



# SUMMARY OF RULING ON THE DISPUTE BETWEEN **EASIMAIL** AND **BOTSWANA POST** ON THE SUPPLY AND MAINTENANCE FRANKING MACHINES

This public notice is a summary of the ruling by Botswana Communications Regulatory Authority (BOCRA) in the dispute between Easimail (PTY) Ltd, and Botswana Postal Service Limited regarding the supply of franking machines.

## BOCRA's Duties

BOCRA or the Authority is mandated by the Communications Regulatory Authority Act, 2012 (CRA Act) to regulate the communications sector in Botswana, comprising: Telecommunications; Internet; and Information and Communication Technologies; Broadcasting; Postal services and matters connected or incidental thereto.

Section 6 (2) (m) of the CRA Act further mandates the Authority to hear complaints/disputes from consumers and regulated suppliers and resolve these or facilitate their resolution. Section 78 (1) of the same Act provides that the Authority shall resolve any dispute that is referred to it and which arises between:

- regulated suppliers which concerns the provision of any regulated goods or service; or
- a consumer or user of any regulated service and the regulated supplier.

In carrying out this quasi-judicial function, BOCRA conducts thorough, impartial and fair investigation of the issues, as submitted by both parties, to make evidence-based decisions.

## Background

Easimail (Pty) Ltd, hereafter Easimail sell, or leases franking machines to customers in Botswana. A franking machine is used to make a mark on a postal item to denote that postage has been paid. This machine is usually used by bulk mailers as it is a convenient alternative to buying and affixing postal stamps to postal items.

In 2005, Easimail and BotswanaPost entered into an arrangement that mandated Easimail to:

- Collect monies due to BotswanaPost in respect of a postage fees purchased by users of franking machines;
- Collect annual fees for each deployed franking machine on behalf of BotswanaPost; and
- Provide remote meter setting for customers.

It is alleged that this arrangement was later varied following a fraud incident some time in 2013. Easimail alleges that BotswanaPost has recently been contacting Easimail contracted customers, with a view of supplying them with franking machines directly.

In response, BotswanaPost argued that franking was a component of postal services, and that as such Easimail was contravening the CRA Act by offering this service while it was unlicensed. They further argued that the advent of the CRA Act nullified their arrangement as the powers to license the sale of franking machines now resided with BOCRA.

## BOCRA's Determination On The Matter

BOCRA established that the Authority had no jurisdiction over some issues raised by the parties as they would not be enforceable given that Easimail was not a licensed provider nor a consumer of regulated services in the present matter. The above notwithstanding, the Authority only considered the following issues and made a determination:

- Whether EasiMail is operating a regulated service and thus in need of a postal licence;
- Whether the franking machines are to be type approved in accordance with Section 85 of the CRA Act; and
- Whether BotswanaPost can supply franking machines to customers directly.

Having duly considered the facts of the dispute, BOCRA determined that by selling and maintaining franking machines, EasiMail was not providing a postal service and hence does not need a licence in accordance with Section 57 of the Act.

On the second issue BOCRA determined that franking machines needed to be type approved in line with Section 85 of the CRA Act. It was further ruled that all franking machines used in Botswana should conform to the ISO 5138-7:1986 standard or its equivalent.

Finally, BOCRA determined that there was no justification for limiting the number of companies that may sell franking machines hence BotswanaPost was entitled to participate in the business. However, BotswanaPost was required to sign a Service Level Agreement with end users of franking machines to ensure that it does not give preferential treatment to its franking machine customers. The Service Level Agreement which would be approved by BOCRA must be based on the key principles of open access, transparency and non-discrimination.

The full text of the determination may be accessed via the BOCRA website at [www.bocra.org.bw](http://www.bocra.org.bw).

**BOTSWANA COMMUNICATIONS  
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