

MINISTRY OF TRANSPORT AND COMMUNICATIONS

**PROPOSAL**

AS OF AUGUST, 2001

**POSTAL SERVICES LAW**

## I. GENERAL REGULATIONS

### Article 1

1. This law regulates the conditions and the way the postal services performance in the domestic and international postal traffic, the provision of access for every customer to the adequate universal postal service throughout the territory of the Republic of Macedonia, introduction of competition in the performance of the postal services, the relationships

sender, on the item itself or on its cover. Books, catalogues, newspapers and periodicals shall not be regarded as items of correspondence;

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#### Article 4

For the development of postal services in the Republic of Macedonia, the Government of the Republic of Macedonia establishes a strategy for development of postal services, including the steps for introducing competition. In order to realize this, the Government establishes a Program for development of postal services.

The Program from the sentence 1 of this article establishes the aims of development, depending on:

- the extend to which the tariffs of PPO reflect the costs, upon performing and providing postal services;
- the development of the public postal network, and
- the principles and the determination of the Universal Postal Union policy as well as, the international obligations of the Republic of Macedonia in the field of postal services;

#### Article 5

Postal services are:

- universal postal service (reserved and non-reserved postal services); and





- x to provide the universal service at uniform rates throughout the Republic of Macedonia,
  - x to develop the network and to invest in new technology to continue to improve the services, and
  - x to respond to the technical, economical and social needs of the users.
- the prices should be objective, transparent and non-discriminatory.
- Tariffs approval is not required for postal services not being within the scope of the universal service, determined in the part 1 of this article..

#### Article 11

The Minister for transport and communications can prescribe for the PPO a special manner

#### IV. CONCESSIONS

##### Article 13

Besides, the PPO, can also carry out non-redemptive postal services within the universal postal service, by other postal operators which have a concession for that.

On the suggestion made by the Minister of transport and communications the Government of the Republic of Macedonia shall issue concessions. They may be issued to domestic and foreign legal and natural persons, based on the results of the open competition.

The concession holder shall pay a fee occurring once and an annual fee for the period of using the concession, as well as a fee for the supervision and other activities in connection with the concession. The amount of the fee occurring once shall be adequate to the amount of the costs for the supervision and for other activities.

The owner of the concession can be asked to give a guarantee for paying the fees, in the amount not higher than the amount of the fee for the concession.

The number of concessions is not restricted and the procedure upon granting the concessions





stamp in the series or face value of the commemorative card, and the date when they are put into circulation.

The Minister of transport and communications approves the program from the sentence 2 of this article.

PPO publishes the issue of postal stamps in the newspapers; it exchanges postal stamps with foreign postal operators through the Universal Postal Union, and passes agreements for selling postal stamps and other philately material on the domestic and foreign philately market.

PPO sells and exchanges international reply coupons.

- make possible and help unauthorized persons, in a non-permitted way, to find out the content of the postal item.
- The unauthorized persons from part 2 of this article are all the persons, except the sender, the addressee or the persons authorized by the sender and the addressee.

The treatment of the postal items from the ~~scope~~ 1 of this article is regulated by the General conditions for performing postal services.

#### Article 25

The sender is responsible for the inner packing of the postal item.

The sender is responsible for all damages done by his item to other postal items, postal operator facilities and transportation means, as well as for injuries or death of postal operators employees and other persons, if this occurred because that item contained objects whose transport is prohibited, because of disregarding of the special conditions for transportation of certain objects which were found in his/her postal item or because of impropriety of the wrapping of the item.

#### Article 26

The tariff for carrying out postal services shall be paid in advance, if not otherwise regulated by an agreement between the postal operator and the user of postal services.

As for the handing of court letters and letters according an administrative procedure, the special principles, referring to the handing of such letters, are in effect.

#### Article 28

If a registered postal item can not be delivered because the recipient, i.e. the person who is authorised by the recipient to receive it is not in his/her residence or in the recipient's business premises, the recipient, i.e. the authorised person is given written communication about the second delivery of that postal item and when he/she can take that postal item from the defined public postal operator network unit.

