

**LAW**  
**ON POSTAL SERVICES**

**I. BASIC PROVISIONS**

**Article 1**

This Law regulates the conditions and manner of provision of postal services, competencies in the field of postal services, rights, obligations and responsibilities of providers and users of postal services, supervision over the implementation of this Law, as well as other issues of importance for the functioning and development of postal services in the Republic of Serbia.

**Article 2**

The provision of postal services is based on the following principles:

- 1) ensuring conditions for the equal development of postal services in the territory of the Republic of Serbia;
- 2) ensuring the availability of universal postal service, of prescribed quality and at affordable prices, to all citizens of the Republic of Serbia, while meeting the needs of specific social groups, including persons with disabilities;
- 3) ensuring equality, non-discrimination and a high level of protection of the interests of users of postal services;
- 4) providing conditions for equal performance of postal operators;
- 5) fostering competition, economy and efficiency in the performance of postal activities;
- 6) ensuring the development of postal services;
- 7) harmonization of performance of activities in the field of postal services with Serbian and international standards;
- 8) secrecy of correspondence and other means of communication;
- 9) providing equal access to the postal network and postal services;
- 10) ensuring the sustainability of the universal postal service.

**Article 3**

Some terms used in this Law have the following meaning:

- 1) Acts of the Universal Postal Union are regulations adopted by the Universal Postal Union and international treaties applicable to postal services in international postal traffic, approved by the competent authorities of the Republic of Serbia;
- 2) postal service is a service that includes any handling of postal items by postal service providers, involving the collection, sorting, transport and delivery of postal items in domestic and international postal traffic. Postal service does not cover transport of postal items as a stand-alone service;
- 3) postal service user (hereinafter: user) is a natural or legal person who uses postal services as a sender or recipient of a postal item;

4) an address is a set of information identifying the addressee and the place of delivery of the postal item, and a postal code is a character string that uniquely identifies the part of the street to which the sender's or recipient's address belongs and which is unique to the territory of the Republic of Serbia;

5) postal operator or postal service provider is an economic entity providing one or more postal services;

6) public postal operator is a legal entity with an obligation to provide universal postal service and the right to provide reserved postal services;

7) universal postal service provider is an economic entity that provides universal postal service or parts of that service, except for reserved postal services, on the basis of a license;

8) consolidator is a person who is not a postal service provider and who, on the basis of a contract for collecting postal items, collects postal items from the sender and hands them over to the postal operator for further shipment and delivery to the addressee;

9) national regulatory authority is an independent regulatory body with the function of regulating the postal services market in the Republic of Serbia;

10) collection of postal items is the procedure of taking over postal items for delivery to the addressee. Items may be collected at the access points of the operator or at the sender's address through employees of the postal operator, in the manner prescribed by the provisions of this Law and the general terms and conditions of postal operators;

11) sorting of postal items is a technologically harmonized and optimized procedure for processing of postal items in the collection and shipment phase according to the delivery destinations;

12) transfer of postal items covers technological processes with the postal operator from the place of collection to the place of delivery;

13) transport of postal items includes the procedure of preparation for transport and transport of individual or bulk postal items, as well as other procedures related to the transport of postal items from the place of collection to the place of delivery;

14) distribution is the process from sorting at the distribution centre to delivery of postal items to their addresses;

15) delivery of postal items includes delivery of postal items to the addressee, via home mailboxes or automated mail-boxes, or delivery at the premises of the postal service providers;

16) correspondence is a communication in written form on any kind of physical medium to be conveyed and delivered at the address indicated by the sender on the item itself or on its wrapping. Books, catalogues, newspapers and periodicals shall not be regarded as items of correspondence;

17) postal item is an item addressed by the sender in such a way that the addressee can be indisputably identified, and the accuracy of the address information is the responsibility of the sender. In addition to items of correspondence, such items also include books, catalogues, newspapers, periodicals and postal packages containing merchandise with or without designated value;

18) letter-post item is a postal item that includes correspondence, printed matter, merchandise and others;

19) parcel is a recorded postal item, with or without designated value, packed in the prescribed manner, containing merchandise and other items with a description of the contents and weight on the wrapping or the accompanying document;

20) fastest delivery item is a first rate item that is sent by the universal postal service provider via the fastest route to the destination and takes precedence over other shipments. In case the universal postal service provider has only one way of handling all postal items, it is considered the fastest;

21) postcard is an open postal item, without wrapping (envelope), with a maximum mass of up to 20 grams. It is made of solid cardboard or rectangular piece of paper and must not have protruding parts;

22) postal money order is a recorded postal item which is transmitted by postal network or electronically, and serves as a basis for payment of a monetary amount to the recipient;

23) secogramme is an open letter-post item containing printed matter and correspondence adapted for blind and partially sighted persons;

24) printed matter is a consignment containing books, publications, newspapers, periodicals, catalogues, brochures and others and is printed on paper, cardboard or other similar material;

25) direct mail is a postal item consisting solely of advertising, marketing or publicity material and comprising an identical message, except for the addressee's name and address, which is sent to a significant number of addresses. Bills, invoices, financial statements and other non-identical messages should not be regarded as direct mail. Direct mail is a postal item in domestic and international postal traffic. A communication combining direct mail with other items within the same wrapping should not be regarded as direct mail within the meaning of this law;

26) bulk consignments are postal items which have been submitted by one natural or legal person for sending to a large number of addresses in one shipment, on which the sender concludes a contract with the postal operator;

27) hybrid mail is a postal item created and distributed by a postal operator based on information provided electronically by the sender;

28) international postal item is a postal item sent to or received from another country;

29) tariff item is a predetermined category of postal items for which the postal operator determines the price;

30) price list of postal services is a list of prices of postal services according to which the postal service provider charges for services;

31) postage is the price paid by the user for the provision of postal service;

32) confirmation of collection of the postal item is a document issued by the postal operator to the sender upon collection of recorded postal items, containing the details of the shipment and serving as proof that the postal item has been handed over to the postal operator for further delivery;

33) postage stamps are small pieces of printed paper stuck on an item to be mailed, indicating that postage has been paid;

34) personalized postage stamp is a stamp printed by a public postal operator at the request of legal and natural persons on a special paper, with a nominal value for a letter of a weight of up to 20 grams, with a motive at the personal

choice of the user – the subscriber of the stamp, contains the name of the country and is used in domestic postal traffic;

35) terminal dues represent the remuneration of universal service providers for the distribution of incoming cross-border mail;

36) the request for fulfillment of conditions is a submission without the prescribed form by which the business entity addresses the body competent for the field of postal traffic for checking the fulfillment of the conditions for commencement of provision of postal services;

37) general terms and conditions for the provision of postal services shall be the act of the postal operator adopted on the basis of the law and by-laws under which the postal operator is obliged to provide postal services;

38) identification sign is a graphic symbol, i.e. a logo that uniquely identifies a particular postal operator;

39) special license is a permit issued to a public postal operator for the provision of universal postal service;

40) license is a permit issued to a postal operator for the provision of universal postal service other than reserved postal services;

41) approval is a permit issued to a postal operator for the provision of other postal services;

42) postal network of the public postal operator is a system of access points and all types of means interconnected into a single technical and technological unit, which is used by the universal postal service provider to provide this service in the entire territory of the Republic of Serbia;

43) postal network access points are physical facilities, including letter boxes and automated mail-boxes provided for the public either on public areas or at the premises of the service provider, where postal items may be deposited with the public postal network by customers;

44) post office box is a uniquely addressable lockable box located on the premises of a post office station used to receive unrecorded letter-post items;

45) collection box is a box used for receiving and delivering postal items of users away from settlements, users in shopping centers, etc;

46) home mailbox is a mailbox used to deliver unrecorded letter-post items.

All terms used in this law in the masculine gender include the same terms in the feminine gender.

## **II. JURISDICTIONS**

### **Article 4**

The Government, at the proposal of the Ministry responsible for postal services (hereinafter: the Ministry):

1) determines the basic commitments and principles for the provision of postal services, guided by the general interest in this field, the professional principles of the postal profession, the principles of the Universal Postal Union, other international organizations, and international commitments;

2) adopts strategic acts and action plans for their implementation, which set out the principles, goals and priorities of the development of postal services in the Republic of Serbia;

3) determines the conditions and manner of use of the postal network of the public postal operator in case of emergency;

4) decides on other issues when provided by law.

#### **Article 5**

The Ministry, in accordance with this Law:

1) makes regulations based on the powers established by law;

2) supervises the implementation of this Law and other regulations governing the provision of postal services;

3) decides on the appeals against the decision of the postal services' inspector;

4) represents the Republic of Serbia in international organizations and institutions in the field of postal services, takes care of the implementation of agreements in the field of postal services and notifies the Universal Postal Union on the public postal operator and entities responsible for fulfilling obligations under the Universal Postal Convention;

5) performs other tasks when required by law.

