

CROATIAN POST AND ELECTRONIC COMMUNICATIONS AGENCY

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Pursuant to Article 15, paragraph 6, Article 24, paragraph 4, Article 30, Article 37, paragraph 3, Article 40, paragraph 5, Article 41, paragraph 4, Article 50, paragraph 3 and Article 53, paragraph 4 of the Postal Services Act (Official Gazette No. 144/12), the Council of the Croatian Post and Electronic Communications Agency adopted the following

ORDINANCE

ON THE PROVISION OF UNIVERSAL SERVICE

1 GENERAL PROVISIONS

Contents of the Ordinance

Article 1

(1) The Ordinance on the provision of universal service (hereinafter: the Ordinance) lays down the requirements and criteria that have to be fulfilled by the postal network of a universal service provider, the conditions for participation in the tender for the designation of the universal service provider that must be fulfilled by providers of postal services, conditions, manner and procedure for the provision of postal services, exemptions from the delivery of parcels at the addressee's address, exemptions from the deadline for delivery of postal items, the list of Croatian standards for measuring the quality of provision of universal service, the constituent parts of the annual report on the quality of provision of universal service, the constituent parts of the calculation of net cost, location and conditions of access to the postal network of the universal service provider, contents of the application and the contract, the principles of determining the prices of access to the postal network of the universal service provider, and other questions concerning access to the postal network of the universal service provider and other issues concerning the provision of universal service.

(2) The provisions of this Act shall apply to universal service provider in national and international postal traffic, unless otherwise regulated by the acts of the Universal Postal Union.

Terms and definitions

Article 2

For the purposes of this Ordinance, individual terms shall have the following meanings:

1. *address*: any set of markings on a postal item indicating the addressee and the point of delivery of the postal item. The addressing of postal items shall be regulated in more detail by general terms and conditions of postal service providers;

2. *Acts of the Universal Postal Union*: international agreements signed within the framework of the Universal Postal Union and ratified in the Republic of Croatia that apply to postal services in international postal traffic;

3. *postal services tariffs*: tariffs for postal services according to which a postal services provider charges for its services;
4. *postal service provider*: a legal or natural person providing postal services pursuant to the provisions of the Postal Services Act;
5. *HAKOM*: Croatian Post and Electronic Communications Agency;
6. *universal service provider*: a postal services provider providing a universal service pursuant to the provisions of the Postal Services Act;
7. *user of postal services*: any legal or natural person using postal services either as a sender or an addressee of a postal item;
8. *sender*: any legal or natural person that sends a postal item and that is the holder of all contractual rights and obligations until appropriate delivery of the postal item concerned;
9. *postal network*: a system of organization and all kinds of means which are mutually interconnected into a single technical and technological whole and used by the universal service provider for providing universal service in the entire territory of the Republic of Croatia;
10. *postal item*: any item addressed in the final form in which it is to be delivered by the postal services provider. Postal items are items of correspondence, parcels, registered mail, insured items, cecograms, direct mail and printed matter;
11. *lettex box*: a box in which users of postal services may deposit regular postal items in order for the universal service provider to distribute them to addressees;
12. *addressee*: any legal or natural person to whom a postal item is addressed and to whom it should be delivered at the sender's request;
13. *universal service*: a set of postal services of a certain quality which are available at an affordable price to all users of postal services in the entire territory of the Republic of Croatia, regardless of their geographical location;
14. Act: the Postal Services Act (Official Gazette No. 144/12).

2. UNIVERSAL SERVICE

Definition and scope of universal service

Article 3

(1) Universal service is a set of postal services available to all users of postal services in the entire territory of the Republic of Croatia at an affordable price whereby the universal service provider must ensure the quality of provision of the universal service laid down in Article 40 of the Act on the postal network of the universal service provider.

