

**The Act
of 18 March 2004
amending the Act – Postal Law¹**

Art. 1

Within the Act of 12 June 2003 Postal Law (Dziennik Ustaw No 130, item 1188) the following amendments shall be inserted:

- 1) in article 44, following section 1, new section 1a shall be inserted to read:
“1a. The public operator is obliged to submit to the President of URTiP, together with the report on postal activity which is referred to in section 1, information on the number of complaints about late delivery of letter post items of the fastest category and letter post items which are not postal items of the fastest category.”
- 2) in article 47:
 - a) in section 1 in subsection 3 semicolon shall be replaced by full stop and subsection 4 shall be repealed;
 - b) section 2 shall be amended to read:
“2. It does not violate the exclusive rights to provide the reserved services within the scope of clearance, transport and delivery of the postal items listed in section 1 in domestic or international traffic with the weight not exceeding the weight limit, which is referred to in section 4, when the operator has collected the fee not lower than two and a half times the fee for clearance, transport and delivery of letter item constituting the postal item of the lowest weight category and the fastest category established within price list of universal postal services of the public operator, referred to in article 51 section 4, obligatory within given period of time, respectively to the domestic and international traffic.”
 - c) section 4 shall be amended to read:
“4. The weight limit of reserved services shall be 50 g.”
- 3) following article 48, new article 48a shall be inserted to read:
“Art. 48a. 1. The public operator is obliged to deliver letter post items accepted for transport and delivery in the framework of universal postal service:
 - 1) no later than on the 4th day after the day of posting – in case of a letter post item of the fastest category;
 - 2) no later than on the 6th day after the day of posting - in case of a letter post item which is not a postal item of the fastest category;2. In case of delivery of the postal item on the date later than the one, which is referred to in section 1, the addressee or the sender has a right to lodge a complaint about the late delivery of the postal item.
3. The complaint shall be lodged:
 - 1) no sooner than:
 - a) on the 5th day since the day of posting of postal item - in case of a letter post item of the fastest category,
 - b) on the 7th day since the day of posting of postal item - in case of a letter post item which is not a postal item of the fastest category, and
 - 2) no later than after the lapse of 30 days from the date of posting of the postal item.

¹ This Act transposes the 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 (OJ L 176, 05.07.02 p. 21-25).

4. The complaint shall be lodged in any public operator's point of contact either in the written form, or orally with minutes taken, an electronic form, or other which sufficiently expresses the will of the complainant.

5. The public operator's point of contact where the complaint has been lodged shall immediately submit it to the organisational unit suitable for examining the complaint. This unit, within 14 days of the day of receipt of the complaint, provides a response in writing concerning the complaint.

6. The complaint shall include:

- 1) name and surname or trade name of the complainant and his address;
- 2) designation of the kind of postal item concerned;
- 3) justification of the complaint;
- 4) date and signature of the complainant.”;

4) in article 50:

a) section 3 shall be amended to read:

“3. The use of uniform tariff shall not exclude the right of operator providing universal postal services to use the special tariff which is lower than obligatory for given kind or way of providing a service, in relation to the senders, who perform the activities agreed upon with the operator related to the preparation or processing of postal items, or who will co-ordinate with the operator additional conditions in the scope of the way of providing a service, and to the senders posting considerable amounts of items within the time period fixed with the operator, under the condition, that the operator while setting prices:

- 1) applies towards the senders uniform and equal criteria concerning both the prices and the conditions related to the contract;
- 2) takes into account the costs of provision of the service comprising of the full scope of performances related to the postal service of the given kind or to the way of provision of this service, excluding costs avoided in relation to the limitation of activities performed by the operator.”;

b) section 4 shall be added to read:

“4. The operator providing universal postal services is obliged to determine in the regulation, which is referred to in art. 49 section 1, the criteria of fixing special charges taking into consideration the principles, which are referred to in section 3, and to render information in this scope accessible in all operator's points of contact where such services are provided.”;

5) following article 50, new article 50a shall be added to read:

“Art.50a. 1. It is prohibited to subsidize universal postal services which are not reserved with the income from reserved services.

2. The prohibition which is referred to in section 1, does not apply when the subsidy is made to the extent necessary for the public operator to fulfil the obligation imposed on him to provide universal postal services in the scope of services, which are not reserved.

3. The intention to start the subsidies accompanied by written justification is submitted by the public operator to the President of URTiP in order to receive an opinion on the existence of prerequisite, which is referred to in section 2.

4. The President of URTiP gives an opinion on the justification of launch of subsidies no later than 30 days after receiving the pronouncement.

5. The President of URTiP during the period envisaged for giving the opinion may summon the public operator in writing to submit additional information within 7 days after receiving the summons.

6) in Article 67:

a) in section 1 subsection 6 letter c semicolon shall be replaced by comma and new letter d shall be added to read:

“d) does not submit information, mentioned in Article 44 section 1a;”,

b) in section 2 subsection 1 shall be amended to read:
“1) 1% in case of finding the violations described in section 1 subsection 6 letters a, b and d and subsection 7 letters a, b and d;”.

Art. 2

This Act shall enter into force on the day of accession of the Republic of Poland to the European Union, with the exception of art. 1 section 2 letters b) and c) which shall enter into force on 1 January 2006.