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Organization of the postal service sector and other provisions

THE PRESIDENT OF THE HELLENIC REPUBLIC

We publish the following law that has been passed by the Parliament:

CHAPTER A GENERAL PROVISIONS

Article 1 Objective – Definitions

1. This law aims at organizing the postal service sector and the establishment of rules for its operation to ensure the provision of the universal postal service and regulate the provision of postal services by postal undertakings.
2. For the purposes of this Law the following definitions shall apply:
 - a. *postal services*: main and other postal services;
 - b. *main postal services*: services involving the clearance, sorting, transport and delivery of postal items;
 - c. *other postal services*: services that do not fall under the main postal services category and are mainly related to special express delivery of postal items, monitored by a special track and trace system, direct mail without address, the preparation of postal items and the exchange of documents;
 - d. *public postal network*: the system of organization and resources and persons of all kinds used by the universal service provider for the purposes, among others, of:
 - the clearance of postal items covered by a universal service obligation from access points throughout the territory,
 - the routing and handling of those items from the postal network access point to the distribution centre,
 - distribution to the addresses shown on items;

- e. *access points*: physical facilities, including letter boxes provided for the public either on the public highway or at the premises of the universal service provider, where postal items may be deposited with the public postal network by users;
- f. *clearance*: the operation of collecting postal items from letter boxes;
- g. *distribution*: the process from sorting at the distribution centre to delivery of postal items to their addressees;
- h. *postal item*: an item addressed in the final form in which it is to be carried by the universal service provider. In addition to items of correspondence, such items also include for instance books, catalogues, newspapers, periodicals and postal packages containing merchandise with or without commercial value, as well as texts sent by e-mail, if in the final form they are enclosed in an envelope for delivery ;
- i. *item of correspondence*: a communication in written form to be conveyed and delivered at the address indicated by the sender on the item itself or on its wrapping. Books, catalogues, newspapers and periodicals shall not be regarded as items of correspondence;
- j. *registered item*: a service providing a flat-rate guarantee against risks of loss, theft or damage and supplying the sender, where appropriate upon request, with proof of the handing in of the postal item and/or of its delivery to the addressee;
- k. *insured item*: a service insuring the postal item up to the value declared by the sender in the event of loss, theft or damage;
- l. *cross-border mail*: mail from or to another Member State and from or to a third country;
- m. *document exchange*: service providing the means, including the supply of premises for depositing by the sender and pick-up by the addressee, both subscribers to this service, of postal items;
- n. *universal service provider*: the entity appointed by the Greek State to provide universal postal service;
- o. *authorizations*: means any permission setting out rights and obligations specific to the postal sector and allowing undertakings to provide postal services in the form of a “general authorization” or “individual license”;
- p. *terminal dues*: the remuneration of the universal service provider in charge of the distribution of incoming cross-border mail comprising postal items from

another Member State or from a third country;

q. sender: any person responsible for originating postal items;

r. users: any person benefiting from universal service provision as a sender or an addressee;

s. essential requirements: general non-economic reasons which can induce to the imposition of conditions on the supply of postal services. These reasons are the confidentiality of correspondence, security of the network as regards the transport of dangerous goods and, where justified, environmental protection, regional planning, and data protection. Data protection may include personal data protection, the confidentiality of information transmitted or stored and protection of privacy;

t. undertaking: any profit natural person or group or association of persons, with or without legal personality. Undertakings shall also include any public organization which has its own legal personality or depends on an authority with a legal personality;

u. postal undertaking: any undertaking providing postal services;

v. postal service sector: the organization and activities carried out by private or public entities and bodies regarding main and other postal services.

Article 2

Scope

1. The provisions of this law shall apply to all kinds of activities carried out by public or private undertakings - in the postal service provision sector.

2. The following shall not fall within the scope of the provisions of this law:

a. the independent networks of the Greek Armed Forces;

b. the official correspondence of the Greek or other State delivered using diplomatic bags.

Article 3

General Principles

1. The carrying out of activities in the postal service sector ensures that users enjoy the right to universal service, as this is defined in the next article.

2. The carrying out of business activities in the postal service sector requires a general authorization or individual license in accordance with the provisions of Articles 12 et seq. hereof and shall be supervised by the State.

Undertakings established in non-EU Member States shall carry out in Greece activities in the postal service sector in accordance with the international commitments undertaken by Greece and under the term of mutuality in compliance with the country's obligations vis-à-vis the European Union.

3. Access to and use of the postal services shall be free, provided that postal items meet the specifications required under the provisions of this law.

Limitations to access to or use of postal services are allowed only on the following grounds:

- a. security of the postal network and the persons employed in postal services;
- b. safeguarding of the confidentiality of correspondence.

4. Postal undertakings are required to:

- a. provide postal services under the terms and conditions of general authorizations or individual licenses;
- b. comply, under equivalent conditions, with the principles of equal treatment of and non discrimination against users;
- c. operate within the limits and principles regarding the protection of healthy competition;
- d. ensure the confidentiality of postal communication, respect the privacy of citizens, and safeguard their intellectual property rights. The obligations under this indent also apply to the personnel of postal undertakings.

5. In case of war, mobilization, or emergency the State may place under its direct or indirect command, in whole or in part, the postal services of any provider. The adoption and duration of this measure shall be decided on by the Council of Ministers following a proposal by the Minister of National Defense, and the Minister of Transport and Communications. In such cases, the Minister of Transport and Communications may suspend the operation of certain postal undertakings or certain parts of the postal network or the provision of certain postal services.

Article 4

Universal Postal Service

1. Postal service users shall enjoy the permanent provision of a postal service of specified quality at all points in their territory at affordable prices.

2. Users have the right to enjoy universal postal services. Such right shall be

ensured by:

- a. establishing the density of the points of contact, access and clearance taking account of the needs of users;
- b. one clearance and one home delivery for each person on all working days, and not less than five (5) days a week, save in circumstances or geographical conditions deemed exceptional by the Minister of Transport and Communications. His decision shall establish, by way of derogation, the appropriate premises;
- c. providing users with the same services under comparable conditions;
- d. providing services without discrimination in particular on political, religious, or ideological grounds;
- e. providing services at all times with the exception of cases of force majeure;
- f. providing services evolving accordingly with technical and financial data, social conditions, and the needs of users.

