

Pursuant to Article 8 paragraph 1 item 5a and Article 23 paragraph 1 of the Law on Electronic Communications (Official Gazette of RS 44/10, 60/13 - CC, 62/14 and 95/18 - other law), Article 6 paragraph 3 item 1, Article 8 and Article 21 paragraph 3 of the Law on Postal Services (Official Gazette of RS 77/19), Article 12 paragraph 1 items 1 and 6 and Article 16 paragraph 1 items 4 and 5 of the Statute of the Regulatory Agency for Electronic Communications and Postal Services (Official Gazette of RS 125/14 and 30/16),

the Management Board of the Regulatory Agency for Electronic Communications and Postal Services, at the 53rd session of the third convocation, held on 26 August 2020, adopted the following

RULEBOOK

on the conditions for and the manner of provision of postal services

I. INTRODUCTORY PROVISIONS

Article 1

This rulebook regulates in detail the conditions for and the manner of provision of postal services, how postal items are handled from collection to delivery, the rights, obligations and responsibilities of providers and users of postal services, the protection of users of postal services, as well as other matters of importance for the functioning and development of postal services in the Republic of Serbia.

This rulebook shall apply to the provision of postal services in national and international postal traffic, under the law governing postal services in the Republic of Serbia (hereinafter: the law), relevant bylaws, general terms and conditions for the provision of postal services and other acts adopted by postal operators in accordance with the law, as well as international conventions, agreements and other international acts ratified by the Republic of Serbia.

II. CONDITIONS FOR THE PROVISION OF POSTAL SERVICES

Article

2

Postal services shall be provided by any business entity, i.e. postal operator that, under the law:

- 1) has met the conditions governing the provision of postal services set out by the competent ministry, and
- 2) has obtained a licence to provide postal services from the Regulatory Agency for Electronic Communications and Postal Services (hereinafter: the Agency).

In accordance with the law, depending on the type of services provided by the postal operator, the Agency shall issue the following types of licences:

- 1) a special licence - a licence issued to the public postal operator for the provision of the universal postal service (hereinafter: the UPS);
- 2) a licence - issued to the postal operator for the provision of the UPS, excluding reserved postal services;
- 3) an authorisation - issued to the postal operator for the provision of other postal services.

Article

3

Postal operators must adopt general terms and conditions for the provision of postal services in accordance with the Law and relevant bylaws.

The content of general terms and conditions for the provision of postal services is prescribed by law.

The Agency shall approve the postal operators' general terms and conditions for the provision of postal services and may request their modification in accordance with the conditions laid down in the law.

The Agency shall publish on its website general terms and conditions for the provision of postal services applying to all postal operators.

The public postal operator (hereinafter: the PPO), after receiving the approval from the Agency, shall publish general terms and conditions for the provision of postal services in the Official Gazette of the Republic of Serbia.

Postal operators shall display general terms and conditions for the provision of postal services in a visible place on their premises and make them publicly available to the users in other ways at least eight days before their effective application.

Article

4

A postal operator shall inform its users about its opening hours and service price list, in accordance with the law.

A postal operator must charge for the services provided as per its postal service price list, which has been approved by the Agency, except for reserved postal services, which must be approved by the Government.

The user of postal services shall prove their identity with personal identification documents such as the ID card, passport and other documents issued by a competent state authority, of which official records are kept and which contain: a photograph, the document registration number and personal data.

III. THE MANNER OF PROVISION OF POSTAL SERVICES

Article

5

Postal services shall be provided in accordance with the access agreement or a signed agreement, in accordance with the law, relevant bylaws, general terms and conditions for the provision of postal services and other acts adopted by postal operators in accordance with the law, as well as international conventions, agreements and other international acts ratified by the Republic of Serbia.

Article 6

When providing postal services, a postal operator shall, in accordance with the law, ensure the inviolability of letters and other means of communication.

The ways in which the principle of inviolability of letters and other means of communication may be violated by postal operators are prescribed by law.

The principle of inviolability of postal items, letters and other means of communication may be violated only if so decided by a court of law, when this is necessary for criminal proceedings or to protect the security of the Republic of Serbia, by opening or detaining the postal item.