If the recipient, i.e. the authorised person is given written communication about the arrival of the postal item before the expiration of the delivery term, it is considered that the postal operator has fulfilled its obligation for that postal item delivery within the established term.

The recipient is not obliged to receive the ~~and~~ postal item, by the receipt of the written communication.

#### Article 29

Postal operators are obliged to issue the sender an acknowledgement of receipt of the registered item.

#### Article 30

The postal item, which is delivered in the ~~public~~ postal operator network unit, can be taken:

- within five days - if it is addressed to the recipient who is situated in the closer area of PPO network unit;
- within eight days - if it is addressed to the recipient who is situated in the more distant area of PPO network unit;
- within 15 days - if it is addressed to the recipient who is situated in the most distant area of PPO network unit, and
- within 30 days - if the postal item is for "post restante"

There is an exemption from the regulation of sentence 1 of this article when the parcel from abroad can be taken:

- within 15 days - if the parcel is addressed to the recipient who is situated on the closer or more distant area of public postal operator network unit; and
- within 30 days - if the parcel is addressed to the recipient who is situated on the closer or more distant area of public postal operator network unit;

If the postal item contains bees, leeches and silkworms it must be taken within 24 hours, from the moment of the arrival of the item in the postal network unit, doesn't matter if it is addressed to the recipient who is situated on the closer, more or the most distant area of PPO network unit;

The periods of time in sentence 1 and 2 of this Article are valid from the day following the day of giving the written communication for the arrival of postal item, i.e. from the day of arrival of the postal item "post restant", ~~arrival~~ of postal item about PO box in the defined PPO network unit.



- all urgent items, except the court letters and letters according an administrative procedure, as well as the notices about the arrival of such items to be put into his/her post-office box (P.O.B);
- all or certain postal items to be handed to him/her as urgent;
- money order amounts to be posted by telegraph to the new destination.

### Article 33

If a parcel, upon the request of either the sender or the addressee, is sent to another place not being denoted in the parcel address (sending a parcel through the addressee), postage for acknowledging the public postal operator network unit, which has to carry out the sending of the parcel through the addressee, is collected from the applicant of the request, while the postage for sending the parcel through the addressee - is collected from the addressee against the handing of the parcel.

For a parcel which will be re-~~delivered~~ to the tiri1tret.8i

For addressees whose place of residence are not situated within densely populated areas or has a distance of more than 200 m. away from public usable streets, postal items are delivered by the use of postal boxes placed and maintained by PPO.

The location for placing postal boxes is determined by the local self-government, on suggestion of PPO.

#### Article 36

The investors of the residential buildings in public ownership and the owners of residential buildings that is flats are obliged to place boxes for postal items delivery at the entrance of the residential building or in the yard. Those boxes have to be maintained by the owners of the residential building or the flat.

If this is not provided, the postal operator may exclude the sender from the deliverance, sending him a written announcement to fulfill the conditions from the sentence 1 of this article.

#### Article 37

The postal item which cannot be delivered to the recipient, or sent back to the sender (undeliverable postal item), will be checked by commission from the postal operator, and if there is a need, the commission will open it in order to establish the recipient's or sender's address.

If the postal item can not be delivered to the recipient or send back to the sender, even in the case of the inspection made by the commission, according to item 1 of this Article, the postal operator will:

- destroy immediately the ordinary item of correspondence (letter, postal card, printed matter etc.) which contains only written communications, in the presence of a commission;
- the other postal items will be kept for a period of one year, from the date of the inspection made by the commission.

The public postal operator will keep undeliverable postal money order for a period of three years, from the date when it has been proclaimed undeliverable.

#### Article 38

Upon the inspection of the undeliverable postal item if it is established that the item's contents is perishable, with an exception from the regulation of article 37, sentence 2, item 2 of this law, the postal operator will perform a public sale of the part from that item that is perishable on behalf of the sender, and according to the procedure established in the general conditions for operating postal services.



If the value of the postal item is small compared with the costs about the public sale, or if there is a danger that the item's contents will be spoiled or has been already spoiled, this item can be sold by the postal operator without public sale.

If the postal item sale, according to the regulations from sentence 1 and 2 of this Article is not possible, the postal operator will destroy that postal item in the presence of the commission.