(2) The universal service shall comprise the following postal services in domestic and international traffic:

1. clearance, sorting, transport and delivery of items of correspondence up to 2 kilograms,

2. clearance, sorting, transport and delivery of parcels up to 10 kilograms
 3. clearance, sorting, transport and delivery of registered and insured items;
 4. clearance, sorting, transport and delivery of cecograms up to 7 kilograms, free of charge.
 5. clearance, transport and delivery of parcels up to 20 kilograms in international incoming traffic.
- (3) Dimensions, equipment and other properties of postal items referred to in paragraph 2 of this Article shall be regulated by the acts of the Universal Postal Union.
- (4) The universal service provider shall ensure to all users for at least five work days per week:
- one clearance of a postal item,
 - one delivery of a postal item to home address or to premises of any natural or legal person.
- (5) The provision of paragraph 2 of this Article shall not apply in cases laid down in Article 36 of this Ordinance.

Types of postal items

Article 4

- (1) Postal items covered by the universal service shall include items of correspondence, parcels, registered items, insured items and cecograms.
- (2) An item of correspondence shall mean communication in written form on any kind of physical medium to be conveyed and delivered at the address indicated by the sender on the item itself or on its packaging.
- (3) Registered item shall mean any postal item for which acknowledgement of receipt is issued to the sender and requiring the signature of the addressee, and which, in the case of its loss, damage or reduced content requires payment of stipulated indemnification.
- (4) Insured item shall mean any postal item the content of which was insured by the sender up to the value declared by the sender in case of loss, theft or damage.
- (5) Parcel shall mean a postal item containing goods and objects.
- (6) A cecogram shall mean any addressed postal item intended for the blind and visually impaired persons, printed on paper or appropriate medium, or recorded on the appropriate electronic media.

Characteristics of postal items within the framework of provision of universal service

Article 5

- (1) Characteristics of postal items referred to in Article 4 of this Ordinance shall include dimensions, content, addressing, packaging and closure.

- (2) The minimum dimensions of items of correspondence shall be 90x140mm, and the maximum dimensions are 900 mm as a sum of length, width and height, and none of the three dimensions separately may exceed 600 mm.
- (3) Dimensions of registered items shall be the same as dimensions of items of correspondence.
- (4) Dimensions of insured items shall be the same as dimensions of items of correspondence.
- (5) Dimensions of cecograms shall be the same as dimensions of items of correspondence.
- (6) Dimensions of parcels shall not exceed 3 000 mm as a sum of length and volume of the parcel at its widest diagonal part, with the maximum dimension being up to 1 500 mm. The dimensions of a parcel shall not be less than the minimum dimensions laid down for items of correspondence with the addressing side being at least 90 x 140mm.
- (7) Items of correspondence shall contain written or printed material, and parcels shall contain goods and objects.
- (8) Packaging of postal items shall mean placing contents of the postal item into the appropriate packaging in compliance with the contents of the postal item, type of the selected service, conditions and duration of transport. The sender shall be responsible for suitable packaging of postal items.
- (9) The closure of postal items shall be such as to protect the confidentiality of the contents of the postal item and to prevent accessing the contents of the postal item without visibly damaging the packaging.
- (10) The address is information that clearly indicates the addressee of the postal item. The addressing of postal items shall mean putting the addressee's address on the postal item. In case of postal items requiring acknowledgement of receipt, the sender must put his or her address on the postal item in a manner that may not be erased without leaving visible trace on the postal item.
- (11) Universal service provider must in its general terms and conditions for the provision of universal postal service, describe in detail the characteristics of postal items that will be received for transport, pursuant to the provision of the acts of the Universal Postal Union.

3. CONDITIONS FOR PARTICIPATION IN A PUBLIC TENDER FOR THE DESIGNATION OF A UNIVERSAL SERVICE PROVIDER

Article 6

- (1) Providers of postal services who are providing postal services in the entire territory of the Republic of Croatia at the moment of publication of the public tender may participate in the public tender for the designation of the universal service provider.
- (2) As evidence of compliance with the conditions referred to in paragraph 1, providers of postal services must submit an overview of their structure and facilities to be used for the provision of universal service.

4. CONDITIONS FOR THE PROVISION OF UNIVERSAL SERVICE

Article 7

Conditions for the provision of universal service shall be regulated by the Act, this Ordinance and general terms and conditions of the universal service provider, and by the acts of the Universal Postal Union for services in international postal traffic.