A postal item may be opened by a commission without the consent of the sender or the recipient in the following cases:

- 1) as per a competent authority's decision, where there is a reasonable suspicion that the postal item contains prohibited items;
- 2) where, due to the damaged exterior wrapping, there is a reasonable suspicion that the contents of the postal item have been lost, that the contents are spoiled, or that the contents may damage other postal items;
- 3) where a postal item in international postal traffic is subject to customs inspection;
- 4) where the postal item cannot be delivered to the addressee or the sender.

In the cases referred to in items 1, 2 and 4 of the previous paragraph of this Article, a postal operator must make a report.

IV. TYPES OF POSTAL SERVICES

Article

7

Postal services, within the meaning of the law, are the universal postal service and other postal services.

1. Universal postal service (UPS)

Article

8

The universal postal service is a service of general interest, comprising a set of postal services provided in continuity on the entire

territory of the Republic of Serbia, of the prescribed quality, at affordable prices and under equal conditions for all users, without discrimination.

The conditions and procedure for the provision of the UPS are prescribed by the law, relevant bylaws, acts of the Universal Postal Union and general terms and conditions for the provision of postal services by the UPS providers.

Article 9

The PPO must ensure, in accordance with the law and relevant bylaws, that there is a sufficient number of post offices enabling the provision of the UPS every working day, and not less than five days a week, except on national and religious holidays, in the event of force majeure or a threat to the health and safety of postal service users and postal operator's staff.

Notwithstanding the previous paragraph, a five-day working week is not mandatory for the PPO's post offices opened:

- 1) to make the UPS available to the residents of a settlement with fewer than 1,300 households and which is not a municipal seat;
- 2) to make the UPS available to the residents of a group of settlements with fewer than 1,300 households in total, where none of the settlements is a municipal seat.

The PPO shall submit to the Agency a list of post offices exempt from a five-day working week, with a rationale, for approval.

Article 10

The PPO shall, in accordance with the law and relevant bylaws, adopt a special act determining the opening hours of post offices, and submit said act to the Agency no later than 15 working days before its effective application.

The PPO may close a post office or change the opening hours only after performing an analysis that justifies the change, and it shall inform the Agency within 15 working days before effective application of the changed opening hours or closing the post office.

Notwithstanding the previous paragraph, in the event of force majeure or extraordinary situations, the PPO may change the opening hours of a post office for a maximum of 15 working days without having to inform the Agency about it.

If the Agency finds that the opening hours do not meet the prescribed criteria, the Agency shall point this out to the PPO, make a recommendation on how to harmonise the opening hours with the prescribed criteria and immediately inform the competent ministry about it.

Article 11

In settlements with over 1,000 households, the delivery of postal items in the UPS domain shall be done every working day, and not less than five days a week, except on national and religious holidays, in the event of force majeure or a threat to the health and safety of the staff.

The mandatory five-day delivery week shall not apply to the following:

- 1) households located more than 500 metres away from a public road;
- 2) households to which there is no adequate road for clear access of the postal operator's member of staff;
- 3) households located in hilly or mountainous areas with rather difficult access conditions;
- 4) households that use communal letter boxes for collection and delivery of non-recorded postal items and notifications of recorded postal item delivery.

In the cases referred to in the previous paragraph, the PPO shall provide the UPS delivery at least once a week, according to the pre-determined dynamics.

Article 12

In settlements with fewer than 1,000 households, in specific geographical areas with difficult access to postal services, in rural areas and scarcely populated areas with a small number of postal items, the UPS postal items may be delivered less than five days a week.

In the cases referred to in the previous paragraph, the PPO shall deliver the UPS items according to the predefined dynamics, i.e.:

- 1) in settlements with up to 250 households, postal items will be delivered at least one day a week;

2) in settlements of 250 to 500 households, postal delivery shall be provided at least two days a week;

3) in settlements of 500 to 1,000 households, postal delivery shall be provided at least three days a week.

Article 13

2. The PPO must, for all UPS deliveries regulated under Article 11 paragraph 2 and Article 12 paragraph 2. hereof, submit a list of post offices exempt from a five-day delivery week, with a rationale, for the Agency's approval.

