

## **Regulation on Individual Licences for the provision of Postal Services**

THE NATIONAL TELECOMMUNICATIONS AND POSTS COMMISSION (EETT)

With regard to:

- a. Law 2668/1998 “Organization of the postal services sector and other provisions “(OJ 282/A’/1998) and in particular article 13, as replaced by article 5 of Law 3185/2003 “Amendment of Law 2668/1998, harmonization with Directive 2002/39/EC, administration of matters relating to the Hellenic Post Organization (HPO) and other provisions” (OJ 229/A’/2003).
- b. The fact that the provisions of this decision do not entail any expenses for the State Budget, hereby decides: Issues the Regulation on Individual Licence for the provision of postal services with the following provisions:

### Article 1 Scope

This Regulation regulates the procedure and conditions for issuing, renewing, amending, leasing, assigning the right of use, transferring, jointly operating, suspending and revoking Individual Licences for providing postal services, the mode of payment of fees and any question related to the Individual Licences.

### Article 2 Definitions

The words and phrases used in this Regulation have the meaning attributed to them in Law 2668/1998, as presently in force. The following words and /or phrases used in the provisions of this Regulation have the following meaning:

- a) Postal Network: The overall organization and resources of all kinds and persons used by the Individual Licence holder, including natural or legal persons who do not possess an Individual Licence and to whom the Licensee assigns postal services under its Licence.
- b) Postal Office: distinct business premises where postal items are mostly delivered by a sorting center or by a user and distributed. The Postal Office may coexist with a Sorting Center.
- c) Sorting Center: Distinct business premises where postal items are sorted and forwarded to the next Sorting Center or to the Postal Office in charge of distribution.

### Article 3 Object of Individual Licences

1. Postal undertakings may provide postal services that fall within the scope of the Universal Postal Service, provided they hold an Individual Licence for providing postal services issued by the EETT upon their request. The Universal Postal Service is defined in article 4, paragraph 4 of Law 2668/1998 as presently in force. The Individual Licence lays down the terms and conditions with which any postal

undertaking must comply when providing postal services within the scope of the Universal Postal Service.

2. The Individual Licence applies to one or more and/or all the phases of collection, sorting, transport and distribution of the following postal items:
  - a. Correspondence items weighing up to 2 kilograms, which do not fall within the exclusive rights of the Provider of Universal Postal Service, in accordance with article 5 of Law 2668/1998 as presently in force.
  - b. Newspapers, weighing up to 2 kilograms
  - c. Books, catalogues, periodicals weighing up to 2 kilograms.
  - d. Parcels weighing up to 20 kilograms.
3. Regarding the provision of other postal services, in addition to the above, EETT shall decide whether these services fall within the scope of the Universal Postal Service and may stipulate the terms and conditions for providing such services.

#### Article 4

##### Operation of the Postal Network

1. The Individual Licence Holder shall be responsible for the operation of its Postal Network as a whole, taking all necessary measures for that purpose.
2. The Postal Network of the Individual Licence Holder operates in its name and on its behalf with respect to the postal services stipulated in the Individual Licence. The Charter of Obligations towards Consumers (COC), the commercial policy and price lists shall be established by the Individual Licence Holder for the whole Postal Network and the Individual Licence Holder shall be responsible for their proper application. The Individual Licence Holder invoices users for the postal services provided. The vouchers and documents used for the postal services stipulated in the Individual Licence should indicate at least the particulars of the Individual Licence Holder and its distinctive mark as determined in EETT's decision no 188/7/18.10.2000 as in force.
3. The undertakings, which apply to EETT for an Individual Licence or which hold an Individual Licence and wish to integrate in their Postal Network other undertakings that do not have an Individual Licence for providing postal services, shall submit to EETT the completed tables of Annex II. The integration of an undertaking that does not hold an Individual Licence in the Postal Network of an undertaking operating under Individual Licence, shall be valid from the date of submission of the above tables to EETT and for as long as no notice to the contrary has been given to EETT by the Individual Licence Holder.

#### Article 5

##### Areas covered, cooperation between Postal Networks

1. The size of the geographical area within which the undertaking operating under Individual Licence provides postal services shall be delineated by the administrative boundaries of the municipalities served by the Individual Licence Holder's postal offices and postal network.

