

Decrees, orders, circulars

GENERAL TEXTS

MINISTRY OF THE ECONOMY, FINANCE AND INDUSTRY

INDUSTRY

Order of 4 May 2007 enacted in application of Article L 9 of the Post and Electronic Communications Code and setting out the terms and conditions of information for users of postal services

NOR: *INDI0753030A*

The Minister of the Economy, Finance and Industry and the Minister Delegate for Industry,

Having regard to the Post and Electronic Communications Code, *inter alia* Article L. 9 thereof,

Having regard to the Consumer Code, *inter alia* Articles L 111-1, L 111-3 and L 113-3 thereof;

Having regard to Decree No. 2006-1020 of 11 August 2006 enacted for the application of Articles L 7 and L 8 of the Post and Electronic Communications Code and related to the liability regime applicable to postal service providers;

Having regard to the amended Order of 3 December 1987 on consumer information on prices, enacted in application of Article L 113-3 of the Consumer Code.

Having regard to opinion number 2007-0194 of the Post and Electronic Communications Regulatory Authority (*Autorité de régulation des communications électroniques et des postes*) of 13 March 2007,

Having heard the National Consumer Council (*Conseil national de la consommation*),

Hereby order as follows:

Article 1 - The provisions contemplated under this Order apply to all postal services regardless of the information process or medium employed.

Article 2 - The items of information intended for the users of postal services, contemplated in Article L 9 of the Post and Electronic Communications Code regarding:

- tariffs;
- any limitations of contractual liability;
- the one-year period during which complaints are admissible;

- and the general and specific terms of sale; the latter to include the essential characteristics of the service and *inter alia* the possible levels of warranty,

must be visible, legible, clear and precise.

Article 3 - Information regarding tariffs of national and cross-border postal products and services must state the total amount inclusive of tax which will effectively have to be paid by the postal service user, expressed in euros.

Postal service providers must comply with the requirements set out in the above-mentioned Order of 3 December 1987.

Article 4 - The items of information regarding:

- any limitations of the contractual liability of postal service providers;
- and regarding the one-year period during which consumer complaints are admissible,

must be clearly distinguished on the medium used, by means of bold type in larger font than that used for other sections.

Article 5 - Each postal service provider shall include in a single document the general and specific terms of sale for each of its postal services. This document, to be made available to users of postal services, shall compile *inter alia* the items of information referred to in Article 2.

Article 6 - The items of information referred to in Article 2, as well as those related to the essential characteristics of postal services, *inter alia* the nature of the services provided, the time limit for performance of the service, the terms of complaint and of compensation, can not be the subject of any footnotes which limit the legibility of information.

Other items of information susceptible to be clarified via footnotes are indicated in a legible and clearly identifiable manner.

Article 7 - The director general of the General Business Directorate (*directeur général des Entreprises*) and the director general of the General Directorate for Competition, Consumer Affairs and Fraud control (*directeur général de la concurrence, de la consommation et de la répression des fraudes*) are in charge, each to the extent they are concerned, of the enforcement of this Order, which shall be published in the Official Journal of the French Republic (*Journal officiel de la République française*).

Done at Paris on 4 May 2007.

The Minister Delegate for Industry,
François Loos

The Minister of the Economy,
Finance and Industry,
Thierry Breton