

Text of Act of Law – established finally after the evaluation of Senate amendments.

**Act of Law
of 12 June 2003**

Postal Law

**Chapter 1
General provisions**

Art. 1.

This Act of Law shall describe the principles or performance of business activity consisting of provision of postal services within domestic or international traffic, hereinafter referred to as “postal activity”.

Art. 2.

1. Postal service, performed within domestic or international traffic, shall constitute of the following paid services:
 - 1) clearance, conveyance and delivery of postal items and printed forms, which are not addressed, hereinafter “non-addressed printed forms”;
 - 2) operation of points of exchange enabling reception and exchange of correspondence between entities using the services of these points;
 - 3) handling of postal money orders.
2. The following does not constitute the postal service:
 - 1) conveyance and delivery of own postal items, when it is performed without participation of the third party;
 - 2) transport and delivery of documents related to the goods transferred together with these documents;
 - 3) carriage of goods other than correspondence, executed in accordance with other provisions;
 - 4) mutual non-paid exchange of correspondence, performed exclusively by the subjects engaged into the exchange;
 - 5) clearance, transport and delivery of postal items by the special postal services of Minister competent to internal affairs;

- 6) clearance, transport and delivery of postal items by postal service of Minister of National Defence – military field post.

Art. 3.

The following terms used within this Act of Law shall mean:

- 1) address – indication of addressee of postal item or of amount of postal money order, and the place of delivery indicated by the sender;
- 2) addressee - entity described by sender as the receiver of postal item or amount of money indicated within postal money order;
- 3) agent – entrepreneur acting on behalf of operator in the process of concluding the agreements on postal services, and concluding such agreements on behalf of operator;
- 4) postal agent – agent, referred to in subsection 3, acting on behalf or in interest of public operator;
- 5) delivery – handing of the postal item or payment of the amount of money indicated within postal money order to the addressee, and in cases regulated by the law also to the other person, or handing of the non-addressed printed form in accordance with the agreement on postal services provisions;
- 6) printed form – written or graphic information, multiplied in use of printing techniques or other similar techniques, presented on paper or other material used in printing, including book, catalogue, daily newspaper or periodical magazine;
- 7) international postal provisions – ratified by Republic of Poland international agreements, international agreements concluded in a way accepted by international law related to postal services provisions, and binding Executive Regulations of Universal Postal Union;
- 8) posting – the order to deliver the postal item or amount of money indicated within the postal money order and handing over the non-addressed printed form in accordance with the agreement on postal services provisions;
- 9) posting to “poste restante” - the order to deliver the postal item or amount of money indicated within the postal money order exclusively in the operator’s point of contact, indicated by the sender as the place of delivery;
- 10) sender – subject, which/who concluded the agreement on provision of postal services;
- 11) operator – entrepreneur entitled to perform the postal activity;
- 12) public operator – operator obliged to provide universal postal services;
- 13) postal parcel – recorded postal item containing goods, accepted by the public operator in purpose of transport and delivery;
- 14) operator’s point of contact – organisational unit of operator, agent or postal agent, where the sender can conclude the agreement on postal services provisions or such an organisational unit, which shall deliver to the addressees the postal items or amount of money indicated within postal money orders, or other place separated and designated by the operator, where the agreement on provi-

sion of postal services can be concluded or where the postal item or amount of money indicated within postal money order can be collected;

- 15) postal money order – the order to deliver, by the public operator to the addressee the indicated amount of money;
- 16) postal item – goods marked with the address, submitted to the clearance or accepted by the operator in purpose of transferring them and delivery to the addressee;
- 17) postal item for the blind persons – postal item, which weights up to 7000 grams, containing correspondence or printed forms recorded in use of protruding typing or in use of other carrier available for reading by blind persons or persons with restricted vision, which has been posted in a way enabling to check its content;
- 18) letter item – postal item, which is not the postal parcel;
- 19) registered item – registered postal item, which is conveyed in the form of letter, transferred and delivered in a way protecting it against the total loss, loss of the part of its content or damage;
- 20) recorded postal item – postal item received with the written confirmation of reception and delivered with the written confirmation of delivery;
- 21) direct mail– postal item containing only advertisement, marketing or promotional materials, being sent on the one time basis to at least 20 addressees, having identical content, differing only by the identification data of addressees' non-changing the content of transferred information, and in particular related to the name, address or other variable data;
- 22) postal item with correspondence – information recorded on any available material carrier, including the information recorded in use of protruding printing, with the address inserted by the sender, with the exclusion of books, catalogues and press magazines;
- 23) insured item - recorded postal item, where the operator shall be liable up to the amount of its value indicated by the sender, for the total loss, partial loss or damage of such a postal item;
- 24) handling of postal money order – reception of postal money order, its transfer or conveyance, and delivery of the amount of money indicated within it to the addressee;
- 25) universal postal services – postal services consisting of:
 - a) clearance, transport and delivery of:
 - letter items weighting up to 2000 grams, including registered letters and insured letters with declared value,
 - postal parcels weighting up to 10 000 grams, including the insured parcels,
 - postal items for the blind persons,
 - b) delivery of postal parcels sent from abroad weighting up to 20 000 grams,
 - c) handling of postal money orders

- provided within domestic and international traffic on the territory of Republic of Poland, in a consistent way on comparable conditions and at affordable prices, maintaining quality required by law and ensuring of emptying the mail box and delivery of the postal items at least on every working day and no less frequently, than 5 days a week;

- 26) exchange of documents – offer of the means, including the offer of access to the premises enabling the self-delivery of own postal items in a way of mutual exchange of postal items between the users, which are using this service, and also their carriage by the third party.

Art. 4.

The provisions of this Act of Law shall be applicable to provision of postal services provided in international traffic, unless the international postal regulations provide otherwise.

Art. 5.

The tasks within the scope of postal activity, assigned to postal management authorities or postal administrations within international postal regulations, shall be performed by the State-owned Public Utility Enterprise “Poczta Polska”, hereinafter referred to as “Poczta Polska”.

Chapter 2

Powers to perform the postal activity

Art. 6.

1. Performance of the postal activity within the scope of clearance, transport and delivery of postal items containing items of correspondence or postal items for the blind persons requires the authorisation to perform such postal activities, hereinafter “the authorisation”, unless the provision of the Act of Law state otherwise.
2. Performance of postal activities non-requiring the authorisation shall be liable to written notification of such postal activities, hereinafter “ notification”.
3. Postal activity consisting of clearance, transport and delivery of non-addressed printed forms, shall not require the notification.
4. Provisions of section 1 and 2 shall not be applicable to the performance of postal activities, performed by the public operator, within the scope of universal postal services, referred to in article 46.
5. The activities performed by the postal agent on basis of agency agreement concluded with the operator in accordance with provisions of Kodeks cywilny (Civil Code) shall not require the authorisation or a notification.

Art. 7.

Issuing, refusing to issue or withdrawal of the authorisation and rising an objection against the notification of postal activities shall be executed in the form of decision.

Art. 8.

The authority competent to the matters of authorisation and notification shall be the President of the Office of Telecommunication and Post Regulation, hereinafter “the President of URTiP”.

Art. 9.

1. Authorisation shall be issued on the written application, which shall contain:
 - 1) designation of entrepreneur, his statutory office and address;
 - 2) assigned number within the register of entrepreneurs or in other relevant register or in the record of business activity;
 - 3) specification of scope of postal activity applied for and the methods of its execution;
 - 4) specification of the territory, where the postal activity shall be performed, indicated in one or more voivodship (official region) with the indication of planned density of offices’ network in every particular voivodship (official region);
 - 5) period of time for which the application subjected to issuing the authorisation on performance of postal activity shall be submitted.
2. The following shall be enclosed to the application:
 - 1) valid transcript from the register of entrepreneurs or other relevant register or record of business activity;
 - 2) valid confirmation on assignment of the REGON number;
 - 3) in case of commercial companies:
 - a) the list of Management Board members, proxies and members of supervisory authority,
 - b) the list of shareholders, being in possession of no less than 5% of registered shares or the list of partners,
 - c) information on date and place of birth, parents’ names, mother’s maiden name, place of residence or official address on the territory of Republic of Poland and on PESEL numbers of persons, referred to in letters a) and b), and in case of foreign citizen the information on passport number and on visa number or on residence card,
 - d) information on the scope of data collected within National Criminal Register in respect to persons referred to in letters a) and b);
 - 4) in case of applicant, who is natural person and persons managing the activity of entrepreneur who is not the commercial company:
 - a) information on date and place of birth, parents’ names, mother’s maiden name, place of residence, PESEL number, and in case of foreign citizens

the information on eventual official address on the territory of Republic of Poland and on passport number, and also on visa number or on residence card,

- b) information on the scope of data collected within National Criminal Register;
- 5) regulation on provisions of postal services, which are the subject of application;
- 6) description of the method of postal service provision, having regard to the requirements referred to in article 10 section 1 subsection 1.

Art. 10.

1. The authorisation shall be issued after confirmation, that:
 - 1) entrepreneur complies with the following requirements, when:
 - a) he ensures the conditions for the maintenance of postal secrecy, referred to in article 39 section 1,
 - b) he established transparent and non-discriminating conditions of handling complaints,
 - c) he is in possession of the technical and organisational base matching the size of planned activity;
 - 2) entrepreneur, who is the natural person, partners of private companies, members of Management Boards of stock companies or limited liabilities companies and persons managing the activities of other entrepreneurs haven't been penalised for the wilful crimes against protection of information, authenticity of documents, property, trade turnover, money operations and bond operations, and wilful fiscal crime;
 - 3) legally valid sentence prohibiting the entrepreneur to perform the activities falling under the scope of authorisation has not been issued;
 - 4) entrepreneur submitted documents, referred to in article 9 section 2, certifying that he complies with requirements necessary to perform the activities presented within application;
 - 5) performance of the activities falling under the scope of application shall not endanger the defence, security of State or public security and order.
2. Before making the decision on the issue of security authorisation, the President of URTiP shall call the applicant to supplement, within indicated period of time, the missing documentation, confirming that he complies with the conditions established in section 1, required to perform the economic activities falling under the scope of authorisation.
3. Confirmation of compliance with condition, referred to in section 1 subsection 5, shall be executed after consultation with Minister of National Defence, Minister competent to internal affairs or the Head of Internal Security Agency. The opinion shall not require the justification if it does violate the provisions of the Act of Law of 22 January 1999 on protection of confidential information (Journal of Law No. 11, pos. 95, of year 2000 No. 12, pos. 136 and No. 39, pos. 462, of year 2001 No. 22, pos. 247, No. 27, pos. 298, No 56, pos. 580, No. 110, pos. 1189, No. 123, pos.

1353 and No. 154, pos. 1800, of year 2002 No. 74, pos. 676, No. 89, pos. 804 and No. 153, pos. 1271 and of year 2003 No. 17, pos. 155).

Art. 11.

Authorisation shall be issued for the indicated period of time, which shall be no shorter than 5 years and no longer than 25 years.

Art. 12.

Within the authorisation, the following shall be established:

- 1) entitled entrepreneur, his business office seat and address;
- 2) scope of postal activity covered by the authorisation;
- 3) territory, where the postal activity covered by authorisation shall be performed;
- 4) period of validity of authorisation.

Art. 13.