#### **Article 6**

The Regulatory Agency for Electronic Communications and Postal Services (hereinafter: the Agency) is an independent regulatory body with the function of regulating the postal services market in the Republic of Serbia.

The legal position and operation of the Agency are prescribed by the law governing the field of electronic communications.

In accordance with this Law, the Agency shall:

1) adopts by-laws;

2) issues and revokes licenses for the provision of postal services;

3) participates in the work of international organizations and institutions as national regulatory authority in the field of postal services;

4) conducts activities aimed at ensuring competition in the postal services market;

5) mediates out-of-court dispute resolutions between users and postal operators;

6) performs expert supervision of the work of postal operators;

7) keeps a register of permits issued and revoked to postal operators and ensures public access to them;

8) performs other tasks in accordance with this Law.

The Agency shall perform the tasks referred to in paragraph 3, items 1), 2), 6) and 7) of this Article as entrusted tasks.

The Ministry shall supervise the performance of entrusted tasks.

The Agency shall publish the acts referred to in paragraph 3, item 1) of this Article in the "Official Gazette of the Republic of Serbia".

### **III. POSTAL SERVICES**

#### **Provision of postal services**

##### **Article 7**

Postal services are provided on the basis of an access agreement or a contract concluded which must be in accordance with the law, regulations adopted by law, general terms and conditions for the provision of postal services and other acts of postal operators based on the law, as well as under international conventions, agreements and other international acts approved by the Republic of Serbia.

##### **Article 8**

The Agency shall determine in more detail the conditions and manner of providing postal services, handling of postal items from their collection to delivery, as well as other issues of importance for the provision of postal services.

##### **Article 9**

Postal operators are obliged, in accordance with this law and the regulations adopted pursuant to this law, to establish general terms and conditions for the provision of postal services.

The general terms and conditions for the provision of postal services (hereinafter: general terms and conditions) must include:

- 1) name and head office of postal operator;
- 2) types of postal services they will provide;
- 3) the territory in which the postal services will be provided;
- 4) the manner and conditions for the provision of postal services;
- 5) deadlines for delivery of postal items;
- 6) additional services related to postal items;
- 7) handling and opening of undeliverable postal items;
- 8) method of payment for postal services;
- 9) deadlines for safekeeping of manipulative documents, procedure for complaint and claim of items, as well as procedure for compensation of users during the complaint procedure.

The general terms and conditions of postal operators must comply with the law.

The general terms and conditions of postal operators and the manipulative documents that are on a postal item or accompany the item in domestic postal traffic must be written in accordance with the law governing the official use of the language and script in the Republic of Serbia.

The Agency gives its consent to the general terms and conditions of postal operators.

The Agency may require modification of the general terms and conditions of postal operators, if necessary to protect users or to ensure competition protection.

Upon receipt of the Agency's approval, the public postal operator shall publish the general terms and conditions in the "Official Gazette of the Republic of Serbia".

All postal operators are required to prominently state the general terms and conditions in a business premises and otherwise make it publicly available to users, at least eight days before their implementation begins.

The general terms and conditions of all postal operators are published on the Agency's website.

Postal operators are required to provide postal services in accordance with their general terms and conditions.

#### **Article 10**

The postal operator may, when providing postal services, use the postal network, technical and technological solutions or databases of other postal operators, on a contractual basis.

The formation and maintenance of a postal code database is done by a public postal operator.

#### **Article 11**

The postal operator may contract with other persons to provide certain phases of postal service on his behalf and for his account.

The universal postal service provider may entrust the agent with the performance of certain technological processes.

The responsibility for performing the entrusted tasks referred to in paragraph 2 of this Article is on the public postal operator.

#### **Article 12**

The postal operator is obliged to prominently display working hours with customers at the entrance to the business premises where postal services are provided.

#### **Article 13**

Users have the right and obligation to choose the type of service that is appropriate to the nature, content, significance, or actual value of the mail.

#### **Article 14**

Customers may provide postal services through a proxy in accordance with the law and the general terms and conditions of the operator.

A power of attorney may be issued for the collection and delivery of all shipments or for a single postal item.

The power of attorney issued by the competent authorities is valid for the period specified in the power of attorney, and the power of attorney issued by the postal operator is valid only for the services of that operator, for the period specified in the power of attorney.

A power of attorney issued for a fixed period of time shall cease to be valid upon the expiration of the time for which it was issued or for other reasons for the termination of the power of attorney in accordance with the general provisions on the power of attorney.

#### **Article 15**

When providing postal services, postal operators shall comply with the quality parameters specified by the Agency.

Postal operators and the Agency are obliged, at the request of the Ministry and/or the Agency, to provide data regarding the provision of postal services

necessary for the implementation of actions and measures in accordance with this Law, as well as data for clearly defined statistical purposes.

#### **Article 16**

Postal operators are obliged to ensure the secrecy of correspondence and other means of communication when providing postal services.

The secrecy of correspondence and other means of communication is violated if the postal operator:

- 1) delivers the postal item to an unauthorized person, finds out the contents of the postal item in an unauthorized manner, or keeps or conceals it;
- 2) provide the unauthorized person with information about the contents, the sender, the recipient or other information about the postal items.

The principle of secrecy of correspondence, postal items, letters and other means of communication can be violated only by a court decision, when it is necessary for the conduct of criminal proceedings or protection of the security of the Republic of Serbia, by opening or temporarily seizing letters.

### **Types of postal services**

#### **Article 17**

Postal services are universal postal service and other postal services.

### **Universal postal service**

#### **Article 18**

Universal postal service is a service of general interest and is a set of postal services that are continuously provided throughout the territory of the Republic of Serbia, within the prescribed quality, at affordable prices and on equal terms for all users, without discrimination.

The Public Enterprise "Post of Serbia", Belgrade, is authorized to provide the services referred to in paragraph 1 of this Article.

Universal postal service includes the collection, sorting, transport and delivery of:

- 1) letter-post items weighing up to two kilograms;
- 2) written communication in court, administrative and misdemeanor proceedings, regardless of the limits;
- 3) collection and delivery of parcels up to ten kilograms in domestic and international postal traffic;
- 4) delivery of parcels up to 20 kilograms in international postal traffic;
- 5) Secogrammes of weight up to seven kilograms without postage charged in domestic postal traffic.

In addition to items referred to in paragraph 3 of this Article, universal postal service in domestic and international postal traffic shall include the collection, transmission and payment of a postal order.

The smallest and largest dimensions of postal items in international postal traffic must be in accordance with the valid regulations of the Universal Postal Union.



The Minister responsible for postal services (hereinafter: the Minister) shall prescribe more detailed conditions for the provision of the universal postal service referred to in paragraph 1 of this Article, as well as the minimum working time of the public postal operator.

#### **Article 19**

The public postal operator is obliged to provide the prescribed density of access points in order to provide conditions for the improvement and sustainability of universal postal service provision, in accordance with the needs of users.

The public postal operator is obliged to make the accessibility of postal services available to users with disabilities in terms of adapted access, i.e. access to postal network facilities, as well as to make postal terminals accessible to persons with disabilities.

The Minister prescribes conditions for the promotion and sustainability of universal postal service and closer conditions for the provision of universal postal service to users with disabilities, so that all users have equal access to the network of the public postal operator.

In the provision of universal postal service, the public postal operator is obliged, in the event of a strike, to ensure a minimum process of work in order to ensure the general interest of citizens in the use of the universal postal service, in accordance with the law governing the conditions and manner of organizing a strike.

The Minister prescribes special conditions for the provision of universal postal service in state of emergency and state of war in order to protect the postal network of the public postal operator.

#### **Article 20**

Only the public postal operator has the exclusive right to use the name or the word "post" in any language or script in the name or business.

The legal entity, in which the public postal operator has shares or interests, also has the right to use the name or the word "post" in any language or script.

#### **Article 21**

Collection and delivery of postal items within the universal postal service is carried out at least five days a week, except on days of national and religious holidays, force majeure and a threat to the health and safety of employees at postal operators.

The universal postal service provider is obliged to make universal postal service available at least five days a week as follows:

- 1) with at least one collection of a postal item, except in special circumstances and geographical conditions, with at least one collection per week on a predetermined business day;
- 2) with one delivery of a postal item at the addressee's address, except in special circumstances and geographical conditions, with at least one delivery per week on a predetermined business day;
- 3) by installing post office boxes, collection boxes and automated mailboxes in accordance with the prescribed density of access points.

