

PRESENTATION OF LAW NO. 2010-123 OF 9 FEBRUARY 2010 ON THE PUBLIC UNDERTAKING LA POSTE AND POSTAL ACTIVITIES

The Law of 9 February 2010 on the public undertaking La Poste and postal activities gives La Poste a new status and opens up all the postal markets to competition on 1 January 2011 as part of the transposition of Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services. The law gives details concerning La Poste's contribution to national spatial planning and development.

A new status in order to respond to new strategic issues

La Poste's current status of a public establishment of an industrial and commercial nature ("EPIC") no longer allowed it to continue its modernisation policy, which is vital in order to maintain an exemplary quality of public service and to position itself with respect to innovative and growth activities.

The law converts La Poste into a *société anonyme* as from 1 March 2010. The share capital is held by the State and by other legal persons governed by public law, with the exception of the percentage that may be held in respect of employee shareholding under the conditions laid down by law.

The law also reiterates the four public service missions entrusted to the operator:

- **Universal postal service**, for which the requirements under French law go above and beyond those laid down by the European directive: quality of service, collection and distribution of mail (6 days out of 7), affordable prices and accessibility to postal services throughout the country.
- **La Poste's contribution to national spatial planning and development**, which responds to a lofty ambition in terms of postal presence throughout the country, in particular in less-populated areas.
- **Transport and distribution of the press**, which allows press publishers to benefit from prices that are more favourable than universal service prices, with a quality of service that is adapted to their requirements.
- **Banking accessibility**, which ensures that all persons who so request can open a "livret A" giro savings account with La Banque Postale and benefit from free, basic services.

The law also provides guarantees to La Poste personnel – civil servants and private sector staff under contract – who retain their status and all related rights.

The law reinforces La Poste's spatial planning mission

- **It confirms the validity of the current size of the postal network**, by providing that it must have at least 17,000 points of contact at national level. This has no impact on the agreements related to current and future local postal agencies and post houses.
- **It includes reinforced provisions concerning the opening times for points of contact.** The conditions for managing the opening hours of points of contact will from

now on be determined in the territorial postal presence contract entered into between the State, the association of French mayors and La Poste.

The law transposes the Directive of 20 February 2008, which opens up all the postal markets to competition on 1 January 2011.

This opening up to competition will be implemented without calling into question the *acquis* of previous directives. The law that enters into effect on 1 January 2011 contains the following provisions on this part:

- **designates La Poste as the universal service provider** for a period of 15 years.
- **reinforces the powers of the Regulatory Authority** vis-à-vis the universal service provider, which:
 - must be informed of the universal service provider's service prices before they enter into effect; issues a public opinion and can decide to amend or suspend these planned prices if the Authority sees that the price principles that apply to the universal service are clearly breached.
 - has all the information required to ensure that it can control the proper performance of the universal service obligations.
 - ensures the publicity and reliability of the quality measures applied to services.
- **also reinforces consumer rights:**
 - all postal service providers that operate within the scope of the universal service will be required, as will the universal service provider, to implement simple, transparent, free procedures to handle claims.
 - claims by users of the postal services that could not be satisfied within the scope of the procedures implemented by the service providers, may be submitted to the Regulatory Authority.
- **increases the term of the authorisation** issued by the Regulatory Authority to postal service providers for correspondence mail items from 10 to 15 years.
- **the obligations of postal service providers that operate within the scope of universal service are reinforced**, in particular those concerning compliance with legal obligations in the areas of labour law and social security law.