2. The municipalities within which postal services are provided shall be listed by the undertaking in Annex II of this Regulation.
3. In order to provide comprehensive postal services, the Individual Licence Holder may cooperate with other undertakings operating under Individual Licence and their postal network. In all cases, the responsibility for providing service shall belong to the undertaking operating under Individual License that accepts the user's order for providing postal service.

## Article 6 Application for an Individual License

1. To obtain an Individual Licence, the undertaking must submit to EETT the application of Annex I of this Regulation.
  - A. The application must contain the following information, in accordance with its sections, A, B, C and D:
    - a) the particulars of the undertaking,
    - b) the legal form of the undertaking,
    - c) the undertaking's legal representative and addressee for service in Athens, if its registered office is outside the region of Attica.
  - B. The following information must also be provided together with the Application of Annex I:
    - a) For natural persons:
      - i. Full identity card details of applicant;
      - ii. a copy of the criminal record for general use showing that the applicant has not been finally convicted for felony nor committed for trial for felony by final order;
      - iii. a statement that the applicant has professional capacity. Professional capacity consists in having the knowledge that is essential for ensuring an adequate level of quality for the postal services to be provided. This condition is considered as being met if the natural person is at least a graduate of a Greek high school or six-grade secondary school or an equivalent foreign school. The equivalent rating of the Greek high school or six-grade secondary school or foreign schools must be certified by the Ministry of National Education and Religious Affairs.
    - b) Legal persons:
      - i. The undertaking's legalizing documents
      - ii. A copy of the criminal record for general use showing, as appropriate, that the following persons have not been finally convicted for felony or committed for trial for felony by final order.
        - For partnerships: all partners
        - For public limited companies: all the members of the Board of Directors and persons entrusted with administrative duties
        - For limited companies: the administrator

- iii. A Formal Statement that the natural persons who manage the company have professional capacity. Professional capacity consists in having the knowledge that is essential for ensuring an adequate level of quality for the postal services to be provided. This condition is considered as being met, if the natural persons are at least graduates of a Greek high school or six-grade secondary school or equivalent foreign school. The equivalent rating of the Greek high school or six-grade secondary school or foreign schools must be certified by the Ministry of National Education and Religious Affairs.
  - iv. In the event that the undertaking's legal representative has not signed the Application, the person signing the application must be duly authorized.
- C. With the Application, the natural or legal person expressly states that he has become acquainted with the legislation in force with regard to the provision of postal services, that the information contained in the Application, the Annex thereto and attached documents is true and undertakes to operate in conformity with the legislation in force and the terms of this Regulation.
- 2. To obtain an Individual Licence, the undertaking must also submit to EETT the completed Annex II of this Regulation, including the following information and documents:
    - a) The Licence's requested duration.
    - b) The type of services applied for.
    - c) Information on the undertaking's postal network and the undertakings integrated within it that do not hold an Individual Licence, on its postal offices and sorting centers.
    - d) The municipalities where the postal service or services will be provided.
    - e) A strategic and operational plan of the undertaking for a period of at least three years.
    - f) The Charter of Obligations towards Consumers, in accordance with article 18 of Law 2668/1998 as in force.
    - g) A description of the undertaking's accounting system, which should comply with article 20 of law 2668/1998 as applicable.
    - h) A description of the undertaking's measures to satisfy the main requirements with regard to the provision of postal services, i.e. the confidentiality of correspondence, the security of postal network's operation concerning the conveyance of hazardous substances, environmental protection, planning, the protection of personal data, the confidentiality of information transmitted or stored, as well as the protection of privacy.
  - 3. The supply of information and the submission of the certificates and documents provided for in this article, constitute a condition for the acceptance of the Application by EETT.
  - 4. Postal undertakings are under obligation, should there be any change in the information, certificates and documents stated in or submitted with the application, to immediately submit to EETT the information, certificates and documents to which the change relates.

