

# Decrees, orders, circulars

## GENERAL TEXTS

### MINISTRY OF THE ECONOMY, FINANCE AND INDUSTRY

#### INDUSTRY

#### **Decree No. 2007-29 of 5 January 2007 on the universal postal service and the rights and obligations of La Poste and amending the Post and Electronic Communications Code**

NOR: *INDI0609109D*

The Prime Minister,

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

Having regard to Directive 2002/39/EC of 10 June 2002 amending Directive 97/67/EC with regard to the further opening to competition of Community postal services;

Having regard to the Post and Electronic Communications Code;

Having regard to the Defence Code;

Having regard to the amended Law No. 90-568 of 2 July 1990 on the public service organisation of postal services and telecommunications;

Having regard to the amended Decree No. 90-1111 of 12 December 1990 on the status of La Poste;

Having regard to the opinion of the Postal Services and Electronic Communications Regulatory Authority dated 28 February 2006;

Having regard to the opinion of the Commission for the Public Service of Postal and Electronic Communications dated 7 March 2006;

Having regard to the proceedings of the Board of Directors of La Poste on 9 March 2006;

Having regard to the opinion of the National Joint Technical Committee of La Poste dated 20 March 2006;

Having regard to the opinion of the Mayotte Territorial Council dated 26 June 2006;

Having regard to the opinion of the Guiana Departmental Council dated 17 July 2006;

Having regard to the opinion of the Réunion Regional Council dated 27 July 2006;

Having regard to the referral to the Guiana Regional Council dated 31 May 2006;  
Having regard to the referral to the Saint Pierre and Miquelon Territorial Council dated 31 May 2006;  
Having regard to the referral to the Martinique Regional Council dated 1 June 2006;  
Having regard to the referral to the Réunion Departmental Council dated 7 June 2006;  
Having regard to the referral to the Guadeloupe Regional Council dated 4 July 2006;  
Having heard the *Conseil d'Etat* (Public Works Division),

Decrees:

**Article 1 – I.** – The heading of Book I, Title I of Part Two (*Conseil d'Etat* decrees) of the Post and Electronic Communications Code shall be replaced by the following heading: “General provisions”.

II. – Book I, Title I, Chapter 1 of Part Two (*Conseil d'Etat* decrees) of the Post and Electronic Communications Code shall be replaced by the following provisions:

“CHAPTER I

“*The universal postal service  
and postal service obligations*

“Section 1

“*Nature of the universal service*

“*Article R. 1.* – The universal postal service shall cover provision of domestic and cross-border postal services for the following:

“*a)* Items of correspondence weighing up to 2 kg, including:

“1) Ordinary individual and bulk mail, where individual domestic mail shall include both priority and non-priority items;

“2) Registered items with or without acknowledgement of receipt;

“*b)* Newspapers and periodicals weighing up to 2 kg;

“*c)* Catalogues and other printed matter weighing up to 2 kg;

“*d)* Postal packages weighing up to 20 kg, sent singly to the public as ordinary or registered items and excluding postal services provided to businesses under contracts covering multiple items;

“*e)* Insured items of a value below the limit determined by a decree of the Minister for Postal Services;

“*f)* Redirection of the postal items referred to in this article;

“*g)* Literature for the blind in the form of ordinary or registered items, free of charge subject to the conditions laid down by an order of the Minister for Postal Services.

“Priority items covered by the universal postal service shall be delivered on the next working day following the date of posting.

“Bulk mail services shall apply to simultaneous posting of a number of similar items, or items classified in the same category, above a figure determined by the Minister for Postal Services.

“*Article R. 1-1.* – The services covered by the universal postal service shall be provided permanently to all users throughout metropolitan France, in the overseas *départements*, in Mayotte and in Saint Pierre and Miquelon.

“The services covered by the universal service shall be within reach of users.

“In particular, post-office branches providing public access to services covered by the universal service, other than bulk mail, and to information about these services must be so located that at least 99% of the national population and at least 95% of the population of each *département* is less than

10 kilometres from a post-office branch and all communes with over 10,000 inhabitants have at least one post-office branch per 20,000 inhabitants.

“*Article R. 1-1-1.* – Postal items covered by the universal service shall, except in special circumstances, be collected and delivered on every working day.

“When the transport infrastructure or geographical features of certain areas preclude proper fulfilment of the obligations laid down in the first paragraph, the universal service provider shall draw up a special management plan in order to provide the service on the best terms. It shall forward this plan to the Minister for Postal Services, who has the power to object to it through a reasoned decision notified within two months of receipt of the plan. In the absence of such an objection, the universal service provider shall communicate the plan to the Postal Services and Electronic Communications Regulatory Authority.