The Agency shall regulate in more detail the conditions and manner referred to in paragraph 2 of this Article by the Act referred to in Article 8 of this Law.

The provision of certain services belonging to the universal postal service may be interrupted or suspended by a legal act of the competent state body in order

to protect the general interest, public morality, public security, criminal investigation, public policy and in other cases provided for by law.

#### **Article 22**

The Agency is obliged to monitor the work of the public postal operator.

All universal postal service providers are obliged to submit reports on their operations to the Agency at least once a year in order to analyze and improve the provision of universal postal service.

The public postal operator performs an annual survey on the achieved level of universal postal service realization, measuring the quality of universal postal service provision on the basis of established criteria.

If the Agency indisputably determines that universal postal service providers do not provide postal services in accordance with the parameters set out in the Act referred to in Article 15, paragraph 1 of this Law, it shall immediately notify the Ministry thereof.

#### **Article 23**

The Agency publishes on its website information on conditions relating to the provision of postal services, types of services, their characteristics, postage and the prescribed quality parameters.

### **Reserved postal services**

#### **Article 24**

Reserved postal services are part of a universal postal service entrusted to a public postal operator and include:

- 1) collection and/or sorting and/or transport and/or delivery of letter-post items of up to 50 grams;
- 2) collection and/or sorting and/or transport and/or delivery of documents in court, administrative and misdemeanor proceedings, as registered mail, regardless of limits;
- 3) collection and/or transmission and/or payment of postal orders.

Postal services referred to in paragraph 1, item 1) of this Article shall not be considered reserved postal services if their price is equal to or higher than the amount which is two and a half times the price of the letter-post item of the fastest category according to the valid price list of the designated postal operator, universal postal service provider.

The proof of delivery of items referred to in paragraph 1, item 2) of this Article shall be submitted to the sender as a recorded postal item.

The public postal operator is authorized to provide reserved postal services referred to in paragraph 1 of this Article in both domestic and international postal traffic.

#### **Article 25**

In addition to postal services, the public postal operator may perform other activities as follows:

- 1) insurance representation;
- 2) exchange trades;

3) payment and other services for the provision of which is authorized by the law governing the payment services;

4) affairs in connection with international money orders in dinars, effective foreign currency and foreign currency;

5) other activities in accordance with the founding act and the statute.

The actions referred to in paragraph 1, item 2) - 4) of this Article shall be performed by the public postal operator in accordance with the provisions of special laws governing the performance of the said activities.

## **Other postal services**

### **Article 26**

Other postal services include:

1) collection, sorting, transport and delivery of parcels weighing over ten kilograms in domestic postal traffic;

2) collection, sorting and transport of outbound parcels weighing over ten kilograms in international postal traffic;

3) sorting, transport and delivery of inbound parcels weighing over twenty kilograms in international postal traffic;

4) value-added services;

5) complementary services.

All postal operators may provide other postal services in accordance with this Law and the acts adopted pursuant to this Law.

### **Article 27**

Value-added services are postal services that have special requirements regarding the quality and manner of collection, sorting, transport and delivery.

The services referred to in paragraph 1 of this Article shall be considered:

1) courier services which include collection of a postal item at the sender's address and direct transport and delivery at the recipient's address, without processing;

2) express services which include collection, sorting, transport and delivery of postal items within the shortest and guaranteed timeframes;

3) electronic tracking services from collection to delivery of the postal item;

4) services where the sender has direct communication with the person directly providing the postal service for additional instructions regarding the delivery of the postal item;

5) delivery of the consignment with the agreed delivery time;

6) other services in accordance with this Law.

### **Article 28**

Complementary postal services are postal services that contain a special way of handling the collection, sorting, transport and delivery of postal items.

Services referred to in paragraph 1 of this Article shall be considered services upon request of the recipient and services upon request of the sender.

A request for all complementary postal services may be submitted at any stage of the provision of postal services, until delivery.

### **Postage for the provision of postal services**

#### **Article 29**

The Agency determines the unique postage rates according to the weight of postal items and the types of postal services in the field of universal postal service.

#### **Article 30**

The postage is, as a rule, paid in advance, unless otherwise stipulated by the contract of the postal operator and the user, according to the current price list.

The postal operator shall be obliged to display the price list of postal services referred to in paragraph 1 of this Article on the premises where the postal services are provided.

The postal operator is obliged to make available a valid price list of postal services at the request of the user.

#### **Article 31**

Postage for postal services will be set so as not to represent an unfair price within the meaning of the law governing the protection of competition.

In cases where the Agency becomes aware that the postage has not been determined in accordance with paragraph 1 of this Article, it shall immediately notify:

- 1) competition authority and seek its opinion or propose to initiate proceedings in the event of possible prevention or distortion of competition, in the case of a postal operator with a dominant market position;
- 2) competent consumer protection authorities, in accordance with the law governing the consumer protection, except in the cases referred to in item 1) of this paragraph.

In the cases referred to in paragraph 2 of this Article, the Agency shall provide the competent authorities with all necessary professional and technical assistance.

### **Postage for universal postal service**

#### **Article 32**

Postage for universal postal service must be:

- 1) the same for all users throughout the territory in which the universal postal service provider provides the service;
- 2) affordable, cost-effective and giving incentives for the efficient and universal postal service provision;
- 3) free of charge for secogrammes used by the blind and visually impaired;
- 4) transparent;
- 5) determined in such a way that it does not give individual users an advantage over other users under the same or similar conditions.

The postage referred to in paragraph 1 of this Article, except for reserved postal services shall be approved by the Agency.

The act of the public postal operator determining the postage for reserved postal services shall be approved by the Government.

#### **Article 33**

The universal postal service provider may grant discounts to users who send a large number of postal items, provided that such a discount is determined taking into account the real costs and provided for by the postal service price list, and that it applies to all users sending postal items on equal or similar terms, respecting the principles of transparency and non-discrimination.

Discounts referred to in paragraph 1 of this Article shall not be included in the net cost of the public postal operator.

#### **Article 34**

The postage of other postal services is determined by the postal operator.

The postal operator is obliged to submit the price list of postal services to the Agency no later than three days before its implementation begins.

The postal operator is obliged to apply the postage in accordance with the price list of postal services agreed by the Agency.

### **Sustainability of universal postal service**

#### **Article 35**

The public postal operator, as a universal postal service provider, achieves the sustainability of the universal postal service from the funds provided from the revenues generated by the provision of the universal postal service.

The costs incurred in providing universal postal service by the public postal operator shall be borne primarily by the revenue generated by the provision of reserved and non-reserved postal services from the field of universal postal service.

### **Separate accounting**

#### **Article 36**

A postal operator who, in addition to postal services, performs one or more other activities is obliged to keep separate accounting for the provision of postal services.

The universal postal service provider is obliged to separate the revenues and costs incurred by the universal postal service from the income and expenses generated by other postal services, by type of service.

The public postal operator is obliged, by its internal calculation, to allocate the costs of all services, in order to enable the review of revenues by types of postal services, by stages of provision of postal services and by the unit of postal service. Such accounting separation on the basis of consistently applied and objectively based cost accounting principles serves as a source of data for the approval of postages for universal postal services except for reserved postal items and for the calculation of the net cost of the universal postal service.

The public postal operator is obliged to separate the revenues from reserved postal services from the revenues generated from non-reserved postal services in the field of universal postal service.

Costs that are directly attributable to an individual service are tied to that service.

Common costs, that is, costs that are not directly attributable to individual services, are distributed, where possible, on the basis of a direct analysis of incurring of those costs.

If direct analysis is not possible, the shared cost categories are divided on the basis of indirect linkage to other identifiable cost categories, with indirect linkage based on similar cost structures.

Where neither direct nor indirect cost-fixing measures can be implemented, a specific cost category will be determined on the basis of a general indicator determined and calculated separately for each individual service.

The common costs necessary to provide the universal postal service and other postal services will be appropriately allocated when the universal postal service and other postal services use the same cost sources.

The public postal operator may not use the revenues from reserved postal services to subsidize other postal services or other business activities, except for the costs incurred in providing universal postal service.

The Agency regulates in more detail how separate accounting and credibility checks are conducted.

The Agency is obliged to annually publish reports on compliance of accounting separation by the public postal operator, in accordance with this Law and the Act referred to in paragraph 11 of this Article.

### **Net cost**

#### **Article 37**

Net cost is any cost that is necessary for the provision of the universal postal service and is associated with that service, calculated as the difference between the net cost of the public postal operator operating with the obligation to provide the universal postal service and the net cost that the universal postal service provider would have if it is not obliged to provide the universal postal service.

The calculation of net costs shall be made in accordance with the law governing accounting operations so as to avoid multiple calculations of all direct and indirect benefits and costs in the provision of universal postal service.