3. The right of users to the universal postal service, does not prevent the State from adopting measures based on the requirements dictated by public interest regarding in particular public ethics, public security, investigation of crimes and public order.

4. The universal postal service shall include:

- a. the clearance, sorting, transport and distribution of postal items up to two kilograms;
- b. the clearance, sorting, transport and distribution of postal packages up to 20 kilograms;
- c. services for registered items and insured items;
- d. the weight limits under a and b above may be changed in special cases by justified decision of the Minister of Transport and Communications.

A similar decision may approve the provision of free postal service to blind and partially sighted persons.

5. The universal service as defined in this Article shall cover both national and cross-border services.

6. A decision adopted by the Minister of Transport and Communications, issued following the issue of opinion by the Hellenic Telecommunications and Post Commission (EETT), shall establish:

a. the quality specifications in compliance with which the universal service is provided by the universal service provider based on the type of postal items, their handling time, and the reliability and regularity of services;

b. the methods and control procedures used to verify quality levels and the publication of the relevant results.

Article 5 Safeguarding of universal service

1. To ensure the financial viability of the universal service provider, and the provision of satisfactory postal services throughout the territory, the universal service provider retains the exclusive right to the clearance, sorting, transport and delivery of addressed items of correspondence the price of which is under five times the price of a letter in the first weight range and weighing under 350 grams.

2. The exclusive rights retained to the universal service provider under para. 1 above, also concern direct and cross-border mail within the weight and price limits laid down in such paragraph.

3. The provision of para. 1 shall not apply to:

a) items of correspondence transported by the sender itself for own use or by third parties acting exclusively on behalf of the sender;

b) items of correspondence transported by a third party on behalf of the sender to be deposited at the nearest premises of the universal service provider;

c) items of correspondence deposited by the sender or a third party acting exclusively on behalf of the latter at document exchange premises, and collected by the addressee or a third party acting exclusively on behalf of the latter, provided that both sender and addressee use this service constantly under a relevant contract;

d) items collected by a third party from the letter boxes at the universal service provider's premises on behalf of the addressee; and

e) official correspondence of railway, shipping companies and airlines, provided that it is transported using their own means of transport.

CHAPTER B
POSTAL SERVICE PROVISION

Article 6
Competencies of the Ministry of Transport and Communications

1. The Minister of Transport and Communications shall exercise the following competencies in the postal service sector:

He shall:

- a. make national policy in the context of the decisions adopted by the Council of Ministers and the government collective bodies and take all necessary measures for its implementation;
- b. propose to the Parliament draft laws and issue all regulations on postal service issues or participate in their issue;
- c. represent Greece in international postal service organizations and be the National Authority in the postal service sector;
- d. strengthen scientific research and the development of postal infrastructure;
- e. assist EETT in any way to achieve its mission;
- f. supervise the postal service sector in accordance with the provisions of this law;
- g. assign the provision of universal service to a specific entity, in accordance with the provisions of Article 19 hereof, and enter into the Administration Contract with such entity, in accordance with the provisions of Article 19 (10);
- h. establish the density of points of contact and access of the universal service provider;
- i. establish the minimum frequency of postal item clearance and delivery;
- j. approve any exceptions in terms of the frequency of clearance, delivery, and any derogations from the obligation for home delivery;
- k. establish changes to the weight limits for the universal service;
- l. inform the European Union on the performance of the universal service provider's obligations;

- m. establish quality specifications for the universal service and relevant exceptions;
 - n. grant individual licenses;
 - o. impose terms related to postal service provision to safeguard the essential requirements;
 - p. exercise all other competencies provided for by the provisions in force.
2. The Minister of Transport and Communications shall be assisted in the performance of his competencies by the Secretariat General for Communications.

Article 7

Hellenic Telecommunications and Post Commission (EETT)

1. The National Regulatory Authority in the postal service sector shall be the Independent Administrative Authority setup by virtue of Article 2 (3) of Law 2246/ 1994 on the organization and operation of the telecommunications sector, and which shall be renamed to Hellenic Telecommunications and Post Commission (EETT).
2. Article 2 (3) (c) of Law 2246/ 1994 shall be replaced as follows:
- c. EETT, being the regulatory authority, shall be in charge of the supervision of the telecommunications and postal market.
3. Article 3 (d) (a) of Law 2246/ 1994 that has been replaced by Article 5 (3) of Law 2366/ 1995 shall be replaced as follows:
- d. a) For the purpose of staffing EETT, a total of seventy (70) departmental posts shall be generated, twenty (20) of which shall concern permanent personnel, and fifty (50) special scientific personnel under indefinite term private law employment contracts not incompatible with legal practice.

The qualifications for the employment of the special scientific personnel shall be those provided for by Article 25 (2) of Law 1943/ 1991 with scientific specialty pertinent to the scope and competencies of EETT.

All personnel hired for the above posts shall be approved by the Minister of Transport and Communications without implementation of Article 2 (2) of Council of Ministers Act 236/ 1994, as is in force at each time. With regard to such personnel hiring, the procedure laid down in Article 14 (1) (3) of Law 2190/ 1994 as has been replaced by Article 1 of Law 2527/ 1997, shall apply.

4. To the competencies of EETT in telecommunications as these are defined in Article 2 (4) of Law 2246/ 1994, the following competencies shall be added regarding the postal service sector:

EETT shall:

- a. study and process issues in the postal service sector assigned to it by the Minister of Transport and Communications, and make proposals and motions;
- b. address, ex officio, or following a request by a competent Greek authority or a European Union authority or a third party, instructions or recommendations to persons or undertakings doing business in the postal service sector, on issues pertaining to its exclusive responsibility;
- c. review and analyze, ex officio or following an order by the Minister of Transport and Communications the main technical, financial, and social parameters pertaining to the function of postal services and recommend to the Minister of Transport and Communications the adoption of appropriate in each case measures aiming at the uninterrupted and efficient operation and development of the postal market;
- d. make known to the public, using any suitable means of publicity, its viewpoints on any issues promoting its work and mission, as well as the development in general of the postal service sector in Greece;
- e. elaborate by virtue of its decisions approved by the Minister of Transport and Communications:
 - the ethics codes governing the carrying out of postal activities;
 - its own internal regulation.

