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No. 29030/816

Establishment of the cases where flat-rate compensation is required as a result of defective postal service provision

THE MINISTER OF TRANSPORT AND COMMUNICATIONS

Having regard to:

1. the provisions of article 24 (2) of Law 2668/ 98 (Government Gazette Issue No. A282) organization of the postal service provision sector and other provisions;
2. the provisions of article 29A of Law 1588/85 (Government Gazette Issue No. A167) on Government and governmental bodies, as has been added by virtue of Article 27 of Law 2081/92 (Government Gazette Issue No. A70) and replaced by virtue of article 1 (2) (a) of Law 2469/97 (Government Gazette Issue No. A38);
3. Decision No. 15851/7601/24.4.2000 adopted by the Prime Minister and the Minister of Transport and Communications on the assignment of Minister of Transport and Communications competences to the State Secretary of Transport and Communications;
4. the provisions of Presidential Decree 293/ 99 on the Organization of the Ministry of Transport and Communications;
5. the opinion of the Hellenic Telecommunications and Post Commission (EETT) dated April 24th, 2000, expressed by its Plenary at the 169th Meeting of the latter;
6. the fact that the implementation of such decision does not lead to expenditure charged to the State Budget, we hereby decide:

1. The minimum flat-rate compensation to users as a result of defective postal service provision is established as follows:

a. in cases where loss of postal objects for which there is proof of dispatch is demonstrated, the minimum compensation is fixed at 12,000 GRD. Loss shall also mean total destruction of the postal item;

b. in cases where delay to deliver plain registered mail beyond the agreed time is demonstrated, the compensation is fixed to 100 GRD per day of delay. In cases of delay in the delivery of express registered mail, the compensation shall be computed based on the ratio of the fees paid for express mail to those paid for regular mail. In no case may such compensation exceed that paid for loss of postal items;

c. in case of loss, theft of or damage to insured postal items with a declared value, the sum corresponding to compensation shall be that declared by the sender.

2. Compensation in the above cases shall be paid to senders, or should the latter waive their rights, to the addressees of the postal objects.

3. No claims for compensation provided for under cases 1 and 2 above may be raised against a postal undertaking after six (6) months have elapsed from the dispatch of postal items.

4. Postal undertakings may not be held liable in cases where loss, damage, or delay in the delivery of postal items is due to incidents that such postal undertakings were unable to foresee or prevent or attributable to the sender, or to the special nature of such postal items. Neither may postal undertakings be held liable for postal items the contents of which are illegally dispatched or possessed by the sender and/ or the addressee, as well as for items the contents of which have been seized or destroyed by competent Authorities.

5. The above provisions do not limit the right of postal undertakings to set higher compensation for the cases established hereby.

This decision be published in the Government Gazette.
Athens, May 16th, 2000

State Secretary
A. VOULGARIS