The calculation of the net cost of the universal postal service provider includes the costs of the universal postal service that can only be provided at a loss, as well as all direct and indirect benefits that the provider has based on the provision of universal postal service.

The direct and indirect benefits of universal postal service providers include:

1) revenues from universal postal service;

2) revenues from services that do not constitute universal postal service and would not be generated by the universal postal service provider if it did not provide universal postal service.

The Agency shall determine in more detail the method of calculating the net cost of the public postal operator.

## **Compensation for unfair financial burden**

### **Article 38**

A public postal operator, as a universal postal service provider, is entitled to reimbursement of the net cost incurred in providing this service if it proves that the costs are higher than the revenues generated in the previous year and represent an unfair burden on the postal operator's business.

A public postal operator shall calculate the net cost incurred by the provision of the universal postal service and submit it to the Agency for approval by 31 March of the current year for the previous year.

Based on the report, the Agency determines the amount of net cost that represents an unfair burden on the public postal operator.

The net cost accounting overview also includes the authentication and validity check of the data used for the calculations.

The Agency may, in the approval process, request the public postal operator to provide other information regarding the provision of the universal postal service.

The Agency may engage an independent auditor in the approval process.

The Agency agrees to calculate the net cost of the universal postal service provider within 90 days from the date of delivery.

The costs referred to in paragraph 1 of this Article shall be reimbursed at the request of the public postal operator, from the budget of the Republic of Serbia, with the consent of the ministry responsible for finance and the Commission for State Aid Control.

## **IV. POSTAL ITEMS**

### **Article 39**

The postal item must be packed in such a way as to ensure the integrity of the contents and the confidentiality of the data, in the manner prescribed by law.

The sender's address is obligatory on all postal items, except for unrecorded items or if the envelope is marked as "bid for competition" and the like.

In cases where the employee receiving the item reasonably estimates that the packaging in which the item is packed does not correspond to the nature and content of the postal item, that is, it cannot ensure the integrity of the content and confidentiality of the data, in the manner prescribed by law, they shall be obliged to refuse to receive such item.

### **Article 40**

The postal item is the property of the sender until it is delivered to the recipient, i.e., to his/her proxy or authorized person.

The sender has the right to dispose of the postal item until delivery.

The recipient may refuse to receive the postal item having arrived at their address.

For certain postal items the conditions laid down by other laws must also be fulfilled, in particular:

1) the postal items in domestic postal traffic, requiring the approval of the competent authorities to be sent, shall have such approval attached and this is the sender's obligation;

2) the postal items in international postal traffic, subject to customs inspection, i.e. foreign exchange control, shall be treated in accordance with the regulations governing the area.

#### **Article 41**

Postal items within the meaning of this Law are unrecorded and recorded postal items.

An unrecorded postal item is a postal item for which the postal operator does not, on collection, issue a confirmation of collection and does not keep records at any of the stages of the postal service.

Recorded postal items are postal items for which the postal operator issues a confirmation of collection of the item to the sender, for which special records are kept and which are delivered to the recipient followed by their signature.

Recorded postal items can be:

1) registered item, for which the user can receive, upon request, proof of delivery;

2) insured item, which is insured in the event of loss, damage or loss of the contents of the item, up to the amount stated by the sender;

3) cash-on-delivery (COD) shipment, which is a postal item of value upon delivery of which the recipient gives the operator the amount of money stated on the item by the sender and which the postal operator then sends to the sender's current account, the specified address, or is paid at the premises of the postal operator;

4) insured or uninsured parcels;

5) recorded delivery items.

### **Collection of postal items**

#### **Article 42**

Collection of postal items is carried out at the premises of the postal operator, through post office boxes, collection boxes, automated mail-boxes, through an authorized person of the postal operator at the user's address or electronically.

The postal operator may inspect the contents of the postal item on collection, before its closure, and the sender is obliged to provide access, except for postal items whose content is a written communication.

The postal operator is obliged to mark each received postal item and the documents related to that item with the time of posting and with its identification sign.

The time of posting referred to in paragraph 3 of this Article shall not indicate the items collected under the contract, which, among other things, stipulate that all postal items handed over to the operator shall not be marked with the time of posting, but shall be subject to the date printed on the document that serves as proof of handing over the postal item for further shipment.

When posting a recorded postal item, the sender is obliged to receive a confirmation of collection, which must contain all the elements that can determine the identity of the item, such as the name and address of the recipient, the item number, time of posting, weight, value, description of the content, postage, and other



information. The confirmation of collection can be issued electronically with the consent of the user.

Senders who dispatch postal items on the basis of a contract concluded shall deliver postal items through a person authorized to hand over all types of consignments. The postal operator, or the employee, inspects the personal document with the photograph of the proxy and submits the registration number of the personal document, in order to determine the identity of the proxy.

Manipulative documents that are on the postal item or accompany the postal item must contain all the information as well as the confirmation of collection of the item referred to in paragraph 5 of this Article.

#### **Article 43**

The public postal operator shall install and maintain post boxes in public areas upon the approval of the competent authority.

The public postal operator is exempted from the payment of a fee for the installation of post boxes in public areas, land and facilities owned by the Republic of Serbia, the autonomous province and the local self-government unit.

#### **Article 44**

It is forbidden to send postal items containing:

1) Dangerous and harmful substances, as well as items which can endanger the health and life of people and damage other postal items, except for substances in respect of which the treatment is regulated by a special law, international convention and other international acts;

2) narcotics and psychotropic substances, except when the consigner and the consignee are authorized for their transport or for their use;

3) materials of pornographic or erotic character that depict the sexual exploitation of children (child pornography), or sexual acts of humans related to animals and necrophilia;

4) products or substances which may damage other postal items or postal equipment due to their nature or packaging;

5) money, coins, banknotes, other securities, precious metals and valuable pieces of jewelry, except in insured items;

6) live animals, except animals whose collection and sending are governed by the general terms and conditions of the operator for the provision of postal services;

7) items whose import is prohibited in the country to which they are sent;

8) other substances, i.e. items whose sending is prohibited by other regulations.

When there is a reasonable suspicion that the postal item contains prohibited items referred to in paragraph 1 of this Article, the postal operator is obliged to immediately inform the competent authority about this, who will decide on forming a commission to open and review the contents of the consignment.

The Minister shall issue a regulation on the method of forming the commission referred to in paragraph 2 of this Article and the procedure for opening and reviewing the contents of the consignment.

#### **Article 45**

The sender may, upon delivery of the recorded postal item to the recipient, with the payment of the appropriate postage, require:

- 1) the address on the postal item to be changed or supplemented;
- 2) return the consignment to him.

#### **Article 46**

The postal operator, as a rule, delivers the postal item personally to the recipient, proxy or authorized person.

If it is not possible to deliver the recorded mail to the persons referred to in paragraph 1 of this Article, the postal operator may deliver the recorded mail to an adult household member, to a person employed in the household, as well as to an employed person found on the recipient's business premises, or through the recipient's home mailbox

Documents in judicial, administrative and misdemeanor proceedings shall be delivered in accordance with the law.

Unrecorded postal items are delivered both via home mailboxes and collection boxes.

#### **Article 47**

The postal operator, or the employee at the postal operator, is obliged to, upon collection of COD and insured items inspect the user's ID with a photograph and record the registration number of the identity document in order to determine the identity of the sender and to prevent money laundering and terrorist financing and turnover of goods of unrecorded entities.

The postal operator is obliged to keep the information referred to in paragraph 1 of this Article as a business secret, to use it for the purpose for which it was collected and to submit the requested information only at the request of the court or other competent authority, for the purposes of the proceedings before that authority.

The postal operator is obliged to keep the data referred to in paragraph 1 of this Article for at least one year, in the manner prescribed by the law governing the confidentiality of data.

#### **Article 48**

In case of unsuccessful delivery of the recorded mail, the postal operator is obliged to leave a call of item containing a notice within which deadline and where the recipient can pick up the mail.

If the recipient is left with a call for item before the expiry of the deadline for delivery of the item, it is considered that the postal operator has fulfilled its obligation and delivered the item within the prescribed period. The postal items delivered in the postal network units can be received by the recipients within the deadlines set by the postal operators in the general terms and conditions for the provision of postal services.

#### **Article 49**

Unless otherwise specified by the sender, the mail shall be returned to the sender when:

- 1) the delivery is refused by the recipient;
- 2) the recipient is unknown;
- 3) the address is incomplete;
- 4) the address is incorrect;
- 5) the date of storage expired;

- 6) the recipient is relocated;
- 7) the recipient has died.

The postal operator shall, in its general terms and conditions, set the deadlines for the return of postal items referred to in paragraph 1 of this Article.