#### Article 39

If an undeliverable postal item is not required within the term established in the article 37, sentence 2, item 2 from this law, the postal operator will disclose this postal item's contents to the public sale - if it has a circulation value, and if it does not have a circulation value postal operator will destroy the postal item.

regulations from the article 41 to the article 47 of this law if the postal item is lost, or if the transfer and delivery term is exceeded.

If the signs of damage can be noticed from the outside, the recipient, or the other authorised person can immediately, upon the delivery, make a complaint to the postal operator about a damage or reducing the postal item contents. If the signs of the damage can not be noticed from the outside, the recipient can make a complaint within three days from the date of postal item receipt.

In the case of visible signs of damage from the outside, the recipient or the other authorised person can also make a complaint to the postal operator within 24 hours from the moment of postal item receipt, if there are justified reasons that he/she was not able to make a complaint upon the postal item delivery.

If the sender or the other authorised person does not submit a complaint within the term set in the sentence 5 and 6 from this article, he/she loses the rights that belong to him/her, according to the regulations from the article 41 to the article 47 of this law, in the cases when the postal item is damaged or its contents is reduced.

If upon the delivery of a booked postal item to the recipient, or to other authorised person is found that its weight is the same as the weight upon its giving for transfer, that there are not any visible signs of damage on it and that the seals and other wrapping materials on it are not damaged it is supposed that the same postal item is undamaged, according to the regulations of this law.

Postal operators have to investigate the cases mentioned in this article and all other cases of complaints of users in a sufficient manner and in a reasonable period of time, established by this law.

If not regulated otherwise by this law, or by other law, for all complaints related to contracts concerning the conveyance of postal items between users and postal operators, the regulations of obligatory law will be used.

## VII. RESPONSIBILITY OF THE POSTAL OPERATORS

### Article 41

In the cases of lost or damage of the registered postal item, reduction of its content or exceeding the term for its transfer and delivery, the postal operators are responsible according to the regulations by this law.

Postal operators shall be free from responsibility if they prove that lost or damage of the registered postal item, reduction of its content or exceeding the term for its transfer and delivery are result of reasons outside and it was impossible to predict, avoid or remove these reasons, because of the nature of the content of the registered postal item or by guilt of the sender.

In the international postal traffic postal operators are responsible according to the international laws.

### Article 42

In the case of lost or total damage of the content of the recommended postal item, or exceeding the term for its transfer and delivery, postal operator are obliged to pay to the sender or to some other authorized person for:

1. lost or total damage of the content of the recommended postal item - ten times of the amount paid for postage for transfer of that item;
2. for lost or total damage of the content of an urgent recommended postal item - twenty times of the amount paid for postage for transfer of that item;
3. for exceeding the term for transfer and delivery of the registered postal item - five times of the amount paid for postage, i.e. of the tariff paid for transfer of that item;
4. for exceeding the term for transfer and delivery of very urgent parcel - ten times of the amount paid for postage, i.e. of tariff paid for transfer of that item;

#### Article 43

If the sender or some other authorized person prove that in the case of lost or total damage of the content of the registered postal item, or exceeding the term for its transfer and delivery he/she suffered the damage bigger than the amount which postal operators are obliged to pay for, according to the regulations from the article 42 of this law, the postal operators are obliged to pay for the proven damage, but maximum the double amount of the established one in the article 42 of this law.

#### Article 44

In the case of partly damage or reduction of the content of the recommended postal item, the postal operators are obliged to compensate the damage to the sender or to other authorized person for:

1. partly damage or reduction of the content of the recommended postal item - at most ten times of the amount paid for postage for transfer of that item;
2. partly damage or reduction of the content of an urgent recommended postal item - at most twenty times of the amount paid for postage for transfer of that item;

#### Article 45

In the case of lost, damage or reduction of the content of a parcel with declared value, i.e. insured letter, the postal operators are obliged to compensate the damage to the sender or to other authorized person at most of the previously determined value of the parcel, i.e. of the insured letter.

or with reduced content, the postal operators are obliged to compensate the damage to the sender or to the authorized person, in compliance with the regulations from the article 42 of this law and sentence 3 of this article.

