

Decrees, orders, circulars

GENERAL TEXTS

MINISTRY OF THE ECONOMY, FINANCE AND INDUSTRY

INDUSTRY

Decree No. 2007-310 of 5 March 2007 on the national postal fund for geographical equalisation

NOR: *INDI0630189D*

The Prime Minister,

Acting upon a report from the Minister of the Economy, Finance and Industry and the Minister Delegate for Industry,

Having regard to the amended Law No. 90-568 of 2 July 1990 on the organisation of the public postal service ensured by *La Poste* and on *France Télécom*, *inter alia* Articles 6 and 38 thereof;

Having regard to the amended Law No. 95-115 of 4 February 1995 on guidelines for spatial planning and development;

Having regard to Ordinance No. 2004-503 of 7 June 2004 transposing the Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings;

Having regard to Decree No. 2006-1239 of 11 October 2006 on the contribution of *La Poste* to spatial planning;

Having regard to the opinion of the High Commission for the Public Service of Postal and Electronic Communications (*Commission supérieure du service public des postes et des communications électroniques*) of 11 October 2006;

Having regard to opinion No. 2006-1022 of the Post and Electronic Communications Regulatory Authority (*Autorité de régulation des communications électroniques et des postes*) of 12 October 2006;

Having regard to the opinion of the Board of Directors of *La Poste* dated 5 October 2006,

Hereby decrees as follows:

Article 1 - The national postal fund for geographical equalisation, as defined in subsection II of Article 6 of above-mentioned Law No. 90-568 of 2 July 1990 on the organisation of the public postal service ensured by *La Poste* and on *France Télécom*, shall contribute to the funding of the geographical networking as set up under the terms contemplated by the Decree of 11 October 2006 on the contribution of *La Poste* to spatial planning, also referred to above.

Article 2 - The national postal fund for geographical equalisation is recorded under income in the special account for the contribution of *La Poste* to spatial planning, in application of the Ordinance of 7 June 2004 mentioned above.

Article 3 - Within six months as from the publication of this decree, *La Poste* will propose a multi-annual postal coverage contract. This contract will be signed between *La Poste*, the most representative national mayors' association and the State, represented by the Minister for Post and the Minister for Spatial planning.

The draft contract will, prior to signature, be submitted to the High Commission for the Public Service of Postal and Electronic Communications for its opinion.

Article 4 - The multi-annual postal coverage contract shall set out the guidelines for the management of the national postal fund for geographical equalisation provided for in Articles 1 and 2, for the term of validity of said contract contemplated in Article 5.

The contract:

- shall make a record of the development of the resources of the national postal fund for geographical equalisation, *inter alia* the fund's resources resulting from the reduction in local taxation to which *La Poste* is entitled under Article 21 of the above-mentioned Law of 2 July 1990, and shall establish an estimate of the fund's resources over the term of validity of the contract;

- shall specify the terms of calculation of the *département's* allocation of the national postal fund for geographical equalisation taking in particular into account the population of the *département* or its surface area, the existence of mountain areas, rural regeneration areas and sensitive urban areas in the *département*;

- shall specify the mark-up factors in respect of apportionment of the *département's* allocation of the fund, according to the presence of contact points with the public, located in rural regeneration areas, in sensitive urban areas or within a *commune* having entered into a territorial postal coverage agreement with one or more other *communes*, as applicable, within the framework of a public establishment for cooperation between *communes*;

- shall determine the content of information to be provided by *La Poste* to the postal coverage committees of the *département*.

Article 5 - The multi-annual postal coverage contract, which is concluded for a renewable three year period, can be completed or amended by means of addendums between the parties.

Six months prior to the expiry of the three year period, *La Poste* shall propose a new contract for a new three year period under the same terms contemplated under Article 3.

Failing an agreement within said six month period, the contract will be tacitly renewed by for one year periods.

Article 6 - *La Poste* shall establish on an annual basis a balance sheet applying to the management of the national postal fund for geographical equalisation and shall transmit such balance sheet to the Minister for Post and the Minister for Spatial Planning, to the chairman of the High Commission for the Public Service of Postal and Electronic Communications and to the chairman of the most representative national mayors' association.

Article 7 - The Ministre d'État, Minister of the Interior and Spatial Planning, the Minister of the Economy, Finance and Industry, the Minister Delegate for Industry and the Minister Delegate for Spatial Planning, shall be in charge, each to the extent they are concerned, of the enforcement of this Decree, which shall be published in the Official Journal of the French Republic (*Journal officiel de la République française*).

Done at Paris on 5 March 2007.

By the Prime Minister :

Dominique de Villepin

The Minister Delegate for Industry,

François Loos

The Ministre d'État,

Minister of the Interior

and Spatial Planning,

Nicolas Sarkozy

The Minister of the Economy,

Finance and Industry,

Thierry Breton

*The Minister Delegate for Spatial
Planning,*

Christian Estrosi