All recorded postal items are subject to payment of storage costs or return postage, if the postal operator is not responsible for their non-delivery.

A postal item is considered to be undeliverable if:

- 1) the postal item cannot be delivered to either the recipient or the sender;
- 2) the postage has not been paid or has been partially paid, and the sender and the recipient have refused to pay the unpaid postage.

#### **Article 50**

The postal operator is obliged to inspect undeliverable postal items on a commission basis, which includes opening them if:

- 1) the storage period has expired and the exact address of the sender cannot be determined;
- 2) there is evidence on the packaging, i.e. the wrapping, that the postal item is damaged and that it may damage other postal items or equipment or may endanger employees;
- 3) there is a decision of the competent authority.

If, even after a commission check, the postal item cannot be delivered to the recipient or returned to the sender, the postal operator:

- 1) immediately destroys the correspondence;
- 2) keep a postal item containing goods and other items for six months, counting from the day of the commission inspection;
- 3) keep the order and the COD amount for three years, counting from the day when it was found to be non-payable;
- 4) deliver the identification documents and other documents found in the postal item, including the item whose contents are prohibited, within thirty days from the day of the commission check, to the body which issued the identification documents and other documents or to the competent body of the municipality in whose territory the item was received.

#### **Article 51**

Upon expiry of the storage period, the postal operator shall expose the goods and other items contained in the undeliverable postal item to the public sale.

If the contents of a undeliverable postal item are liable to deterioration, the postal operator destroys the item in question or sells it directly.

#### **Article 52**

The funds obtained by the sale of the contents of the postal item shall be kept for one year from the expiry of the period for keeping the postal item.

The funds referred to in paragraph 1 of this Article shall be paid to the sender if, within one year from the day of the sale, they submit a request for payment, minus storage costs, public sale expenses and payment of these funds.

If the sender does not submit a request for payment within the time limit referred to in paragraph 2 of this Article, the money from the sale of the contents of the undeliverable item shall become extra income of the postal operator.

Upon expiry of the deadline for keeping the order or the COD amount, the monies become extra income of the postal operator.

### **Article 53**

In the delivery area of the postal network unit, investors, i.e. the owners of residential buildings and business premises, are obliged, at the entrance to the residential building, office building, yard or other appropriate place, to place home mailboxes and to provide access to the home mailboxes. Maintaining home mailboxes is the responsibility of the property owner.

Home mailboxes must be designed in accordance with the technical conditions prescribed by the Agency, properly labeled and placed in such a way as to allow secure delivery of postal items.

If the persons referred to in paragraph 1 of this Article do not install or maintain their home mailboxes, the universal postal service provider shall be obliged to notify them in writing and to set a reasonable deadline, not less than 30 days, for eliminating defects. In case of non-compliance with the warning, the universal postal service provider is not obliged to deliver the postal items to the recipient.

## **Deadline for delivery of postal items**

### **Article 54**

The deadline for delivery of postal items is the time from collection of the postal item until its delivery.

The deadlines for delivery of postal items do not include:

- 1) delay time due to incomplete and incorrect address;
- 2) delay time due to force majeure;
- 3) non-working days and days when postal items are not delivered.

If the postal item is collected after the last dispatch of the items from the access point of the postal operator, the deadline shall be extended by one working day.

The postal operator may also arrange different delivery deadlines with users who submit a large number of postal items, but not more than five working days from the day of collection of the items.

## **Access to postal network of public postal operator**

### **Article 55**

The public postal operator is obliged to allow other postal operators and consolidators (hereinafter referred to as: access user) access to the postal network.

The Agency shall prescribe in more detail the access to the postal network referred to in paragraph 1 of this Article.

The conditions and prices for access to the postal network must be known in advance, transparent and non-discriminatory to all users.

**Article 56**

The request for access to the postal network must include:

- 1) the access user's information (name and address);
- 2) a list of postal services and an estimate of the volume of postal items during the calendar month;
- 3) estimated dynamics of delivery;
- 4) access points and manner of access to the postal network;
- 5) the period for which access to the postal network is required.

The public postal operator is obliged to decide on the request for access to the network within 30 days from the day of receipt of the request.

**Article 57**

A public postal operator may refuse a request for access the postal network if:

- 1) the access user does not have the technical and technological capabilities to support network access;
- 2) the access to the network jeopardizes the rights and obligations of the public postal operator in the provision of universal postal service or compromises the quality of service provision;
- 3) the postal operator does not accept the conditions set by the Agency's Act and the prices determined in the price list for the provision of services of the public postal operator.

In case of refusal of the request for access to the network, the public postal operator is obliged to submit to the applicant the decision on refusal with explanation within eight days from the day of making the decision.

**Article 58**

The Agency resolves disputes regarding access to the network.

The Agency shall decide on the dispute within 90 days from the date of initiation of the dispute resolution procedure and shall publish the decision on its website within eight days from the date of its adoption.

In resolving access disputes, the Agency shall take decisions in accordance with the provisions of the law governing the general administrative procedure.

The decisions of the Agency referred to in paragraph 3 of this Article are final and an administrative dispute may be brought against them by a lawsuit before the Administrative Court.

**Article 59**

The mutual rights and obligations of the public postal operator and the access user are governed by the access agreement.

The contract referred to in paragraph 1 of this Article must contain:

- 1) rights and obligations of the public postal operator and the access user;
- 2) the types of services that the access user will provide and the conditions of access;
- 3) access points to the postal network;
- 4) prices, method and payment terms for access to the postal network;

- 5) contract modification procedure;
- 6) the term of the contract and the reasons for termination of the contract.

The Agency shall give its consent to the contract referred to in paragraph 1 of this Article within 30 days from the day of receipt of the contract.

#### **Article 60**

Based on the contract concluded, the public postal operator is obliged to provide access users with access to:

- 1) a database of postal address data on the basis of which addressing and processing of postal items is carried out;
- 2) information about change of address, redirection of postal items and return of postal items to the sender.

The access user is obliged to use the address information obtained from the public postal operator for the purpose of addressing and processing postal items, in accordance with the contract.

The access user is obliged to ensure the confidentiality of the address data by which the postal items are addressed and processed, in accordance with the law governing the data confidentiality.

Postal address databases and other information are the property of the public postal operator.

#### **Article 61**

The cost of access to the postal network is determined on the basis of the actual cost of access to the network whereby the price is reduced by the costs incurred by the access user for securing access to the postal network as an avoided cost to the public postal operator.

Prices for access to the postal network, as well as prices for access to data and services, are part of the price list for providing services of the public postal operator.

The Agency may also determine the annual compensation for the participation in the costs of maintaining the postal network by the act referred to in Article 55, paragraph 2 of this Law.

#### **Article 62**

The Postal Network Access Agreement expires:

- 1) upon the expiry of the term for which it was concluded, in case it was not extended;
- 2) by mutual agreement;
- 3) upon the termination of one contracting party.

The Agreement referred to in paragraph 1 of this Article shall also cease to be valid in the case of revocation of the license to one of the contracting parties or when bankruptcy or liquidation proceedings are instituted against the authorized universal postal service provider or access user.

## **V. PERMITS**

### **Article 63**

The postal operator shall provide postal services on the basis of a permit.

The business entity must meet the following conditions for obtaining a permit:

- 1) having been entered in the register of economic entities in the Republic of Serbia;
- 2) possess technical, technological, human resources, as well as other conditions stipulated by law.

For the provision of universal postal service, in addition to the conditions referred to in paragraph 2 of this Article, a business entity must have a postal network for the territory in which it will operate or a concluded contract for access to the network of a public postal operator, as well as be entered in the register of economic entities in the Republic Serbia for the provision of postal services.

The Minister shall prescribe in more detail the conditions of paragraphs 2 and 3 of this Article for the commencement of postal services, which must be in accordance with the applicable regulations governing the labor relations, environmental protection and transport of dangerous goods.

### **Article 64**

The Agency issues the following types of permits:

- 1) a special license;
- 2) a license;
- 3) an approval.

The universal postal service is provided by a public postal operator under a special license.

The universal postal service, except for the reserved one, is provided by another postal operator on the basis of a license.

Other postal services are provided by the postal operator on the basis of approval.

## **Special license**

### **Article 65**

The special license must include:

- 1) information about the public postal operator (business name, seat/registered office, identification number and TIN);
- 2) identification mark;
- 3) specification of postal services provided in domestic postal traffic on the basis of the special license;
- 4) specification of postal services provided in international postal traffic on the basis of the special license;
- 5) territory in which postal services are provided;
- 6) term of validity of the special license;

7) rights and obligations in the provision of universal postal service in the entire territory of the Republic of Serbia.

