**Decision No. 1/6 of the Board of the Public Utilities Commission**

Adopted 21 April 2022

**Regulations Regarding the General Authorisation and Registration in the Postal Sector**

*Issued pursuant to*

*Section 9, Paragraph one, Section 10 of the Postal Law and Section 25, Paragraph one of the law On Regulators of Public Utilities*

**I. General Provisions**

1. The regulations regarding the general authorisation and registration in the postal sector (hereinafter – the regulations) prescribe:

1.1. the content of a postal operator registration notification and a notification of termination of activities thereof and the submission thereof to the Public Utilities Commission (hereinafter – the Regulator), and also the procedures for registering an operator in the Register of Postal Operators or for excluding an operator from the Register of Postal Operators, and also the information to be entered in the Register of Postal Operators;

1.2. the general authorisation regulations which are complied with by a postal operator in the provision of postal services;

1.3. the procedures by which the Regulator implements the prevention of the violations of a postal operator related to the general authorisation regulations (hereinafter – the violation) and the removal of the rights to provide postal services in the event of the violation.

**II. Postal Operator Registration Notification and Notification of Termination of Activities of a Postal Operator**

2. Prior to the provision of postal services, an operator shall submit to the Regulator an accurately and completely filled-in postal operator registration notification (Annex 1).

3. The Regulator shall maintain and update the Register of Postal Operators on the website www.sprk.gov.lv where the following information shall be included:

3.1. the name of the operator;

3.2. the unified registration number of the operator;

3.3. the date when the operator is registered with the Register of Postal Operators;

3.4. the date when the operator is excluded from the Register of Postal Operators;

3.5. the information on the postal services provided by the operator;

3.6. the information on justification and the time period for the duration of which the rights to provide postal services have been removed from the postal operator if a decision of the Regulator has been taken to remove the rights to provide postal services.

4. A postal operator shall submit the notification of termination of activities of the postal operator (Annex 2) to the Regulator not later than 30 days before suspending the provision of postal services to all users.

5. The Regulator has the right to request an operator to clarify the information included in the postal operator registration notification (Annex 1) and in the notification of termination of activities thereof (Annex 2).

6. If a postal operator at the moment of submitting the notification of termination of activities thereof has not paid the State fee for the regulation of public utilities in accordance with the procedures specified in laws and regulations, the Regulator shall take the decision in which it shall prescribe the postal operator the duty to pay the debt of the State fee for the regulation of public utilities. If a postal operator does not fulfil the decision of the Regulator on the payment of the debt of the State fee for the regulation of public utilities, the Regulator shall ensure the fulfilment of the decision of the Regulator in accordance with laws and regulations.

**III. General Authorisation Conditions**

7. A postal operator shall conform to the laws and regulations in force, the decisions taken and administrative acts issued by the Regulator.

8. Upon request of the Regulator within the time period specified thereby, a postal operator shall provide information that is necessary for the performance of the functions of the Regulator and for the supervision of the performance of the general authorisation regulations.

9. A postal operator shall ensure separate internal accounting records for each type of postal service and distinguish it from the rest of the accounting records.

10. A postal operator shall register the received complaints of users on ensuring postal services and ensure records of the examination results of complaints.

11. A postal operator, except for a universal postal service, shall determine the following postal item collection and delivery quality requirements for each ensured type of postal service:

11.1. the total duration of resending a postal item;

11.2. the time period for collection and delivery.

12. A postal operator, except for a universal postal service, shall publish the following information on its website or places of provision of postal services:

12.1. the regulations for the provision of postal services;

12.2. the postal item collection and delivery quality requirements;

12.3. the procedures for the application of compensation to a consignor if an operator has not ensured the postal item collection and delivery quality requirements;

12.4. the information on material responsibility of a postal operator and scope of material responsibility;

12.5. the information on the procedures for the submission and examination of a complaint, including the information on the user rights if the user is not satisfied with the reply provided by a postal merchant and the complaint applies to a regulated type of a postal service;

12.6. the information on the last date of update.

13. A postal merchant shall ensure the possibility for a user to get acquainted with the information laid down in Paragraph 12 of these regulations at the place of provision of postal services or save and print it out with the date and time identification if the information is published on the website, or upon request of the user to inform the user of the place of receipt of information laid down in Paragraph 12 if the postal operator does not maintain the place of provision of postal services and website.

14. A postal operator which provides traditional postal services shall accept a cross-border postal item for sending to such foreign states, the postal operator of which allows it.

15. A postal operator shall issue postal items to an addressee against signature after presentation of a personal identification document or for an authorised person – after presentation of a personal identification document and a power of attorney, or upon entering of the authorisation code granted by a postal operator in the device specified by the postal operator and making the payment in the amount laid down in the notification for the receipt of the postal item.

16. A postal operator shall provide the opportunity for the addressee to visually inspect the condition of the postal parcel prior to receipt of the postal parcel.

17. A postal operator which provides traditional postal services shall ensure that for cross-border postal items the sender fills in the relevant accompanying documents of the postal item.

18. A postal operator shall, upon transferring the provision of postal services or part thereof to another postal operator, inform the Regulator within 10 working days of the agreement of postal operators by submitting the following information on the postal operator to whom the provision of postal services or part thereof is transferred:

18.1. the name of the postal operator;

18.2. the unified registration number of the postal operator;

18.3. the information on the postal service transferred to another postal operator;

18.4. the date on which the agreement on the transfer of the provision of postal services or part thereof is entered into.

**IV. Prevention of the Violations of General Authorisation Regulations and Removal of the Rights to Provide Postal Services**

19. If the Regulator establishes a potential violation in the activities of a postal operator, the Regulator shall send a warning letter to the postal operator in accordance with the procedures laid down in the Law on Notification where the following shall be provided:

19.1. the established violation;

19.2. the time period for the rectification of the established violation and provision of explanation for the established violation.