1. The President of URTiP shall withdraw the authorisation, when:
 - 1) the legally valid verdict prohibiting the entrepreneur to perform the activity falling under the scope of authorisation has been issued;
 - 2) the activity falling under the scope of authorisation is performed in a way contradictory to the provisions of the Act of Law, and in particular within the scope of reserved services;
 - 3) performance of the activities falling under the scope of authorisation shall threaten the defence and security of the State or shall threaten the public security and order;
 - 4) entrepreneur has ceased to meet the conditions established by the provisions of law, which are required for performance of the activities described within the authorisation;
 - 5) entrepreneur failed to remedy the factual situation or legal situation of non-compliance with the provisions regulating the activities falling under the scope of authorisation, within the period of time indicated by the President of URTiP, having regard to section 3.
2. The President of URTiP may withdraw the authorisation, may limit the scope or territory of activities, when:
 - 1) entrepreneur having authorisation did not commence the activities falling under the scope of authorisation within the period of 6 months since the date of issuing the authorisation, in spite of call issued by the President of URTiP to commence such activities or when the entrepreneur, who has the authorisation ceased offering the services;
 - 2) the bankruptcy has been declared or the process of liquidation of the entrepreneur's activities, who has the authorisation, has been commenced.

3. With exception of the very urgent cases or irreversible events, the decision on withdrawal the authorisation or decision on the limitation of the territory of activity may be taken after non-effective call directed to the operator aiming at the removal of the reasons justifying the issuance of such a decision.
4. Withdrawal of the authorisation due to the reasons referred to in section 1 subsection 3, shall take place on the request of Minister of National Defence, Minister competent to internal affairs or the Head of Internal Security Agency, within the scope of their competency. Such an application does not require the justification, when it would violate the provisions of the Act of Law on protection of confidential information.

Art. 14.

In case of withdrawal of the authorisation, it can be reissued but not earlier, than after 3 years of the date, when the decision on authorisation withdrawal has become finally legally binding.

Art. 15.

1. Notification shall contain:
 - 1) designation of entrepreneur, his business office seat and address;
 - 2) number assigned within the register of entrepreneurs or within other relevant register or within the record of business activity;
 - 3) specification of the scope of intended postal activity;
 - 4) territory, where the postal activity is intended to be performed.
2. The provisions of article 9 section 2 subsections 1, 2 and 4 letter a, shall be applied respectively to the notification.
3. The performance of the postal activity, falling under the scope of the notification can be commenced, when the President of URTiP within the period of 30 days since the delivery to his office of the notification, shall not rise the objection against the undertaking by the entrepreneur of the notified postal activity.
4. Objection, which is referred to in section 3, can be raised, when the notification violates provisions of the Act of Law, when it is incomplete or when data contained within it is non-compliant with the actual situation.

Art. 16.

1. The President of URTiP shall raise the objection during the performance of the activities falling under the scope of notification, when:
 - 1) the operator violates provisions of the Act of Law and within the period of time established by the President of URTiP he failed to remedy the situation, which has not been compliant with the obligatory law;
 - 2) at the request from Minister of National Defence, Minister competent to internal affairs or the Head of Internal Security Agency, within the scope of their competencies, when performance of the activity falling under the scope of the notification shall jeopardise the defence and security of State or threaten the

public security and order. Such a request does not require the justification, when it would violate provisions of the Act of Law on protection of confidential information.

2. In case of rising the objection by the President of URTiP during the performance of the activities by operator, the operator shall be obliged to terminate immediately the performance of activities falling under the scope of objection.

Art. 17.

1. Operator performing the postal activities shall be obliged to submit to the President of URTiP:
 - 1) in case of activity falling under the scope of authorisation – amendments to the data, which are referred to in article 9 section 1 and section 2 subsection 1 and 3 letters a and b;
 - 2) in case of activity falling under the scope of notification - amendments to the data, which are referred to in article 15 section 1
- within 14 days of the date when they have arisen.
2. Operator performing the postal activity on the basis of issued authorisation or submitted notification, shall be obliged to notify the President of URTiP the fact of termination of postal activities within 14 days of the date of termination.

Art. 18.

Provisions of articles 9 – 12 shall be respectively applicable to the extension of the scope or territory of postal activity covered by authorisation.

Art. 19.

The powers resulting from the authorisation issued to entrepreneur, as well as the powers resulting from submitted notification, shall not be transferable to the entities created in result of the division or merger with other entities.

Art. 20.

1. The President of URTiP shall maintain the register of postal operators, hereinafter referred to as “register”, which contains:
 - 1) designation of the operator, his business office seat and address;
 - 2) number assigned within the register of entrepreneurs or within other relevant register or within the register of business activity;
 - 3) the scope of performed postal activity;
 - 4) territory of the performed postal activity;
 - 5) in case of operators, who are performing activity covered by authorisation – period of validity of the authorisation;
 - 6) information on data amendments, which are referred to in subsections 1 – 5, as well as on the fact of termination of postal activity.

2. The register, which referred to in section 1 shall be publicly available.
3. The President of URTiP shall perform the entry to the register within 7 days:
 - 1) since the date of issuing the authorisation, or
 - 2) after the expiration of period of time allowed for raising the objection, which is referred to in article 15 section 3.
4. The President of URTiP shall introduce a change to the data, which are referred to in article 9 section 1 subsection 1 and 2, section 2 subsections 1 and 3 letters a and b, and in article 15 section 1, to the register within 7 days since the date of their declaration.
5. The provisions of “Kodeks postępowania administracyjnego” (Code of Administrative Proceeding) related to issuing the certificates shall be applicable to the confirmation of submission of the notification.

Chapter 3

Provision of postal services

Art. 21.

1. Provisions of postal services shall be performed on basis of agreements on provisions of postal services.
2. Conclusion of the agreement on provision of postal service shall take place in particular through:
 - 1) receiving by the operator the postal item for the transport and delivery;
 - 2) dropping the postal item to the operator’s mail box, with exclusion of registered postal items and postal items liable to the free of charge service in accordance with the Act of Law.
 - 3) receiving the postal money order.

Art. 22.

1. Operator shall refuse to conclude the agreement on provision of postal service or he can denounce its execution, when:
 - 1) the requirements related to provision of postal services established within the Act of Law or within the legal provisions issued on its basis, and also within the regulation of performance of postal services are not met;
 - 2) content or packing of the postal item presents the danger of damage to the third parties or operator;
 - 3) on the packing of postal item or within the visible part of its content shall be situated written text, signs, drawings or other graphical marks violating the law or the signs of postage fee not complying with the requirements established by the Act of Law;
 - 4) the postal service would be performed in full or in part on the territory not falling under the scope of authorisation;

- 5) receiving or transport of the postal item is prohibited on basis of other separate legal provisions.
2. Operator, moreover may:
 - 1) refuse to conclude the agreement on provision of postal service, when the postal item does not comply with conditions established by the operator to conclude the agreement;
 - 2) denounce to perform the postal service after conclusion of the agreement on provision of postal service, when the postal item does not comply with the conditions established within the agreement.
3. In case of refusal of agreement conclusion or unilateral denouncement of agreement on postal services provision by the operator due to the reasons described in sections 1 and 2, the received postal item shall be returned to the sender on his expense. Fee collected for the service shall be liable to the return to sender.
4. Provisions of articles 27 and 38 shall be respectively applicable to the return of the postal item, referred to in section 3.

Art. 23.

1. Prior to the delivery of the registered postal item or amount of money indicated within postal money order, the sender may:
 - 1) resign from the agreement on provision of postal service;
 - 2) request the change of addressee or the change of place of delivery.
2. Operator may request from the sender the payment of fee for the activities performed by the operator in connection with the resignation from the agreement on provision of postal service requested by the sender, or in connection with handling of the changes, which are referred to in section 1 subsection 2.

Art. 24.

1. Operator, having regard to article 49, shall establish within the regulation of provision of postal services or within the agreements on provision of postal services, the conditions of performance and conditions of use of postal services, and in particular the circumstances justifying the recognition of the postal service as non-performed, the method of conduct in case of non-performed or improperly performed postal service, and periods of time, which expiration shall result in declaration of the non-delivered postal item as the lost one, and also the detailed principles of submission and handling of complaints.
2. The regulation, which is referred to in section 1, shall be submitted to the public knowledge in a way accepted in accordance with common habits or shall constitute the non-paid annex to the agreement on provision of postal service, when it results from the properties of the agreement which is concluded.

Art. 25.

1. In case of justified suspicion, that transport of the postal item can cause the damage to the other postal items or to the operator's property, the operator may request to

have the postal item opened by the sender, and in case when the submission of such a request is impossible or has been non-effective, the operator may secure the postal item on its own expense in a way ensuring the safety of postal operation.

2. In case of justified suspicion, that the postal item is the subject of crime or its content constitute the hazard for persons or environment, the operator shall without any delay notify the competent services and he shall detain and secure such a postal item until its examination by the competent services will be completed.

Art. 26.

1. Postal item or amount of money indicated within postal money order, having regard to sections 2 – 6, shall be delivered to addressee to the address indicated on the postal item, on the postal money order or within the agreement on provision of postal service.
2. Postal item, unless it is sent on “poste restante”, can be also handed over with effect of delivery:
 - 1) to the addressee:
 - a) to his letter box,
 - b) in the operator’s point of contact, when during the trial of delivery of the postal item addressee has been absent at the address indicated on the postal item, on the postal money order or within the agreement on provision of postal service or when delivery in use of the letter box shall be impossible,
 - c) in the place agreed upon between the addressee and operator;
 - 2) to the legal representative of addressee or to the plenipotentiary of the addressee:
 - a) at the address indicated on the postal item, on the postal money order or within the agreement on provision of postal service,
 - b) in the operator’s point of contact;
 - 3) to the major person living together with the addressee at the same address, unless the addressee made a reservation in operator’s office regarding the delivery of recorded postal item or postal money order:
 - a) at the address indicated on the postal item, on the postal money order or within the agreement on provision of postal service,
 - b) in the operator’s point of contact;
 - 4) to the person authorised for reception of the postal item in the office of the public authority body, which is referred to in article 1 section 2 subsection 1 of the Act of Law on protection of confidential information, when the addressee of the postal item is the cited above public authority body;
 - 5) to the person authorised for reception of the postal item in the entities which are legal persons or which are the organisational units not having the legal personality, when the addressee is:
 - a) cited above legal person or organisational unit not having the legal personality,

- b) the natural person residing in it, who is neither the member of managing body nor the employee of the cited above legal person or organisational unit not having the legal personality;
 - 6) to the manager of unit or to the natural person authorised by him, when the addressee of the postal item is the natural person residing in the unit, where due to the feature of that unit or due to the universally recognised habit, the delivery of the postal item to the addressee is significantly difficult or impossible.
3. Provisions of section 2 shall not violate the provisions of other Acts of Law related to the method, principles and procedures of deliveries.
 4. The postal item, which is the recorded postal item can be delivered in a way, which is described in section 2 subsection 1 letter a on written application of the addressee, submitted to the respective operator's point of contact.
 5. Provisions of section 2 subsection 1 letter b and subsections 2 – 6 shall be applicable respectively to the delivery of the amount of money indicated within the postal money order, with exclusion of postal money orders sent on "poste restante".
 6. Provisions of article 27 or article 29 shall be applicable in the case of death of addressee respectively to the delivery of the registered postal item or amount of money indicated within postal money order.

Art. 27.

1. The postal item, which cannot be delivered to the addressee shall be returned to the sender by the operator. The operator can request the fee for the activities related to the return of the postal item.
2. The postal item, which can be neither delivered to the addressee nor returned to the sender due to the lack or mistaken address of sender, hereinafter "non-deliverable postal item", can be opened by the operator in purpose of obtaining the data enabling its delivery or return to the sender.
3. Non-paid postal item or postal item paid with the amount of money lower than due shall be considered as non-deliverable postal item, when sender or addressee refuses to pay the fee or difference of the fee. Provisions of section 10 shall be applicable to the content of this postal item.
4. The opening of the non-deliverable postal item shall be performed without any delay, unless the agreement on provision of postal services establishes other period of time.
5. The operator shall appoint the organisational unit, where the activities related to the opening of postal items and establishing data enabling their delivery or return to the sender, shall be performed.
6. Opening of the non-deliverable postal item shall be performed by the Commission consisting of at least 3 persons from among the employees of unit, which is referred to in section 5, which shall be assembled by the manager of organisational unit.
7. Opening of non-deliverable postal item should be performed in a way, which ensures the least damages to its packing.
8. After opening of the postal item, the Commission shall examine whether on the inner side of packing the address of the sender or addressee has been placed, and in

case of its non-existence, the Commission shall perform examination of content of postal item.