Article 7  
Issuing of the Individual Licence

1. Subject to the provisions of paragraphs 6 and 10 of article 19 of Law 2668/1998 as applicable, Individual Licences are issued by decision of EETT, within six (6) weeks following submission of the Application on the condition that the Application has been fully completed and that the postal undertaking has submitted all the necessary information, certificates and documents.
2. EETT s decision to issue or not the Individual Licence to the postal undertaking, under the condition of paragraph 1 of this article, shall be based mainly on the following:
  - a) an evaluation by the EETT of the postal undertaking's ability to provide good and reliable postal services to the public in the areas stated;
  - b) an evaluation by EETT of the completeness of the strategic and business plan submitted by the postal undertaking and its ability to implement it;
  - c) an evaluation by EETT of the postal undertaking's ability to satisfy the main requirements for providing postal services.
3. The Individual Licence shall not be issued if even one of the following circumstances arises:
  - a) the undertaking concerned has not provided to EETT the information required showing that conditions for obtaining an Individual Licence are met;
  - b) the natural persons or persons legally exercising the undertaking's administration have been sentenced to a prison term of more than three (3) months in the last ten years for smuggling, trafficking or use of narcotic substances, procuring, intentional homicide, fraud, extortion, breach of faith, forgery, theft and robbery;
  - c) the natural persons or persons legally exercising the undertaking's administration have been convicted for infringement of provisions on providing postal services, provisions of the tax legislation, the customs code, labor law and social insurance legislation;
  - d) the development of competition is affected.
4. Following the issuing of the Individual Licence, the undertaking shall be registered in the Postal Undertakings Register kept by EETT.

Article 8  
Duration and expiry of the Individual Licence

1. The duration of the Individual Licence shall be determined in the Application for an Individual License submitted by the postal undertaking to EETT and may not be shorter than three (3) years.
2. The Individual Licences issued expire automatically at the end of their validity period, unless previously renewed.

#### Article 9 Modification of the Individual Licence

An issued Individual Licence may be modified by decision of EETT either for reasons of compliance with legal provisions in force or if so requested by its holder.

#### Article 10 Renewal of the Individual License

1. The Individual License is renewed following an application by the postal undertaking to EETT. This application must be submitted within a final deadline of six (6) months after the expiry of the Individual Licence.
2. EETT shall decide on the renewal of the Individual License within six (6) weeks from the submission of the renewal application and if the postal undertaking still complies with the terms of this Regulation. If no decision has been issued during the above time limit, this shall be considered as a tacit renewal of the Licence.
3. In the event of non-renewal of the Individual Licence, EETT's relevant decision is reasoned and adopted after the postal undertaking has been previously given the possibility of expressing its views.

#### Article 11 Provisional suspension – revoking of Individual Licences

1. The Individual Licence may be provisionally revoked or suspended in case of violation of the legislation in force, in conformity with provisions of article 25 of Law 2668/1998 as applicable.
2. The Individual Licence may be provisionally suspended for a period not exceeding twelve (12) months on the request of its holder.
3. The Individual Licence is revoked following a hearing, if the Individual Licence Holder fails to provide the services for which it obtained the Individual License for a period exceeding twelve (12) months.

#### Article 12 Transfer, leasing and assigning of the Individual Licence

1. The Individual Licence is personal and non-transferable. The leasing, assignment of right to use, transfer or joint operation of the Individual License with third parties, or any act involving a change in the control of the postal undertaking is prohibited.
2. Exceptionally, the Individual Licence may be leased, assigned, transferred or jointly operated with the EETT's approval, following an application by the Licenced undertaking and provided the conditions of the Individual Licence are met by the assignee. The transfer is enforceable against third parties after its registration in the Postal Undertakings Register.
3. Any transfer of shares, by means of one or more deeds, to or by the same legal person, equal to or higher than five per cent (5%) of the share capital of the postal undertaking holding the Individual Licence, shall be communicated to EETT within thirty (30) days after its completion.

