

Decrees, orders, circulars

GENERAL TEXTS

MINISTRY OF THE ECONOMY, FINANCE AND INDUSTRY

INDUSTRY

Order of 3 May 2006 implementing Article R. 1-2-6 of the Post and Electronic Communications Code relating to the obligations of licensed postal service providers

NOR: INDI0607200A

The Minister of the Economy, Finance and Industry and the Minister Delegate for Industry,
Having regard to the Post and Electronic Communications Code, in particular Articles L. 3 and L. 5-1;
Having regard to Decree No. 2006-507 of 3 May 2006 on regulation of postal activities, amending the Post and Electronic Communications Code;
Having regard to Decision No. 2006-0333 of the Postal Services and Electronic Communications Regulatory Authority dated 16 March 2006,

Order:

Article 1 – Pursuant to Article R. 1-2-6 of the above-mentioned Post and Electronic Communications Code, holders of licences issued under Article L. 3 of this Code must comply with the general obligations specified below.

TITLE I

GENERAL PROVISIONS

Article 2. – The provider shall establish and make available to the Postal Services and Electronic Communications Regulatory Authority:

- Identification rules for employees involved in delivery of items of correspondence. They shall carry a business card with a photograph, indicating the holder's surname, forename and position together with the licensed provider's trading name, address and any logo. They shall also carry an identifier denoting the provider;
- Organisational rules for its activities and the conditions governing their supervision. These rules shall be covered by written procedures or, at the very least, outline descriptions. They must also enable rounds to be tracked and the employees who went on them to be identified.

The provider shall furnish adequate guarantees regarding its ability to handle items of correspondence if it goes into receivership or is wound up by court order by providing for measures to deal with such a contingency. They shall enable items of correspondence to be conveyed and delivered or else returned to

the sender. The licence holder shall place an outline of these measures at the disposal of the Postal Services and Electronic Communications Regulatory Authority.

The provider shall employ the resources necessary to secure and protect its premises, in particular storage areas for items of correspondence.

The provider shall make available to users and the Postal Services and Electronic Communications Regulatory Authority, at their request, a presentation of the services on offer, including terms and conditions and tariff provisions.

The provider shall ensure that its employees comply with steps taken pursuant to Article L. 5-10 of the Post and Electronic Communications Code regarding delivery of items of correspondence covered by the licence provided for in Article L. 3 of the Code.

Article 3 – The provider shall take the necessary measures to guarantee the inviolability of mail.

The provider shall notify its staff, in particular employees assigned to the handling of items, of the obligations and penalties that they incur under the Penal Code, and especially under Articles 226-13, 226-15 and 432-9 relating to the inviolability of mail.

The provider shall take the necessary measures to ensure the integrity of the contents of items during handling. In addition, it shall ensure effective protection, inside and outside its premises, against risks of damage to or theft of items.

The provider shall lay down management rules for the handling of items of correspondence. These rules shall:

- be in writing;
- guarantee the reliability and quality of the postal service provided. They shall include, depending on the nature of the licensed service, systems for detecting, measuring and correcting any failures noted;
- provide for handling of undelivered or misdelivered items of correspondence;
- make it possible to identify the provider handling items of correspondence by means of marking of the articles handled or by any other equivalent procedure. The marks ordinarily used shall be communicated to the Postal Services and Electronic Communications Regulatory Authority at its request. These marks shall be sufficiently clear to identify the providers using them.

Article 4 – Pursuant to Article L. 5-1, paragraph 3, of the Post and Electronic Communications Code, the provider shall place its complaint handling procedures at the disposal of users and the Postal Services and Electronic Communications Regulatory Authority.

These procedures shall:

- be easy to use, simple and free;
- be in writing and provided on request;
- supply the details of the department responsible for handling complaints;
- include mention of response times.

The provider shall make sure that these procedures are implemented. The provider shall periodically produce reports on the handling of complaints, to be made available to the Postal Services and Electronic Communications Regulatory Authority at its request.

Article 5 – The provider shall notify its staff of the obligations and penalties that they incur under the Penal Code relating to protection of personal data and protection of privacy.

The provider shall take appropriate steps to ensure the protection, integrity and confidentiality of the personal data that it holds and processes.

Article 6 – The provider shall ensure that the technical requirements of its services are environment-friendly.

Article 7 – If the provider makes use of subcontractors or agents, it shall, in its contractual relations with the latter, ensure compliance with the obligations of the present order.

TITLE II

SPECIAL PROVISIONS RELATING TO OUTGOING CROSS-BORDER CORRESPONDENCE

Article 8 – The provisions of this title shall apply to providers carrying on or contracting out the following activities:

- Collection of items of correspondence from the sender, on French territory;
- Sorting by country;
- Organisation and use of international transport;
- Delivery of items of correspondence to be delivered to a provider in the country of destination.

For the purposes of this order, French territory shall mean metropolitan France, the overseas *départements* and the territorial communities of Mayotte and of Saint Pierre and Miquelon.

Article 9 – Providers not established on French territory and contracting with users established on French territory must hold a licence for outgoing cross-border items of correspondence.

In accordance with the fourth paragraph of Article 2, every item of correspondence must bear a marking that identifies the provider handling the postal items. For outgoing cross-border items of correspondence, this marking may be that of the licensed provider or that of the provider with which the licensed provider has operational relations. Should the need arise, the licensed provider must be able to ascertain the route of an item purely on the basis of its marking.

The marks ordinarily used shall be notified to the Postal Services and Electronic Communications Regulatory Authority.

Article 10 – This order shall be published in the *Journal officiel de la République française*.

Done at Paris, 3 May 2006.

Minister Delegate for Industry,
FRANÇOIS LOOS

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