9. In case of establishment of the address of sender or addressee by the Commission, during the activities which are described in sections 7 and 8, the postal item, after the proper securing and placement on the packing the note on Commission opening, shall be delivered by the operator or return to the sender.
10. In case, when the opening of non-deliverable postal item, will not enable its delivery or return to the sender or when the sender refuses to accept the returned postal item:
 - 1) correspondence constituting the postal item shall be destroyed by the operator in a way making unable to recover the information contained within the postal item and on its packing not earlier than 60 days since the date of opening the postal item;
 - 2) provisions of article 183, article 184 and article 187 of Civil Code shall be applicable respectively to the content of the postal item other than correspondence.

Art. 28.

Prohibited is posting, reception for transport and delivery by operator the goods coming from different senders and directed to different addressees, when they are sent in one postal item.

Art. 29.

The amount of postal money order, which cannot be delivered to the addressee, shall be returned to the sender, and in case when it is impossible due to the lack or mistaken address of sender, provisions of article 184 and article 187 of Civil Code shall be applied respectively.

Art. 30.

1. Operator shall establish the amount and the method of payment the fees for postal services, having regard to the provisions of this Act of Law. The amount of fee can be related in particular, to the kind, weight or period of time allowed for delivery.
2. Postal item, which is the postal item for blind persons and is posted by:
 - 1) the person having decision of the competent adjudication body on significant or moderate level of incapacity due to damage of the vision, hereinafter "blind person or person with limited vision" and addressed to the library or to the organisation of blind persons or persons with limited vision or to the organisations, which statute purpose is performance of the activities on behalf of blind persons or persons with limited vision;
 - 2) library, organisation of blind persons or persons with limited vision or organisations, which statute purpose is performance of the activities on behalf of blind persons or persons with limited vision and addressed to blind person or person with limited vision;

- 3) blind person or person with limited vision or directed to such a person and containing information printed only with protruding typing
- shall be exempted from the postage fee for clearance, transport and delivery of, postal item which is not the priority postal item, such a kind and weight category, which is established within obligatory price list of universal postal services of public operator, referred to in article 51 section 4. Exemption from the fee shall not include the confirmation of delivery of recorded postal item.
3. Minister competent to social security and Minister competent to matters of culture and protection of national heritage in consultation with Minister competent public financial matters, shall establish by the Ordinance the list of libraries, organisations of blind persons and persons with restricted vision, which statute purpose are activities on behalf of blind persons or persons with restricted vision, referred to in section 2, directed by the principle of the largest and equal access of blind persons and persons with restricted vision to the cultural heritage.

Art. 31.

1. Operators may apply their own signs used to confirm the payment for a postal service:
- 1) containing information:
 - a) enabling operator's identification,
 - b) on the amount of fee collected for performance of postal service
 - hereinafter "signs of postage fee";
 - 2) containing information:
 - a) enabling operator's identification,
 - b) enabling identification of agreement on provision of postal service concluded between operator and entity, on behalf of which the service shall be performed
 - hereinafter "indications".
2. Operators shall use signs of postage fee or indications, in case of provision of postal services based on principles described in article 47 section 2.
3. Signs used to confirm the payment for postal services provided by Poczta Polska shall be:
- 1) signs of postage fee issued by Poczta Polska as independent signs marked with inscription letters containing the words used in every grammatical form: "Polska", "Rzeczpospolita Polska" or "Poczta", hereinafter "postage stamps";
 - 2) signs of postage fee, other than postage stamps, established by Poczta Polska;
 - 3) indications established by Poczta Polska;
4. Forms of signs of postage fee, with exclusion of signs referred to in section 3, shall be liable to declaration to the President of URTiP, who shall maintain their list. List of postage fee signs shall be publicly available.
5. The President of URTiP shall refuse, by his decision, the placement of form of postage fee sign on the list, referred to in section 4, when:

- 1) the words written on the sign, pictures or other graphical signs violate the interest eligible to legal protection;
 - 2) the sign contains words, which are referred to in section 3 subsection 1;
 - 3) the sign does not comply with the requirements established within this Act of Law.
6. The use of postage fee sign covered by the decision, which is referred to in section 5, shall be prohibited.
 7. Postage stamps shall be liable to the protection envisaged within provisions of Penal Code for official value marks, and other signs and indications used to confirm the payment of postage fee, shall be eligible to the protection envisaged within provisions of Penal Code for documents.

Art. 32.

1. Poczta Polska has the exclusive right to issue and withdraw from the circulation of:
 - 1) postage stamps;
 - 2) post-cards having form of single card made of hard paper with printed sign of postage fee containing words, which are referred to in article 31 section 3 subsection 1, marked with the inscription;
 - 3) envelopes with printed sign of postage fee, marked with the inscription containing words, which are referred to in article 31 section 3 subsection 1;
2. Poczta Polska shall be obliged to issue the postage stamps in accordance to the annual plan of issue of postage stamps.
3. Natural persons and legal persons shall have a right to submit to Poczta Polska the thematic proposals related to plan of issue of postage stamps until 30 June of each year, two years in advance in respect to the date, referred to in section 6.
4. Poczta Polska shall evaluate the thematic proposals and shall select from among them these, which shall be recommended to Minister competent to post and telecommunication, as the elements constituting plan of issue of postage stamps for the chosen year. The document recommending the thematic proposals shall contain the number of stamps included into each thematic proposal, the sequence of their entry into circulation and data containing information on verification of application. Poczta Polska within its recommendation shall take under consideration, in particular the anniversaries of important events falling in the chosen year and operating needs of the enterprise.
5. Poczta Polska shall prepare:
 - 1) the list of all thematic proposals submitted to the plan of issue for the chosen year;
 - 2) the list of recommended thematic proposals together with their justifications and with the justifications of reasons of rejection of other thematic proposals from the recommendations.
6. Lists, which are referred to in section 5, shall be submitted by Poczta Polska to Minister competent to post and telecommunication not later than until 31 January of each year, preceding the year, when the plan shall be obligatory.

7. Minister competent to post and telecommunication, shall establish by the Decision the annual plan of issue of postage stamps for the chosen year, describing the thematic proposals of postage stamps, the sequence of their entry into circulation and number of presentations of each thematic proposal, within the period of time until 31 March of year preceding the year, when the plan shall become obligatory.
8. Poczta Polska shall present to public knowledge the annual plan of issue the postage stamps for the chosen year on Poczta Polska website and within at least one daily newspaper on national range.

Art. 33.

1. Operator shall receive from the State budget the target subsidy to the provided postal services connected with clearance, transport and delivery of postal items liable to statutory exemption from postage fee according to the principles described in separate provisions.
2. Unit rate (tariff) of subsidy cannot be higher than, the one for clearance, transport and delivery of postal item, which is referred to in section 1, of this kind and weight category, which is established within obligatory price list for universal postal services of public operator, which is referred to in article 51 section 4.
3. The total amount of subsidy, which is referred to in section 1, shall be established by the budgetary Act of Law.

Art. 34.

1. The units accounted as the units belonging to the sector of public finances in accordance with the Act of Law of 26 November 1998 on public finances (Journal of Law of year 2003 No. 15, pos. 148, No. 45, pos. 391 and No. 65, pos. 594) shall be obliged to enable to the public operator to install, operate and maintain the mail boxes on the properties possessed and administered by them, insofar as it doesn't restrict the rational use of these properties.
2. The use of the properties, which are referred to in section 1, within the range necessary to installation, operation and maintenance of mail box situated there shall be free of charge.
3. Minister competent to post and telecommunication shall establish by the Ordinance the size, method of marking and technical conditions, to be met by the mail boxes, reflecting to the requirements of European Committee for Standardisation, and in case of lack of such a requirements – referring to the requirements of other international standardisation organisations, of which Republic of Poland is the member, and also taking under the consideration the easy access to the mail boxes.

Art. 35.

1. Owner, perpetual user or independent possessor of property, having regard to article 34, shall be obliged to enable to the public operator the installation of mail boxes and automatic machines designed for postal service of clients, and also to enable their operation and maintenance. The condition of usage of the property by the public operator shall be described within agreement, which should be concluded within

30 days since the date of submission by the operator the application on its conclusion.

2. The mail boxes should be installed, operated and maintained in the way, which is the least troublesome for the owner and the entity using the property, on which they are situated.

Art. 36.

In case of dispute between the public operator and units accounted as the units belonging to the sector of public finances, and related to the scope of obligations, which are referred to in article 34, the provisions of article 124 of the Act of Law of 21 August 1997 on management of properties (Journal of Law of year 2000 No. 46, pos. 543, of year 2001 No. 129, pos. 1447 and No. 154, pos. 1800, of year 2002 No. 25, pos. 253, No. 74, pos. 676, No. 113, pos. 984, No. 126, pos. 1070, No. 130, pos. 1112, No. 153, pos. 1271, No. 200, pos. 1682 and No. 240, pos. 2058, and of year 2003 No. 1, pos. 15 and No. 80, pos. 720 and 721) shall be applied respectively.

Art. 37.

1. Owners and co-owners of:
 - 1) the property, a part of which is the building;
 - 2) the building, constituting the separate property
 - shall be obliged to install the letter box.
2. The obligation, which is referred to in section 1, shall be fulfilled:
 - 1) in one-family houses – through the installation of letter box in front of the entry door to the building or in publicly accessible part of property;
 - 2) in blocks of flats, where at least 3 apartments are separated – through the installation, in generally accessible part of property, of the set of letter boxes in the amount corresponding to the number of separate apartments or quarters of other designation than living, if they have a separate address.
3. Public operator has the right to install and use, in rural areas and areas of sparsely situated buildings, the operator's letter boxes, after consultation with "wójt", "burmistrz" or "president of town" (representatives of local authorities), on conditions agreed with owner, perpetual user or independent possessor of property.
4. Provision of section 1 shall not be applicable, when the letter boxes shall be installed by the operator providing universal postal services in accordance with section 3.
5. Minister competent to post and telecommunication in consultation with Minister competent to the matters of constructions, land development, spatial management and housing, shall establish the requirements to which the letter boxes should correspond including their location, and conditions of access for operators, having regard to ensuring:
 - 1) security of postal traffic;
 - 2) universality and easiness of access to the letter boxes for all the operators;

- 3) application of the requirements of European Committee for Standardisation, and in case of lack of such a requirements – the requirements of other international standardisation organisations of which Republic of Poland is the member.

Art. 38.

1. Operator shall be entitled to the right of lien on postal items in a purpose of securing the claims resulting from the agreement on provision of postal service and resulting from the custom fee or justified other additional costs of service provision which are due to the reasons caused by the sender or addressee.
2. Provision of section 1 shall not be applicable, when the addressee of the postal item is the public authority body.
3. In case of refusal of satisfying the claims, which are secured by the lien by addressee or sender, the operator shall open the postal item in presence of Commission and shall commence the sale of its content:
 - 1) immediately – in case of living animals or perishable goods;
 - 2) after 14 days since the date of written notification of addressee or sender on intended sale of content of postal item – in remaining cases.
4. The amount of money obtained from the sale of content of postal item, which is referred to in section 3, shall be transferred by the operator to the sender on his expense, after deduction of the value of claim, which has been secured by the lien.
5. Operator shall be entitled to the claim toward sender on covering the difference, in case the value of claim secured by the lien is higher than the amount of money obtained from the sale of content of postal item.
6. Where the sale of content of postal item or its part shall turn out impossible, the provisions of article 27 section 10 shall be applicable to non-sold content of the postal item.
7. Provisions of sections 1 – 6 shall not violate the Custom Code.