### Article 13

#### Obligations of postal undertakings operating under Individual Licence

1. The undertakings providing postal services under Individual Licence should:
  - a) Observe the confidentiality of correspondence
  - b) Comply with the Regulations of the Universal Postal Union (UPU) concerning the transport of dangerous postal items.
  - c) Provide equal treatment to all users.
  - d) Not endanger national defense and security.
  - e) Secure the protection of users' personal data and privacy.
  - f) Comply with the Charter of Obligations towards Consumers (COP)
  - g) Comply with provisions on environmental protection and planning.
  - h) Ensure continuous provision of their postal services throughout the Licence's period of validity in the whole area where they provide services under their Licence.
  - i) Keep an accounting system with separate accounts for the postal services they provide under their Licence, as well as a costing system certified by a certified public accountant, both to be approved by EETT.
  - j) Pay their contribution to the Special Compensation Account for the obligation to provide universal service under article 20 of Law 2668/98 as applicable.
  - k) Observe the pricing principles, under par. 1 of article 17 of Law 2668/1998 as presently in force and notify their rates to EETT. Specifically, the rates applied by undertakings operating under Individual Licence should:
    - be harmonized as to cost and comply with the rules of healthy competition;
    - not lead to discrimination and ensure equal treatment, allowing access of all users to the services provides, throughout the geographical area where such services are offered, at accessible prices;
    - comply with transparency rules and be published.
  - l) Comply with the quality standards for the provision of postal services established each time by the European Union.

- m) Implement their strategic and business plan and, in particular, the investments contained in it. As soon as the plan submitted with the Licence application has expired, the postal undertaking must submit to EETT a new plan, for a minimum period of three years, in order for EETT to determine its completeness and applicability.
2. Postal undertakings operating under Individual Licence must return to EETT, within the stipulated deadlines each time, the completed questionnaires sent to them by EETT. The questionnaires will refer to information about the undertaking's postal activity, such as the volume of postal items actually handled, the type of postal items handled, financial data relating to the provision of postal services, personnel data, existing infrastructure, information on the postal network and other similar information. This information is considered as confidential and shall be used by the EETT in the context of its competencies, particularly for controlling undertakings operating under Individual Licence, the annual rates paid, the regulation, control and analysis of the postal services market and the adoption of appropriate measures for its proper operation and development.

#### Article 14 Penalties

1. Any infringement of the provisions of Law 26668/1998 as applicable or of any term of the Individual Licence shall entail one or more of the following penalties against the parties concerned:

- a) A recommendation or warning
- b) A fine ranging from fifteen thousand (15,000) to three hundred thousand (300,000) euros, which will be collected according to the provisions of the Public Revenues Collection Code.

In the event of failure to comply with EETT's recommendation or warning, a fine of twenty thousand (20,000) and up to forty thousand (40,000) euros may be imposed.

In the event of an illegal provision of services in the sector of exclusive services, a fine of three hundred (300) and up to fifteen thousand (15,000) euros may be imposed for every day of non-compliance, without excluding the possibility of further penalties being imposed.

- c) Temporary revoking of the Individual Licence.
  - d) Final revoking of the Individual Licence.
2. The penalties of the previous paragraph are imposed by EETT. Exceptionally, if the penalties are aimed against the universal service provider, they shall be imposed by the Minister of Transports and Communications, on EETT's recommendation.
3. The gravity of the infringement, the scope of the offender's activity and any previous offences shall be taken into consideration when imposing the penalties of paragraph 1 of this article.

4. The penalties of this article shall be imposed independent from any criminal sanctions or civil damages that may apply for the same behavior.
5. The personnel of postal undertakings have the status of employee of article 13 of the Criminal Code as applicable, with respect to the obligation of observing the confidentiality of postal communication and the operating conditions laid down by the National Committee for the Protection of Confidentiality and Communications and by EETT.

#### Article 15

1. When filing their application and all necessary information, documents and supporting evidence for obtaining an Individual Licence, postal undertakings shall pay a fee of 600 euros to EETT, which corresponds to the costs of handling and processing the Application.
2. The annual fee is set as a percentage of the undertaking's annual gross revenues from the sale of services for which an Individual Licence is needed, as follows:
  - a. A percentage of 0.5% (half per cent) for corporate revenues of up to 30 million euros.
  - b. A percentage of 0.3% (three tenths per cent) for corporate revenues ranging from 30 to 60 million euros.
  - c. A percentage of 0.1% (one tenth per cent) for corporate revenues ranging from 60 to 120 million euros.
  - d. A percentage of 0.03 % (three hundredth per cent) for corporate revenues in excess of 120 million euros.
3. In any event, the annual fees of every undertaking obtaining an Individual Licence may not be less than three thousand (3,000) euros.
4. The fees corresponding to each calendar year shall be paid to EETT by June 30 of the following calendar year. For the determination of annual fees and their control by EETT, undertakings operating under Individual Licence must submit to EETT all the data that prove the undertaking's revenues from the postal services provided under the Individual Licence, on the basis of their accounting and costing system as approved by EETT. The method and procedure for the payment of fees shall be determined by EETT.
5. This article shall enter into force as from January 1<sup>st</sup>, 2004.