“The posting and delivery of insured items may be subject to special conditions necessitated by the regulations applying to cash and valuables in transit and by the security requirements relating both to users and to the persons and facilities involved in providing the services. The corresponding amendments and the reasons for them shall be communicated by the universal service provider to the Minister for Postal Services and the Postal Services and Electronic Communications Regulatory Authority.

“*Article R. 1-1-2.* – Postal items shall be collected at regular times from post-office branches and permanently accessible letter boxes on the public highway. Last collection times shall be shown on these facilities.

“*Article R. 1-1-3.* – Items of correspondence consigned to the universal service provider, apart from bulk mail, shall be paid for by the sender by means of postage stamps or labels. Any other means of payment shall be laid down in a contract between the universal service provider and the user.

“If postage is underpaid, a postal item shall be delivered to the addressee provided that the latter pays the additional postage. Otherwise, the postal item shall be returned to the sender.

“*Article R. 1-1-4.* – With the exception of bulk mail, a flat rate shall apply to items bound anywhere in metropolitan France.

“The rate for letters to or from the overseas *départements*, Mayotte, and Saint Pierre and Miquelon shall be the current rate for metropolitan France when these letters come under the first weight band.

“*Article R. 1-1-5.* – The wrapping and packaging of postal items covered by the universal service must be consistent with their shape and the nature of their contents and with conditions of carriage safeguarding their integrity and confidentiality. The relevant requirements shall be specified in the catalogue provided for in Article R. 1-1-10.

“A postal item shall remain the property of the sender until it has been delivered to the addressee, subject to application of Articles L. 7 to L. 11.

“Delivery shall be to the address provided by the sender. At the addressee’s request, delivery may be under other arrangements specified by contract.

“A sender must address a postal item in such a way that it can be successfully delivered. Otherwise, the item shall be returned to its sender when the latter can be identified.

“Delivery shall be conditional on the existence, at the addressee’s premises, of an installation for receiving items of correspondence that is accessible and meets specifications complying with current regulations. This provision shall not apply to items which, by their nature, are subject to personal delivery.

“*Article R. 1-1-6.* – When delivery of a registered postal item covered by the universal service is not possible, the addressee shall be advised that the item is being kept for collection for fifteen calendar days. Upon expiry of this period, the postal item shall be returned to its sender when the latter can be identified.

“*Article R. 1-1-7.* – Current rates and the nature of the services covered by the universal service – together with any alterations, suspensions or withdrawals of these services or rates – shall be notified to users in the catalogue provided for in Article R. 1-1-10, made available to them at post-office branches and over the Internet.

“*Article R. 1-1-8.* – The Minister for Postal Services, having given the universal service provider an opportunity to make its submissions and having obtained the opinions of the Postal Services and Electronic Communications Regulatory Authority and the Commission for the Public Service of Postal and Electronic Communications, shall set quality targets for services covered by the universal service that he has selected. These targets will relate to the speed and reliability with which these services are provided.

“The universal service provider shall periodically measure service quality using standardised national or European methods. The results shall be notified to users and the Postal Services and Electronic Communications Regulatory Authority.

“*Article R. 1-1-9.* – Universal service users shall be provided with information, posted in each post-office branch, about complaints procedures and terms of compensation. Complaint forms shall be available at these branches. Each complaint shall be registered and entail an acknowledgement of receipt indicating a response time. The response time for a complaint relating to a domestic postal item shall be no more than two months from receipt of the complaint accompanied by relevant documents. Complaint handling by the universal service provider shall be free of charge to users.

“If a user is dissatisfied with the final reply to his complaint he may, without prejudice to any other remedy, refer the matter to the ombudsman for La Poste established under Article R. 1-1-18.

“*Section 2*

“*Rights and obligations of La Poste  
regarding its postal public service missions*

“*Subsection 1*

“*Rights and obligations of La Poste  
as universal service provider*

“*Article R. 1-1-10.* – La Poste shall draw up and maintain a catalogue listing services covered by the universal service and reserved sector, as well as current tariffs.

“La Poste shall simultaneously forward to the Minister for Postal Services and the Postal Services and Electronic Communications Regulatory Authority any proposals for substantive changes to the catalogue – other than tariff changes – affecting services relating to individual mail covered by the universal service. The Postal Services and Electronic Communications Regulatory Authority shall have one month from receipt of the document to issue its opinion and forward it to the Minister for Postal Services. If no objection has been notified by the Minister for Postal Services within two months of the document’s receipt, the changes shall be deemed to be approved.

“La Poste shall inform the Minister for Postal Services and the Postal Services and Electronic Communications Regulatory Authority of any changes to the catalogue affecting bulk mail services.

“*Article R. 1-1-11.* – When La Poste offers combined services that include a service covered by the universal postal service, it shall distinguish in its provision, and, where appropriate, in its contracts with users and its invoicing, between what is covered by the universal service on the one hand and what is covered by supplementary services on the other.

