery charges if the postal item delivered is received by the receiver after 3 working days from the standard of delivery service promised by the licensee (Standard Delivery Service + 3 working days). The compensation need not exceed the delivery charge and can be in the form of money, discounts or coupons. (Proposal for effective date : 1 January 2023) |
| 7 | Liability | <ul style="list-style-type: none"> Requirement of the licensee to declare and inform the sender or consumers the total liability incurred by the company for each shipment The requirement for the licensee to declare and inform the sender and consumers the risks incurred if the postal items sent fall into the category of prohibited or non - compensated items; |

| | Components | Explanation |
|--|-------------------|---|
| | | <ul style="list-style-type: none"> Requirement of the licensee to declare the method of claiming compensation in the event of damage and loss of postal items. |

QUESTION 2

The Commission would like to seek views on the proposed principles and components of Disclosure and Transparency, if they are clear and meet the requirements.

PRINCIPLE 3: SAFETY AND PROTECTION

Licensee should do their best to ensure the security of postal article and provide mechanisms to help consumers understand the risks, including financial risks, for consumers to make informed decisions and to seek competent and professional advice and assistance.

| | Components | Explanation |
|----------|---|--|
| 1 | Extended protection for damage and loss | <ul style="list-style-type: none"> The licensee's responsibility to offer additional protection services for damage and loss through the 'extended liability limit' scheme, or insurance from the relevant agency |

| | Components | Explanation |
|----------|-------------------|--|
| | | <p>for postal items that have a value higher than the licensee's liability limit.</p> <ul style="list-style-type: none"> • Requirement of the licensee to inform the sender, the risks incurred in failing to take additional cover for damage and loss of postal item having a value higher than the liability limit |
| 2 | Claim Process | <ul style="list-style-type: none"> • Requirement for licensee to inform consumers the compensation claim process |

QUESTION 3

The Commission would like to seek views on the proposed principles and components of Safety and Protection and whether it is sufficient in protecting consumer.

PRINCIPLE 4: PRIVACY PROTECTION

Licensee should protect user privacy through a combination of appropriate control, security, transparency and consent mechanisms related to the collection and use of user data.

| | Components | Explanation |
|----------|--------------------------|--|
| 1 | Consumer Data Protection | <ul style="list-style-type: none"> • Licensee's requirement to comply with the Personal Data Protection Act 2010 (PDPA) |

QUESTION 4

The Commission would like to seek views on the proposed principles and components of Privacy Protection that licensees should adopt.

PRINCIPLE 5: MANAGEMENT OF CONSUMER COMPLAINTS AND DISPUTES

Licensee should provide complaints management mechanisms that are fast, fair, transparent, inexpensive, easily accessible, and provide effective solutions without burdening consumers.

| | Components | Explanation |
|----------|---------------------------------|---|
| 1 | Complaint management procedures | <ul style="list-style-type: none"> • Requirement of licensee to provide fast, fair, transparent, inexpensive, easily accessible complaints management procedures without burdening consumers |

| | | |
|----------|--------------------|--|
| 2 | Complaint Feedback | <ul style="list-style-type: none">• Requirement of licensee to provide feedback to consumers on every complaint and dispute according to the promised time period. |
|----------|--------------------|--|

QUESTION 5

The Commission would like to seek views on the adequacy of the proposed principles and components of Consumer Complaints and Disputes.

SERVICE QUALITY COMPONENTS

There are **three important components of service quality** introduced in the Guidelines as part of the PAKEJ initiative that will benefit consumers. These are;

Guaranteed Domestic Courier Service

- Availability of guaranteed domestic courier services for customers who need assurance for their postal items to be delivered on time

Postal Items Protection Services

- Availability of postal item protection services for damage and loss through extended liability limit or insurance from a registered company for postal item's value higher than the licensee liability limit

Compensation for late delivery

- Guaranteed Domestic courier service (Guarantee Service) - full refund of shipping charges;
- Non-Guaranteed Domestic courier services - compensation does not exceed delivery charges in the form of cash, discount or coupon if postal item received after 3 working days from the standard delivery standard promised by the licensee (Standard Delivery Service + 3 days). (Proposed effective date 1 January 2023).