The Minister of Transport and Communications may withhold his approval only on legality grounds;

- f. express its opinion upon the issue of or amendment to any regulation governing:
 - the installation, operation, and running of the public postal network, the development of postal services and the quality of the postal services provided;
 - the procedure used for the issue of postal service provision authorizations or the registration in a register of undertakings authorized to provide postal services, either individually or in groups of services provided;
 - the procedures used to verify compliance of postal undertakings and organizations with the terms of their respective authorizations or for

- registration in a register;
 - the procedures regarding settlement by compromise between users and postal undertakings.
- g. register the undertakings meeting the requirements of Article 12 hereof with the registers kept by it;
- h. accept general authorizations and provide its opinion to the Minister of Transport and Communications regarding the issue, renewal, modification, suspension, extension, and revocation of authorizations in accordance with the provisions of Article 14 et seq. hereof;
- i. monitor the keeping of separate accounts for each service of the USP exclusive rights sector and approve the cost accounting system to be applied for the allocation of cost to each service of the universal service sector. It shall keep information about such system and inform the Commission upon request of the latter;
- j. announce the quality specifications for the Universal Service and notify them to the European Union;
- k. ensure the conduct of objective quality control of the Universal Service and see to the publication of its results;
- l. see to the transparency, simplicity, and cost efficiency of the procedures used to investigate complaints lodged by users particularly in cases of loss, theft of, damage to postal items or non conformity with the quality specifications for the postal service, ensure the fair and accelerated settlement of disputes and make provision for the establishment of a refund and/ or compensation system in justified cases;

If the user is not satisfied, this may turn to EETT, which shall summon the parties to a mandatory hearing, in order for a solution to be found. After three months have elapsed from the submission of the petition or if in the meantime the hearing procedure is fruitless, each one of the parties is entitled to bring the dispute before the competent Courts. The hearing procedure does not prevent the awarding of injunctive relief by the competent Courts;

- m. provide its services for the settlement of disputes arising among postal undertakings, and between such undertakings and the State and/ or users, and which disputes regard the national and Community legislation in terms of the provision of postal services governed by the provisions hereof;
- n. perform arbitral duties to settle disputes arising among postal undertakings based on an arbitration memorandum on issues pertaining to the implementation hereof;

o. exercise the following audit competencies:

- monitor and supervise the implementation of the postal services policy
- check compliance with competition rules in the postal services sector, and the violation of exclusive rights;
- check, with the reservation of the provisions of Chapter C hereof, the compliance with the provisions establishing pricing rules for the services provided and rules regarding the protection of users rights;
- check whether postal undertakings comply with the terms of the authorizations granted to them and continue to meet the conditions for their registration with the register.

During the performance of its audit competencies, should EETT find out about actions or omissions the checking of which falls in the scope of responsibility of other administrative authorities or in the jurisdiction of judicial authorities, such cases shall be referred to the competent authorities.

p. call, following a complaint lodged by a competent authority or third party, or ex officio, on all parties violating the rules governing the carrying out of postal activities to comply with such rules and impose the administrative sanctions provided for by Article 25 (1) (a) and (b) hereof.

5. In order for EETT to perform the above competencies in terms of imposing sanctions, its personnel shall act by order of its Chairman and have, for the collection of information and performance of investigations, the rights provided for by Law 703/ 1977, as is in force each time. Such persons shall have the right, in order to ascertain violations hereof, to check the books and records provided for by Presidential Decree 186/ 1992 (Code of Books and Records) kept by undertakings and organizations, the confiscation or reception of such books and records being excluded, as well as all other books, records and documents of any kind, carry out investigations in the offices and other premises of such undertakings and organizations, take affidavit-testimony under oath or not, as they see fit, subject to the provisions of article 212 of the Code of Criminal Proceedings. The provisions of Article 47 (3) of Law 2065/ 1992 and Article 85 (6), (7), and (8) of Law 2238/ 1994 shall apply accordingly to EETT's personnel. The relevant provisions, prohibitions, penalties, and sanctions under Law 703/ 1977, as is in force, shall also apply in the case of refusal to provide information, impediment or hindrance to the work of EETT, notwithstanding the sanctions provided for hereby.

6. A decision adopted by the Minister of Transport and Communications following the issue of EETT's opinion, establishes the type of investigations and the relevant procedures, as well as other investigational acts, carried out to ascertain violations hereof, the procedure governing hearings before its bodies to the same end, immediate or emergency measures, which it may adopt in such

cases to safeguard the smooth operation of the postal market and all other necessary details regarding the performance of its audit competencies.

Article 8 Composition of EETT

1. Article 2 (5) (a) of Law 2246/ 1994 shall be replaced as follows:

a. EETT shall comprise nine (9) members to be appointed by decision of the Minister of Transport and Communications and which are distinguished for their morale, scientific background and professional capacity.

The same decision shall point out from among the members of EETT, the Chairman and two Vice-Chairmen, one of which shall be responsible for the telecommunications sector, and the other one for the postal service sector. The position of EETT Alternate Vice Chairman is abolished.

2. Article 2 (6) (b) of Law 2246/ 1994 shall be replaced as follows:

b. The Chairman and the Vice Chairmen of EETT shall be full time state officials, and their office is incompatible with any salaried public or private office in the sectors of telecommunications and postal services.

3. In order to fill the positions of the nine members of EETT, in the first implementation hereof, two (2) new members shall be appointed. The term of such members shall expire concurrently with that of the other seven (7) members. The same decision appoints the two Vice Chairmen of EETT selected from among its members.

4. Article 2 (6) (c) of Article 2246/ 1994 shall be replaced as follows:

c. It is prohibited to the Chairman, Vice Chairmen, and members of EETT, as well as to the members of its personnel and the members of the personnel of the Communications Secretariat General of the Ministry of Transport and Communications to obtain, directly or indirectly, any benefits from telecommunications, postal undertakings or third parties affected by their activity. More specifically, during their term, the Chairman, Vice Chairmen, and the other members of EETT may not become partners, shareholders, members of the Board of Directors, administrators, employees, technical consultants, or study consultants of personal or other undertakings, carrying out activities in the sectors of telecommunications and postal services.

