

Decrees, orders, circulars

GENERAL TEXTS

MINISTRY OF THE ECONOMY, FINANCE AND INDUSTRY

INDUSTRY

Order of 7 February 2007 enacted in application of Article R 2-1 of the Post and Electronic Communications Code and setting out the terms and conditions for the posting and delivery of postal shipments

NOR: *INDI0750083A*

The Minister Delegate for Industry,

Having regard to the Post and Electronic Communications Code, *inter alia* Articles L 7 and L 8 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 opinion No. 2006-1062 of the Post and Electronic Communications Regulatory Authority (*Autorité de régulation des communications électroniques et des postes*) of 24 October 2006,

Hereby orders as follows:

Article 1 - In application of Article R 2-1 of the above-mentioned Post and Electronic Communications Code, the terms characterising postal shipments which are the subject of formalities intended to certify the posting and delivery thereof, must satisfy the requirements set out in Article 2 *et seq.* of this Order.

Article 2 - When posting a postal shipment subject to formalities intended to certify the posting and delivery thereof, the sender must indicate in legible print:

- his/her surname and first name or company name, as well as his/her/its address;
- the surname and first name or company name of the addressee, as well as his/her/its address.

The service provider must indicate:

- the date of posting or collection, the level of warranty, the tracking number of the shipment and the price paid by the sender.

Article 3 - Proof of posting mentioning the information indicated in Article 2 shall be handed over or sent back to the sender according to the terms set out in the general terms of sale. Such proof of posting must enable the identification of the postal service provider concerned, by indication of its name or company name, of its company address, of its logo, of its phone number, and possibly of its email address and of the location and address of posting or collection. Such proof of posting shall include, as the case may be, the name of the subcontractor in charge of the delivery.

Article 4 - Proof of delivery must include the information contemplated under Articles 2 and 3, as well as:

- the surname and first name of the person having accepted the shipment and his/her signature (the addressee or his/her representative);

- the document establishing his/her identity;

- the delivery date;

- the shipment tracking number.

Article 5 - In the event of absence of the addressee, at the address indicated by the sender, when the employee in charge of delivery comes by, the provider will inform the addressee that the postal shipment is retained for a period of fifteen days as from the day after the postal shipment was presented at his/her domicile and will indicate where this shipment can be picked up.

When the shipment retained is picked up by the addressee, the employee shall record the following information on the proof of delivery certificate:

- the surname and first name of the person having accepted the shipment and his/her signature (the addressee or his/her representative);

- the document establishing his/her identity ;

- the date at which the shipment was presented;

- the delivery date;

- the shipment tracking number.

The terms of information of the addressee are set out in the general terms of sale, as well as those related to the returning of shipments to sender, in the event of non delivery.

Article 6 - A copy of proof of delivery must be kept by the postal service provider for a period of one year as from the date of delivery. During this period, this document may be communicated to the sender and the addressee, at their request, after verification of their identity.

Article 7 - At the request of the sender, and in consideration for a remuneration of this additional service as provided for in the general terms of sale, the service provider can establish a delivery confirmation certifying the delivery of the shipment. Such confirmation will be returned to the sender and will include the following information:

- the surname and first name of the person who accepted the shipment and his/her signature (the addressee or his/her representative);
- the document establishing his/her identity;
- the date at which the shipment was presented, if it has been retained;
- the delivery date;
- the shipment tracking number;
- identification of the service provider having carried out the delivery, if different from the service provider with whom the shipment was posted.

Article 8 - The director general of the General Business Directorate (*directeur général des Entreprises*) is in charge 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 7 February 2007.

François Loos