Rights and obligations of universal service provider

Article 8

- (1) The universal service provider shall be obliged to deliver every postal item in the condition in which it was received.
- (2) The universal service provider must issue to the user, for registered items, insured items and parcels, a free acknowledgement of the receipt of a postal item and, as a confirmation of delivery, ask for signature from the person to whom the postal item is delivered.
- (3) In case of inability to deliver a postal item, the universal service provider must forward all postal items free of charge to an addressee's new address, if known, or return it to the sender. The forwarding services for parcels or for returning them to the sender may be charged by the universal service provider in accordance with the valid postal service tariffs.
- (4) The universal service provider shall be entitled to ask for prepayment for its service. In case of underpaid or unpaid services, the universal service provider shall be entitled to charge the addressee for service in accordance with the amount from the tariffs or return the postal item to the sender and charge the sender for it.

Rights and obligations of users of universal service

Article 9

- (1) The sender shall be entitled to use the universal service in the entire territory of the Republic of Croatia.
- (2) The sender shall not be obliged to personally hand the postal item to the universal service provider for transport.
- (3) Users of universal postal service shall be entitled to file a complaint to HAKOM if they think that the universal service provider is not providing the universal service in accordance with the Act and this Ordinance.
- (4) A universal service user shall have the right and obligation to choose the type of service that corresponds to the content, actual value of the content of the postal item and importance of the postal item for the user.
- (5) The universal service provider shall be liable in accordance with the selected service, and not in accordance with the contents of the postal item.
- (6) The sender shall be responsible for the suitable packaging of postal items and he or she shall be obliged to close the postal item in accordance with the contents of the postal item and general terms and conditions of the universal service provider.

5. POSTAL NETWORK OF THE UNIVERSAL SERVICE PROVIDER

Postal network of the universal service provider

Article 10

(1) The postal network of the universal service provider (hereinafter: postal network) shall mean a system of organization and all means which are mutually interconnected into a single technical and technological whole and used by the universal service provider for the provision of universal service in the entire territory of the Republic of Croatia;

(2) Constituent parts of the postal network are access points, postal sorting centers and other parts ensuring the provision of postal services.

(3) The access points of the postal network are the following:

- post offices,
- postal sorting centers,
- self-service departments,
- letter boxes and shared letter boxes, and
- other devices and facilities intended for the clearance of postal items.

(4) The universal service provider must establish, maintain and develop a postal network so as to ensure the provision of universal service in the entire territory of the Republic of Croatia in the manner laid down in the Act and in the Ordinance.

Post office

Article 11

(1) A post office shall mean business premises used by the provider of the universal service or its subcontractor to provide postal services.

(2) A post office shall operate under a certain number and name of the area. The number and name of the post office shall be defined by the universal service provider with the name of the post office being established, as a rule, on the basis of the name of the area in which the headquarters of the post office are located.

(3) The types of post offices are:

1. regular post office,
2. seasonal post office,
3. contract post office,
4. mobile post office,
5. customs post office.

- (4) The universal service provider must provide universal services in a regular post office for at least 5 days a week.
- (5) Seasonal post offices shall be opened due to increased demand for services (e.g. during the tourist season and the similar) and operate within a certain period of time. In case of lower demand for postal services, a regular post office may be reorganized into a seasonal post office pursuant to the procedure laid down in Article 17 of the Ordinance.
- (6) A contract post office shall operate on the basis of a contract concluded between the universal service provider and a legal or natural person which provides postal services on behalf and for the account of the universal service provider. Conditions, manner and procedure for the opening and closing of contract post offices shall be regulated in an ordinance adopted by the universal service provider.
- (7) A mobile post office shall operate in a means of transport and it shall provide postal services at a certain time and on certain days in two or more inhabited areas.
- (8) A customs post office shall carry out customs and foreign exchange inspection of postal items in international traffic. A customs post office shall be established by the universal service provider in agreement with the Customs Administration of the Republic of Croatia.
- (9) A postal office may have a separate counter that is opened for the provision of certain postal services. The separate counter shall use the postal number and the name of the associated post office.

Self-service department

Article 12

- (1) A self-service department shall be part of a postal network in which the universal service provider provides postal services by means of self-service machines.
- (2) The self-service department may be established as a separate part of a postal network or as part of a postal office or a facility with some other purpose.
- (3) The self-service department may have its own postal number and name, or it may use the postal number and name of the associated post office.
- (4) Self-service machines may be fully automated or may require partial assistance of the universal service provider's employee.