5. Article (2) (6) (e) of Law 2246/ 1994 shall be replaced as follows:

e. The fees of the Chairman, Vice Chairmen, as well as the fees of the other members of EETT shall be established by a joint decision adopted by the Minister of Finance and the Minister of Transport and Communications.

6. Article 2 (7) (c) of Law 2246/ 1994 shall be replaced as follows:

c. EETT shall meet validly provided its Chairman or the Vice Chairman responsible for the items on the (telecommunications or postal sector) agenda, who is also appointed rapporteur, and at least four (4) more of its members participate. All decisions are adopted by majority.

7. In a month from the publication hereof, EETT shall submit the new regulation governing its operation for approval to the Minister of Transport and Communications.

Article 9 EETT structure

1. A presidential decree issued within three months from the publication hereof following a proposal by the Minister of the Interior, Public Administration, and Decentralization, the Minister of Finance, and the Minister of Transport and Communications, shall amend and supplement Presidential Decree 269/ 1997 (Government Gazette Issue No. 194A) to also cover the postal service sector.

2. Until the issue of such presidential decree, the organic units setup by virtue of Presidential Decree 269/ 1997 shall also cover the postal service sector.

Article 10 EETT Proceeds - Financial Management

1. Article 2 (8) (h) of Law 2246/ 1994 shall be replaced as follows:

h. The management of the proceeds under the previous paragraph of the Communications Secretariat General shall be governed by the provisions of on the public accounting system and carried out by the Minister of Transport and Communications, who, by his decisions shall allocate such proceeds to:

a. the required telecommunications and postal infrastructure of the country, in particular in areas presenting no business interest;

b. assignments for the elaboration of studies aiming at the development of telecommunications and the postal service sector;

- c. the development, operation, and maintenance of specialized infrastructure supporting the operation of the Communications Secretariat General;
 - d. research in the sectors of telecommunications and postal services;
 - e. participation in conferences of international commissions and congresses related to telecommunications and the postal service sector, and the holding of such conferences and congresses in Greece.
2. The following shall be added at the end of Article 2 (8) of Law 2246/ 1994:
- j. flat-rate dues and annual fees shall be imposed to all postal undertakings. Such dues and fees may not result in imparities and/ or undermine competition;
 - k. such dues shall be deposited into a special account held by EETT for the postal service sector with a bank operating in the area where EETT's headquarters are located;
 - l. dues pertaining to the granting of authorizations, registration with postal undertaking registers, and all other sums collected by means of lawful procedure as pecuniary penalty, administrative fine, or as the result of confiscation pertaining to the carrying out of the postal activities governed hereby shall come and be paid to EETT as proceeds.

Article 11
Committee of Bodies and Users

- 1. A Committee of Bodies and Users shall be setup to issue opinions to the Minister of Transport and Communications relating to the development of postal services;
- 2. A decision adopted by the Minister of Transport and Communications shall appoint the representatives of bodies and users participating in the Committee, establish the rules for its operation, as well as all other necessary details.

CHAPTER C
CARRYING OUT OF POSTAL ACTIVITIES

Article 12
General authorization to provide postal services

- 1. Notwithstanding the provisions of Article 13 hereof, postal undertakings are permitted to provide postal services following their registration with the Postal Undertakings Register kept by EETT.
- 2. Registration shall take place following the submission of a statement by the postal undertaking including:

- a. in case of natural persons, full identity information, in the case of legal person, the articles of association, the license or act approving their operation, the seat, name, distinctive title, and the names of the administrators;
- b. the type of the service provided and its geographical coverage, the characteristics and the information qualifying the postal undertaking;
- c. the name or distinctive title or mark or other distinctive mark of the postal undertaking printed on or attached to postal items;
- d. proof of compliance with the main requirements governing the provision of postal services;
- e. the procedure used in settling disputes with users;
- f. the term of validity of the statement.

3. EETT shall admit such statement by virtue of a decision adopted by it, sent to the interested natural or legal person, provided that: a) the minimum requirements under this article are met; b) there is no violation of the provisions hereof; c) the interested natural person, or the partners, as well as the members of the Board of Director, in case of a legal person, have not been convicted by final ruling for violations of the financial or tax legislation, as well as for offences preventing employment in the public sector, or the carrying out of professional activities, have performed their tax obligations and have not been declared bankrupt nor are under liquidation; d) the information in the statement or of which EETT takes cognizance in any lawful manner, does not demonstrate that the interested party is insolvent and unreliable, in accordance with the provisions of Article 15 et seq. hereof; and e) national security is not undermined.

4. EETT must, within three (3) months from submission of the statement, accept or reject such statement justifying its acceptance or rejection. If the statement is accepted it shall be registered with the Postal Undertaking Register.

If no action is taken within the above period, it shall be considered that the statement has been accepted, and the interested parties may commence to lawfully provide postal services. One extension may be granted to the foregoing term and for only one month. Such extension shall be granted by virtue of a justified decision by EETT.

Acceptance of the statement according to the provisions of this paragraph shall constitute the general authorization.

5. The natural or legal person providing postal services must inform EETT forthwith on any change to the information included in their respective Statements. Stated changes shall be recorded in the Postal Undertakings Register kept by EETT.

5. A decision adopted by the Minister of Transport and Communications shall also establish other supporting documents needed for the submission, acceptance of, amendment to, renewal and revocation of the statement, all

manner of dues, as well as the contribution under Article 20 hereof, as well as all details needed to implement this article.

Article 13

Provision of postal services under individual licenses

1. An individual license is required to provide postal services concerning postal items weighing up to 2 kilograms and postal packages weighing up to 20 kilograms and falling under universal postal services.
2. Licenses concern specific undertakings, may not be transferred and are revoked under the terms of the following article.