20. The Regulator shall, after the time period indicated in a warning letter referred to in Paragraph 19 of this Regulation, decide on the commencement of the administrative offence proceedings in accordance with the laws and regulations in the field of administrative liability.

21. If a postal operator commits a violation repeatedly during a year and it is a serious violation, the Regulator shall decide on the removal of the rights of provision of postal services from a postal operator and exclude the postal operator from the Register of Postal Operators.

22. The Regulator shall publish a notification on the website www.sprk.gov.lv regarding the operators whose rights to provide postal services have been removed by a decision of the Regulator and shall also indicate the duration of the removal of the rights to provide postal services.

**Closing Provisions**

23. Decision No. 1/4 of the Public Utilities Commission of 7 March 2019, General Authorisation Regulations in the Postal Sector (*Latvijas Vēstnesis*, 2019, No. 50), is repealed.

24. Decision No. 1/31 of the Public Utilities Commission of 15 December 2016, Regulations Regarding the Registration of Postal Operators (*Latvijas Vēstnesis*, 2016, No. 249, 2017, No. 257), is repealed.

25. The requirement laid down in Paragraph 12 of these regulations in respect of publication of information on a website or places of provision of a postal service shall be ensured by a postal operator within one month from the day of coming into force of these regulations.

26. The Regulation shall come into force on the day after its publication in the official gazette *Latvijas Vēstnesis*.

**Informative Reference to European Union Directives**

This Regulation contains legal norms arising from:

1) Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service;

2) Directive 2002/39/EC of the European Parliament and of the Council of 10 June 2002 amending Directive 97/67/EC with regard to the further opening to competition of Community postal services;

3) Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services.

Acting Chair, Board Member of the Public Utilities Commission A. Upena

**Annex 1**

Decision No. 1/6 of the Public Utilities Commission

of 21 April 2022

**Postal Operator Registration Notification**

**1. Information on the merchant:**

|  |  |
| --- | --- |
| Name of the merchant |  |
| Unified registration number |  |
| Given name, surname of a contact person of the operator |  |
| Phone number of a contact person of the operator |  |
| Website address of the operator |  |
| E-mail address of the operator |  |
|  | I agree that the Regulator shall send documents and notifications to the electronic mail address indicated in this notification by using the official electronic mail address of the Regulator sprk@sprk.gov.lv in accordance with Section 9, Paragraph two of the Law on Notification, and they shall be deemed as notified on the second working day after sending thereof. The regulator and the merchant may also use other means of notification specified in the Law on Notification in their mutual communication. |
|  | I am informed that the information on the calculated State fee for the regulation of public utilities must be submitted to the Regulator in accordance with the procedures and within the time period specified thereby not later than within 30 days after registration of the operator with the Register of Postal Operators. |

**2. Information on postal services which will be ensured by:**

|  |  |
| --- | --- |
|  | Traditional postal services |
|  | Delivery services of subscribed press publications |
|  | Express mail services |
|  | Courier services |

**3. The planned date of commencement of provision of postal services** \_\_\_\_.\_\_\_\_.\_\_\_\_\_\_\_\_\_.

|  |  |  |
| --- | --- | --- |
| Date \_\_\_\_.\_\_\_\_.\_\_\_\_\_\_\_\_\_. |  |  |
|  |  |  |
| Person entitled to represent the merchant |  |  |
|  |  | /signature and full name thereof/ |
|  |  |  |
| /given name, surname of the person who prepared the document/ |  |  |
| telephone |  |  |  |
|  |  |  |  |
| e-mail |  |  |  |

Note. The details of the document “date” and “signature” shall not be completed, if the electronic document has been prepared in accordance with the laws and regulations regarding drawing up of electronic documents.

Acting Chair, Board Member of the Public Utilities Commission A. Upena

**Annex 2**

Decision No. 1/6 of the Public Utilities Commission

of 21 April 2022

**Notification of Termination of Activities of a Postal Operator**

|  |  |
| --- | --- |
| Name of the merchant |  |
| Unified registration number |  |
| E-mail address of the operator |  |
|  | I agree that the Regulator shall send documents and notifications to the electronic mail address indicated in this notification by using the official electronic mail address of the Regulator sprk@sprk.gov.lv in accordance with Section 9, Paragraph two of the Law on Notification, and they shall be deemed as notified on the second working day after sending thereof. The regulator and the merchant may also use other means of notification specified in the Law on Notification in their mutual communication. |
|  | I agree that on the basis of such notification on the termination of activities all the user rights to use the Regulator’s System for the Input and Processing of Merchant’s Information are revoked. |
|  | I confirm that the information provided is true and I am aware that I may be held liable, according to laws and regulations, for the provision of false information. |

I hereby ask to exclude from the Register of Postal Operators from \_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_. (The Regulator may exclude the operator from the Register of Postal Operators not earlier than 31 days after receipt of the notification of termination of activities of a postal operator).

State fee in the amount of EUR \_\_\_\_\_\_\_ for the regulation of public utilities in \_\_\_\_\_ [year] was paid on \_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_.

|  |  |  |
| --- | --- | --- |
| Date \_\_\_\_. \_\_\_\_. \_\_\_\_\_\_\_\_\_. |  |  |
|  |  |  |
| Person entitled to represent the merchant |  |  |
|  |  | /signature and full name thereof/ |
|  |  |  |
| /given name, surname of the person who prepared the document/ |  |  |
| telephone |  |  |  |
| e-mail |  |  |  |

Note. The details of the document “date” and “signature” need not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding electronic document

Acting Chair, Board Member of the Public Utilities Commission A. Upena