

Decrees, orders, circulars

GENERAL TEXTS

MINISTRY OF THE ECONOMY, FINANCE AND INDUSTRY

INDUSTRY

Decree No. 2006-1020 of 11 August 2006 implementing Articles L. 7 and L. 8 of the Post and Electronic Communications Code and relating to the scheme of liability applicable to postal service providers

NOR: *INDI0608018D*

The Prime Minister,

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

Having regard to Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service, amended by Directive 2002/39/EC of the European Parliament and of the Council of 10 June 2002;

Having regard to the Post and Electronic Communications Code, in particular Articles L. 7 and L. 8;

Having regard to the amended Law No. 90-568 of 2 July 1990 on the public service organisation of La Poste and France Télécom, in particular Section 26;

Having regard to the opinion of the Postal Services and Electronic Communications Regulatory Authority dated 25 April 2006;

Having regard to the opinion of the Commission for the Public Service of Postal and Electronic Communications dated 10 May 2006;

Having heard the *Conseil d'Etat* (Public Works Division),

Decrees:

Article 1 – In Book I of the second part of the Post and Electronic Communications Code (*Conseil d'Etat* decrees), a Title II shall be created, worded as follows:

“TITLE II

“SCHEME OF LIABILITY APPLICABLE TO POSTAL SERVICE PROVIDERS

“*Article R. 2-1* – The compensation payable by postal service providers pursuant to Article L. 7 for loss of or damage to postal items, other than parcels, that have been consigned to them, shall not exceed:

“1) For ordinary items: twice the postage rate;

“2) For items subject, at the sender’s request, to a tracking procedure between their consignment to the provider’s network and their delivery: three times the postage rate;

“3) For items covered by formalities certifying their consignment and delivery, in accordance with procedures laid down by the Minister for Postal Services: €16;

“4) For insured items: the value declared.

“*Article R. 2-2* – The compensation payable by postal service providers pursuant to Article L. 7 for loss of or damage to postal parcels consigned to them shall not exceed €23 per kilogram gross weight of the damaged or undelivered goods, the gross weight being understood to mean the weight of the goods plus their packing.

“*Article R. 2-3* – A postal item shall be deemed lost if it has not been delivered to its addressee within forty days of its date of consignment to the provider’s network.

“*Article R. 2-4* – The compensation payable by postal service providers pursuant to Article L. 8 on account of delay in delivering a postal item consigned to them shall not exceed the postage rate of that item.

“*Article R. 2-5* – The compensation rules laid down in this title shall apply in the absence of more favourable provisions under the terms and conditions of sale or under the contracts signed between providers and senders.”

Article 2 – The Minister of the Economy, Finance and Industry and the Minister Delegate for Industry shall be responsible with respect to their own spheres for the enforcement of this decree, which shall be published in the *Journal officiel de la République française*.

Done at Paris, 11 August 2006.

By the Prime Minister:
DOMINIQUE DE VILLEPIN

*Minister of the Economy,
Finance and Industry,*
THIERRY BRETON

Minister Delegate for Industry,
FRANÇOIS LOOS