Article 14

Bodies, terms and conditions for the issue of individual licenses

1. Individual licenses are granted by decision of the Minister of Transport and Communications following the issue of opinion by EETT.
2. Individual licenses are granted within six (6) weeks from submission to EETT by a postal undertaking of the relevant application along with all information provided for in the next paragraph and in Articles 15 and 16 hereof.
3. Besides the provisions of Article 12 (2), individual licenses shall also include the following:
 - a. characteristics of the service provided and the postal network;
 - b. the terms based on which the universal service provider, postal service providers, postal network installation and maintenance bodies safeguard confidentiality;
 - c. the terms imposed by national defense and security;
 - d. access, tariff, and service quality terms;
 - e. the terms ensuring the equal treatment of users;
 - f. the terms and conditions governing the renewal, modification, suspension, revocation and expiry of the license;

g. acceptance on the part of the licensee of its obligation to provide its contribution to the State in accordance with the provisions of Article 20 hereof;

h. the way of notification of the postal service dues.

4. Any leasing, concession of use, transfer or joint use of individual licenses with third parties, or any substantial change to the composition of the share capital of postal undertakings leading to change in the control of their administration, as well as the participation of postal undertakings in joint ventures without prior approval of the Minister of Transport and Communications, following the issue of opinion by EETT, shall be prohibited.

5. Any transfer of shares, by one or more acts, to or from the same legal person, greater than or equal to five per cent (5%) of the corporate capital of a postal undertaking holding an individual license, shall be notified to EETT within thirty (30) days from the occurrence of such transfer.

6. In order to grant or renew individual licenses, besides the principles set forth in Article 3 hereof, the sum and the way of coverage of the investment to establish and operate the postal undertaking shall also be taken into account.

7. Licenses shall be issued to postal undertakings meeting the following requirements:

a. undertakings providing reliability guarantees and having professional capacity in accordance with Articles 15 and 16 hereof;

b. national security issues are not undermined.

8. If the undertaking is a legal person, the person(s) managing the undertaking must meet the requirements under para. 7 of this article. These requirements must also be met by persons authorized to represent the undertaking.

9. With regard to companies, the reliability requirement must also be met by all partners. Especially in the case of societies anonymes, all members of their Board of Directors and shareholders holding a percentage greater than or equal to 10% of the share capital must also meet such requirement.

10. Postal undertakings are required to appoint a proxy in Athens.

11. A decision adopted by the Minister of Transport and Communications, following the issue of opinion by EETT, shall establish the criteria and the procedure for the granting, renewal, modification, suspension and revocation of

individual licenses, all manner of dues, as well as the contribution under Article 20 hereof, as well as all details needed to implement this article.

Article 15 Reliability

1. Individual licenses shall not be granted:
 - a. to all parties having been sentenced to life or incarceration for over three (3) months in the past decade for trafficking, sale or use of drugs, trafficking in human beings, cold blood homicide, fraud, blackmailing, embezzlement, forgery, theft, and robbery;
 - b. to all parties having been sentenced by recidivism following a proposal by the competent government authority for violation of provisions related to the provision of telecommunications and postal services, the tax legislation, customs code, labor legislation, and social security legislation;
2. Lack of conviction for the offences under indent of paragraph 1 of this article shall be demonstrated by the submission of a criminal record copy, and lack of indictment for the acts under para. b above shall be demonstrated by a certificate issued by the Public Prosecutors Office in the location where the undertaking is to be established.
3. In order to demonstrate that a natural person which is citizen of another European Union Member State meets the reliability requirement, as this is defined in this article, a certificate is required issued by a competent judicial or administrative authority of such natural person's home country or the country from which such natural person comes.
If such natural person's home country or the country from which such person comes does not issue certificates with the content stated in the previous paragraph, such certificate may be replaced by a sworn statement of the interested party or a solemn statement made before a competent judicial or administrative authority or Notary Public in such natural person's home country or the country from which such person comes, issued in accordance with the legislation of such country.
4. The documents and information in this article shall not be accepted if submitted later than three (3) months from their date of issue.
5. Licenses shall be revoked in case of undertakings employing personnel not insured with a main insurance body.

Article 16
Professional capacity

Professional capacity shall mean the possession of knowledge necessary to ensure a sufficient quality level of the services provided. This requirement is considered to be met when natural persons, in case of personal undertakings, or the natural persons managing the company hold at least a domestic lyceum or six grade High School diploma or equivalent foreign diploma.

Article 17
Tariffs

1. Universal service tariffs must:
 - a. be geared to costs and comply with the rules for healthy competition;
 - b. not lead to discrimination and ensure equal treatment, allowing access to all users to the universal services provided at affordable prices;
 - c. comply with the rules for transparency and be published.
2. The universal service provider's tariffs must be uniform and be applied throughout the national territory, excluding cross-subsidies among services, with the exception of exclusive subsidies to universal services. The application of a uniform tariff does not exclude the right of the universal service provider to conclude individual agreements with customers.
3. EETT may, within the period from the announcement and application of new tariffs, intervene to protect competition, in accordance with the provisions of Laws 1934/ 1991, 2000/ 1991, and 703/ 1977 as are in force each time.
4. The universal service provider shall keep separate accounts for each of the services within the reserved sector on the one hand and for the non reserved services on the other. The accounts for the non reserved services should clearly distinguish between services which are part of the universal service and services which are not. The internal accounting system shall be approved by EETT and enter into force as from the immediately following accounting period.

Article 18
Charter of Obligations to Consumers

1. The universal service provider, having requested the viewpoints of the Consumer Protection Committee, shall prepare and submit for approval to the Ministry of Transport and Communications within the deadlines established by law, a Charter of Obligations to Consumers (users) including the following:

- a. a description of the characteristics of the service provided and the time limits within which it is provided;
 - b. information to users on prices, based on their respective elements, including the anticipated improvement of service quality;
 - c. a description of the procedures for access to service specific information of interest to users. To that end, the universal service provider is required to establish a Consumer Information Bureau;
 - d. a dispute settlement Committee with the participation of a representative of users and providing to interested users the right to be present;
 - e. any obligations of the universal service provider arising from other provisions in favor of consumers.
2. All other undertakings providing universal postal services under an individual license, as well as undertakings holding a general authorization are required to prepare a chart of obligations to consumers (users) including the elements under points a, b, and d of this article.
3. Postal undertakings shall submit along with their application or statement for the granting of an authorization or license, the charter of obligations to consumers. Such Chart shall be considered to have been approved by granting of the authorization or license.
4. Postal undertakings are required to inform the Consumer Protection Committee of Public Utility Companies on an annual or as requested basis, about the implementation of the Charter of Obligations to Consumers and their action taken in respect of the Committee's recommendations.