#### Article 46

In the case of lost or damage of a parcel, that is an insured letter, as well as lost or incorrect payment of postal money order, postal operators are obliged to compensate to the sender or to other authorized person, besides the amount from article 42, i.e. the article 44 of this law, the paid postage for transfer of the parcel, insured letter or postal money order. The paid postage for the previously determined value of the parcel, i.e. insured letters, is not returned..

#### Article 47

If, besides exceeding the term for transfer and delivery of registered postal item, there is a partly damage or reduce of the content of the item, the postal operators are not obliged to compensate larger total amount for the damage, the amount for the lost of that item is.

### VIII. REALIZATION OF CLAIMS

#### Article 48

The user of postal services, within 6 months from the date of the delivering of the postal item, may realize the claim by submitting to the postal operators a written demand for compensation of damage or other claims in connection with carrying out postal services, according to the general conditions for carrying out postal services.

If within 30 days, following the day of submission of the claim for compensation of damage from sentence 1 of this article, the postal operators do not respond to the claim, the user of the postal services has the right to lodge complaint to the court in charge.

The postal operators are obliged to pay to the user of postal service, or to a person authorized by him, a default interest, commencing from the day of submitting a demand according to the sentence 1 of this article.

#### Article 49

If the lost postal item or a part of that item is found after the payment of the amount, according to the article 42 of this law, after the compensation of the damage, the postal operators are obliged to inform about that the sender, or the authorized person to whom the amount, or the compensation of damage is paid.

According to the sentence 1 of this article, the sender or the authorized person may ask to receive the found postal item, or a part of that item, if he/she returns the amount of money

paid to him, within 15 days following the day he/she received the information that the lost item, or a part of that item is found.

If the sender, or the other authorized person does not submit a demand for receiving the found postal item, or a part of that item within the term regulated in the sentence 2 of this article, the postal operators got a right to possess the found postal item, or a part of that item.

## IX EXPIRATION OF CLAIMS

### Article 50

The claims by the postal operators towards the users of postal services and vice versa because of less or more paid tariff for postal services or other costs, as well as other claims expired for one year, if not regulated otherwise by another law.

### Article 51

The expiration is commenced from:

1. the day of payment - in the case of claims for less or more paid amount of the price for postal services or other costs;
2. 15 days after the expiration of the date for transfer and delivery of the postal item - in the case of claims for cash on delivery postal items;
3. the day of handing the postal item - in the case of claims for partly lost or damage, i.e. reduce of the content of the registered postal item or exceeding the term for transfer and handing the postal item;
4. 30 days after the expiration of the term for transfer of the postal item - in the case of claims for lost of registered postal item;
5. the expiration of the term for carrying out the postal service - in all other cases

### Article 52

The expiration is stopped when the demand for payment is delivered to the postal operators in a written form and is continued when a written answer to the demand, together with the enclosures delivered previously with the demand, is delivered to the user of the postal service and to other authorized person.

The expiration can not commence, in any case, before the expiration of 30 days following the day of receipt of the postal operator's answer to the demand.

The expiration can not be stoppe.5(i)4.89Pyayoi



#### Article 57

If the inspector for postal traffic finds ~~out~~ a violation of the regulations for rights and obligations during the provision of postal services, according to the regulations of this law





### XIII. TRANSITIVE AND FINAL REGULATIONS

#### Article 65

#### Article 66

The Public enterprise for postal traffic "Makedonska posta" continues to perform operations as a public postal operator, under the conditions and way determined by this law.

#### Article 67

Regulations and other ordinances established by this law shall be passed within one year following the day this law enters into force.

Until the regulations from sentence 1 of this article are passed, regulations, which were valid till the day when this law entered into force, have to be applied.

#### Article 68

On the day this law enters into force, the following regulations shall be out of use:

- the law of link systems for radio, postal, telegraph and telephone traffic ("Official Register of SRM No.14/79,26/80 and 10/90 and "Official Register of RM" No.62/93) from the part for the postal traffic;
- the law of postal, telegraph and telephone services ("Official Register of SFRJ" No.2/86 and 26/0).

#### Article 69

This law shall enter into force on the eighth day following the day when it is published in the "Official Register of the Republic of Macedonia".