Decision No. 1/4 of the Board of the Public Utilities Commission

Adopted 7 March 2019

**General Authorisation Regulations in the Postal Sector**

*Issued pursuant to*

*Section 10 of the Postal Law and Section 25, Paragraph one of*

*the law On Regulators of Public Utilities*

**I. General Provision**

1. The general authorisation regulations in the postal sector (hereinafter – the regulations) prescribe:

1.1. the general authorisation regulations which are complied with by a postal operator in the provision of postal services;

1.2. the procedures by which the Public Utilities Commission (hereinafter – the Regulator) implements the prevention of the violations of a postal operator related to the general authorisation regulations (hereinafter – the violation) and the removal of the rights to provide postal services in the event of the violation.

**II. Common Conditions**

2. A postal operator shall conform to the laws and regulations in force, the decisions taken and administrative acts issued by the Regulator.

3. A postal operator shall provide information to the Regulator in the amount and in accordance with the procedures laid down in laws and regulations.

4. Upon request of the Regulator a postal operator shall provide information that is necessary for the performance of the functions of the Regulator and for the supervision of the performance of the general authorisation regulations.

5. A postal operator shall pay the State fee for the regulation of public utilities in the amount and in accordance with the procedures laid down in laws and regulations.

6. A postal operator shall ensure individual internal accounting for each type of postal service. Such individual accounting shall be internally separated from the remaining accounting.

7. A postal operator shall make contributions into the universal postal service compensation fund for compensation of the net costs arising from the universal postal service in accordance with the procedures laid down in laws and regulations.

8. A postal operator shall conform to the national standards of the Republic of Latvia, which are mandatorily applicable in providing postal services.

9. A postal operator shall conform to the requirements laid down in laws and regulations regarding the secret of postal items and confidentiality of the information stored.

10. A postal operator shall conform to the requirements of consumer rights protection laid down in laws and regulations.

11. A postal operator shall conform to the laws and regulations regarding opening of postal items.

12. A postal operator shall use a date stamp for deletion of postage stamps and shall use a date stamp for verification of the place and date of acceptance, sending, receipt or issuance of postal items, as well as receipts issued by the operator itself.

13. A postal operator which provides services equivalent to the universal postal service, express mail services or courier services shall determine and publish on its website, where no such website exists – in a place which is easily accessible to the users of postal services –, its quality requirements for each type of service with regard to the collection and delivery of postal items (total time of the conveyance of a postal item, collection and delivery periods).

14. A postal operator which provides services equivalent to the universal postal service, express mail services or courier services shall determine and publish on its website, where no such website exists – in a place which is easily accessible to the users of postal services –, the extent of financial liability and the procedures for the compensation for losses to the sender for the non-compliance with its quality requirements.

15. A postal operator shall ensure that the information referred to in Paragraphs 13 and 14 of this Regulation is supplemented with the date of the last update and that on its website it is possible to save and print out this information with an identification mark of the date and time.

16. The liabilities of a postal operator and financial liability thereof for postal items shall be determined by a contract entered into with the user regarding provision of postal services. The postal operator shall include in the conditions of the contract the financial liability of a postal operator for postal items stipulated in laws and regulations.

17. A postal operator shall ensure a user with a possibility of getting acquainted with the provisions for providing postal services in the official language.

18. A postal operator which provides traditional postal services shall accept a cross-border postal item for sending to such foreign states, the postal operator of which allows it.

19. A postal operator shall issue a cross-border postal item to an addressee in the territory of the Republic of Latvia after the necessary customs formalities have been completed and taxes have been paid, if it is provided for in the relevant laws and regulations in customs matters and the field of taxes.

20. A postal operator which provides traditional postal services shall deliver ordinary letter-post items to an addressee without receiving a signature upon receipt by inserting them in the mailbox of the addressee.

21. A postal operator which provides traditional postal services shall issue registered, insured or cash-on-delivery letter-post items, ordinary, insured or cash-on-delivery postal parcels to the addressee receiving a signature after a personal identification document is presented or to an authorised person after a power of attorney is presented, or after entering the authorisation code granted by the postal operator in the device indicated by the postal operator.

22. A postal operator shall notify information regarding receipt of a registered, insured or cash-on-delivery letter-post item to the addressee in electronic form, if the postal operator and the addressee have an agreement thereupon, not later than on the following working day when the relevant postal item was received at the place where postal services are provided to the addressee.

23. A postal operator shall notify information regarding receipt of an ordinary, insured or cash-on-delivery postal parcel to the addressee in electronic form, if the postal operator and the addressee have an agreement thereupon, not later than on the following working day when the relevant postal item was received at the place where postal services are provided to the addressee.

24. A postal operator shall provide the opportunity for the addressee to visually inspect the condition of the postal parcel prior to receipt of the postal parcel.

25. A postal operator which provides traditional postal services shall ensure that for cross-border postal items the sender fills in the relevant accompanying documents of the postal item.

26. A postal operator which provides express mail services or courier services shall ensure that the recipient acknowledges the receipt of a postal item with his or her signature. The postal operator shall store the accompanying document of the postal item for two years.

**III. Prevention of the Violations of the General Authorisation Regulations**

27. If the Regulator finds evidence of a violation in the activities of the postal operator in the provision of postal services, the Regulator shall initiate proceedings within the framework of an administrative violation case in accordance with the laws and regulations in the field of administrative liability.

28. If a postal operator repeatedly commits a similar violation within a year, the Regulator shall initiate proceedings in an administrative violation case in accordance with the laws and regulations in the field of administrative liability and may decide on the removal of the rights to provide postal services for a postal operator for a period of five years and may decide on the exclusion from the register of postal operators.

29. The Regulator shall publish a notification on the website www.sprk.gov.lv regarding the operators whose rights to provide postal services have been removed by a decision of the Regulator and shall also indicate the duration of the removal of the rights to provide postal services.

30. If the operator whose rights to provide postal services have been removed by a decision of the Regulator sends a new postal operator registration notification to the Regulator during the period of the removal of the rights to provide postal services, the Regulator shall not register the respective operator and shall send a letter to the operator stating the reasons for the refusal.

31. If the operator whose rights to provide postal services have been removed by a decision of the Regulator sends a new postal operator registration notification to the Regulator after the period of the removal of the rights to provide postal services and has not prevented the violation, the Regulator shall not register the respective operator and shall send a letter to the operator stating the reasons for the refusal.

**IV. Closing Provisions**

32.Decision No. 1/27 of the Public Utilities Commission of 2 October 2013, Regulations on the General Authorisation in the Postal Sector (*Latvijas Vēstnesis*, 2013, No. 207), is repealed.

33. Decision No. 1/4 of the Public Utilities Commission of 12 February 2015, Regulations on the Prevention of the Violations of the General Authorisation Regulations in the Postal Sector (*Latvijas Vēstnesis*, 2015, No. 33), is repealed.

34. This Regulation shall come into force on 15 April 2019.

**Informative Reference to the European Union Directives**

This Regulation contains legal norms arising from:

1) Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service;

2) Directive 2002/39/EC of the European Parliament and of the Council of 10 June 2002 amending Directive 97/67/EC with regard to the further opening to competition of Community postal services;

3) Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services.

Acting Chair, Board Member of the Public Utilities Commission R. Šņuka