



Provision of Direct Mail Services

Under which circumstances distribution or handling of similar or identical brochures as well as catalogues, books or magazines addressed to a significant number of recipients of «advertising» or «marketing» nature, can be considered a postal service, and its provision will both require a relevant licence (General Authorisation or Individual Licence), and will also entail the payment of fees to EETT on gross turn over resulting from this activity?

Given the fact that:

> Printed material to be distributed may appear in any of the following forms:

- Enclosed in envelope (or relevant wrapping), bearing the recipient's full name and address.
- Enclosed in envelope (or relevant wrapping), bearing the recipient's full name but not an address.
- Enclosed in envelope (or relevant wrapping), bearing neither full name nor address of recipient.
- Without envelope or any wrapping.

> Printed material can be distributed in the following ways:

- By delivery of the envelope (or the corresponding package) to the indicated address and the standard mailbox of the specific recipient (as specified on the envelope or on the corresponding wrapping).
- By delivery of the envelope (or the corresponding package) without address but only the recipient's full name at the standard mailbox of the specific recipient (as specified on the envelope or on the corresponding wrapping).
- By leaving non-enveloped or wrapped items (brochures, catalogues, books, magazines and other small items), either at the standard mailbox, or at

the forecourt or under the gate of residences.

- By distributing non-enveloped or wrapped items (brochures, catalogues, books, magazines and other small articles) at outdoor locations, store premises, commercial store areas as well as random recipients.

Taking into account the forms that such printed material may have as well as their methods of distribution, one may ask the following specific questions:

- > Which are the required exterior characteristics of the mailed printed material so as to classify it as a postal item?
- > Which of the distribution methods applied can be considered as postal services?

Conclusions

> The following conditions shall apply to characterise an item as «advertising» and to conclude that its shipment falls under the «direct mail» concept:

- It must bear the external characteristics of postal item i.e. enclosed in envelope (or any relevant wrapping) and be addressed to a specific recipient, regardless of whether such recipient's address is marked on the envelope or in its wrapping.
- Its content is uniform per class of recipients or per message

type (standard message) and it must be addressed to sufficient (i.e. large) numbers of recipients.

- It is explained that «direct mail», in addition to simple postal items (e.g. brochures in envelopes), can also be (depending on the case) uniformly wrapped catalogues, magazines or books, provided that can be derived from their nature that their intent is to advertise or promote products and that they are addressed to sufficient number of recipients.

> Furthermore, according to the combination of the provisions of applicable legislation and the interpretation of the actual intent of the Lawmaker, the following can be derived:

- Regarding handling of similar mailing items, including catalogues, magazines or books of advertising or sales promotional nature, enclosed in envelopes or similarly packaged, bearing the recipient's full name and address, addresses to a large number of recipients and do not fall within the exclusive rights of the Universal Service Provider (USP), it is necessary to obtain an Individual Licence.
- Regarding handling of similar mailing items, including catalogues, magazines or books among others of advertising or sales promotional nature,



enclosed in envelopes or similarly packaged, bearing the recipients' full name but not their address, and are addressed to a large number of recipients, it is necessary to obtain a General Authorisation.

- Regarding handling of similar brochures, as well as catalogues, magazines and books having advertising or marketing nature, addressed to a large number of recipients, not enclosed in envelopes or similar packaging but in their original form. Those are either
 - a) left out in the standard mailboxes in front at the recipients' residence, or
 - b) distributed at public locations or commercial stores, to eventual recipients, obtaining any form of Licence is not required,

given the fact that items distributed in this manner cannot be classified as postal items, since they do not have the characteristics provided by the Law.

- An issue may arise in case items not bearing the recipient's full name and address are placed in their original form in the standard mailbox or are dropped at the forecourt or under the entrance door of the residence. In this case one might argue that on the one hand the recipient's identity is made specific, on the other hand delivery of the item is conducted in an appropriate way. Nevertheless, as distributed items cannot be classified as postal items, for the reason stated above (under § 3) and that in several cases, residents themselves or the designated administration of a jointly owned block of apartments explicitly prohibit the entrance of distributors of such printed material at the mail reception premises, the dominant view that no Licence of any type is required.

Legal Framework

EC Directive 97/67 regarding common rules for the development of the EU postal services internal market and improvement of quality of the services supplied.

EC Directive 2002/39 amendment to EC Directive 97/67 regarding further opening of the EU postal services to competition.

Law 2668/1998, «Organisation of the postal services sector and other provisions» as currently in force following its amendment by Law 3185/2003 «Amendment of L. 2668/1998 (SGI A 282) harmonisation to Directive 2002/39/EC, regulations of the Hellenic Postal Organisation (ELTA) and other provisions».

EETT Decision 296/93/2003 «Regulation on General Authorisations for the Provision of Postal Services»,

EETT Decision 300/93/2003 «Regulation on Individual Licences for the Provision of Postal Services».