In the application for the special license, the applicant shall provide the specification of the postal services for which they ask for the special license, the territory in which they will provide the said services, the time period for which the license is requested, as well as the date of commencement of the provision of postal services.

In addition to the application for the special license, the applicant shall enclose proof of fulfillment of the conditions for the provision of universal postal service in the entire territory of the Republic of Serbia, the general terms and conditions for the provision of postal services and the price list of postal services.

The special license shall be issued for a term of 15 years.

## **License**

### **Article 66**

The license must include:

- 1) information on the licensee (business name, seat/registered office, identification number and TIN);
- 2) specification of postal services provided under license;
- 3) territory in which postal services are provided;
- 4) term of validity of the license;
- 5) rights and obligations of the licensee in the provision of postal services in the field of universal postal service.

In the application for the license, the applicant shall provide the specification of the postal services for which they ask for the license, the territory in which they will provide the said services, the time period for which the license is requested, as well as the date of commencement of the provision of postal services.

In addition to the application for a license, the applicant shall enclose proof of fulfillment of the conditions for the provision of universal postal service, the general terms and conditions for the provision of postal services and the price list of postal services.

The license shall be issued for a term of 10 years.

## **Approval**

### **Article 67**

The approval must include:

- 1) name and seat, or name and address of the holder of the approval;
- 2) specification and types of postal services to be provided;
- 3) territory in which postal services are provided;
- 4) term of validity of the approval.

In the application for the approval, the applicant shall provide the specification of the postal services for which they ask for the approval, the territory in which they



will provide the said services, the time period for which the approval is requested, as well as the date of commencement of the provision of postal services.

In addition to the application for the approval, the applicant shall enclose proof of fulfillment of the conditions for the provision of universal postal service in the entire territory of the Republic of Serbia, the general terms and conditions for the provision of postal services and the price list of postal services.

The approval shall be issued for a term of one to ten years, in accordance with the application.

#### **Article 68**

The application for the license/approval shall be submitted on the form prescribed by the Agency.

The Agency is obliged to decide on a regular application for the license/approval within 30 days from the day of submission of the application, and the regularity of the request is assessed in accordance with the law governing the general administrative procedure.

If the Agency does not make a decision within the period referred to in paragraph 2 of this Article, the license/approval shall be considered granted the next day after the expiration of that period.

#### **Article 69**

The permit user is obliged to provide postal services in accordance with the permit.

The permit user may stop using the permit even before the expiry of the period for which the permit was issued.

In the case referred to in paragraph 2 of this Article, the permit user shall notify the Agency of the cessation of the use of the permit within 30 days prior to the cessation of the activity and settle all assumed obligations towards the users, the Agency and other persons.

The permit is non-transferable.

Other business entities providing postal services in addition to their predominant activity are required to obtain a permit to provide postal services, in accordance with this Law.

#### **Article 70**

The Agency may amend a special license and a license ex officio if necessary to comply with international acts, other regulations or in order to ensure the sustainability of universal postal service.

The Agency may also amend the special license, license and approval at the request of the postal operator.

The special license, license and approval shall cease to be valid upon revocation, expiry of the period for which they were issued or at the request of the holder of the special license, license and approval.

Prior to the decision referred to in paragraph 1 of this Article, the Agency shall notify the Ministry.

#### **Article 71**

Postal operators shall bear the cost of the license fee, which may not exceed EUR 200 in RSD equivalent.

Postal operators are obliged to pay the Agency up to 0.4% of the total revenue generated from the provision of postal services in the previous calendar year for the compensation of operating expenses.

The Agency, with the consent of the ministry responsible for finance, shall determine the amount and manner of payment of the fee referred to in paragraph 1 of this Article and the amount and manner of payment of the fee for the operational costs referred to in paragraph 2 of this Article.

Funds from paragraphs 1 and 2 of this Article shall be used to carry out the Agency's regulatory tasks.

### **Article 72**

The Agency may revoke the permit for the provision of postal services in the following cases:

1) if obtained on the basis of false information, which was of importance for making the decision;

2) if postal services are not provided in accordance with the law, in the manner and under the conditions determined by the permit;

3) if, even after a written warning, within 15 days the permit user fails to settle the obligation referred to in Article 71, paragraph 2 of this Law;

4) if damage to the general interest or damage on a large scale has been caused by unlawful pursuit of an activity;

5) if the permit user did not start providing postal services within 30 days from the day of obtaining the permit or there was a break in the provision of postal services for a continuous duration of more than 12 months.

The Agency makes decisions in accordance with the provisions of the law governing the general administrative procedure.

The decisions of the Agency referred to in paragraph 2 of this Article shall be final and an administrative dispute may be brought against them before the Administrative Court.

## **VI. POSTAGE STAMPS**

### **Article 73**

Postage stamps are used to pay for postal services provided by a public postal operator, in domestic and international postal traffic.

### **Article 74**

The business of issuing, selling and withdrawing from the use of postage stamps shall be entrusted to the public postal operator.

Postage stamps of the Republic of Serbia must meet the requirements laid down in the acts of the Universal Postal Union and contain the word "Serbia".

In the current year, the Minister shall establish a plan for the issuance of commemorative postage stamps, as well as the motives for regular issues of postage stamps to be issued in the coming year.

The public postal operator is obliged to issue stamps in accordance with the issuance plan referred to in paragraph 3 of this Article.

The conditions and manner of issuing stamps, with the consent of the Government, shall be determined by the public postal operator.

The public postal operator is obliged to submit, at the request of the Ministry, at least once a year, a report on the number and quantity of printed regular, commemorative and personalized postage stamps, as well as the information on the users, applicants for printing personalized postage stamps.

#### **Article 75**

The public postal operator:

- 1) issues regular, commemorative and personalized postage stamps;
- 2) issues commemorative envelopes that are issued on the first day of issuing a postage stamp;
- 3) issues maximum cards;
- 4) issues commemorative postmarks;
- 5) issues picture postcards with a printed postage stamp;
- 6) issues postcards with a printed postage stamp;
- 7) issues catalogues and other philatelic products;
- 8) sells and exchanges international reply coupons.

The extra/additional postage stamp is not considered a postage stamp within the meaning of this law.

#### **Article 76**

The postage stamps are considered invalid if:

- 1) they have not been issued in accordance with the provisions of this Law and regulations adopted pursuant to this Law;
- 2) they have been damaged, resulting in no visible markings, publisher name or nominal value;
- 3) have been issued by an unauthorized person;
- 4) have been canceled;
- 5) have been withdrawn from use.

If an invalid postage stamp is affixed to the postage, the postal service shall be deemed not to have been paid.

## **VII. PROTECTION OF POSTAL SERVICE USERS AND COMPLAINTS**

### **Complaints**

#### **Article 77**

If the user considers that the postal item has not been delivered to the recipient or has been delivered with delay, that the specially contracted obligation has not been fulfilled or has not been fully fulfilled, they can file a complaint with the postal operator within 60 days in domestic and within six months in international postal traffic, counting from the next day from the day of delivery of the postal item.

The complaint contains the postal item number, name, surname and address of the sender and recipient, as well as information on the value of the postal item and the COD amount, if the subject of the complaint is an insured or COD postal item.

In the event that the user does not file a complaint within the deadlines referred to in paragraph 1 of this Article, they lose the right to financial compensation for the damage that they could obtain under the provisions of this Law.

The costs of the claim procedure of the postal item referred to in paragraph 1 of this Article shall be borne by the sender or the authorized person, and in cases where it is established that a complaint has been well-founded, the costs of this procedure shall be borne by the postal operator.

#### **Article 78**

In the case of damage or loss of the contents of the postal item, the user may file a complaint to the postal operator no later than the next business day, and within 60 days from the day of delivery of the item, file a claim for compensation and submit a complaint to the Agency.

In the event that the user does not file a complaint within the deadlines referred to in paragraph 1 of this Article, he loses the right to financial compensation for the damage that he could obtain under the provisions of this Law.

#### **Article 79**

The postal operator shall, upon receipt of the complaint in the cases referred to in Article 78, paragraph 1 of this Law, make a record, which shall contain all information on the postal item, sender and recipient referred to in Article 77, paragraph 2 of this Law.

The postal operator is obliged to make a record before the delivery of the item, if they detect the damage of the postal item occurred in the mail flows, and to notify the user thereof.

### **Operator's statements and objection to the Agency**

#### **Article 80**

The postal operator is obliged to make a statement within eight days from the day of receipt of the complaint in domestic postal traffic and within the period prescribed by the acts of the Universal Postal Union in international postal traffic, by making a decision on the merits of the complaint.

#### **Article 81**

The user may file a complaint with the Agency against the decision of the postal operator referred to in Article 80 of this Law to reject the complaint, within 15 days from the day of receiving the decision on the complaint.