Art. 39.

1. Postal secrecy covers information transferred inside the postal items, information related to postal money orders, data related to the entities using postal services and data related to facts and circumstances of provisions of postal services or the use of these services.
2. The following entities shall be obliged to observe the postal secrecy:
 - 1) operator;
 - 2) persons, which have access to postal secrecy due to the performed activity.
3. The violation of the postal secrecy obligation shall be, in particular:
 - 1) disclosure or processing of the information or data falling under the scope of postal secrecy;
 - 2) opening of closed postal items or examining their content;

- 3) enabling the unauthorised persons to take actions aiming at performance of the activities, which are referred to in subsections 1 and 2.
4. The following shall not be considered as the violation of postal secrecy:
 - 1) undertaking the activities, which are described in section 3 subsections 1 and 2, in cases envisaged by the provisions of law or within the agreement on postal services provision;
 - 2) the use by the operator of reference letters containing data related to the entities, which are using his postal services and categories of these services, in cases when these data shall be published with the consent of entities, which they are related to.
5. The obligation to observe the postal secrecy shall be unlimited in time.
6. Operator shall be obliged to maintain due care to the extent justified by the technical or economical reasons, during protection of facilities and structures, which are used for providing postal services and collection of data, against the disclosure of postal secrecy.

Art. 40.

Information or data falling under the scope of postal secrecy can be collected, recorded, maintained, processed, changed, removed or made accessible, only when these activities are related to provided postal services or are necessary for its performance or when the separate provisions shall constitute otherwise.

Art. 41.

1. Operators shall be obliged to perform the tasks related to defence, security of State or public security and order within the scope and under the conditions described within this Act of Law and within separate provisions.
2. The obligation, which is referred to in section 1, shall cover free of charge provision by the operator, within the framework of performed by him postal activity, of the technical and organisational facilities, enabling the prosecutor's office, courts, and entitled units of Minister of Justice, Minister of Defence, Minister competent to internal affairs and the Head of Internal Security Agency to carry out their tasks established by the separate provisions, starting with the date of commencement of provision of postal activities. On application of the interested operator, the President of URTiP may delay the date of commencement of performance of above cited obligation.
3. Minister competent to post and telecommunication, in consultation with Minister of Justice, Minister of Defence, Minister competent to internal affairs, after having the opinion of the Head of Internal Security Agency, shall establish by the Ordinance:
 - 1) cases, when the President of URTiP may postpone the date of commencement of performance of the obligation, which is referred to in section 2, and maximum period of time for postponement, having regard to the kind and scope of postal activity performed by operator;
 - 2) detailed conditions and the method of the performance of the obligations, which are referred to in section 1, having regard to the least disturbance of op-

erator's business, during fulfilment of these obligations, being directed by the principle of reaching the target at the lowest costs.

Art. 42.

1. Operator shall be obliged to have the valid plan of action in situation of special hazards, and particular related to the introduction of martial law, state of emergency and natural disaster state, where should be established:
 - 1) principles of co-operation of operator with bodies co-ordinating rescue activities, with services legally established to provide aid and with Military Forces;
 - 2) method of fulfilment of the obligation to maintain continuity of the provision of postal services.
2. Public operator shall be also obliged to have the plan of co-operation with military field post in case of introduction of martial law or state of emergency.
3. Minister competent to post and telecommunication, in consultation with Minister of National Defence and Minister competent to internal affairs, shall describe by the Ordinance, the method of preparation and updating of plan, which is referred to in section 1, having regard to kind of activities performed by the operators and territory, where their postal activity is performed.
4. Minister competent to post an telecommunication, in consultation with Minister of National Defence shall describe by the Ordinance, the method of preparation and updating of plan, which is referred to in section 2, having regard to functioning of infrastructure of public operator in the time of peace.

Art. 43.

1. In case of introduction of the state of emergency, Minister competent to post and telecommunications, may by his Decision:
 - 1) impose on operator the obligations related to maintenance of continuity of postal services;
 - 2) order to the operator to provide free of charge (non-paid) certain postal services connected to the removal of effects of special hazards.
2. In case, which is described in section 1 subsection 2, Minister competent to post and telecommunications shall ensure the financial resources from the State budget to the operator, necessary to perform the tasks, which he has been charged with.
3. Decisions, which are referred to in section 1, shall cease to exist by the power of law on the date of abolition of the state of emergency.

Art. 44.

1. Operator providing the universal postal services, shall be obliged to annual submission to the President of URTiP, within period of time until 31 March, of the report on postal activity performed within the preceding year including the data related to:
 - 1) the scope of performed postal activity;
 - 2) volume of the sale of postal services in quantitative presentation separated on:

- a) universal postal services provided within the framework of reserved services,
 - b) remaining universal postal services,
 - c) other postal services non-mentioned in letters a and b;
- 3) the list of operator's offices, including the offices run by agent or postal agents;
 - 4) number of mail boxes;
 - 5) number and kind of submitted complaints and the methods of their handling.
2. Operator non-providing the universal postal services, shall be obliged to annual submission to the President of URTiP within period of time until 31 March, the report on postal activity performed within the preceding year and on data related to:
 - 1) the scope of provided postal activity;
 - 2) volume of the sale of postal services in quantitative presentation, separated on:
 - a) services performed within the framework of weight limit of reserved services, which are referred to in article 47 section 4,
 - b) other postal services;
 - 3) the list of operator's offices including the offices run by agents;
 - 4) number and kind of complaints and methods of their handling.
 3. The President of URTiP may impose the obligation on operators to submit, within the period of time of no shorter than 14 days, the other information necessary to enforce the provisions of the Act of Law.
 4. The President of URTiP shall submit annually to Minister competent to post and telecommunications, within period of time until 15 May, on the basis of information which is referred to in sections 1 – 3, the evaluation of the functioning of postal services market, including the results of the postal activity inspection.

Art. 45.

Confirmation of posting of the recorded postal item or postal money order issued by the public operator's point of contact shall have the power of official document.

Chapter 4

Provision of universal postal services

Art. 46.

1. Public operator shall be obliged to provide universal postal services in continuous way, enabling:
 - 1) handling of the letter item as the registered item;
 - 2) handling of the postal item as the insured item;
 - 3) obtaining the confirmation of delivery of recorded postal item or amount of money indicated within postal money order;

- 4) clearance, transport and delivery of postal items or amount of money posted on poste restante.
2. The obligation of performance of the public operator's tasks described within the Act of Law shall be entrusted to Poczta Polska.
3. Minister competent to post and telecommunications, shall describe in the Ordinance, the conditions for provision of universal postal services by the public operator, related to:
 - 1) minimum requirements within the scope of quality of universal postal services:
 - a) indicator of the timely delivery of postal items, within domestic traffic, expressed as the per-cent share of postal items delivered within established time limits, counted since the date of posting till the date of delivery, within the total number of total postal items posted,
 - b) number and method of location of operator's points of contact,
 - c) per-cent share of mail boxes complying with requirements, which are referred to in article 56 subsection 3;
 - 2) requirements within the scope of clearance and delivery of postal items and postal money orders, including:
 - a) conditions of receiving the postal items and postal money orders,
 - b) methods of proceeding with damaged postal items or postal items paid with amount of money lower than due fee,
 - c) completion of documents confirming the execution of delivery of recorded postal items or of postal money orders,
 - d) periods of time allowed for receiving the postal items or postal money orders from the operator's points of contact,
 - e) requirements within the scope of packing and sizes of postal items;
 - 3) periods of time, after which passage the requirements established in subsection 1 letters a and c shall be reached;
 - 4) methods of provision of universal postal services, considering the protection of interest of entities using the universal postal services and the method of execution of these services, referring to the requirements of European Committee for Standardisation, and in cases of lack of such a requirements – the requirements of other international standardisation organisations, of which the Republic of Poland is the member.

Art. 47.

1. The public operator has the exclusive rights, having regard to section 2, to provide postal services, hereinafter "reserved services", consisting of:
 - 1) clearance, transport and delivery in domestic traffic of:
 - a) postal items with correspondence,
 - b) direct mail,

- c) postal items other than mentioned in letters a and b, posted in a way making it impossible to examine their content, with the weight not exceeding the weight limit, which is referred to in section 4;
 - 2) clearance, transport and delivery in international traffic of the postal items with the weight not exceeding the weight limit, which is referred to in section 4;
 - 3) clearance, transport and delivery in domestic and international traffic of the postal items with correspondence, when in the process of clearance or delivery they become the postal items with the weight not exceeding the weight limit, which is referred to in section 4;
 - 4) handling of postal money orders within domestic and international traffic.
2. It does not violate the exclusive rights to provide the reserved services within the scope of clearance, transport delivery of the postal items listed in section 1 subsections 1 – 3, in the domestic and 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 three 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, having regard to article 94.
 3. The exchange of documents shall be excluded from the reserved services, referred to in section 1.
 4. The weight limit of reserved services, shall be 350 grams, having regard to article 94.

Art. 48.

The public operator cannot refuse to conclude the agreement on provision of universal postal services, having regard to article 22 section 1 and section 2 subsection 1.

Art. 49.

1. Operator shall establish, within his Regulation on provision of universal postal services, the principles of their provision and general conditions of access to these services. Moreover, the public operator shall include in his Regulation the specific features resulting from his obligation, which is referred to in article 46 section 1.
2. Operator shall submit to the President of URTiP the draft Regulation on provision of universal postal services, which is referred to in section 1, and draft amendments to the obligatory Regulation, at least 30 days before their introduction, in purpose of expressing the President's opinion within 30 days.

Art. 50.

1. Fees for provision of universal postal services should be established with regard to the costs of their provision.

2. Principles of establishing fees for provision of universal postal services should be uniform on the entire territory of the country and transparent and non-discriminatory.
3. The use of uniform tariff, shall not exclude the right of operator providing universal postal services to conclude with the clients the individual agreements on prices and to grant them exemptions from payments and discounts due to humanitarian reasons.

Art. 51.

1. The amount and forms of payments for postal services provided by "Poczta Polska" shall be established by the Director General of "Poczta Polska".
2. The President of URTiP may submit the application to Council of Ministers on establishment of official prices of universal postal services, on basis of article 4 of the Act of Law of 5 July 2001 on prices (Journal of Law No. 97, pos. 1050 and of year 2002 No. 144, pos. 1204).
3. Operator providing universal postal services shall be obliged to make the price lists of universal postal services accessible within every site, where such services are provided.
4. Public operator's Price lists of universal postal services and amendments to them shall be liable to publication in Bulletin of Office of Telecommunication and Post Regulation, hereinafter "URTiP Bulletin", without any delay.

Art. 52.

1. Operator providing universal postal services shall be obliged to maintain accounting books and cost accounting in a way enabling the cost calculation:
 - 1) separately for every service from the reserved services area;
 - 2) collectively for non-reserved services with separation on:
 - a) universal postal services,
 - b) services not belonging to universal postal services category.
2. Minister competent to public financial matters, in consultation with Minister competent to post and telecommunications shall establish by Ordinance, the method of cost allocation, based on the principle, that such a method should enable calculation of unit costs, having regard to section 1.
3. Operator providing universal postal services shall submit to the President of URTiP, declaration on compliance with the requirements, which are referred to in section 1, annually, till 31 March of each year in respect to the preceding year.
4. The President of URTiP shall be obliged to verify the compliance with the requirements, which are referred to in sections 1 and 2.
5. The President of URTiP shall publish the declaration, which is referred to in section 3, within the URTiP Bulletin.
6. Public operator shall be obliged to submit to the President of URTiP, not later than till 31 July of each year, in respect to preceding year, the financial report examined

by the auditor, in the scope consistent with the Act of Law of 29 September 1994 r. on accounting (Journal of Law of year 2002 No. 76, pos. 694 and of year 2003 No. 60, pos. 535) and consistent with sections 1 and 2.