#### Article 16

#### Amendment of the Regulation on Individual Licences

The provisions of this Regulation may be amended by decision of EETT, based on technical and economic data, social conditions and the requirements of users or a change in the legislation.

## Article 17

### Transitional provisions

1. Individual Licences issued under Law 2668/1998 and Ministerial Decision 25961/738/2000 and whose terms are in conflict with the provisions of Law 3185/2003, shall be amended by decision of EETT published in the Official Journal. For that purpose, undertakings holding an Individual Licence must, within a final deadline of six (6) months following publication of this Regulation in the Official Journal, submit to EETT for approval Annex II of this Regulation after completing sections A, D, E, F and G, as well as the document mentioned in section H 3 (description of the accounting system) and item 4 of the same section.
2. Should the above deadline expire without the undertakings concerned having submitted the information of article 1 of this article, the undertaking shall be deemed as not wishing to further provide postal services and its Individual Licence shall be revoked by decision of EETT.
3. Procedures for the issuing of Individual Licences that are still under way shall be pursued by EETT as from the entry into force of Law 3185/2003.
4. Applications for an Individual License submitted before the coming into force of Law 3185/2003, shall be examined, completed and granted, in accordance with provision of Law 3185/2003 and this Regulation.

## Article 18

### Annexes

Annexes I and II to this Regulation form an integral part of the Regulation.

## Article 19

This Regulation shall enter into force as from its publication in the Official Journal, unless otherwise provided in its individual provisions.

## ANNEX I

(Is part of the Regulation on issuing Individual Licences for providing postal services)

### APPLICATION FOR A SPECIAL LICENSE FOR PROVIDING POSTAL SERVICES

To the National Telecommunications and Post Commission

#### **A. PARTICULARS OF THE UNDERTAKING**

NAME		DISTINCTIVE TITLE, MARK OR FEATURE		
STREET/NUMBER OF REGISTERED OFFICE		CITY	P.C.	DISTRICT
T.R.N.	TELEPHONE		FAX	
TAX OFFICE	e-mail		Web Site	

#### **B. LEGAL FORM**

Natural Personal (Individual Business)	Commercial Partnership	Limited Partnership	Ltd.	S.A.	Other: (Fill in the type of the undertaking)
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#### **C. LEGAL REPRESENTATIVE**

SURNAME:	GIVEN NAME:	Identity Card Number:
Address (street, number, city, postcode):		Issuing Authority
Tel.:	FAX:	e-mail

#### **D. ADDRESSEE FOR SERVICE (IN ATHENS)**

SURNAME:	GIVEN NAME:	Identity Card Number:
Address (street, number, city, postcode):		Issuing Authority
Tel.:	FAX:	e-mail

## ANNEX I

(Is part of the Regulation on issuing Individual Licences for providing postal services)

### E. ATTACHED DOCUMENTS AND SUPPORTING EVIDENCE

(Art. 6 par. 1, subpar. B of Regulation on the issuing of Special Licenses for the provision of postal services)

#### 1. Natural person

1. Copy of applicant's criminal record for general use (art. 6, par. 1.B, item (a) ii of this Regulation)	<input type="checkbox"/>
2. Formal Statement of Law 1599/1986 confirming natural person's professional capacity (art. 6, par. 1.B, item (a) iii of this Regulation)	<input type="checkbox"/>

\* The boxes are filled by the services of the NTPC after checking documents and supporting evidence.

#### 2. Legal person

1. Legalizing documents of the Undertaking (art. 6, par. 1.B, item (b)i. of this Regulation)
2. Copy of criminal record for general use (for all persons listed in art. 6, par. 1.B, item (b)ii. of this Regulation)
3. Formal Statement of Law 1599/1986 confirming the professional capacity of natural persons in charge of the undertaking's management (art. 6, par. 1.B, item (b)iii. of this Regulation)
4. Authorization of legal representative (art. 6, par. 1.B, item (b)iv. of this Regulation)

\* The boxes are filled by the services of the NTPC after checking documents and supporting evidence.