A letter box and a shared letter box

Article 13

- (1) The universal service provider shall be obliged to place letter boxes for the clearance of postal items in a way that ensures the accessibility of use of postal services at the time and in places where other parts of the postal network are not available to users.
- (2) The universal service provider must ensure the emptying of every letter box at least once every work day, except in the areas where, in accordance with the provisions of the Act and this

Ordinance, it does not deliver postal items on a daily basis. The universal service provider must ensure the emptying of letter boxes in those areas on those days when delivery is organised.

(3) The final deadline for same day dispatch for the receipt or dropping in of postal items according to the speed category must be marked on every letter box.

(4) The postal item of the fastest category is every postal item which is dropped into the letter box containing the affixed postage in the amount equal to or exceeding the amount for the postal item of the fastest speed category.

(5) A shared letter box is a letter box used by the universal service provider for the delivery and clearance of postal items from users located far away from the inhabited area.

Postal sorting center

Article 14

(1) Postal sorting center shall be an access point where clearance, sorting and transport of postal items is carried out.

(2) The universal service provider must establish postal sorting centers in a way that ensures the provision of universal postal services pursuant to the Act.

(3) The universal service provider must establish at least one exchange office to carry out the tasks of clearance, sorting and transport of postal items in international traffic.

Density of the network of access points

Article 15

(1) The universal service provider shall be obliged to organize a network of postal offices in the following manner:

1. one post office operates on average on a surface of 80km² at the maximum,

or that

2. one post office operates on average for the maximum of 6000 inhabitants.

(2) The average number of inhabitants and surfaces in km² referred to in paragraph 1, item 2 of the Article refers to the entire territory of the Republic of Croatia.

(3) The network of postal offices referred to in paragraph 1 of this Article must consist of at least 700 regular post offices.

(4) Universal service provider shall be obliged to establish a network of access points in inhabited areas with the maximum distance between the access points being 5000m.

Closing and relocation of a post office

Article 16

(1) The universal service provider may close a postal office or relocate it provided that it ensures to users of postal services the level of quality of provision of postal services laid down in the Ordinance.

(2) If the universal service provider decides to close a post office because it is not cost-effective, it shall follow the following procedure:

1. Invite a public tender for establishing a contractual relation with a natural or legal person and reorganize the post office into a contract post office.

2. The universal service provider must submit its calculation of business losses of a post office to local and regional self-government bodies and propose a co-financing model.

3. If the selection of a subcontractor on the basis of a public tender is not successful and neither is the co-financing of the post office's operations by the local and regional self-government bodies, the universal service provider shall adopt a decision to close the post office.

(3) Before adopting a decision on the closing or relocation of the post office, the universal service provider must prepare a study on the manner of provision of universal service after the closing or relocation of the post office.

(4) The universal service provider must notify HAKOM about any decision on closing or relocation of a post office, at least 15 days before its entry into force. The decision on the closing or relocation of a post office must be accompanied by all documents arising out of the procedure preceding the decision on the closing or relocation of the post office.

(5) If HAKOM concludes that there was a violation of provisions of the Ordinance on the closing or relocation of a post office, that is, a significant decrease in the level of quality of provision of universal service as a result of the closure or relocation of a post office, it may order to the universal service provider to review or annul the decision on the closure or relocation of a post office.

(6) The universal service provider may temporarily close or relocate a post office (for renovation or similar) for a maximum of 90 days provided that it ensures the prescribed level of quality of provision of universal service to users of postal services.

(7) By way of derogation from paragraph 6 of this Article, the universal service provider may temporarily close or relocate a post office for more than 90 days provided that there are objective reasons for that, for example, if the post office is located in a building regarded as a cultural monument which must be subject to renovation or maintenance, in case of elements that may not be influenced by universal service provider.

(8) The universal service provider must notify HAKOM of its intention to temporarily close or relocate a post office referred to in paragraphs 6 and 7 of this Article, and about its reopening.

Reorganization of post offices

Article 17

As a result of a decreased demand for postal services, the universal service provider may reorganize a regular post office provided that users of universal service are ensured the appropriate level of quality of provision of universal service and the minimum number of regular offices laid down in the Ordinance, including:

- a regular post office into a seasonal post office and
- a regular post office into a mobile post office.

