

Pursuant to Article 8, paragraph 1, item 5a) and Article 23 of the Law on Electronic Communications (*Official Gazette of RS*, Nos. 44/10, 60/13-CC Dec. and 62/14) and Article 66, paragraph 1, item 12a) of the Law on Postal Services (*Official Gazette of RS*, Nos. 18/05, 30/10 and 62/14) and Article 16 of the Statute of the Regulatory Agency for Electronic Communications and Postal Services (*Official Gazette of RS*, No. 125/14), the Managing Board of the Regulatory Agency for Electronic Communications and Postal Services, in its session of December 29, 2014, adopted the following

ORDINANCE

on the way and conditions of access to the public postal operator's postal network

General provisions

Article 1

This Ordinance shall prescribe the way and conditions of access to the public postal operator's postal network.

Article 2

The purpose of the access to the public postal operator's postal network is to ensure a continuous and sustainable provision of universal postal service of prescribed quality.

Universal postal service (hereinafter: UPS) shall be provided in accordance with the Law on Postal Services and relevant bylaws governing this matter.

Access to the elements of postal infrastructure and to the PPO's postal network

Article 3

The public postal operator's (hereinafter: the PPO) postal network shall consist of postal network units and resources (logistic, technical and technological, IT, HR etc.), used by the universal service provider during the provision of postal services.

Article 4

Within the aspect of the access to the PPO's postal network, in line with this Ordinance, the elements of postal infrastructure shall mean access to the postal address system, as part of the PPO's resources.

The access to the postal address system shall enable the customer to use the postal operator's postal address code (PAC) database, as well as the data for consolidation of items.

Article 5

The PPO shall be obliged to establish, maintain and develop the postal network and postal address system, in a way to ensure the provision of universal postal service on the territory of the Republic of Serbia.

Article 6

The PPO shall use the postal network and elements of postal infrastructure in the following purpose:

- 1) collection of postal items;
- 2) routing and handling of collected postal items, from access points to sorting centers and to delivery post offices;
- 3) delivery of these items to indicated addresses.

Article 7

Access to the PPO's postal network shall mean that the access user shall collect postal items from the postal services customers and shall subsequently hand these items over in the contracted access points, to the PPO's postal network for further routing, transmission and delivery at the recipients' address, or shall do the same with its own items. The access user shall be obliged to perform routing of the items as required by the PPO.

Access users

Article 8

Abiding the principles of non-discrimination and transparency, the PPO shall ensure the access to its postal network to the following users:

- 1) postal operators – providers of universal postal service;
- 2) consolidators;
- 3) postal services customers handing over exclusively their own items.

The consolidator, in the sense of this Ordinance, shall be a legal entity or entrepreneur collecting items from various customers, consolidating them and handing them over to the PPO for further phases.

The right of access to the postal network shall be realized through submittal of a written Request.

Way of access

Article 9

The PPO shall enable access to the access users of Article 8, to the elements of postal network (access points, postal centers) with the afflux of collected items from different parts of the network – for all the items from the UPS domain, except reserved services.

The PPO may also ensure access to the postal network in other elements of postal network, in accordance with this Ordinance.

Article 10

The PPO shall be obliged to ensure to the access users the quality of services, in accordance with the Law and relevant bylaws.

The PPO shall be deemed responsible to the access users for the loss, total damage or reduction of the contents of postal items, as well as for exceeding the delivery deadlines, from the moment of collection of the items from the access user, till their delivery to recipients, in accordance with the Law.

Article 11

The prices of the access to the PPO's postal network shall be established according to the net cost calculation, based on the avoided costs, in line with the Ordinance on the Methodology of UPS Price Formation.

The prices of the access to the PPO's postal network shall be included in the PPO's Price List of Universal Non-Reserved Postal Services.

Article 12

The PPO shall define:

- 1) rights, obligations and responsibilities of the PPO and access users;
- 2) form and content of the Request for access to the PPO's postal network,
- 3) vital elements of the Access Agreement;
- 4) kind of services to be provided by the access user;
- 5) access points to the postal network;
- 6) minimum volume of items to be inserted into the network through access points;
- 7) manner of protecting the secrecy of the data.

Requirements of the access to the PPO's postal network

Article 13

Access user shall submit the Request for access to the PPO's postal network.

Basic elements of the Request are:

- 1) information about the access user;

- 2) list of postal services and estimate of the volume of items that the access user intends to insert into the PPO's postal network;
- 3) estimate of the dynamics of the item collection;
- 4) access points and ways of access to the PPO's postal network;
- 5) list of the data from the PPO's address system the access to which is being requested.

Along with the Request from paragraph 1 of this Article, the access user – postal operator – universal service provider, shall be obliged to submit proof of license for the provision of universal postal service, in accordance with the Law.

Article 14

The PPO shall inform the access user about the existence of corresponding technical and technological possibilities of access to the PPO's postal network, within 30 days from the receipt of the Request.

In case of the existence of suitable technical and technological possibilities, the PPO shall be obliged to offer to the access user the Agreement on access to the PPO's postal network, within 15 days from the delivery day of the notification on the possibility of access to the PPO's postal network.

Article 15

Exceptionally, the PPO may deny the Request for access to the PPO's postal network, in the following cases:

- 1) if allowing the access to the postal network would compromise the quality level of the provision of universal service;
- 2) if the PPO does not have technical and technological possibilities;
- 3) for other justifiable reason, in line with the Law and general regulations.

The PPO shall explain to the access users, in writing, the reason for the denial of the Request from paragraph 1 of this Article.

Article 16

The PPO shall be obliged to deliver to the Agency each Access Agreement, immediately after its conclusion.

The Agency shall keep the Record of the concluded Access Agreements.

Transitional and final provisions

Article 17

This Ordinance shall enter into force on the eighth day after its publication in the *Official Gazette of the RS* and shall become applicable as of January 1, 2016.

Done in Belgrade, on 29.12. 2014

Ref. no. 1-04-34013-4/14-4

*Chair of the
Managing Board*

Prof. Dr Jovan Radunovic