The user may also file a complaint to the Agency for not submitting a decision on the complaint filed.

Upon the objections filed referred to in paragraphs 1 and 2 of this Article, the Agency mediates out-of-court settlement of the dispute arising between the postal operator and the user.

Initiating and conducting an out-of-court dispute settlement procedure shall not preclude or affect the exercise of the right to judicial protection, in accordance with the law.

Provisions of the law governing the mediation, arbitration, as well as other regulations governing the out-of-court settlement of disputes shall apply mutatis mutandis to the procedure for conducting and finalizing out-of-court dispute settlement between the postal operator and the user.

## **Liability of postal operator**

### **Article 82**

The postal operator is obliged to deliver the postal item to the recipient in the state in which it was collected from the sender.

The postal operator shall be liable for the damage caused in international postal traffic in accordance with the acts of the Universal Postal Union, within the limits of the established liability.

For the damage caused in domestic postal traffic, the postal operator is obliged to pay the user compensation for the damage, as follows:

1) for the loss or total damage to an insured postal item - the amount marked on the item plus the postage paid by value and ten times the amount of postage paid for that item, less the postage by value;

2) for the loss or wrong payment of the money order - the amount equal to the amount indicated on the money order, plus ten times the amount of the postage paid for the collection, transfer and payment of the money order;

3) for partial damage or loss of the contents of a postal item - the amount of the determined part of damage or loss of the contents, provided that the amount cannot exceed the amount that would be paid pursuant to item 1) of this paragraph;

4) for the loss or complete damage of a recorded postal item - ten times the amount of postage charged;

5) for partial damage or loss of the contents of the recorded postal item - the amount of the determined part of the damage or loss of the contents, provided that the amount cannot exceed the amount that would be paid pursuant to item 4) of this paragraph;

6) for non-provided, incomplete or incorrectly provided postal service of recorded mail - five times the amount of postage charged;

7) for exceeding the deadline for delivery of recorded mail - three times the amount of postage paid.

Indirect damages or lost profits are not taken into account when calculating compensation.

The postal operator shall be obliged to compensate the damage referred to in paragraph 3 to the user who paid the postage for the transfer of that postal item.

## **Exemption from liability**

### **Article 83**

The postal operator shall not be liable for damages if:

1) the damage has been caused by force majeure;

2) the collection, processing, transport and delivery of a postal item has been carried out in accordance with the provisions of this Law and regulations adopted pursuant to this Law;

3) the damage has been caused by the sender's failure to choose the right postal service or to secure its contents;

4) the address is incomplete or incorrect.

### **Sender's responsibility**

#### **Article 84**

The sender is obliged to correctly and clearly indicate on the postal item the first and last name and the correct address of the recipient.

The sender is obliged to correctly and clearly indicate on the postal item their first and last name and the correct address.

If the postal item does not contain the information from paragraphs 1 and 2 of this Article, the postal operator, i.e. the employees collecting the postal items, are obliged to require the user to eliminate the identified defects, and if the user does not comply with the request, they are obliged to refuse to receive such item.

The sender is responsible for properly packing the postal item in a manner that protects the contents of that item, other items and the employees handling the item, as well as the equipment and means used to handle the item.

The sender is responsible for the internal and external packaging of the postal items.

### **Statute of limitations related to claiming damages**

#### **Article 85**

Users' claims for damages are time-barred after three years.

The statute of limitations referred to in paragraph 1 of this Article shall start to run:

1) for claiming damages due to more or less postage or other charges paid - from the date of payment;

2) for claiming damages related to the cash-on-delivery payment - after 15 days from the expiry of the deadline for delivery of the postal item;

3) for claiming damages related to the damage or loss of the contents of the postal item or for exceeding the deadline for delivery of the recorded postal item - from the date of delivery of the postal item, or from the day the delivery deadline expires;

4) for claiming damages due to loss of the postal item - after 30 days from the expiry of the deadline for delivery of the postal item.

#### **Article 86**

The statute of limitations shall be terminated when a request for payment of claims in writing is submitted to the postal operator or an out-of-court dispute settlement procedure is initiated before the Agency, in accordance with this Law. The statute of limitations begins to run again when a written response to that request has been provided to the user or the authorized person.

The statute of limitations may not occur before the expiry of the 30-day period from the time of posting of the postal operator's response related to the request for a claim.

Subsequent claims regarding the same case do not interrupt the statute of limitations.

## **VIII. SUPERVISION**

### **Article 87**

The Ministry shall supervise the implementation of this law and the regulations adopted pursuant to this law.

Inspection supervision referred to in paragraph 1 of this Article shall be carried out by the Ministry through the postal inspector (hereinafter: inspector).

### **Article 88**

Postal operators and the Agency are obliged, at the request of the Ministry, to provide all necessary information regarding the provision of postal services, including confidential information.

### **Article 89**

The inspector is independent within the limits of the powers established by law and other regulations governing the performance of inspection activities and is personally responsible for his work.

When conducting an inspection, the inspector must possess a certificate that proves their capacity.

The form of certificate referred to in paragraph 2 of this Article and the manner of its issuance shall be prescribed by the minister competent for state administration affairs.

### **Article 90**

In the course of supervision, the inspector shall:

- 1) perform supervision conscientiously and fairly, in accordance with the law;
- 2) cooperate with other inspectors, judicial, misdemeanor and other competent authorities;
- 3) act on the applications of natural and legal persons in connection with the matters within its competence and inform the applicant about the procedure and the results of the procedure within a reasonable time;
- 4) undertake and propose preventive measures and actions in order to prevent violation of laws and other regulations.

### **Article 91**

In the course of supervision, the inspector has the right and duty to:

- 1) identify persons who perform the activity of postal services, by inspection of their identity document or other document with a photo;
- 2) inspect the business premises where postal services are provided;
- 3) review general and individual acts, business ledgers and other documentation related to the provision of postal services;
- 4) take photographs, make video recordings of the premises under supervision, as well as other items that are subject to supervision and/or are found in the facility or vehicle used for transporting the postal items;

- 5) inspect vehicles used for transporting postal items;
- 6) request and obtain timely assistance from the police or the communal police, if it reasonably deems it necessary in the circumstances of a particular case;
- 7) take statements from persons providing postal services, i.e. witnesses and responsible persons, as well as invite persons to make statements on matters of importance for the subject of supervision;
- 8) in cooperation with the competent state bodies, submit a proposal for the issuance of a court search warrant for a residential or other facilities, when it becomes aware that postal services are provided in those premises;
- 9) collect other data and evidence that are relevant for the correct determination of the facts;
- 10) order a written report to be submitted to them within a specified period on the measures and actions he has taken in the course of performing the inspection control;
- 11) take other actions in accordance with the law.

The business premises referred to in paragraph 1, item 2) of this Article shall also be considered an apartment, an accompanying room or other premises of a residential character, registered as an office/seat or place of business, in accordance with the regulations on the registration of economic entities.

### **Measures in the procedure of inspection supervision**

#### **Article 92**

In carrying out inspection supervision, the inspector is authorized to:

- 1) order that the necessary documentation be made available to him, if such documentation is not in the premises where the control is being carried out;
- 2) order the refund in case the postage was charged higher;
- 3) order the compensation of the user for loss or damage of the recorded postal item;
- 4) file a criminal complaint or an application for economic offense with the competent authority, file a request for initiating misdemeanor proceedings and issue a misdemeanor warrant.

### **Protective measures**

#### **Article 93**

In carrying out inspection supervision, the inspector is authorized to:

- 1) temporarily, at the latest until the completion of the procedure, seize postal items whose contents are prohibited and issue a certificate of temporarily seized items;
- 2) temporarily, at the latest until the completion of the procedure, seize postal items or items used, intended or created as a result of committing an offense, economic offense or criminal offense and issue a certificate of temporarily seized items;
- 3) temporarily prohibit the performance of the activity, by closing the premises where the activity is carried out or in other appropriate way in cases of:



- (1) preventing inspectors from performing supervision activities;
- (2) unauthorized pursuit of an activity;
- 4) temporarily revoke the license if the licensee fails to comply with the issued license.

The inspector shall by a decision determine the duration of the temporary prohibition of performing the activities referred to in paragraph 1, item 3) of this Article and the period for which the permit has been temporarily withdrawn referred to in paragraph 1, item 4) of this Article, in which persons are obliged to eliminate irregularities for which the measure was pronounced.

The inspector shall notify the Agency of the temporary revocation of the permit referred to in paragraph 1, item 4) of this Article. The inspector may also request taking measures within the competence of the Agency.