Art. 53.

1. Public operator cannot refuse the proper securing of the postal item, in accordance with the provisions of agreement or regulation on provision of universal postal services.
2. For the securing, which is referred to in section 1, operator may collect the fee, which includes the costs of securing.

Art. 54.

1. Entities performing regular terrestrial, air, sea or inland waters communication, shall be obliged to carry, for the fee, the postal items, which are the subject of universal postal services.
2. Entity managing the railway station, civil airport, sea port or inland water port shall be obliged to ensure the access to necessary accommodations and facilities enabling loading and discharging, for operator providing universal postal services, insofar as it does not hamper their rational use.
3. The detailed conditions of fulfilment by entities of the obligations, referred to in sections 1 and 2, shall be established within the agreement, which should be concluded within 30 days since the date of its submission by the operator.
4. Provision of section 2 shall be applied respectively, when the property is the subject of use, hire, lease or permanent management.

Art. 55.

1. The President of URTiP shall conduct the examinations of quality of universal postal services, reached by the operator providing universal postal services within the preceding year, at least within the scope of the indicator of timely delivery of the postal items.
2. The President of URTiP shall publish in URTiP Bulletin, within the period of time until 31 May, the annual report containing the results of examinations, referred to in section 1, and also the information on number and kinds of submitted complaints and about the method of their handling, having regard to the separation of them into universal postal services and services, which are not falling under the scope of universal postal services.

Art. 56.

Operator providing universal postal services shall ensure access to the provided universal postal services for the disabled persons, through:

- 1) such an organisation of work of operator's points of contact, which enables the persons on the wheelchairs, the use of services provided by these points of contact;

- 2) creation within the operator's points of contact respectively marked counters for providing service to the disabled persons;
- 3) installation of the mail boxes in a manner and in the locations enabling the disabled person, using the wheelchair to use them, and in particular these mail boxes, which are situated within the operator's points of contact or on the property used by such points of contact.
- 4) delivery to the persons:
 - a) with impaired functions of lower extremities using wheelchairs,
 - b) blind or having restricted vision

- on their request and without collecting the additional fee, the letter items, recorded postal items, including the insured items and amounts of money indicated within postal money orders, without using the letter box and without the necessity of collection of the postal item in the operator's point of contact.
- 5) reception from the disabled person, in the place of its residence, of the properly paid postal item, which is not the recorded postal item.

Chapter 5

Responsibility for non-execution or improper execution of postal services

Art. 57.

1. Provisions of Civil Code shall be applied to the operator's responsibility for non-performance or improper performance of postal service, unless the provisions of this Act of Law constitute otherwise.
2. The public operator shall be responsible for non-performance or improper performance of universal postal service, unless the non-performance or improper performance took place in result of:
 - 1) force majeure;
 - 2) exclusively due to the violation of the provisions of this Act of Law or the provisions of Regulation on provisions of universal postal services, by sender or addressee;
 - 3) exclusively due to particular vulnerability to damages of object conveyed resulting from its defects or natural properties.
3. The public operator shall be responsible for non-performance or improper performance of universal postal service only within the scope of this Act of Law, unless non-execution or improper execution of universal postal service took place as a result of tort.
4. Claim resulting from improper performance of postal service shall cease to exist in result of acceptance of the postal item without reservations. It does not regard however the claims related to the invisible losses and damages declared to the operator by the addressee, not later than 7 days since the reception of the postal item.

Art. 58.

1. In result of non- performance or improper performance of universal postal service the compensation shall be due:
 - 1) for the loss of the registered item – in amount requested by the sender but not higher than the fee collected by the public operator for handling of the postal item as the registered item multiplied by fifty;
 - 2) for the loss of postal parcel - in amount requested by the sender but not higher than the fee collected for its posting multiplied by ten;
 - 3) for the loss of insured item - in amount requested by the sender but not higher than the declared value of the postal item;
 - 4) for the part loss or damage to the postal parcel or registered item - in amount requested by the sender or in amount of usual value of things lost or damaged, however not higher than maximum value of compensation, which is referred to in subsection 1 or 2;
 - 5) for the part loss of content of insured item – in amount of usual value of the things lost;
 - 6) for the damage of content of insured item – in amount of usual value of things, which damage has been found.
2. The compensation, which is referred to in section 1 subsections 5 and 6, cannot be higher than the declared value of the postal item.

Art. 59.

A failure to handle of postal money order shall give right to the compensation due in amount of fee collected for its sending multiplied by five. Moreover the amount of money indicated within postal money order shall be liable to return.

Art. 60.

In case of non- performance of the service, regardless of compensation due, the operator shall return entire fee collected for execution of the service.

Art. 61.

1. In case of non- performance or improper performance of universal postal service within the scope of registered postal item and postal money order, the right to submit the complaint belongs to sender or to addressee – when the sender transfers his right to pursue the claim to the addressee or when the postal item or amount of money indicated within postal money order has been delivered to the addressee.
2. Sender or addressee may submit the complaint at any point of contact of the operator, which is providing universal postal services.
3. Minister competent to post and telecommunication, shall establish by the Ordinance:

- 1) circumstances, within which the universal postal service within the scope of recorded postal item and postal money order, shall be considered as non-performed;
 - 2) detailed conditions, applying to the complaint for non-performance or improper performance of universal postal service within the scope of registered postal item and postal money order;
 - 3) detailed procedure of handling of complaint in respect to the universal postal services within the scope of recorded postal item and postal money order
- having regard to maximum simplification of complaint procedures, ensuring of their transparency and necessary protection of interest of sender and addressee.

Art. 62.

1. The right to vindication of claims within the court proceeding, described in the Act of Law and resulting from the relations with the operator providing universal postal services within the scope of provisions of universal postal services, shall belong to sender or addressee after exhausting all the possibilities of complaint procedure.
2. Possibilities of complaint procedure shall be considered as exhausted in case of refusal of recognition of the complaint by the operator or refusal of payment of claimed amount of money within the period of time of 90 days since the date of complaint submission.
3. Claims vindicated on the basis of the Act of Law shall be statute-barred after 12 months, since the date of sending the postal item or postal money order.
4. The period of claims statute-barring shall be suspended within period of time since submission of complaint until the date of exhaustion of complaint procedure.

Chapter 6

Control of postal activity

Art. 63.

1. The President of URTiP shall be entitled to control the compliance with the provisions of law, decisions and resolutions within the scope of postal activities.
2. The President of URTiP shall maintain the control over:
 - 1) the postal activity performed on basis of the Act of Law, authorisation and notification:
 - a) within the scope of violation of rights reserved for the public operators by other operators,
 - b) within the scope of provisions of postal services,
 - c) within the scope of application by the operator providing universal services the minimum requirements related to the quality of universal postal services, which are referred to in article 46 section 6 subsection 1 letter b,

- d) within the scope of obligations related to ensuring by the operator providing universal postal services the access to the provided universal postal services for disabled persons,
 - e) in a way, which is non-compliant with conditions established within authorisation or notification;
- 2) in a purpose of disclosure of activity performed without required authorisation or notification.
3. The President of URTiP shall be entitled to control the plans of activities, which are referred to in article 42 sections 1 and 2.

Art. 64.

1. The employees of the Office of Telecommunication and Post Regulation, hereinafter “URTiP employees” shall have a right, after showing the official identification card and written permit issued by the President of URTiP, to the following (connected with the scope of control):
- 1) access to materials, documents and data liable to control, and also preparation of their copies;
 - 2) access to all the buildings and properties, and accommodations of the unit subjected to the control;
 - 3) conduct of examination, weighing of postal items and inspection of amount of fee collected by the operator;
 - 4) inspection of the content of postal items weighting less than permitted weight limit, which are sent in a way enabling inspection of their content, and received for transport or delivery by the entities, other than the public operator, without opening of the postal item.
2. Written permit, which is referred to in section 1, shall describe the scope and date of control.
3. Controlled entrepreneur shall be obliged to ensure the conditions for the effective conduct of control and provide to URTiP employees the materials, documents and data liable to control, and also render all the necessary information.
4. Control activities shall be executed in the presence of controlled entrepreneur or the person authorised by entrepreneur.
5. Control activities should be conducted in a way not causing the disturbance in functioning of controlled entrepreneur. In case, when the scope or date of conducted control has an adverse influence to the quality of services provided by controlled entrepreneur, the necessity of undertaking of such an activities has to be justified within the protocol, which is referred to in section 6.
6. The controller shall prepare the protocol.
7. The protocol, which is referred to in section 6, shall be also signed by controlled entrepreneur or by the person authorised by him.
8. Controlled entrepreneur may submit the reservations and remarks to the protocol together with justification, within 30 days since the date of delivery of the protocol.

9. In case of refusal of signing the protocol by persons, which are referred to in section 4, controller shall enter the remark on that in protocol, and the person refusing to sign the protocol may, within period of 7 days, submit his position in the written form to the President of URTiP.

Art. 65.

1. In case of violation of provisions, decisions or resolutions related to postal activities, the President of URTiP shall issue the Decision establishing the scope of violations and the period of time allowed for removal of defects. The Decision may describe the method of removal the defects.
2. In case of finding, that postal services have been provided without required authorisation or with violating the provisions on relating to notification, the President of URTiP shall issue the Decision ordering the termination of activity. The Decision shall be liable to immediate execution.

Art. 66.

1. Provisions of Code of Administrative Proceedings shall be applicable to proceedings conducted by the President of URTiP, having regard to section 2.
2. The appeal against the Decisions of the President of URTiP, which are referred to in article 68 section 1, shall be due to the Sąd Okręgowy w Warszawie (District Court in Warsaw) – court of competition and consumers protection, within 14 days since the date of the Decision delivery.

Chapter 7

Financial penalties

Art. 67.

1. The following entities shall be liable to financial penalty, which:
 - 1) provide postal services without required authorisation or contradictory to the authorisation conditions;
 - 2) provides postal services with violation of provisions on notification;
 - 3) not being the public operator, provides reserved services in contradiction to article 47 section 2;
 - 4) issues the signs of postage fee, which have not been declared to the official list or which are not compliant with requirements of this Act of Law or issues the postcards or envelopes with printed sign of postage fee, non-compliant with requirements of this Act of Law;
 - 5) does not fulfil the obligations or tasks on behalf of defence and security of State or public security and order within the scope and on conditions established within this Act of Law;
 - 6) being operator providing universal postal services:

- a) does not apply the requirements, which are referred to in article 52 sections 1 and 2,
- b) does not submit according to the procedure or within the required time the information, which is referred to in article 52 section 3,
- c) does not submit according to the procedure or within the required time the report, which referred to in article 52 section 6;

7) being operator:

- a) does not submit the information, which is referred to in article 44 sections 1 and 2,
- b) does not declare to the President of URTiP the amendment to the factual and legal states falling under the scope of authorisation or notification,
- c) does not use the signs of postage fee and markings in a way established in article 31 sections 1 and 2,
- d) does not submit the required report on postal activity or required information on scope of this activity.

2. The amount of financial penalty shall not exceed:

- 1) 1% in case of finding the violations described in section 1 subsection 6 letters a and b, and subsection 7 letters a, b and d;
- 2) 2% in case of finding the violations, which are referred to in section 1 subsections 1 – 5, subsection 6 letter c and subsection 7 letter c

- of total income obtained by the penalised entity from the postal activity within the preceding tax year.