Working hours of post offices for users of universal service

Article 18

(1) Working hours of a post office for working with users of postal services (hereinafter: working hours) shall be determined by the universal service provider on the basis of the following criteria:

1. needs of users of postal services
2. prescribed quality parameters for the universal service provision,
3. special circumstances.

(2) Needs of users of postal services shall be established on the basis of data on the average number of postal services provided in a post office over a certain period of time (hour, day, week, month etc.) and by conducting a survey among the users.

(3) Quality parameters of provision of universal service are laid down in the provisions of the Act.

(4) Special circumstances shall mean increased demand for postal services during the tourist season and cultural, economic, sports and other events.

(5) Special circumstances shall also mean decreased demand for postal services in a certain period of time on specific non-working days (Saturday, Sunday and other non-working days) and before holidays etc.

(6) In case of a natural disaster, traffic distortions, celebrations of special events and similar, the universal service provider may temporarily change the working hours.

(7) Whenever possible, the universal service provider must notify HAKOM in writing, seven days prior to the temporary change in working hours, and users of postal services by means of a written notice at the entrance to the post office.

Article 19

(1) Working hours may include extended all day, all day, single shift, two shifts and reduced working hours.

(2) The universal service provider must ensure:

1. extended working hours (7:00 am - midnight) every day of the week, in one postal office in the territory of the capital of the Republic of Croatia.

2. all-day working hours (e.g. 08:00 am to 20:00 pm), as a rule in cities. The universal service provider shall not be obliged to ensure all-day working hours in cities in which it is established, on the basis of Article 19 of this Ordinance, that there is no need for such working hours.

3. working hours in a single shift (e.g. 8:00 am - 15:00 pm, 10.00 am to 17:00 pm and the similar) or in two shifts (e.g. 8:00 am - 12:00 pm and 16:00 pm - 19:00 pm and the similar) or reduced hours (e.g. 8:00 am - 12:00 pm and the similar) in all other post offices.

4. appropriate working hours for the recipients to collect their postal items at post offices providing services of delivery of postal items that were not delivered at the home address or at the premises of a legal or natural person,

5. mobile post offices must be open for at least two hours a day, and those to which provision of Article 11, paragraph 4 of this Ordinance does not apply, must be open for at least three hours.

(3) The duration of working hours for each post office within the meaning of paragraph 2 of this Article shall be defined by the universal service provider, bearing in mind the criteria laid down in Article 18 of this Ordinance.

Article 20

(1) The decision on working hours of postal offices (hereinafter: the Decision) shall be adopted by the universal service provider in accordance with the criteria laid down in this Ordinance, in addition to the obligation to deliver the Decision to HAKOM at least 15 days before the start of application.

(2) If the Decision is not in compliance with the criteria laid down in this Ordinance, HAKOM shall order to the universal service provider to harmonize the working hours with the prescribed criteria.

(3) The universal service provider must publish the working hours of post offices on its website.

(4) The notice on working hours must be placed at the entrance of a post office.

6. CONSTITUENT PARTS OF THE CALCULATION OF NET COST

Article 21

(1) The calculation of the net cost must be based on costs that may be attributed to parts of universal service that may be provided only at a loss or in circumstances in which costs are not in compliance with the usual competition rules.

(2) Elements of calculation of the net cost may include the following:

1. The obligation to maintain a certain density of access points for the clearance of postal items. If it did not have the obligation to maintain the postal network in the entire territory of the Republic of Croatia, the universal service provider would be able to reduce the network of access points in certain non-profitable areas.

2. The obligation to maintain a certain frequency of delivery of postal items. If it did not have the obligation to deliver postal items every workday Monday through Friday, the universal service provider would be able to reduce the frequency of delivery of postal items.

3. The obligation to maintain the delivery of postal items in the entire territory of the Republic of Croatia. If it did not have the obligation to maintain the delivery of postal items in the entire territory of the Republic of Croatia, the universal service provider would not deliver postal items in certain non-profitable areas.

(3) The net cost comprises any cost necessary for the provision of universal service and connected to that service and it shall be calculated as a difference between the net costs of a designated universal service provider operating under a universal service obligation and without universal service obligation.