When compiling a list of post offices exempt from a five-day delivery week, the PPO must have due regard to the criteria for quality delivery set out in the Agency's general act regulating the quality parameters for the provision of postal services.

The PPO must submit for the Agency's approval any changes to the defined list of post offices exempt from a five-day delivery week, with the rationale, within 15 working days before their planned effective application.

Notwithstanding the previous paragraph, in the event of force majeure or emergency situations, the PPO may organise the UPS delivery to a certain area for less than five days a week for a period of up to 15 working days without having to inform the Agency beforehand.

If the Agency's expert supervision finds that the quality of delivery provided by the PPO is not consistent with the Agency's general act regulating the quality parameters for the provision of postal services, it will immediately point this out to the PPO, make a recommendation on how to harmonise the quality of delivery with the prescribed parameters, and immediately inform the competent ministry about it.

Article 14

In accordance with the law and relevant bylaws, the PPO must ensure and install a sufficient number of post boxes for the collection of non-recorded letterpost items.

The PPO must empty the post boxes every working day, and not less than five days a week, except on national and religious holidays, in the event of force majeure or a threat to the health and safety of the postal operator members of staff.

Notwithstanding the previous paragraph, the obligation of emptying the post boxes every working day does not apply to the post boxes installed:

- 1) on the post offices that, under Article 9 hereof, are on the List of Post Offices Exempt from a Five-Day Working Week;
- 2) on the addresses that, under Article 13 paragraph 1 hereof, are on the List of Post Offices Exempt from a Five-Day Delivery Week.

The post boxes referred to in paragraph 3 item 1 of this Article shall be emptied once a day when the post offices they are installed on are open.

The post boxes referred to in paragraph 3 item 2 of this Article shall be emptied on the days scheduled for the delivery of postal items to the addresses where the post boxes are installed.

The PPO must display on all post boxes a table showing the days when the post boxes are emptied and the times of last collections for each day.

In accordance with the law and relevant bylaws, the PPO must submit to the Agency a list of installed post boxes with collection times.

If the Agency's expert supervision finds that the list of installed post boxes with collection times does not meet the prescribed criteria, it will immediately point this out to the PPO, recommend how to ensure that there is a sufficient number of post boxes with appropriate collection times, and immediately inform the competent ministry about it.

a) *Sorting the UPS postal items*

Article 15

The PPO may sort postal items by the speed of transfer speed of postal items or by contents.

By the speed of transport, postal items may be:

- 1) priority postal items - items transported by the fastest means (air transport or surface transport) with priority dispatching;

2) non-priority postal items - items for which the sender has chosen the lowest tariff, meaning that the transfer will take longer.

Non-recorded and recorded postal items in national and international postal traffic, which the UPS provider dispatches to their destinations by the fastest possible means, may be transported as priority postal items.

UPS provider shall set out detailed terms and conditions for collection, sorting, transport and delivery of priority and non-priority postal items in the general terms and conditions for the provision of postal services.

Article 16

By their contents, postal items may be:

- 1) letters,
- 2) parcels, or
- 3) postal money orders.

Article 17

Measuring, tracking and reporting on the UPS quality shall be done in accordance with the Agency's act regulating the quality parameters for the provision of postal services.

The UPS providers shall submit to the Agency their activity reports for the previous year at least once a year but no later than 1 April of the current year, for the Agency to analyse and improve the USP, in accordance with Article 22 of the law and this rulebook.

2. Other postal services

Article 18

Other postal services include:

- 1) collection, sorting, transport and delivery of parcels weighing over ten kilograms in national postal traffic;
- 2) collection, sorting and transport of outbound parcels weighing over ten kilograms in international postal traffic;
- 3) sorting, transport and delivery of parcels weighing over ten kilograms in inbound international postal traffic;
- 4) value-added services, and
- 5) complementary services.