“*Article R. 1-1-12.* – If, because of exceptional circumstances beyond La Poste’s control, the universal service is interrupted or disrupted, La Poste shall take the steps necessary to restore the service as quickly as possible. La Poste shall inform the Minister for Postal Services and the Postal Services and Electronic Communications Regulatory Authority of the measures taken and the time needed to restore the service.

“*Art. R. 1-1-13.* – La Poste shall provide the Postal Services and Electronic Communications Regulatory Authority with all relevant information on the tariffs of non-reserved services covered by the universal service at least one month before they come into effect.

“These tariffs shall be communicated to the Minister for Postal Services for his information.

“*Article R. 1-1-14.* – La Poste shall submit cost accounting with separate accounts for each of the services exclusively reserved for it and distinguishing, among the other services, those covered by universal service provision, those covered by its duty to transport newspapers and magazines approved by the Joint Committee on News Agencies and Publications, and those coming under its other activities.

“*Article R. 1-1-15.* – La Poste shall supply the Postal Services and Electronic Communications Regulatory Authority with the statistical information provided for in Article L. 135 under procedures laid down by the Authority after consultation with La Poste.

“*Article R. 1-1-16.* – La Poste shall supply any information requested by the Postal Services and Electronic Communications Regulatory Authority for the purpose of carrying out its duties and supervising the universal postal service. The Authority’s requests shall be reasoned and proportionate to its requirements; they shall specify the amount of detail to be included in the reply and the time-limit for providing it.

“La Poste shall send the Postal Services and Electronic Communications Regulatory Authority an annual review of the universal service that it has provided. It shall forward a copy to the Minister for Postal Services.

### “*Subsection 2*

#### “*Newspaper and magazine transport*

“*Article R. 1-1-17.* – Periodicals approved by the Joint Committee on News Agencies and Publications shall be carried subject to the terms of the universal postal service. The aim of the pricing structure for these items shall be to promote pluralism, especially in the general and political press.

“La Poste shall submit its proposed tariffs for approval by the Minister for Postal Services and the Minister of the Economy. The Minister for Postal Services shall refer the matter to the Postal Services and Electronic Communications Regulatory Authority, which will have one month to deliver its opinion on the economic aspects of the proposals. Unless the ministers decide otherwise within two months of receipt of the proposals, the tariffs shall be deemed to be approved.

“Specific constraints on La Poste as a result of the arrangements for transporting and delivering newspapers and magazines shall be covered by financial compensation determined under the terms of Article R. 1-1-26.

### “*Subsection 3*

#### “*Miscellaneous provisions*

“*Article R. 1-1-18.* – La Poste shall establish an ombudsman reporting directly to the Chairman and appointed by the latter for a period of more than two years. Users whose complaints have been definitively rejected can refer them to the ombudsman free of charge. The latter shall deliver an opinion within two months on the cases submitted to him.

“The ombudsman shall have at his disposal the resources needed to carry out his task. He can be dismissed only for serious misconduct and with the consent of the Board of Directors.

“He shall publish recommendations and annually forward a statistical and qualitative review of his work to the Chairman of La Poste, the Minister for Postal Services and the Postal Services and Electronic Communications Regulatory Authority.

“*Article R. 1-1-19.* – La Poste, in its own sphere, shall fulfil the international commitments undertaken by the State within the Universal Postal Union.

“*Article R. 1-1-20.* – La Poste shall inform the Minister for Postal Services of any international agreements into which it has entered and any steps that it has taken to maintain the necessary interconnections with foreign networks.

“La Poste shall take steps to carry out mail services on domestic territory as cost-effectively as possible for foreign postal services or for other operators with which it has entered into agreements.



“In order to establish or operate postal services abroad, La Poste may acquire financial interests in bodies of its choosing or set up subsidiaries under the terms of its statutes and regulations.

“La Poste may be made party by government authorities to negotiation of international agreements relating to postal activities. It may be authorised to sign certain technical agreements relating to operation of mail services.

“*Article R. 1-1-21.* – Following guidelines laid down by ministers with responsibility for international cooperation policy and at the request of the Minister for Postal Services, La Poste shall participate in formulating and implementing government policy in the field of international cooperation. To this end, it shall provide the staff needed to carry out technical assistance duties with foreign or international postal bodies. It shall organise briefing and further-training events for foreign trainees and French cooperation assistants.

“La Poste may be assigned duties within international cooperation institutions by the Minister for Postal Services in order to develop mail services. The manner in which the government and national or international bodies shall reimburse La Poste for expenditure incurred for the activities referred to in this article shall be determined contractually.

“*Article R. 1-1-22.* – At the request of the Minister for Postal Services, La Poste shall assist in defining French positions in European and international organisations responsible for regulation and standardisation in the field of postal services.