7. ACCESS TO THE POSTAL NETWORK OF THE UNIVERSAL SERVICE PROVIDER

Access to the postal network

Article 22

(1) Pursuant to the provisions of the Act and this Ordinance, the universal service provider will, in compliance with the principles of non-discrimination and transparency, enable access to the postal network, whenever and wherever possible, to any provider, consolidator and user of postal services (hereinafter: access user) that submitted a written request in compliance with the provisions of the Ordinance, in the following points of access:

1. in parts of the postal network in which concentration of postal items from different parts of the network is carried out - for all items;

2. in parts of the postal network in which postal items are prepared for distribution towards those parts of the postal network in which delivery is organized - for postal items grouped according to destination or addresses of addressees in the manner requested by the universal service provider.

(2) The universal service provider may enable access to the postal network in other parts of the postal network, provided that principles laid down in this Ordinance are complied with.

(3) The conditions of network access referred to in paragraph 1 of this Article must be published, known in advance and applied equally to all users of accessing the network with the same type and quantity of items.

Offer of access to the postal network

Article 23

(1) Universal service provider will enable access to the postal network to users of access in one of the ways envisaged in Article 22 paragraph 1 of this Ordinance.

(2) Access to the postal network within the meaning of Article 22 paragraph 1, item 1 of this Ordinance shall mean that the user of access carries out the clearance of postal items from users of services and delivers them to the contracted access point in the postal network for the purpose of further sorting, transport and delivery to addresses of addressees. The user of access may sort the postal items in the manner requested by the universal service provider.

(3) Access to the postal network within the meaning of Article 22 paragraph 1, item 2 of this Ordinance shall mean that the user of access carries out the clearance and sorting of postal items in the manner requested by the universal service provider, and delivers them to the contracted access point in the postal network for the purpose of further transport and delivery to addresses of addressees.

(4) The universal service provider shall be responsible for loss, complete damage or reduction of contents of the postal items and for passing of the deadline for delivery to users of access from the moment of collection of postal items from users of access to the moment of delivery to the addressees, pursuant to the provisions of the Act.

Access to data of the universal service provider

Article 24

(1) Access to data of the universal service provider shall include access:

- to the system of postal codes,
- to the database for the sorting of postal items,
- to data about address changes,
- to forwarding services for postal items and services of return of postal items to the sender.

(2) Access to the system of postal code shall mean enabling the user of access to use the database with postal numbers and postal codes of the universal service provider.

(3) Access to the database for the sorting of postal items shall mean enabling the user of access to use the appropriate databases for the purpose of grouping the postal items in the appropriate manner and accessing the postal network in the manner laid down in Article 23, paragraph 1, item 2 of this Ordinance.

(4) Access to data about address changes, to services of forwarding of postal items and return services for postal items to the sender shall mean enabling the user of access to use the existing data, collected by the universal service provider, about changes related to addresses of addressees of postal items.

Principles for price determination

Article 25

(1) Access prices in the postal network shall be determined on the basis of the percentage of the price for the corresponding service in the Tariffs of universal service providers with the price being reduced for costs of the part of activities carried out by the users of access to the postal network.

(2) Prices of access to the postal network and prices for access to data and services laid down in Article 53, paragraph 2 of the Act shall make a constituent part of the Tariffs of universal service for universal service providers.

(3) Right to the price referred to in paragraph 1 of this Article shall be exercised by users of access who are accessing the postal network with at least 5000 postal items in one month.

(4) The calculation of reference values of costs of individual stages in the provision of services must be submitted by the universal service provider to HAKOM together with the Tariffs for universal service. HAKOM may adopt a decision fully or partially amending or revoking the prices of access to the postal network, before or after their publication.

Application for access to the postal network

Article 26

(1) A user of access shall submit an application for access to the postal network (hereinafter: the Application) in compliance with the conditions from the offer referred to in Article 23 of this Ordinance.

(2) The Application must contain the following:

1. data about the user of access (excerpt from the appropriate register of natural or legal persons),
2. list of postal services and the assessment of quantity of postal items with which it will access network,
3. assessment of dynamics of clearance of items,
4. access points and manner of access to the postal network,
5. list of data used to request access,
6. beginning and duration of the contract on access to the postal network.