Other postal services referred to in paragraph 1 items 1, 2 and 3 of this Article include parcels in national and international traffic weighing over the limit prescribed for the UPS.

a) Value-added services

Article 19

Value-added services are postal services with special requirements regarding the quality and manner of collection, sorting, transport and delivery, and they may be:

- 1) courier services, including collecting a recorded postal item at the sender's address and directly transporting it to and delivering at the recipient's address, without sorting;
- 2) express services, including collection, sorting, transport and delivery of recorded postal items within the shortest guaranteed time limits, which cannot be longer than by the next working day of the day of collection, providing that, at the request of the sender, the item may be delivered on a specific day or within the time limits set out in the agreement entered into by the postal operator and the user;
- 3) electronic tracking services from the moment a postal item was collected to the moment it was delivered;
- 4) services where the sender has direct communication with the person directly providing the postal service, for the purpose of giving additional instructions concerning the delivery of the postal item;
- 5) delivery of a postal item at the agreed time of delivery, and
- 6) other services in accordance with the law.

b) Complementary postal services

Article 20

Complementary postal services are postal services that involve a special way of handling during the collection, sorting, transport and delivery of postal items.

Complementary postal services may be postal services provided at the request of the sender and postal services provided at the request

of the recipient.

Complementary postal services shall be defined in the postal operator's general terms and conditions for the provision of postal services.

A request for any complementary postal service may be submitted at any stage of the provision of postal services, depending on the ability to meet the requirement, until delivery.

If complementary postal services are charged, their prices must be displayed in the price list.

Article 21

Postal operators may offer the senders and recipients of postal items the following complementary services:

- 1) At the sender's request: send recorded mail with the advice of delivery;
 - 1.1. return delivery;
 - 1.2. paid reply;
 - 1.3. change to or correction of the recipient's address;
 - 1.4. redirect a recorded item other than court documents to a new address, including Poste Restante;
 - 1.5. return the item from the office of origin, before dispatch;
 - 1.6. return the item, after dispatch;
 - 1.7. claim a recorded item;
 - 1.8. issue a subsequent acknowledgement of receipt of an insured item or a cash-on-delivery item;
 - 1.9. issue a paid postal money order or its photocopy or a listing of paid postal money orders;
 - 1.10. issue a receipt or stamped photocopy of a postal document for the delivery of a recorded item;
 - 1.11. deliver an item marked "Hand-deliver".
- 2) At the recipient's request:
 - 2.1. safe keep a recorded item other than court letters in post office/branch, outside the prescribed time limits, but not longer than 30 days;
 - 2.2. redirect postal item to a new address, including Poste Restante, except for court letters;
 - 2.3. re-deliver postal items;
 - 2.4. PO box;
 - 2.5. Poste Restante delivery to address;
 - 2.6. issue a paid postal money order or its photocopy or a listing of paid postal money orders;
 - 2.7. hand-deliver recorded postal items;
 - 2.8. issue a receipt or stamped photocopy of a postal document for the delivery of the recorded item;

c) Ex officio postal services

Article 22

Postal operators shall provide ex officio postal services without the sender or recipient requesting them. These services include:

- 1) return an undelivered item to sender;
- 2) collect and make a record of a power of attorney;
- 3) re-pack an item with damaged contents, make a report on the faultiness of item and inform the user;
- 4) opening and inspecting an item suspected to contain prohibited items, by a commission, in accordance with the decision of a competent authority;
- 5) safekeep an item to be delivered in accordance with the established general terms and conditions of the postal operator (storage charge);
- 6) handle items in international postal traffic in accordance with the customs and other regulations governing this area;
- 7) transfer non-recorded letters and cards in respect of which there has been no payment or an underpayment;
- 8) refund the excess postage.

V. POSTAL ITEMS

Article 23

A postal item is an item addressed by the sender in such a way that the addressee can be undeniably identified, and the sender is responsible for the accuracy of the address data. Besides the items of

correspondence, these items include books, catalogues, newspapers, periodicals and parcels containing goods with or without declared value.

Postal items may be recorded or non-recorded.

A non-recorded postal item is an item for which the postal operator does not issue the sender a mailing receipt upon collection, and of which it does not keep a record at any stage of postal service. As a rule, these postal items are delivered by placing them in the household or communal letter boxes.

A recorded postal item is an item for which the postal operator issues the sender a mailing receipt, keeps a special record of and which requires the recipient's signature upon delivery or payment.