Article 19

Universal service provider

1. The universal service provider shall be the Hellenic Post (ELTA). For the purpose of providing the universal service, ELTA shall exclusively install, operate, and run the public postal network.
2. In order to achieve its objects and perform its obligations pertaining to the provision of the universal service, ELTA may use the services of third parties.

The participation of ELTA in companies or joint ventures the activities of which, in accordance with Article 13 hereof, require an individual license, shall be subject to approval by the Minister of Transport and Communications.

3. ELTA is required to develop the public postal network in accordance with the terms and conditions of its license, as well as in accordance with the terms of the Administration Contract, entered into with the State, in accordance with para. 10 of this article, covering:

a. the provision of universal service of the quality established in Article 4 hereof;

b. the needs of the postal market in terms of the uninterrupted operation of free competition.

ELTA is required to ensure to users for a charge and by advance payment of the respective dues, access to its postal network under transparent and equal conditions.

4. ELTA has the right to develop, besides the main postal services, letter mail, mass correspondence, packages, shipments requiring special management, and new services, such as courier services, document exchange, services combining new telecommunications technologies with postal service elements, electronic mail, and all manner of postal services, locally, domestically, and internationally.

5. In addition to the exclusive rights under Article 5 (2), the following exclusive rights shall also be granted to ELTA:

a. the issue of stamps and related philatelic activities;

b. the placement of letter boxes for clearance of mail at determined points;

c. dispatch of registered mail in the context of judicial or administrative procedures;

d. the use of the corporate name "Hellenic Post" and the distinctive title "ELTA".

6. The terms governing the provision of the universal service and all other activities of ELTA shall be established by an individual license granted by presidential decree by proposal of the Minister of Transport and Communications. Until the issue of such presidential decree, ELTA shall carry out all of its activities as provided for hereby.

7. ELTA, in order to safeguard its exclusive rights, may ask the users of the public postal network to state the number of and type of the postal items sent.

8. ELTA's activities in the sector of postal services provided in a free

competition regime shall be subject to the same terms and obligations applicable to private postal undertakings.

9. Any postal items prepaid at an undertaking other than ELTA, and arrive at the ELTA services by mistake and without payment of the relevant dues, may be delivered to their addressee once the involved undertaking has paid to ELTA the corresponding dues.

Should such undertake refuse to pay such dues, EETT shall be informed.

The latter shall immediately set the procedure for settling the matter.

ELTA is required to store such postal items for one (1) month, after which such postal items fall under the category of unclaimed postal items.

10. With regard to the provision of universal service by ELTA, the latter shall enter into an Administration Contract with the Greek State, signed by the Minister of Transport and Communications and ELTA. Such contract shall contain in particular:

- a. the quality standards and terms of provision for reserved services;
- b. the terms of tariff elaboration for reserved services;
- c. the main obligations of ELTA as universal service provider, particularly with regard to performance of its obligation to provide services of a specific quality throughout the territory at affordable prices;
- d. the exclusive rights granted by the State to ELTA to uninterruptedly perform its obligation to provide the universal service, besides the rights granted to it under this law and the particular methods regarding the performance of its contractual obligations in such sector;
- e. the obligations it assumes vis-à-vis the State to meet the national defense and security needs;
- f. its obligation to investigate any complaints lodged by users.

Article 20

Special compensation fund regarding the universal service obligation

1. If the cost corresponding to the obligation to provide universal services after profits from reserved services cannot be covered by the respective proceeds, the universal service provider may request compensation to cover the difference.

2. The cost of universal services is given by the EETT approved cost accounting system, based on a good management framework and the obligations arising from the Administration Contract.

3. All postal undertakings shall contribute to covering the difference under para. 1 above. To that end a joint decision adopted by the Minister of Finance and the Minister of Transport and Communications shall establish a special fund administered by EETT, and where the contributions of undertakings shall be deposited. Such joint decision shall establish all details necessary for the operation of the special fund established by this article. Such fund shall be established as from the year 2000.

4. To the extent that EETT approves the compensation requested in accordance with para. 1 of this article, all postal undertakings providing services in accordance with Articles 12 and 13 hereof, shall contribute to the coverage of the foregoing difference.

5. The sum corresponding to the contribution of each undertaking shall be computed in accordance with the ratio of the sales of each undertaking to the total sales of all undertakings in the postal service sector. This computation shall also include the sales of the universal service provider.

6. A decision adopted by the Minister of Transport and Communications shall establish the calculation method and the terms of payment, used each year, to determine and pay the compensation under this article.

Article 21

International postal services - Terminal dues

1. The provision of international postal services shall be governed by the provisions of the Acts of the Universal Postal Union (UPU) or other conventions or agreements that are binding on Greece. Subject to the provisions of Article 6 (1) (c), the universal service provider shall have the right to act as the Hellenic Postal Service for the purpose of the implementation of such Acts of the Universal Postal Union (UPU).

2. The terminal dues collected by the universal service provider for the delivery of international incoming mail to Greece from the universal service providers of other European Union Member States shall be governed by the acts of the Universal Postal Union. More specifically, with regard to relations with such providers, terminal dues may be established by multilateral or bilateral agreements. Those same acts or agreements shall also establish the terminal dues the universal service provider shall pay for outgoing mail.

3. The terminal dues on which the universal service provider agrees under

multilateral or bilateral agreements must cover the management and delivery costs and be proportionate to the quality of service.

4. Where it is not possible to enter into agreements with one or more universal service providers of other Member States, the universal service provider in Greece, by its justified decision notified to the Minister of Transport and Communications and to EETT, and after an express warning addressed to the respective providers, may establish the sum corresponding to terminal dues for incoming mail originating from them in accordance with the principles contained in para. 3 of this article.