- 3. Where the period of performance of postal activity by the entity is shorter than 12 months, the basis for the calculation of penalty shall be equal to amount of 250 000 euro, expressed in Polish Zloty and established in use of average exchange rate published by the National Bank of Poland on the date of issuing the decision on imposing the penalty.
- 4. Regardless of financial penalty, which is referred to in section 1, the financial penalty can be imposed on entrepreneur – the natural person, on the President of management of commercial company (member of management) or on the director of enterprise, in a situation when subordinate controlled unit makes difficulties in conduct of control by the Office of Telecommunication and Post Regulation in spite of informing about that fact the President of management (member of management) or director of enterprise.
- 5. The amount of financial penalty, which is referred to in section 4, cannot exceed 300% of monthly wages earned by the penalised person, calculated according to the principles used in calculation of financial equivalent for the vacation, and in situation when penalised person does not receive the wages connected to the performed function or performed activity, the amount of penalty cannot exceed the lowest monthly wages obligatory on the date of imposing the penalty, multiplied by ten.
- 6. Financial penalties shall constitute the income of State Budget.

Art. 68.

1. Financial penalties, which are referred to in article 67 sections 1 and 4, shall be imposed by the Decision of President of URTiP.
2. Establishing the financial penalty, the President of URTiP shall take under the consideration the degree of harmfulness of act, the degree of fault, the former activity of subject and its financial abilities.
3. Operator shall be obliged to deliver to the President of URTiP, on his request, within 30 days since the date of reception of request, data necessary to establish the basis of financial penalty. In case of non-delivery of the data or delivery of the data, which make impossible to establish the basis for financial penalty, the President of URTiP may establish such basis for financial penalty by estimation, not lower however, than:
 - 1) 200% of average wage within the sector of enterprises paid in December of preceding year, published by the President of Main Statistical Office in Official Journal of Republic of Poland "Monitor Polski" – in cases which are referred to in article 67 sections 4 and 5;
 - 2) equivalent of 250 000 euro, expressed in Polish Zloty and established in use of average exchange rate published by the National Bank of Poland on the date of issuing the decision on imposing the penalty – in the remaining cases.
4. The time limit for payment of financial penalties shall be 14 days since the date of delivery of final decision on imposition of the penalty.
5. Financial penalties not paid within established period of time, shall be liable, together with interest for delay, to enforced execution according to procedures established within provisions on enforcement proceeding in the administration.

Chapter 8**Amendments to the existing provisions****Art. 69.**

Within the Act of Law of 14 June 1960 - Kodeks postępowania administracyjnego (Code of Administrative Proceeding) (Journal of Law of year 2000 No. 98, pos. 1071, of year 2001 No. 49, pos. 509 and of year 2002 No. 113, pos. 984, No. 153, pos. 1271 and No. 169, pos. 1387) the following amendments shall be inserted:

- 1) in article 43 in the second sentence the words "correspondence mail box" shall be replaced with the words "letter box";
- 2) article 44 shall be amended to read:

„Art. 44. § 1. In case the delivery of document in a way indicated within article 42 and article 43:

 - 1) the Post shall save the document for the period of seven days within the premises of its point of contact, in case this document should be delivered by the Post,
 - 2) the document shall be delivered to the office of competent "gmina" (local self-government) for the period of seven days, in

case of submission the document by employee or authorised person or administration body.

§ 2. The notice on submission the document in the place described in § 1, shall be placed in letter box or if it is impossible, at the door of addressee apartment or his office or other accommodation, where addressee performs his professional activities or in other visible place within the premises of property, which is the subject of procedure; in that case the delivery shall be considered as concluded at the last day of period of time, which is referred to in § 1.”;

3) in article 57 in § 5 the first sentence shall be amended to read:

„The established period of time shall be considered as complied with, when the document has been sent from Polish public operator’s point of contact or submitted to Polish Consular Office, prior to the termination of this period of time.”.

Art. 70.

Within the Act of Law of 25 February 1964 - Kodeks rodzinny i opiekuńczy (Family and Care Code) (Journal of Law No. 9, pos. 59, of year 1975 No. 45, pos. 234, of year 1986 No. 36, pos. 180, of year 1990 No. 34, pos. 198, of year 1995 No. 83, pos. 417, of year 1998 No. 117, pos. 757, of year 1999 No. 52, pos. 532, of year 2000 No. 122, pos. 1322, of year 2001 No. 128, pos. 1403 and No. 154, pos. 1804 and of year 2003 No. 83, pos. 772) in article 8 in § 3 the first sentence shall be amended to read:

„Certificate, which is referred to in § 2, together with certificate prepared by manager of the registry pursuant to article 4¹ § 1 shall be transferred by the priest to the marital status office, prior to the five days period of time counted since the day of wedding; sending the postal item as the registered item in Polish public operator’s point of contact shall be considered as the equal to the submission to the registry.”.

Art. 71.

Within the Act of Law of 17 November 1964 - Kodeks postępowania cywilnego (Code of Civil Proceeding) (Journal of Law No. 43, pos. 296, including later amendments)¹⁾ the following amendments shall be inserted:

¹⁾ Amendments have been published in Journal of Law of year 1965 No. 15, pos. 113, and of year 1974 No. 27, pos. 157 and No. 39, pos. 231, and of year 1975 r. No. 45, pos. 234, and of year 1982 r. No. 11, pos. 82, No. 30, pos. 210, and of year 1983 No 5, pos. 33, and of year 1984 No 45, pos. 241 and 242, of year 1985 No. 20, pos. 86, of year 1987 No. 21, pos. 123, of year 1988 No. 41, pos. 324, of year 1989 No. 4, pos. 21 and No 33, pos. 175, of year 1990 No. 14, pos. 88, No. 34, pos. 198, No 53, pos. 306, No. 55, pos. 318 and No. 79, pos. 464, of year 1991 No. 7, pos. 24, No 22, pos. 92 and No. 115, pos. 496, of year 1993 No. 12, pos. 53, of year 1994 No. 105, pos. 509, of year 1995 No 83, pos. 417, of year 1996 No. 24, pos. 110, No. 43, pos. 189, No. 73, pos. 350 and No. 149, pos. 703, of year 1997 No. 43, pos. 270, No. 54, pos. 348, No. 75, pos. 471, No. 102, pos. 643, No. 117, pos. 752, No. 121, pos. 769 and 770, No. 133, pos. 882, No. 139, pos. 934, No. 140, pos. 940 and No. 141, pos. 944, of year 1998 No. 106, pos. 668 and No. 117, pos. 757, of year 1999 No. 52, pos. 532, of year 2000 No. 22, pos. 269 and 271, No. 48, pos. 552 and 554, No. 55, pos. 665, No. 73, pos. 852, No. 94, pos. 1037, No. 114, pos. 1191 and 1193 and No. 122, pos. 1314, 1319 and 1322, of year 2001 No. 4, pos. 27, No. 49, pos. 508, No. 63, pos. 635, No. 98, pos. 1069, 1070 and 1071, No. 123, pos. 1353, No. 125, pos. 1368 and No. 138, pos. 1546, of year 2002 No. 25, pos. 253, No. 26, pos. 265, No. 74, pos. 676, No 84, pos. 764,

1) in article 139 § 1 and 2 shall be amended to read:

„§ 1. Where the delivery in a method described in preceding articles is impossible, the document sent by mail should be submitted to the public operator's point of contact, and documents which are delivered in other way should be submitted to the office of "gmina" (local self-government), placing the note on that fact at the apartment door of addressee or in the letter box.

§ 2. Where the addressee or person living in his apartment refuses to accept the document, it should be saved in the place of delivery, and if it is impossible, the mailed document - with the enclosed relevant information - shall be placed in the public operator's point of contact or in case of documents, which are delivered in other way in shall be placed in the office of competent "gmina" (local self-government).";

2) in article 165 § 2 shall be amended to read:

„§ 2. Delivery of lawsuit related document to the Polish public operator's point of contact shall be considered as the equal to delivery to the court.";

3) in article 479¹ w § 2 subsection 3 shall be amended to read:

„3) belonging to the competency of courts on basis of provisions of competition protection, Energy Law, Telecommunication Law, Postal Law and provisions on railway transport,";

4) title of Chapter 5 within division IVa of VII-th title, of the first book of part one shall be amended to read:

„Chapter 5. Proceeding within the matters falling under the scope of regulation of telecommunication and post";

5) in article 479⁵⁷ subsection 2 shall be amended to read:

„2) complaints on the decisions issued by the President of the Office related to proceedings conducted on basis of provisions of the Act of Law of 21 July 2000 - Telecommunication Law (Journal of Law No. 73, pos. 852, of year 2001 No. 122, pos. 1321 and No. 154, pos. 1800 and 1802, of year 2002 No. 25, pos. 253, No. 74, pos. 676 and No. 166, pos. 1360 and of year 2003 No. 50, pos. 424), of the Act of Law 12 June 2003 - Postal Law (Journal of Law No. ..., pos. ...) or other separate provisions.";

6) in article 479⁶¹ § 1 shall be amended to read:

„§ 1. The President of Office and concerned person/organisation shall be the concerned parties within the matters falling under the scope or regulation of telecommunication and post.".

Art. 72.

Within the Act of Law of 29 September 1986 - Law on marital status files (Journal of Law No. 36, pos. 180, of year 1988 No. 19, pos. 132, of year 1989 No. 29, pos. 154, of year 1990 No. 34, pos. 198, of year 1995 No. 83, pos. 417, of year 1998 No. 117, pos. 757, of year 1999 No. 52, pos. 532 and of year 2001 No. 43, pos. 476 and No. 110, pos.

1189) in article 61a in section 4 within the first sentence, the words "Polish Post Office" shall be replaced with the words "Polish public operator's point of contact".

Art. 73.

Within the Act of Law of 6 April 1990 on Police (Journal of Law of year 2002 No. 7, pos. 58, No. 19, pos. 185, No. 74, pos. 676, No. 81, pos. 731, No. 113, pos. 984, No. 115, pos. 996, No. 153, pos. 1271, No. 176, pos. 1457 and No. 200, pos. 1688) following article 20c the new article 20d shall be inserted to read:

- „Art. 20d. 1. Data related to persons, who are using postal services and data related to the fact and circumstances of provision and use of this services can be made available to Police and processed by Police only in a purpose of prevention or disclosure of the crimes and their perpetrators.
2. Disclosure of data, which are referred to in section 1, shall be executed on:
- 1) written application of General Commandant of Police or Wojewódzki (Regional) Commandant of Police,
 - 2) request of policeman, who has the written authorisation of persons, which are referred to in subsection 1.
3. Subject entitled to provision of postal services, on basis of the Act of Law 12 June 2003 - Postal Law (Journal of Law No. ..., pos.) shall be obliged to make access to the data referred to in section 1, to the policemen indicated within the application submitted by the Police Authority.".

Art. 74.

Within the Act of Law of 27 September 1990 on election of the President of Republic of Poland (Journal of Law of year 2000 No. 47, pos. 544, of year 2002 No. 113, pos. 984 and No. 153, pos. 1271 and of year 2003 No. 57, pos. 507) in article 73 in section 1 within the second sentence the words "Polish Post Office" shall be replaced with the words " Polish public operator's point of contact".

Art. 75.

Within the Act of Law of 8 January 1993 on tax imposed on goods and services and on excise tax (Journal of Law No. 11, pos. 50, including later amendments)²⁾ in article 46 in

²⁾ The amendments to the cited Act of Law have been published in Journal of Law of year 1993 No. 28, pos. 127 and No. 129, pos. 599, of year 1994 No. 132, pos. 670, of year 1995 No. 44, pos. 231, No. 142, pos. 702 and 703, of year 1996 No. 137, pos. 640, of year 1997 No. 111, pos. 722, No. 123, pos. 776 and 780, No. 137, pos. 926, No. 141, pos. 943, No. 162, pos. 1104, of year 1998 No. 139, pos. 905, No. 161, pos. 1076, of year 1999 No. 50, pos. 499, No. 57, pos. 596, No. 95, pos. 1100, of year 2000 No. 68, pos. 805, No. 105, pos. 1107, of year 2001 r. No. 12, pos. 92, No. 39, pos. 459, No. 56, pos. 580, No. 63, pos. 639, No. 80, pos. 858, No. 90, pos. 995, No. 106, pos. 1150, No. 122, pos. 1324, of year 2002 No. 19, pos. 185, No. 41, pos. 365, No. 86, pos. 794, No. 153, pos. 1272, No. 169, pos. 1387, No. 213, pos. 1800 and 1803 and of year 2003 No. 7, pos. 79 and No. 84, pos. 774.

section 1 The word "post" shall be replaced with the words "public operator's point of contact".