A recorded postal item may be:

- 1) a registered postal item for which the user may get proof of delivery, upon request;
- 2) an insured item, which is insured in the event of loss, damage or lost contents, up to the value declared by the sender;
- 3) a cash-on-delivery postal item is a postal item for which payment in the amount shown on the item is collected upon delivery and which the postal operator pays to the sender's current account, the intended address or personally, on the premises of postal operator;
- 4) a parcel, insured or uninsured;
- 5) a recorded delivery item, and
- 6) a postal money order.

The form, dimensions, packaging, addressing and handling of postal items are prescribed in detail in the postal operator's general terms and conditions for the provision of postal services.

a) Handling of postal items

Article 24

Postal items must be packed and addressed in a way that ensures the integrity of the contents and confidentiality of the data, as prescribed by law.

The wrapping of a postal item must be adjusted to the type of goods it contains so that the internal and external wrappings protect the contents of the item, other items from potential damage, and the staff handling the item.

A postal operator may inspect the contents of a postal item upon collection before it has been closed, and the sender shall grant this inspection, except where the postal item contains written communication.

A postal operator shall apply regulations governing customs and foreign exchange control of postal items in international postal traffic.

A postal operator shall stamp the time of posting and its own identification sign on every collected postal item and their respective related documents. The time of posting shall not be stamped on postal items collected under a contract stipulating, inter alia, that the time of posting is not to be stamped on any postal item handed over to the operator but that instead, the stamp on the document will serve as proof of handing over the item for further dispatching.

When collecting cash-on-delivery items and insured postal items, a postal operator shall inspect the user's photo identity document and make a record of the registration number of that identity document.

A postal operator shall keep a record of the registration number of the user's identity document confidential and use it only for the purposes for which it has been obtained. A postal operator may provide the registration number of the user's identity document at the request of a court of law or another competent authority for the purposes of court proceedings or procedures conducted before said competent authority.

Where the mailing of postal items is done under a contract, such postal items shall be handed over to the postal operator by a person who has the power of attorney, i.e. the person authorised to hand over postal items. To establish the identity of the authorised person, the postal operator, i.e. its member of staff, shall

view a photo identity document of the person authorised to hand over postal items and make a record of the registration number of the identity document.

Should damage to a postal item be detected during the transfer of the postal item from the sender to the addressee, the postal operator's commission shall make a report on the established facts and inform the user about them.

Postal items shall be delivered within the time limits and in the manner prescribed in the postal operator's general terms and conditions.

If the delivery of a postal item has been attempted but the addressee was not found at the address provided on the postal item, the addressee will be issued a notification instructing them where and until when they can collect the item.

If the addressee does not collect the item within the set deadline, such item will be returned to the sender.

If a postal item cannot be delivered either to the addressee or the sender, it becomes undeliverable and is handled in accordance with the law and postal operator's general terms and conditions.

VI. PROTECTION OF POSTAL SERVICE USERS

a) Complaints

Article 25

A postal operator shall take every action necessary to transfer postal items from the sender to the addressee securely, safely and efficiently.

Where a user believes that a postal item has not been delivered to the addressee, or that it has been delivered with delay, or that a specific contractual provision has not been complied with or that it has not been complied with in its entirety, they can complain to the postal operator within the time limits prescribed by law.

A postal operator must provide and make available to the users of postal services efficient ways of filing complaints (directly - on the premises of postal operator, in writing - to the mailing address of postal operator, electronically, by telephone, etc.).

A complaint shall contain the following: the registration number of the postal item, the names and addresses of the sender and the recipient, the reason for complaint, the value of the item, the cash on delivery amount or the money order amount if the complaint concerns an insured item or cash-on-delivery postal item or postal money order.

The procedure for keeping records of complaints, how to provide proof that a complaint has been filed, how the users are informed about the deadlines for and the manner of resolving the complaints, are regulated in the postal operator's general terms and conditions for the provision of postal services.

Article 26

Should the contents of a postal item be damaged or lost, the user may, in accordance with the law, file a complaint to the postal operator no later than the following working day of the day of delivery and, within further 60 days of the postal item delivery, they can claim compensation and file a complaint to the Agency.