**The undersigned as the representative of the abovementioned undertaking requests from EETT the issuing of an Individual Licence for the provision of the postal services described in Annex II for the time period indicated in the same Annex II, in accordance with the Regulation for the issuing of Individual Licences for the provision of special services under Law 2668/1998 as presently in force following its amendment by the provisions of Law 3185/2003.**

**I hereby formally state that I have been acquainted with the legislation in force regarding the provision of postal services, that the information contained in the application, the attached documents and records of Annex II are true and the undertaking, which I represent undertakes to operate in accordance with the legislation and the terms of this Regulation on the issuing of Special Licenses for the provision of postal services.**

..../...../200.

Signature of legal representative and  
company seal

## ANNEX II

(Is part of the Regulation on issuing Individual Licences for providing postal services)

### PARTICULARS OF UNDERTAKING

**A. NAME**

**DISTINCIVE TITLE**

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**B. DURATION OF LICENSE (in calendar years)**

<b>FROM:</b>	<b>TO:</b>
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**C. SERVICES PROVIDE**

ARTICLES	COLLECTION		TRANSPORT		SORTING		DISTRIBUTION	
	YES	NO	YES	NO	YES	NO	YES	NO
Items of correspondence (up to 2 kg) (article ... of Regulation)								
Newspapers (up to 2 kg)								
Periodicals (up to 2 kg)								
Catalogues (up to 2 kg)								
Parcels (up to 20 kg)								
Other (Specify)								

**D. POSTAL NETWORK**

POSTAL OFFICES				SORTING CENTERS (S.C.)			
No of Postal Offices		Total area of Postal Offices	m <sup>2</sup>	No of S.C.		Total area of S.C.	m <sup>2</sup>
Full-time network personnel		Part-time network personnel		No of undertakings in network without a Special License			
NETWORK VEHICLES				Cars		Other (specify)	
Two-wheelers:							

TOTAL COMPUTER EQUIPMENT OF NETWORK (short description)

## ANNEX II

(Is part of the Regulation on issuing Individual Licences for providing postal services)

### E. UNDERTAKINGS – WITHOUT INDIVIDUAL LICENCE IN POSTAL NETWORK\*

No	NAME	ADDRESS (street-number)	CITY	T.R.N.	TAX OFFICE
1.					
2.					
(...)					

### F. POSTAL OFFICES OF UNDERTAKING AND POSTAL NETWORK\*

No	NAME	ADDRESS (street-number)	CITY	DISTRICT	MUNICIPALITIES SERVICED
1.					
2.					
(...)					

\* Indicate whether the Post Office belongs to the Undertaking operating under Individual Licence or to another undertaking without Individual Licence, part of the Postal Network.

### G. SORTING CENTERS OF UNDERTAKING AND ITS POSTAL NETWORK\*

No	NAME	ADDRESS (street-number)	CITY	P.C.	DISTRICT
1.					
2.					
(...)					

**TOTAL COMPUTER EQUIPMENT OF SORTING CENTERS (short description)**


\* Indicate whether the Sorting Center belongs to the undertaking operating under Individual Licence or to another undertaking without Individual License part of the Postal Network.

### H. OTHER ATTACHED DOCUMENTATION

1. Business Plan (3 years minimum) <input type="checkbox"/> *	2. Charter of Obligations towards Consumers (COC) (Article 18 of Law 2668/1998) <input type="checkbox"/> *
3. Description of accounting system (according to article 20 of Law 2668/1998) <input type="checkbox"/> *	4. Price list of postal services valid when application is made <input type="checkbox"/> *
5. Description of undertaking's measures to ensure that basic requirements for provision of postal services are met. <input type="checkbox"/> *	

\* The boxes are filled by the services of EETT after checking the information

.../.../200.

Signature of legal representative and  
company seal

This Regulation to be published in the Official Journal

Athens, 5 December 2003

The Chairman

EMM. GIAKOUMAKIS