Art. 76.

Within the Act of Law of 10 June 1994 on public services contracts (Journal of Law of year 2002 No. 72, pos. 664, No. 113, pos. 984 and No. 197, pos. 1661 and of year 2003 No. 2, pos. 16) in article 86 in section 3 the words "Polish Post Office" shall be replaced with the words "Polish public operator's point of contact".

Art. 77.

Within the Act of Law of 12 July 1995 on protection of agricultural plants (Journal of Law of year 2002 No. 171, pos. 1398 and No. 238, pos. 2019) in article 46 in subsection 2 the words "postal offices" shall be replaced with the words "postal operator's points of contact".

Art. 78.

Within the Act of Law of 13 October 1995 on principles of record and identification of tax-payers and taxable persons (journal of Law No. 142, pos. 702, of year 1997 No. 88, pos. 554, of year 1998 No. 162, pos. 1118, of year 1999 No. 83, pos. 931, of year 2000 No. 116, pos. 1216 and No. 119, pos. 1249, of year 2001 No. 110, pos. 1189 and of year 2002 No. 74, pos. 676 and No. 126, pos. 1067) in article 8 in section 6 the word "post" shall be replaced with the words "public operator's point of contact".

Art. 79.

Within the Act of Law of 7 November 1996 on obligatory library copies (Journal of Law No. 152, pos. 722) art. 7 shall be amended to read:

„Art. 7. Postal items containing obligatory copies sent to the libraries, which are entitled to their reception, shall be released from postage fees, to the level of the lowest fee for the clearance, transport and delivery of the postal item, which is not the postal item of the quickest category of this kind, the same weight, established within the obligatory price list of universal postal services of public operator in accordance with the Act of Law of 12 June 2003 - Postal Law (Journal of Law No. ..., pos.) .”.

Art. 80.

Within the Act of Law of 6 June 1997 – Code of Penal Proceeding (Journal of Law No. 89, pos. 555, including later amendments)³⁾ the following amendments shall be inserted:

1) article 124 shall be amended to read:

³⁾ Amendments to the cited Act Law have been published in Journal of Law of year 1999 No. 83, pos. 931, of year 2000 No. 50, pos. 580, No. 62, pos. 717, No. 73, pos. 852 and No. 93, pos. 1027, of year 2001 No. 98, pos. 1071, No. 106, pos. 1149, of year 2002 No. 74, pos. 676 and of year 2003 No. 17, pos. 155.

„Art. 124. The time limit shall be considered as complied with, when before its end the document has been sent from Polish public operator’s point of contact, Polish Consular Office or submitted by the soldier to the command of military unit or by the prisoner to the relevant administration of penitentiary unit, and by the member of crew of Polish seagoing vessel to the Captain of the vessel.”;

2) in article 133 § 1 shall be amended to read:

„Art. 133. § 1. When the delivery cannot be executed in a way indicated in article 132, the document sent by mail shall be placed in the nearest point of contact of public operator, and documents sent in use of other method – in the nearest Police unit or in the competent office of “gmina” (local self-government).

Art. 81.

Within the Act of Law of 25 June 1997 on prosecuting “crown” witness (Journal of Law No. 114, pos. 738, No. 160, pos. 1083, of year 1999 No. 83, pos. 931, of year 2001 No. 5, pos. 40 and of year 2003 No. 17, pos. 155) in article 19 in section 1 within the introductory sentence the words “competent postal office” shall be replaced with the words “competent postal operator’s point of contact”.

Art. 82.

Within the Act of Law of 30 July 1997 on State Enterprise of public utility „Poczta Polska” (Journal of Law No. 106, pos. 675, of year 2000 No. 120, pos. 1268 and of year 2002 No. 25, pos. 253) the following amendments shall be inserted:

- 1) in article 1 section 3 shall be repealed;
- 2) article 7 shall be repealed;
- 3) article 9 shall be amended to read:

„Art. 9. 1. The subject of commercial activity of “Poczta Polska” shall be:

- 1) provision of postal services,
 - 2) issuing, introduction to the market and withdrawal from the market of postage stamps, postcards and envelopes with printed sign of postage fee,
 - 3) performance of other services connected to use of postal service, in particular within the scope of service rendered to the bodies of public authority, distribution of press and publications, philately,
 - 4) provision of financial services and execution of connected to them activities,
 - 5) participation in execution of financial services, including bank activities,
 - 6) provision of logistic services, and in particular the carriage of cargo postal items, their packing and storage,
2. The activities described in section 1 subsections 1-3 shall be performed within the scope and under conditions established within the

Act of Law of 12 June 2003 – Postal Law (Journal of Law No. ... pos. ...) and within the provisions issued on its basis.

3. “Poczta Polska” may provide postal services in use of postal agents, who shall be acting in accordance with provisions of Civil Code, when it is required by the circumstances of continuity and access to the services.
4. “Poczta Polska” may perform other commercial activity, unless it shall not restrict the activities described within section 1.”;

4) article 10 shall be amended to read:

„Art. 10. 1. Within the framework of provision of services and execution of activities, which are referred to in article 9 section 1 subsection 4, “Poczta Polska” may in particular:

- 1) provide services connected to the transfer of money within national and international traffic,
 - 2) issue the pay cards and perform the financial operation in their use,
 - 3) perform the cheque and bill of exchange operations,
 - 4) purchase and sell receivables and to provide services within that scope,
 - 5) give the loans from own financial resources, including consumer’s credits,
 - 6) give the bails and guarantees and take other obligations, which are not included into the balance,
 - 7) perform the sale of State securities and bonds of local self-governments and perform other ordered activities, related to the above, in accordance with principles and under conditions established within other provisions regulating such activities,
 - 8) provide services within the scope of counting, sorting and storage of money notes and coins,
 - 9) store valuable subjects and securities and to make access to safe boxes,
 - 10) transport the money, including securities and bank documents,
 - 11) provide electronic data exchange and electronic data processing services, including the services on behalf of financial institutions and banks.
2. Within the framework of participation in financial operations, which are referred to in article 9 section 1 subsection 5, “Poczta Polska” may:
- 1) provide the agency services of participation within insurance services,
 - 2) perform on basis of written agreement concluded with bank:
 - a) activities on behalf of bank, consisting of:

- reception of payments, making the payments and cheque services related to maintenance and service of bank accounts served by this bank,
 - making the payments and reception of instalments, credits and money loans granted by this bank ,
- b) factual activities related to bank activities
- complying with regulations obligatory within bank, general conditions of agreements and principles of procedures,
- 3) provide other services.
3. Having regard to section 2 subsection 2, “Poczta Polska” – under the condition of having the right to execute over 50% of votes on general assembly of bank shareholders – may on basis of authorisation granted by this bank, within the scope compliant with the activity of bank described within bank statute, perform on bank’s behalf:
- 1) bank activities established within article 5 section 1 subsections 1 and 2 of the Act of Law of 29 August 1997 – Bank Law (Journal of Law of year 2002 No. 72, pos. 665, No. 126, pos. 1070, No. 141, pos. 1178, No. 144, pos. 1208, No. 153, pos. 1271, No. 169, pos. 1385 and pos. 1387 and No. 241, pos. 2074 and of year 2003 No. 50, pos. 424, No. 60, pos. 535 and No. 65, pos. 594),
 - 2) bank activities established within article 5 section 1 subsections 3–7 and section 2 of the Act of Law – Bank Law.
4. Bank shall notify the Commission of Bank Supervision on the content of letter of procuratory to perform the activities, which are referred to in section 3 subsection 1, within the period of time of 7 days since the date of granting of letter of procuratory.
5. Granting by the bank of the letters of procuratory, which is referred to in section 3 subsection 2, may take place after obtaining the authorisation of the Commission of Bank Supervision. Authorisation shall be issued on common (mutual) application of bank and “Poczta Polska” and shall describe the activities, which “Poczta Polska” may perform on behalf of bank.
6. The Commission of Bank Supervision shall grant the authorisation, which is referred to in section 5, when:
- 1) careful and stabile management of bank will not be disturbed,
 - 2) bank and “Poczta Polska” will have credible plans of activity, ensuring continuous and not disturbed execution of the activities, which are referred to in section 3,
 - 3) ensuring by the bank of effective internal control, possibility of performance of bank auditing and protection of confidentiality legally protected within the scope of activities entrusted by bank to “Poczta Polska”, will be properly performed,
 - 4) bank will be able to issue to “Poczta Polska” binding orders related to execution of agreement containing full powers to act on behalf of bank.

7. Provisions of the Act of Law – Bank Law shall be applicable to the performance by “Poczta Polska” of the activities described in section 2 subsection 2 and in section 3, respectively.
 8. Activity of “Poczta Polska” established in section 3, shall be liable to the supervision executed by the Commission of Bank Supervision on basis of principles established within the Act of Law – Bank Law and the Act of 29 August 1997 on National Bank of Poland (Journal of Law No. 140, pos. 938, of year 1998 No. 160, pos. 1063, of year 2000 No. 53, pos. 648, No. 62, pos. 718, No. 119, pos. 1252, of year 2001 No. 8, pos. 64, No. 110, pos. 1189, No. 154, pos. 1784 and 1800, of year 2002 No. 126, pos. 1070 and No. 141, pos. 1178 and of year 2003 No. 65, pos. 594).
 9. “Poczta Polska” may:
 - 1) have bank account in National Bank of Poland,
 - 2) collect from National Bank of Poland, and pay to this bank – bank notes, complying with the principles obligatory within this scope by banks.
 10. Entity providing postal services and employed within it persons performing or participating in performance of bank activities shall be obliged to maintain bank confidentiality, which contain all information related to these activities. The scope of bank confidentiality and principles of giving access to information, which is considered as bank confidential information are established within provisions of the Act of Law – Bank Law.
 11. “Poczta Polska” may, within the regulations introduced to public knowledge” establish the conditions of provision of services, which are referred to in section 1. Provisions of these regulations shall be binding for parties, unless parties do not establish otherwise their rights and obligations.
 12. Confirmed by “Poczta Polska” receipts of payment of the postage fee, and within the scope of activities established in sections 1 – 3, also issued by “Poczta Polska” statements containing obligations, release from obligations, relinquish the rights or issuing the receipt confirming the reception of money, and statements on granting credit, amount of credit, principles of charging the interest, conditions of payment the credits back – shall have a legal validity of official documents.”;
- 5) following article 12, new article 12a shall be inserted to read:
- „Art. 12a. Transport means used to carry the postal cargo of “Poczta Polska”, and also the buildings, accommodations and other properties constituting the property of “Poczta Polska” or given to it for perpetual use, and also those being under management of “Poczta Polska” due to other reasons, cannot be used, in a way of Decisions or other administrative acts, for other purposes than those connected to the subject of activity of “Poczta Polska”, unless the special provision shall state otherwise.”;

6) in article 14:

a) in section 1 the dot shall be replaced with coma and new words shall be inserted “having regard to sections 3 and 4.”,

b) section 2 shall be amended to read:

„2. Solid assets cannot be used to fulfil the financial obligation of “Poczta Polska”, with the exclusion of solid assets, which have been purchased in use of such financial obligations.”,

c) sections 3 and 4 shall be inserted to read:

„3. Provisions of articles 4 –6 of the Act of Law of 15 December 2000 on principles of selling the flats, which are the property of State enterprises and some of the commercial companies partly owned by the State Treasury, owned by the State legal persons and some of the flats, which are owned by the State Treasury (Journal of Law of year 2001 No. 4, pos. 24 and No. 102, pos. 1118) shall be applicable to the sell of flats, which are the property of “Poczta Polska”, regardless of the purpose of the building, where living apartments subjected to selling are situated.