Upon receiving a complaint about damaged or lost contents of a postal item, a postal operator shall make a report that must contain all the information on the postal item listed in Article 25 paragraph 4 hereof, including the information about the damage, the sender and the recipient of the item.

b) Postal operator's statement

Article 27

A postal operator shall decide on whether a complaint is founded within eight days of the day of receipt of the complaint concerning an item in national postal traffic, and where the complaint concerns an item in international postal traffic, within the time limit laid down in the acts of the Universal Postal Union.

If the complaint proves to be founded, the complainant may file a compensation claim, within the time limit prescribed by law.

The statute of limitations for compensation claims is prescribed by law.

A user may file a complaint against the decision of a postal operator to reject the complaint referred to in paragraph 1 of this Article

to the Agency within 15 days of the day of receipt of the decision concerning the complaint. A user may also file a complaint to the Agency if a postal operator fails to inform them about the decision on the complaint within the prescribed time limit.

Article 28

The Agency shall mediate on the complaints referred to in Article 27 paragraph 4 hereof in out-of-court resolutions of disputes between postal operators and users.

The initiating and conducting of an out-of-court dispute resolution shall not exclude or affect the exercising of the right to court protection, in accordance with the law.

An out-of-court resolution of a dispute between a postal operator and a user shall be conducted and completed with the appropriate application of the law governing mediation and/or arbitration, and other regulations governing the out-of-court dispute resolution.

c) Responsibilities of a postal operator

Article 29

A postal operator must deliver a postal item to the addressee in the same condition as it was collected from the sender, and shall be responsible for any damage in accordance with the law.

A postal operator shall be accountable for any damage that occurs in international postal traffic in accordance with the acts of the Universal Postal Union, within the limits of the established responsibility.

A postal operator shall compensate the user for any damage that occurs in national postal traffic in the manner and the amount, and under the conditions prescribed by law.

Should a postal operator delegate certain activities falling under its competencies, i.e. subcontract another economic operator to perform certain stages of postal services in the name or on behalf of the postal operator, such postal operator will still be held responsible for the performance of the delegated, i.e. subcontracted tasks.

The indirect damage or loss of profit shall not be taken into account when calculating compensation.

Postal operators shall be exempt from liability in the cases prescribed by law.

d) Responsibilities of a sender

Article 30

A sender shall provide the names and addresses of the recipient and the sender on the postal item correctly and clearly.

A sender shall be responsible for the correct wrapping of the postal item so that it protects the contents of that item, another item, the staff handling the item, as well as the equipment and resources used when handling the item.

A sender shall be responsible for the interior and exterior wrapping of the postal item.

Users have the right and obligation to choose the type of postal service that matches the nature, contents, importance and real value of the postal item.

Users may use postal services through authorised persons in accordance with the law and a postal operator's general terms and conditions for the provision of postal services.

VII. TIME LIMITS FOR THE SAFEKEEPING OF MANIPULATIVE DOCUMENTS

Article 31

A postal operator must set time limits for the safekeeping of manipulative documents in its general terms and conditions for the provision of postal services.

The time limits for the safekeeping of manipulative documents shall be determined in line with the regulations governing postal services whilst taking into consideration the prescribed deadlines for initiating a complaint procedure and the statute of limitation for claiming compensation for damages.

27. EXPERT SUPERVISION

Article 32

The Agency shall expertly monitor the application of the law and relevant bylaws in the part governing the quality of the law and relevant bylaws in the part governing the quality of provision of the UPS, access to the network, pricing and accounting of the UPS providers, in the manner and following the procedure laid down by the competent minister.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Article 33

Postal operators that at the moment of entering into force of this rulebook hold appropriate licences for the provision of postal services issued in accordance with the provisions of old regulations, shall harmonise their general terms and conditions for the provision of postal services with the provisions of this rulebook no later than six months of this act entering into force and submit them to the Agency for approval.

Article 34

The Rulebook on general terms and conditions for the provision of postal services (Official Gazette of RS 24/10, 58/10, 2/11, 13/11, 65/11, 93/13, 97/15 and 44/18 - other law) shall be repealed with effect from the date of entry into force of this Rulebook.

Article 35

This Rulebook shall come into effect on the eighth day of its publication in the Official Gazette of the Republic of Serbia.

No. 1-04-3400-7/20-3

Belgrade, 26 August 2020

Chairman of the Management Board
Dragan Kovačević, duly signed