(3) In addition to data referred to in paragraph 2 of his Article, the Application may contain other data describing the intention of the user of access in more detail.

(4) The universal service provider must provide information to the user of access about the existence of appropriate technical and technological conditions for access to the postal network within 30 days from the date of receipt of the Application.

(5) Provided that appropriate technical and technological conditions exist, the universal service provider shall be obliged to offer to user of access a Contract on the access to the postal network within the maximum of 15 days from the date of notification about the existence of conditions for access to the postal network.

Refusal of the application for access to the postal network

Article 27

(1) The universal service provider may refuse the Application in the following cases:

1. when the universal service provider does not satisfy the technical and technological conditions;
2. if enabling access to the postal network would distort the level of quality of provisions of the universal service,
3. when the user of access does not accept the conditions and prices laid down in this Ordinance and the Tariffs for postal services of the universal service provider.

(2) The universal service provider shall provide a written explanation to users of access for refusal referred to in paragraph 1 of this Article.

(3) If the universal service provider refuses the Application, the user of access may file a motion for dispute resolution with HAKOM. HAKOM will adopt a decision on the resolution of the dispute upon request of the user of access as soon as possible, and at the latest within 4 months from the date of instigation of dispute resolution procedure.

(4) HAKOM's final decision on the resolution of the dispute shall be replaced by the contract on access to the postal network.

Contract on access to the postal network

Article 28

(1) If the Application complies with the requirements laid down in Article 26 of this Ordinance, the universal service provider shall conclude the Contract on access to the postal network (hereinafter: Contract) with the user of access.

(2) The Contract must contain the following provisions:

1. rights and obligations of the universal service provider and users of access,
2. types of services to be provided by the user of access,
3. points of access to the postal network,
4. tariffs, manner and time limits for payment,
5. procedure for amending the Contract,
6. manner of maintaining data confidentiality,
7. duration of the Contract and possible reasons for termination of the Contract.

Obligations of universal service provider

Article 29

(1) Following the signature of the Contract, the universal service provider shall, upon request of the user of access, provide the necessary data for access to the postal network pursuant to the provisions of the Contract.

(2) The data referred to in paragraph 1 of this Article, and the Contract as a whole, are regarded as confidential data which without the approval of the universal service provider may not be used for other purposes, except for the purposes laid down in the Contract.

Obligations of users of access

Article 30

(1) The user of access shall be obliged to act pursuant to the provisions of the Contract and prepare postal items pursuant to the provisions of the Act and this Ordinance.

(2) The universal service provider may refuse to accept postal items if the user of access did not act in the manner laid down in the provisions of paragraph 1 of this Article.

8. MEASURING THE QUALITY OF PROVISION OF UNIVERSAL SERVICE

List of standards for measuring the quality of provision of universal postal service

Article 31

(1) The universal service provider shall invite and publish a tender for measuring the quality of provision of universal service by an independent authority, which must be in compliance with the following Croatian norms:

1. HRN EN 13850 – Measuring the duration of transport of an individual priority item from clearance to delivery,

2. HRN EN 14508 – Measuring the duration of transport of an individual non-priority item from clearance to delivery,

3. HR EN 14012 – Measuring the numbers of complaints and compensations for damage.

(2) Eight days prior to the publication of the tender referred to in paragraph 1 of this Article, the universal service provider must request HAKOM's opinion on whether the selected manner of measuring is in compliance with the Croatian standards referred to in paragraph 1 of this Article.

Report on the quality of provision of universal service

Article 32

(1) Pursuant to the Act, the universal service provider must deliver to HAKOM a report on the quality of provision of universal service (hereinafter: the Report) at the latest by 1 April for the previous year.

(2) The report shall be prepared by the universal service provider on the basis of results of measuring of quality of provision of universal service pursuant to the provision of Article 31 of this Ordinance.

(3) The Report must contain, for each individual measuring, data envisaged in standards referred to in Article 31 of this Ordinance.

Acceptance of the report on quality

Article 33

(1) For the purpose of verifying the results of measuring referred to in the Report, HAKOM may conduct, by means of an independent body, an audit of the conducted measuring and results mentioned in the Report.