“In the same field, La Poste shall provide technical assistance to bodies responsible for standardisation at the national, European and international levels.

“*Article R. 1-1-23.* – To develop its research activities La Poste may set up laboratories, enter into partnership and cooperate with any enterprises or bodies.

“*Article R. 1-1-24.* – Under the terms of an agreement signed with the State, La Poste shall be responsible for preserving, developing and adding to the postal and philatelic heritage devolving upon or assigned to it.

“It shall maintain an inventory and valuation of the collections, objects and records that it holds, distinguishing between property belonging to the State and property forming part of its own assets.

“It shall display these collections, objects and records to the public, and, for those not on display, shall guarantee access by persons accredited by the Minister for Postal Services.

“*Article R. 1-1-25.* – La Poste shall take the necessary steps, in accordance with instructions from the Minister for Postal Services, to perform the national defence and public security tasks assigned to it.

“To this end it shall carry out any measure deemed essential for continuity of government action. It shall ensure the security of items consigned to it. It shall protect its facilities against attack and, in general, perform any task needed to maintain the nation’s key activities.

“It shall provide the resources requested by government authorities and their local representatives for implementation of emergency plans.

“The Minister for Postal Services shall specify which La Poste facilities are of vital importance under the terms of Article L. 1332-1 of the Defence Code. At the request of the Minister for Postal Services, La Poste shall provide assistance in the field of postal services for the activities of various bodies dealing specifically with matters directly or indirectly affecting national defence and public security.

“La Poste shall ensure that the La Poste Group as a whole meets its obligations in terms of national defence and public security.

“La Poste shall assist in organising and providing a postal service for the armed forces under arrangements specified in an agreement signed with the State.

“*Article R. 1-1-26.* – The services provided by La Poste to the State or, at the State’s request, to a third party shall be paid for at current rates, except in the cases specifically enumerated in this article.

“Ordinary letters to the President of the Republic shall be exempt from postal charges. The volume of this mail shall be estimated by La Poste on the basis of a sampling count. An annual indemnity covering the cost of this service shall be paid by the State to La Poste.

“La Poste’s contribution to organising and providing a postal service for the armed forces shall be paid for on the basis of the costs of the service under arrangements specified in the agreement provided for in Article R. 1-1-25.

“The plan contract (*contrat de plan*) shall determine the compensation referred to in Article R. 1-1-17 in the light of La Poste’s provisional estimate of volumes transported (communicated during drafting of the plan contract), existing tariffs, the nature of the services provided and projected productivity gains. Every year, before 1 May, La Poste shall send the Minister for Postal Services and the Minister for the Budget an update of this information. The ministers, in cooperation with the public operator, shall decide on the amount of the State’s contribution for the purpose of including it in the original Budget Act.”

**Article 2** – The catalogue provided for in Article R. 1-1-10 of the Post and Electronic Communications Code shall consist of a list of the products and services offered by La Poste under the universal service at the date of entry into force of this decree. This list shall, as necessary, be brought into compliance with the present decree within three months of its publication under the terms of Article R. 1-1-10 of the Code.

**Article 3** – Book I, Title VIII of Part Two (*Conseil d’Etat* decrees) of the Post and Electronic Communications Code, headed “Penal provisions”, shall be repealed.

**Article 4** – The above-mentioned decree of 12 December 1990 on the status of La Poste shall be amended as follows:

1) Article 20 shall become Article 33;

2) Articles 22, 28, 30, 31, 32, 35, 36, 37, 39, 40, 45, 46, 47 and 49 of the specifications of La Poste approved by the decree of 29 December 1990 referred to below shall become, respectively, Articles 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31 and 32 of the decree of 12 December 1990. The heading of Title IV of this decree shall be replaced by the heading “Other provisions”;

3) In Article 25 as drafted in 2) above, the words “the overall objectives of changes to tariffs for services covered by the universal service” shall be deleted;

4) An Article 30 shall be inserted, worded as follows:

“With regard to its staff, La Poste shall pursue a policy aimed at developing dialogue and consultation at all levels, using the appropriate structures.

“La Poste shall thus seek, through negotiation, to enter into agreements with union organisations in all areas of industrial relations relating to postal activity.

“The management contracts provided for in Section 32 of the law of 2 July 1990 shall be drawn up at local level with union organisations.”

**Article 5** – Decree No. 90-1214 of 29 December 1990 approving the specifications of La Poste shall be repealed.

**Article 6** – The Minister of the Economy, Finance and Industry, the Minister of Overseas Territories 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, 5 January 2007

By the Prime Minister:

DOMINIQUE DE VILLEPIN

*Minister Delegate for Industry,*  
FRANÇOIS LOOS

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

*Minister of Overseas Territories,*  
FRANÇOIS BAROIN