The certificate on temporary seizure of postal items, or items referred to in paragraph 1 of this Article, shall contain information on the supervised entity, time and place of seizure, legal basis of seizure, type and quantity of seized items, signature of the supervising entity or authorized person, or a note that the supervising entity or authorized person refused to sign the inspector's certificate, name, surname and signature.

#### **Article 94**

If the inspector, in the course of supervision, determines that the law has either not been applied or that it has not been properly applied, they shall issue a decision ordering the elimination of the identified irregularity and determine the time limit within which the supervised entity is obliged to act on the order from the decision.

The inspector shall issue a decision on temporary prohibition of performing activities referred to in Article 93 of this Law within 48 hours from the closure of the facility.

#### **Article 95**

The Minister shall decide on the complaint against the decision of the inspector.

The complaint shall be filed within 15 days from the date of delivery of the decision.

The Minister's decision is final in administrative procedure and an administrative dispute may be instituted against it.

The complaint does not delay the execution of the decision.

### **IX. EXPERT MONITORING**

#### **Article 96**

The Agency performs expert monitoring of the implementation of this law and regulations adopted on the basis of the law in the part that regulates the quality of universal postal service, network access, price and accounting of universal postal service providers.

The manner and procedure of expert monitoring, as well as other issues related to expert monitoring, shall be prescribed by the Minister.

### **Article 97**

The Agency can perform expert monitoring only with the economic entities that are in the register of postal operators.

Expert monitoring on behalf of the Agency may be performed by a person authorized by the Agency.

In the process of expert monitoring, an authorized person of the Agency has the right and obligation to:

- 1) monitor the fulfillment of the prescribed quality parameters in the provision of the universal postal service, as well as the quality of provision of other postal services;
- 2) monitor the implementation of valid price lists;
- 3) monitor the implementation of network access agreements;
- 4) monitor the accounting separation of universal postal service providers.

Postal operators are obliged to provide, at the request of the Agency, all information necessary for performing expert monitoring, including information that represents the operator's business secret.

At least once a month, the Agency shall notify the Postal Services Inspector of the expert monitoring referred to in paragraph 1 of this Article, the established facts and the measures taken.

If during the expert monitoring, the Agency finds irregularities in the work of postal operators, i.e., actions contrary to the law and acts adopted on the basis of the law, it shall notify the postal inspector without delay and propose the initiation of inspection control procedure.

The Agency is obliged to act upon the request of the inspector, to carry out expert monitoring and to inform the inspector of the outcome of the monitoring.

### **Article 98**

The form of the official identification card of the Agency's authorized person and the method of issuing it shall be determined by the Agency.

The official identification card of the authorized person referred to in paragraph 1 of this Article must include: logo of the Regulatory Agency for Electronic Communications and Postal Services, name and surname of the authorized person, photograph of the authorized person, official identification number, date of issue of the identification document, the stamp of the Agency, the signature of the Director of the Agency, as well as the following text: "The holder of this official identification card has the authority in accordance with the provisions of Article 97, paragraph 3 of the Law on Postal Services".

## **X. PENALTY PROVISIONS**

### **Article 99**

A legal person shall be fined from 1,000,000 to 2,000,000 dinars for an economic offense of unauthorized provision of reserved postal services (Article 24).

For the economic offense referred to in paragraph 1 of this Article, a responsible person in a legal entity shall be fined from 100,000 to 200,000 dinars.

### **Article 100**

A legal person shall be fined from 1,000,000 to 3,000,000 dinars for an economic offense if they provide postal services without a permit (Article 63, Paragraph 1).

For the economic offense referred to in paragraph 1 of this Article, a responsible person in a legal entity shall be fined from 50,000 to 200,000 dinars.

### **Article 101**

A legal entity shall be fined from 2,000,000 to 3,000,000 dinars for an economic offense if it provides universal postal service without a special license or without a license (Article 64, paragraphs 2 and 3).

For the economic offense referred to in paragraph 1 of this Article, a responsible person in a legal entity shall be fined from 100,000 to 200,000 dinars.

### **Article 102**

A public postal operator will be fined from 100,000 to 3,000,000 dinars for economic offense if they:

1) do not separate revenues and costs generated by universal postal service from revenues and costs generated by other postal services (Article 36, paragraph 2);

2) do not separate revenues generated by reserved postal services from revenues generated by non-reserved postal services from the domain of universal postal service (Article 36, paragraph 4);

3) use revenues from reserved postal services to subsidize postal services which are not universal postal services (Article 36, paragraph 10);

4) do not allow access to the network in the manner established by this Law and regulations adopted pursuant to this Law (Article 55, Paragraph 1).

For the economic offense referred to in paragraph 1 of this Article, the responsible person in the public postal operator shall be fined from 5,000 to 200,000 dinars.

### **Article 103**

A postal operator in its legal capacity shall be fined between 50,000 and 2,000,000 dinars if it:

1) fails to comply with its general terms and conditions (Article 9, paragraph 10);

2) acts contrary to Article 15, paragraph 2 of this Law;

3) does not provide the density of access points in accordance with the needs of users (Article 19, paragraph 1);

4) uses the name "post" without authorization (Article 20);

5) provides universal postal service contrary to Article 21, paragraph 2 of this Law;

6) fails to submit to the Agency a report on its operations (Article 22, paragraph 2);

7) acts contrary to the provisions of Article 47 of this Law;

8) fails to provide postal services in accordance with the permit (Article 69, paragraphs 1 and 4);

9) issues postage stamps contrary to Article 74 paragraphs 4 and 6 of this Law;

10) fails to act on the decision of the inspector (Article 94, paragraph 1).

For the offense referred to in paragraph 1 of this Article, a responsible person in a legal entity shall be fined from 5,000 to 150,000 dinars.

For the offense referred to in paragraph 1, items 1), 2), 4), 6), 7), 8) and 10) of this Article, a postal operator in the capacity of an entrepreneur shall be fined from 10,000 to 500,000 dinars.

A postal operator with the capacity of an entrepreneur shall be fined from 10,000 to 500,000 dinars if he provides postal services without a permit (Article 63, paragraph 1).

#### **Article 104**

The postal operator shall be fined for the offense in the amount of RSD 40,000 if they act contrary to Article 9 paragraphs 3 and 8, Article 12, Article 30 paragraphs 2 and 3, Article 34 paragraphs 2 and 3, Article 39, Paragraph 3, Article 42, paragraphs 3, 5 and 7, Article 48 paragraph 1, Article 69 paragraphs 3 and 5, Articles 79 and 80 and Article 84 paragraph 3 of this Law.

For the offenses referred to in paragraph 1 of this Article, the responsible person with the postal operator shall be fined in the amount of RSD 20,000.

The sender shall be fined in the amount of RSD 20,000 if handing over to the postal operator a postal item whose contents are prohibited (Article 44, paragraph 1).

### **XI. TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 105**

The Minister shall issue by-laws on the basis of the powers prescribed by this Law within one year from the day this Law enters into force.

Until the enactment of the acts referred to in paragraph 1 of this Article, by-laws adopted on the basis of the law that ceases to be in force on the day this Law enters into force, shall apply, except for the provisions of those acts that are contrary to this Law.

#### **Article 106**

The Agency shall adopt by-laws based on the powers prescribed by this Law within one year from the day this Law enters into force.

Until the enactment of the acts referred to in paragraph 1 of this Article, by-laws adopted on the basis of the Law on Postal Services ("Official Gazette of RS", Nos. 18/05, 30/10 and 62/14) shall apply, except for the provisions of those acts that are contrary to this law.

#### **Article 107**

Permits issued up to the date this Law enters into force shall be valid until the expiry of the period for which they have been issued.

#### **Article 108**

Procedures initiated by the day this Law enters into force shall be completed in accordance with the regulations by which they were initiated.

**Article 109**

The provisions of Articles 20 and 36, paragraph 4 of this Law shall apply until the date of accession of the Republic of Serbia to the European Union.

The provisions of Article 24 of this Law shall apply until the date of accession of the Republic of Serbia to the European Union, except for the provision of paragraph 1, item 2) of this Article.

The provisions of Article 32, paragraph 3 of this Law shall also apply upon accession of the Republic of Serbia to the European Union, in the part related to the collection and/or processing and/or transport and/or delivery of documents in court, administrative and misdemeanor proceedings, as registered postal items, regardless of limits.

The provisions of Article 38 of this Law shall apply from the date of accession of the Republic of Serbia to the European Union.

**Article 110**

The Law on Postal Services ("Official Gazette of RS", Nos. 18/05, 30/10 and 62/14) shall cease to have effect on the day this Law enters into force.

**Entry into force****Article 111**

This Law shall enter into force on the eighth day after its publication in the "Official Gazette of the Republic of Serbia".