5. The universal service provider may require full coverage of the cost of the services it provides to deliver inside the country postal items previously transported using physical means of transport to another country to be resent to Greece.

Article 22 Secrecy - Confidentiality

1. The provisions of the Criminal Code regarding the protection of the confidentiality of postal communication shall apply to all postal undertakings and their personnel.

2. Postal undertakings and their personnel may not provide any information becoming known to them in the context of postal item management to any unauthorized person or facilitate access to such information to such unauthorized person.

3. The personnel of the undertaking is bound by a confidentiality obligation even after termination of their employment by the undertaking.

4. The confidentiality obligation also applies to all persons having a contract with a postal undertaking for the provision of services.

Article 23 Opening of postal items

1. Postal items for which it has not been possible to find their addressees or senders shall be classified as unclaimed.

2. By decision of the Minister of Transport and Communications, the latter may establish the rules governing the management of unclaimed postal items and their opening.

CHAPTER D
COMPENSATIONS - SANCTIONS

Article 24
Compensations

1. Defective provision of services or unjustified interruption of the provision of services to users leads to the right to compensation, in accordance with the terms and conditions of general authorizations or individual licenses.
2. The provisions of para. 1 of this article shall not apply to those cases where by decision of the Minister of Transport and Communications, following the issue of opinion by EETT, a flat-rate compensation is established.
3. Civil law disputes arising from the implementation of this article and claims to compensation, regardless of the sums involved, shall be brought before the One-member Court of First Instance, in accordance with the procedure under Articles 648 to 661 of the Civil Proceedings Code.

Article 25
Sanctions

1. Violation of the provisions hereof or of a term of general authorization or individual license, shall lead to the imposition, following a hearing of the interested parties, of one or more of the following sanctions:
 - a. Recommendation or Warning.
 - b. Fine between five million drachmas (5) to one hundred million drachmas (100,000,000 GRD) to be collected in accordance with the provisions of the Code for the Collection of Public Income.
 - c. Temporary revocation of the general authorization or individual license.
 - d. Final revocation of the general authorization or individual license.
2. The sanctions under para. 2 above shall be imposed by:
 - for cases c and d, the Minister of Transports and Communications, following an opinion by EETT;
 - for cases a and b, EETT.

The Minister of Transport and Communications may impose the sanctions under cases c or d in addition to the sanctions under case b.

3. With regard to the imposition of the sanctions under para. 1, account shall be taken of the seriousness of the violation, the type of authorization held by the infringing party, the extent of its activity, and any repetition of such violation.
4. The sanctions under this article may be imposed regardless of the

provision for criminal sanctions or the payment of civil law compensations/damages regarding the same conduct.

5. The sum corresponding to the fine under para. 1 may be readjusted by decision of the Minister of Transport and Communications, following an opinion by EETT.

6. The personnel of postal undertakings shall, in respect of the postal communication confidentiality obligation and the terms of operation established by National Committee for the Protection of the Confidentiality of Communications and EETT, have the employee status under Article 13 of the Criminal Code.

CHAPTER E OTHER PROVISIONS

Article 26 Provisions on ELTA issues

1.a. The General Meeting of the Shareholders of ELTA shall be the supreme body of the Organization and decide on all issues which in accordance with Codified Law 2190/ 1920 fall within the scope of responsibility of the General Meeting of Shareholders, including amendments to its Articles of Association, with the exception of Articles 1, 2, and 3 of Royal Decree 804/ 1970, and Articles 2, 3, and 8 (2) of Joint Ministerial Decision No. 83588/ 2531/ 1996 on the adaptation of the provisions of the Articles of Association of ELTA to the provisions of Law 2414/ 1996.

b. Such amendments shall be subject solely to the publication requirements established by Codified Law 2190/1920. Any provisions to the contrary shall be repealed.

2. The Board of Directors of ELTA may, besides its competencies under Article 6 of Law 2414/ 1996 and Codified Law 2190/ 1920, also decide on:

a. the tariffs regarding postal dues, in the context established by the approved operational plan;

b. the international relations of the Organization, and its participation in international organizations and their works;

c. its organization, the organizational structure of its services, and the structure of its network;

d. the selection of the means used to transport postal deliveries;

e. the installation of post offices on wheels, postal transaction booths, letter boxes, mailboxes, and postal printed matter boxes in public or community areas, without payment of dues or consideration to any party;

f. ELTA's relations and transactions with public entities and legal persons controlled by majority by the State;

g. the terms and conditions for the granting of authorizations to natural and legal persons to sell postal stamps to meet the postal needs of the public. Article 16 (5) of Legislative Decree 496/ 1970 added by virtue of Article 3 of Legislative Decree 1063/ 1971 is repealed;

h. the time during which unclaimed postal checks shall be kept, past which such sums shall become ELTA proceeds. Article 18 (1) of Law 2045/ 1952 is repealed. Any claims existing to date shall be written off;

i. the terms and conditions governing the sale of obsolete material, including means of transport, archives, as well as values and objects found in obsolete, unclaimed letters and packages. The result of the sale shall be ELTA proceeds. Any other provision contrary to this provision shall be repealed;

j. telephone connections with or without barring devices to meet the needs of its operations.

The provisions imposing additional approvals for the above competencies of the Board of Directors of ELTA are repealed.

The decisions provided for under a, c, g, h, and i, shall be published in the Second Issue of the Government Gazette.

3.a. ELTA may undertake, under contract, on behalf of third parties, the sale to the public through its network, bonds, interest bearing bills, and other paper or paperless securities of the Greek State and banks, mutual funds, or other financial products, as well as insurance products, and accept on behalf of the Greek Postal Savings Bank and other credit or financial institutions, cash deposits or withdrawals, receive documents and supporting documents from the public addressed to such institutions in respect of the issue of loans, connect the Automatic Teller Machine (ATMs) network with other interbank ATM networks and other computerized systems and in general, provide the services it agrees on with the State or the foregoing institutions. The personnel of ELTA may provide the above services without another lawful relevant license being required.

b. ELTA may participate directly or through its subsidiaries in companies creating and selling mutual funds, insurance products, and financial products and services in general.

c. ELTA may decide to create personal postal accounts in the quick payment system with interest bearing deposits made by natural and legal persons, under special orders, regarding the collection or payment of sums, as well as issue on its own or in cooperation with third parties, credit cards and make them available to the holders of personal postal accounts.