4. Provisions of articles 3 – 7 and article 9 of the Act of Law of 12 October 1994 on principles of transfer of company’s blocks of flats by the State commercial companies (Journal of Law No. 119, pos. 567, of year 1996 No. 52, pos. 236, of year 1997 No. 6, pos. 32 and of year 2000 No. 39, pos. 442) shall be applicable to the blocks of flats, which are the property of “Poczta Polska”.”;

7) article 17 shall be amended to read:

„Art. 17. 1. “Poczta Polska” shall receive the following subsidies from the State budget:

1) for activity consisting of universal postal services provisions, when their performance results in loss,

2) for financing the investments.

2. The amount of the subsidies, which are referred to in section 1, shall be established within the Act of Law – Budget Law, having regard to the principle, that total amount of subsidies, referred to in section 1 subsection 1, cannot exceed the difference between costs of universal postal services provisions and income, which is obtained from these services.

3. Director General of “Poczta Polska” shall be obliged to declare, to Minister competent to post and telecommunications, the amount of the loss suffered due to universal postal services provision until 15 April of the year following the year within which “Poczta Polska” suffered the loss.

4. Provisions of the Act of Law of 10 June 1994 on public services contracts (Journal of Law of year 2002 No. 72, pos. 664, No. 113, pos. 984 and No. 197, pos. 661 and of year 2003 No. 2, pos. 16) shall not be applicable to spending the financial resources coming from subsidies, which are referred to in section 1 subsection 1”.

8) in article 27:

a) in section 1 in subsection 3 letter d) shall be amended to read:

„d) regulations of universal postal services provision.”,

b) section 2 shall be amended to read:

„2. Documents and opinions, which are referred to in section 1 subsections 1 and 2, subsection 3 letters a) and c), and in subsections 4 and 5, shall be submitted by “Rada Poczty Polskiej” (Council of Poczta Polska) to Minister competent to post and telecommunications, who shall present his final position on them, and in relation to documents and opinions, which are referred to in section 1 subsection 3 letter d) – after having opinion of the President of the Office of Telecommunications and Post Regulation.”;

9) following article 41 new article 41a shall be inserted to read:

„Art. 41a. 1. Liabilities of State Treasury due to “Poczta Polska” resulting from the paid purchase by legal predecessors of “Poczta Polska”, on basis of provisions of Act of Law, referred to in article 39, of ownership of buildings and other facilities, and accommodations, referred to in article 41, confirmed by the Decisions issued on basis of that Act of Law and the Act of Law of 21 August 1997 on management of properties (Journal of Law of year 2000 No. 46, pos. 543, of year 2001 No. 129, pos. 1447 and No. 154, pos. 1800, of year 2002 No. 25, pos. 253, No. 74, pos. 676, No. 113, pos. 984, No. 126, pos. 1070, No. 130, pos. 1112, No. 153, pos. 1271, No. 200, pos. 1682 and No. 240, pos. 2058 and of year 2003 No. 1, pos. 15 and No. 80, pos. 720 and 721) shall expire on date of entry into force the Act of Law of 12 June 2003 r. – Postal Law (Journal of Law No. ..., pos. ...).

2. Annulment of the mortgage registers, which are securing the liabilities of the State Treasury, referred to in section 1, shall take place on application submitted by “Poczta Polska” and shall be charged with the fixed fee of 30 Polish Zloty.”.

Art. 83.

Within the Act of Law of 29 August 1997 – Tax Law (Journal of Law No. 137, pos. 926, including later amendments)⁴⁾ in article 12 in § 6 subsection 2 shall be amended o read:

„2) posted in Polish public operator’s point of contact or submitted in Polish Consular Office.”.

Art. 84.

Within the Act of Law of 21 July 2000 r. – Telecommunication Law (Journal of Law No. 73, pos. 852, of year 2001 No. 122, pos. 1321 and No. 154, pos. 1800 and 1802, of

⁴⁾ Amendments of cited Act of Law have been published in Journal of Law of year 1997 No. 160, pos. 1083, of year 1998 No. 106, pos. 668, of year 1999 No. 11, pos. 95 and No. 92, pos. 1062, of year 2000 No. 94, pos. 1037, No. 116, pos. 1216, No. 120, pos. 1268 and No. 122, pos. 1315, of year 2001 No. 16, pos. 166, No. 39, pos. 459, No. 42, pos. 475, No. 110, pos. 1189, No. 125, pos. 1368 and No. 130, pos. 1452 and of year 2002 No. 89, pos. 804, No. 113, pos. 984, No. 153, pos. 1271 and No. 169, pos. 1387.

year 2002 No. 25, pos. 253, No. 74, pos. 676 and No. 166, pos. 1360 and of year 2003 No. 50, pos. 424) the following amendments shall be inserted:

1) in article 109 section 1 shall be amended to read: 1

„1. The President of URTiP shall be the regulating body within the scope of postal, telecommunication and management of frequencies activities, and control of requirements related to electromagnetic compatibility.”;

2) in article 110 in section 1:

a) subsection 1a shall be amended to read:

„1a) performance of tasks within the scope of regulation of postal activity, established within the Act of Law of 12 June 2003 r. – Postal Law (Journal of Law No. ..., pos. ...),”;

b) subsection 7 shall be amended to read:

„7) co-operation with international telecommunication organisations and postal organisations, competent bodies of other states, and also with European Commission, within the scope of the President of URTiP competency,”;

c) in subsection 14 the dot at the end shall be replaced with coma and the new subsection 15 shall be added to read:

„15) submission the information from within the scope of the President of URTiP competency to the European Commission, including:

a) on identity of the operator providing universal postal services,

b) on method of making access for the users of universal postal services to detailed and actual information related to character of offered services, conditions of access, prices and indications of timely delivery,

c) on system of cost calculation used by the operator providing universal postal services, on request of Commission and in established level of details by Commission,

d) on established indicators of timely delivery in respect to universal postal services within domestic traffic.”;

3) in article 124 section 1 subsections 18-20 shall be repealed.

Art. 85.

Within the Act of Law of 12 April 2001 – Election Law to Sejm of Republic of Poland and to Senate of Republic of Poland (Journal of Law No. 46, pos. 499, No. 74, pos. 786 and No. 154, pos. 1802, of year 2002 No. 14, pos. 128, No. 113, pos. 984, No. 127, pos. 1089 and No. 153, pos. 1271 and of year 2003 No. 57, pos. 507) in article 79 in section 1 within the second sentence the words “Polish postal office” shall be replaced with the words “Polish public operator’s point of contact”.

Art. 86.

Within the Act of Law of 24 May 2002 on Internal Security Agency and Intelligence Agency (Journal of Law No. 74, pos. 676) in article 28 the following amendments shall be inserted:

- 1) in section 1 the dot at the end shall be replaced with coma and new subsection 3 shall be inserted to read:
 - „3) identifying the entity, which is using postal services and related to the fact or circumstances of postal services provision or the use of those services.”;
- 2) in section 2 in introductory sentence, following the word “telecommunication”, the words “or postal operator” shall be added”;
- 3) in section 3 following the word “telecommunication”, the words “or postal operator” shall be added”;
- 4) in section 4 following the word “telecommunication” the words “and postal operators” shall be added”.

Art. 87.

Within the Act of Law of 30 August 2002 on system of compliance evaluation (Journal of Law No. 166, pos. 1360 and of year 2003 No. 80, pos. 718) in article 17 in section 5 the words “Polish postal office” shall be replaced with the words “Polish public postal operator’s point of contact”.

Chapter 9**Transitional and final provisions****Art. 88.**

1. Authorisation to perform the business activities within the scope of courier services, issued on basis of Act of Law, which is referred to in article 95, shall become by the power of law the authorisation – within the meaning of this Act of Law – to perform, within the area and within the period of time established in authorisation, the postal activity within the scope of clearance, transport and delivery of postal items containing correspondence, and postal items for blind persons, executed accordingly with principles established within this Act of Law.
2. Authorisation to perform business activity within the postal area, issued on basis of the Act of Law, which is referred to in article 95, other than those described in section 1, shall cease to be valid by the power of law.
3. Entities, which on date of entry into force of this Act of Law, are performing the business activity falling under the scope of authorisation issued on basis of Act of Law, which is referred to in article 95, liable to notification in accordance with this Act of Law, may perform the activity non-requiring the authorisation in compliance with the principles established within this Act of Law, within the area and within the period of time established in ceased authorisations. Above mentioned activity

shall be treated as the activity falling under the scope of notification, by the power of law.

4. Procedures related to issuance of authorisation, commenced prior to the date of entry into force of this Act of Law and not concluded by the final decision to this date, shall be remitted by the power of law.

Art. 89.

The President of URTiP shall enter "Poczta Polska" within the scope of provision of universal postal services into the register within 30 days since the date of entry of this Act of Law into force.

Art. 90.

1. Within the period of 5 years, since the date of entry of this Act of Law into force, the owners or co-owners of properties, which are referred to in article 37 section 1, shall be obliged to replace the letter boxes installed prior to the entry into force of this Act, if they do not comply with the requirements established within this Act of Law.
2. Owner or co-owner of property shall notify the public operator on the date of replacement of letter boxes, liable to replacement on basis of section 1, if they have been originally installed by the public operator.

Art. 91.

Provisions, which have been obligatory prior to entry into force of this Act of Law, shall be applicable to the plan of issue of postage stamps for years 2003 and 2004

Art. 92.

Provisions, which have been issued pursuant to article 56 section 2, article 60 section 1 subsections 1 and 2, and article 71 section 5 of the Act of Law, which is referred to in article 95, shall maintain their validity, but no longer than 24 months since the date of entry into force of this Act of Law, if they are not contradictory to the latter.

Art. 93.

Provisions of the Act of Law, which is referred to in article 95, and pursuant to it executive provisions, shall be applicable to the agreements on provision of universal postal service, prior to entry into force of this Act of Law.

Art. 94.

Till the date of accession of Republic of Poland to the European Union:

- 1) weight limit of reserved services, which are referred to in article 47 section 4, shall be 500 g;

- 2) collected by operator fee, which is referred to in article 47 section 2, cannot be lower than the multiplied by 5 fee for clearance, transport and delivery of letter postal item, which constitute the postal item of the lowest weight step the fastest category established within the price list for universal postal services of public operator, which is referred to in article 51 section 4, which is obligatory within given period of time in domestic and international traffic.

Art. 95.

The Act of Law of 23 November 1990 on post and telecommunications (Journal of Law of year 1995 No. 117, pos. 564, of year 1996 No. 106, pos. 496, of year 1997 No. 43, pos. 272, No. 88, pos. 554, No. 106, pos. 675, No. 121, pos. 770 and No. 137, pos. 926, of year 1998 No. 137, pos. 887 and No. 150, pos. 984, of year 1999 No. 47, pos. 461, of year 2000 No. 62, pos. 718, No. 73, pos. 852 and No. 120, pos. 1268, of year 2001 No. 67, pos. 678 and of year 2002 No. 25, pos. 253) ceases to be valid.

Art. 96.

This Act of Law shall enter into force after 30 days since the date of publication, with exception:

- 1) articles 7-12, article 15 and article 19, which shall enter into force 14 days after date of publication;
- 2) article 51 and article 52 section 1 and sections 3-5, which shall enter into force on 1 January 2004;
- 3) article 84 subsection 1, and subsection 2 letters a and b, which shall enter into force on date of publication;
- 4) article 84 subsection 2 letter c, which shall enter into force on date of accession of Republic of Poland to the European Union.