(2) The universal service provider must provide to the independent body referred to in paragraph 1 of this Article insight into all documents and data necessary for audit.

(3) If it establishes that the Report was not prepared in compliance with the provisions of Article 32 of this Ordinance, or the audit conducted by an independent authority establishes that results of measuring were not obtained in the prescribed manner, HAKOM will request from universal service providers to deliver the amendments to the Report within 30 days.

(4) If the universal service provider does not comply with the provision of Article 3 of this Article, it shall be concluded that it did not fulfil the obligation of filing the Report.

9. DEROGATIONS IN THE PROVISION OF UNIVERSAL SERVICE

Delivery of postal items

Article 34

(1) The delivery of postal items to the home address or to the premises of a natural or legal person, as part of the universal service obligation shall be carried out by the universal service provider every work day, except in cases provided for in this Ordinance.

(2) The delivery of postal item to home address or to premises of any natural or legal person shall include:

- the delivery of a postal item to the addressee or some other person authorized to deliver the postal item, pursuant to the Act.

- dropping in the postal item into the letter box or shared letter box for regular postal items,

- placing the postal item delivery notification into a letter box or a shared letter box for registered items, insured items and parcels, and postal items which cannot be dropped into the house mailbox or shared letter box due to their dimensions or shapes, if the delivery could not have been made personally to the addressee or some other person authorized for the delivery, pursuant to the Act.

- delivery to the addressee or placing of the postal item delivery notification into the house mailbox or shared letter box, for parcels in areas where delivery of parcels does not exist.

(3) For postal items for which a postal item delivery notification was left to the addressee, the universal service provider must enable the delivery, within the reasonable time limit, via parts of the postal network accessible to the addressee.

Derogations from the prescribed obligation of delivery of postal items

Article 35

(1) The universal service provider shall not be obliged to deliver postal items in the manner provided for in Article 34 of this Ordinance to the home address or business premises of a natural or legal person in exceptional cases.

- when the delivery represents danger for the employee and material resources of the universal service provider,

- when there is no house mailbox at the address or premises, or the house mailbox was not placed at the appropriate place in spite of a written warning laid down in Article 39, paragraph 2 of the Act.

- when address on the postal item is a non-existent address or uninhabited address.

(2) In addition to the cases laid down in paragraph 1 of this Article, the universal service provider may, in exceptional circumstances, organize delivery to the house address, that is, to the premises of a legal or natural person in such a manner that the delivery is not carried out every working day, for 10% out of the total number of households in the Republic of Croatia, in accordance with the results of the census.

(3) The derogation referred to in paragraph 2 of this Article may refer exclusively to the following:

- places with less than 1000 inhabitants, and islands with less than 500 inhabitants.

- households not connected with appropriate roads for access to universal service provider's employee,

- households located in highland areas with extremely difficult access conditions;

- households for which the delivery of regular postal items and postal item delivery notifications is carried out on the basis of a shared letter box.

(4) The universal service provider must deliver to HAKOM a list of all derogations in the provision of universal postal service together with an explanation of compliance with the provisions of this Ordinance.

(5) The universal service provider must notify HAKOM of any change referring to the established list of derogations in the provision of the universal service at least 15 days in advance.

(6) The universal service provider must submit to HAKOM all written complaints of users of services concerning the implementation of derogations in the provision of the universal service.

Exemptions referring to the quality of provision of universal service

Article 36

The time limits for the delivery of postal items in areas in which the universal service provider, in accordance with the provisions of this Ordinance, does not have organized delivery of postal items to the home address, that is, to the premises of a natural or legal person every working day, shall be extended by one day.

10. TRANSITIONAL AND FINAL PROVISIONS

Article 37

(1) The Ordinance on the provision of universal postal services (Official Gazette No. 37/10) shall cease to be valid after the date of entry into force of this Ordinance.

(2) The universal service provider must harmonize the provision of universal service with this Ordinance in accordance with transitional and final provisions.

(3) The universal service provider must harmonize the provision of network access pursuant to this Ordinance within 60 days from the date of entry into force thereof.

Article 38

This Ordinance shall enter into force on the eighth day following its publication in the Official Gazette.

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Zagreb, 27 March 2013

President of the
Council of HAKOM
Dražen Lučić, Ph.D.

m.p.