QUESTION 6

The Commission would like to seek general views on the 3 components of Service Quality introduced in the guidelines.

GENERAL TERMS AND CONDITIONS GUIDELINES OF LICENSEE UNDER THE POSTAL SERVICES ACT 2012

| | |
|---------------|--|
| NAME: | |
| ORGANIZATION: | |
| EMAIL: | |
| TELEPHONE NO: | |

Please submit your responses to the questions in the box via
email to **pcpostal@mcmc.gov.my** no later than

15 SEPTEMBER 2021.

QUESTION 1

The Commission would like to seek views on the proposed principles and components of Fair and Equitable Conduct between sender, receiver of postal item and licensee are clear and meet the requirements.

RESPONSE

| | Components | Feedback |
|----------|---|--|
| 1 | General responsibilities of the postal item sender | <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Not Agree <input type="checkbox"/> No Comment <u>Comment/Suggestion:</u> |
| 2 | General responsibilities of the postal items receiver | <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree <input type="checkbox"/> No Comment <u>Comment/Suggestion:</u> |
| 3 | General responsibilities of the licensee | <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree <input type="checkbox"/> No Comment <u>Comment/Suggestion:</u> |

QUESTION 2

The Commission would like to seek views on the proposed principles and components of Disclosure and Transparency are clear and meet the requirements.

RESPONSE

| | Components | Feedback |
|----------|----------------------|---|
| 1 | Types of Services | <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree <input type="checkbox"/> No Comment Comment/Suggestion: |
| 2 | Delivery | <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree <input type="checkbox"/> No Comment Comment/Suggestion: |
| 3 | Information | <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree <input type="checkbox"/> No Comment Comment/Suggestion: |
| 4 | Rate | <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree <input type="checkbox"/> No Comment <u>Comment/Suggestion:</u> |
| 5 | Identity of Licensee | <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree <input type="checkbox"/> No Comment <u>Comment/Suggestion:</u> |

| | | |
|---|----------------------------|--|
| 6 | Standard Services Delivery | <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree <input type="checkbox"/> No Comment <u>Comment/Suggestion:</u> |
| 7 | Liability | <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree <input type="checkbox"/> No Comment <u>Comment/Suggestion:</u> |

QUESTION 3

The Commission would like to seek views on the proposed principles and components of Safety and Protection being comprehensive in protecting consumer rights.

RESPONSE

| | Components | Feedback |
|---|---|--|
| 1 | Extended protection for damage and loss | <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree <input type="checkbox"/> No Comment <u>Comment/Suggestion:</u> |
| 2 | Claim Process | <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree <input type="checkbox"/> No Comment <u>Comment/Suggestion:</u> |

QUESTION 4

The Commission would like to seek views on the proposed principles and components of Privacy Protection that licensees should adopt.

RESPONSE

| | Component | Feedback |
|----------|--------------------------|--|
| 1 | Consumer Data Protection | <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Not Agree <input type="checkbox"/> No Comment <u>Comment/Suggestion:</u> |

QUESTION 5

The Commission would like to seek views on the proposed principles and components of Consumer Complaints and Disputes are adequate.

RESPONSE

| | Components | Feedback |
|----------|---------------------------------|---|
| 1 | Complaint management procedures | <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree <input type="checkbox"/> No Comment <u>Comment/Suggestion:</u> |
| 2 | Complaint Feedback | <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree <input type="checkbox"/> No Comment <u>Comment/Suggestion:</u> |

QUESTION 6

The Commission would like to seek general views on the three components of Service Quality introduced in the guidelines.

RESPONSE

| | Components | Feedback |
|----------|-------------------------------------|---|
| 1 | Guaranteed domestic courier service | <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree <input type="checkbox"/> No Comment <u>Comment/Suggestion:</u> |
| 2 | Postal Items Protection Services | <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree <input type="checkbox"/> No Comment <u>Comment/Suggestion:</u> |
| 3 | Compensation for late delivery | <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree <input type="checkbox"/> No Comment <u>Comment/Suggestion:</u> |