As from the entry into force hereof, all licenses required to provide such services shall be deemed to apply to ELTA.

d. By virtue of a contract entered into between the Minister of Finance and ELTA, the latter may be assigned, for a charge, to collect on behalf of the Greek State value added tax, income tax, as well as any other taxes and dues and in accordance with the terms established in such contact.

e. A contract entered into between the Greek State and ELTA, may establish the terms and conditions in accordance with which ELTA:

a) accepts applications by citizens, along with the respective supporting documents for it to transmit them to the competent public services, public law entities, local and regional government entities, the independent administrative authority of the ombudsman, and the bodies of the wider public sector, collecting the sums corresponding to the dues, stamp duties, royalties, and deposit bonds that apply in each case on behalf of the State or other entities; and b) delivers licenses, certifications and certificates, sent by the competent public services and bodies of the of the wider public sector to citizens, collecting from them on behalf of the State or other entities the respective dues, stamp duties, and deposit bonds. The same contract shall also establish the fees of ELTA for the services it provides under this indent, charged to citizens, and which fees in any case cover the cost of their provision. A decision adopted by the Minister of Finance shall establish the procedures used to collect and pay the dues, stamp duties, and deposit bonds, the methods used to audit collections, the sanctions and surcharges that apply in cases of delays in their payment, as well as all necessary details.

f. As from the entry into force of this law, the respective services shall be considered to be included in the scope of the public undertaking, HELLENIC POST.

4. With regard to any omissions on the part of ELTA in respect of the implementation of the provisions of the Code of Books and Records, the fines or other sanctions imposed by Presidential Decree 186/ 1992 shall not apply until December 31st, 1992, provided that the relevant irregularities do not affect financial results.

5. The claims brought forward by the Loan and Deposit Fund against ELTA

in respect of the "ELTA CHECKS" balance dated August 9th, 1988 as stands until publication hereof, shall be written off. The claims brought forward by ELTA against the Bank of Crete regarding its blocked deposits with such bank shall be written off.

6. Paragraph 7 shall be added to Article 1 of Law 2303/ 1995. The contents of such paragraph are:

"7. The remuneration of the personnel of ministries or public services and public and private law entities may also be paid through the Hellenic Post (ELTA), once a contract has been entered into between any such entity and ELTA.

Similar contracts may also be entered into between public undertakings and organizations on the one hand and ELTA on the other."

7. Hellenic Post goods and services purchases concerning programs co-financed by the European Union shall be decided on by the Board of Directors of the Organization, and implemented in the context of approved budgets in accordance with the approved procedure under Article 5 (3) of Law 2286/ 1995 of the ELTA Procurement Regulation without integration thereof in the Single Procurement Program, in terms of goods, and the respective regulation, in terms of services.

8. As from January 1st, 2000, ELTA is required to pay contributions established each time corresponding to employers regarding the unemployment, recruitment, the Account for the Distribution of Salaried Personnel Family Benefits (DLOEM), the Special Account for Vocational Training and Education Programs (ELPEKE), LPEAAE, the Special Joint Account for Unemployment sector of the Organization for Employment of the Workforce (OAED), the Worker's Housing Organization, and the Worker's Welfare Foundation. As from January 1st, 2001 the personnel of ELTA shall be required to contribute half of the above contributions corresponding to employees, while as from January 1st, 2002 they are required to contribute the remaining half of such contributions, corresponding to employees. Until the above dates, ELTA and its personnel shall have no obligation in respect of equivalent contributions or resources.

The provisions of Article 27 do not concern postal services or undertakings, hence they have not been translated into English.

Article 28 Payment of expenses

The provisions of Article 28 (1) do not concern postal services or undertakings, hence they have not been translated into English.

2. The expenses generated in accordance with the provisions of Articles 7 (3) and 8 (1) shall be covered by means of the increase of the proceeds of EETT as a result of the implementation of the provisions hereof.

3. Loss of income suffered by the Deposit and Loan Fund, and Public Material Management Organization (ODDY), the Organization for Employment of the Workforce (OAED), the Worker's Housing Organization, and the Worker's Welfare Foundation as a result of the implementation of the provisions of Article 26 (2) (i), (5), and (8) shall be covered from other income sources of the budget of such entities.

Article 29 **Transitional provisions**

The provisions of Article 29 (1) do not concern postal services or undertakings, hence they have not been translated into English.

2. Undertakings which at the time of issue of this law provide services in the postal service sector, as is defined by the provisions hereof, shall be required to submit within a deadline of three (3) months from its publication either an application for registration with the Postal Undertaking Register, in accordance with the provisions of Article 12 hereof, or an application for the granting to them of an individual license in accordance with the provisions of Article 13 et seq. hereof. As from their registration or the granting of the individual license the foregoing undertakings shall obtain the rights and obligations deriving from this law. After the deadline for the submission of applications has closed, the provision of such services by undertakings not having submitted the relevant application or not meeting the requirements hereof. The sanctions under Article 25 shall apply to all violations.

Article 30

This law shall enter into force as from its publication in the Government Gazette.

We hereby order the publication hereof in the Government Gazette and its implementation as a law of this State.

Athens, December 17th, 1998

THE PRESIDENT OF THE REPUBLIC
KONSTANTINOS STEFANOPOULOS

THE MINISTERS

MINISTER OF THE INTERIOR, PUBLIC
ADMINISTRATION, AND
DECENTRALIZATION

MINISTER OF NATIONAL ECONOMY AND
FINANCE

AL. PAPADOPOULOS

MINISTER OF DEVELOPMENT

GIAN. PAPANTONIOU

MINISTER OF LABOR AND SOCIAL
SECURITY

VASSO PAPANDREOU

MINISTER OF TRANSPORT AND COMMUNICATIONS

MILT. PAPAIOANNOU

T. MANTELIS

Validated and sealed with the Great Seal of the State

Athens, December 18th, 1998

MINISTER OF JUSTICE
EVANG. GIANNOPOULOS