



## **Media Release**

### **BOCRA makes determination on Franking Machines**

Botswana Communication Regulatory Authority (BOCRA) presided over a matter between Easimail (Pty) Ltd and BotswanaPost involving the supply and maintenance of franking machines and determined as follows:

- Selling and maintaining franking machines does not require a licence under the Communications Regulatory Authority Act, 2012 as it does not amount to providing a postal service under the Act;
- Franking machines require Type Approval in terms of Section 85 of the CRA Act;
- All franking machines used in Botswana should conform to the ISO 5138-7:1986 standard or its equivalent; and
- There is no justification for limiting the number of companies that wish to sell franking machines.

The facts of the dispute are that 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.

Following a fraud incident in 2013, the arrangement was varied relieving Easimail of the mandate to collect monies due to BotswanaPost in respect of postage fees purchased by users of franking machines.

Easimail sought the intervention of BOCRA when this year, BotswanaPost started contacting Easimail contracted customers proposing to supply them with franking machines directly. BotswanaPost held the view that a

franking service was a component of postal services, and as such Easimail was contravening the CRA Act by offering this service without a license from BOCRA. BotswanaPost further argued that the advent of the CRA Act nullified the arrangement it had with Easimail as the powers to license the sale of franking machines now resided with BOCRA.

BOCRA determined that Easimail did not contravene CRA Act as selling and maintaining franking machines does not amount to providing a postal service that require a licence under the Act. BOACRA also determined that ranking machines require Type Approval in terms of Section 85 of the CRA Act and 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 wish to 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.

Find full text of the ruling at

<https://protect-za.mimecast.com/s/5xaZBRInAG5f8?domain=bocra.org.bw>

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**Notes for the Editor:**

The Botswana Communications Regulatory Authority (BOCRA or the Authority) is mandated by the Communications Regulatory Authority Act (CRA Act No. 19 of 2012) 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 empowers the Authority to hear complaints/disputes from consumers and regulated suppliers and resolve these or facilitate their resolution. Section 78(1) of the Act provides that the Authority shall resolve any dispute that is referred to it and which arises between:

- (a) regulated suppliers which concerns the provision of any regulated goods or service; or
- (b) 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.

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