

LAW NO. 06/L-038**ON POSTAL SERVICES****Assembly of the Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Adopts

LAW ON POSTAL SERVICES**CHAPTER I
GENERAL PROVISIONS****Article 1
Purpose**

1. The purpose of this Law is to establish the rules for the provision of postal services and postal universal service throughout the territory of the Republic of Kosovo, define the conditions for access to the postal network, promote free competition, determine tariff principles, ensure transparency of postal service delivery accounts, set standards for universal postal service and establish a system to ensure compliance with these standards.

2. This Law is partially in compliance with Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service, as amended by Directive 2002/39/EC of the European Parliament and of the Council of 10 June 2002 and Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008.

**Article 2
Scope**

1. This Law shall be implemented by all domestic postal service providers and for international services, unless regulated otherwise with UPU acts.

2. This Law stipulates the duties and powers of the Authority in the field of postal services, defines the rights and obligations of postal service providers and users, and regulates other issues related to postal services.

**Article 3
Definitions**

1. Terms used in this Law shall have the following meaning:

1.1. **Postal Shipment** - a shipment addressed in its final form delivered by the postal service provider. In addition to shipments of letter correspondence, postal shipments will also include books, catalogs, newsletters, magazines and postal packages containing goods with or without commercial value;

1.2. **Simple shipment** - a postal shipment which upon receipt does not require the issuance of proof of receipt;

1.3. **Registered shipment** - a postal shipment registered by the postal service provider against a fixed payment to guarantee the delivery of the postal shipment and compensation in the event of loss, robbery or theft;

1.4. **Correspondence shipment** - written communication over any physical shipment to be transmitted and sent to the address indicated by the sender on the shipment itself or its packaging. Books, catalogs, newsletters and periodicals shall not be considered as correspondence shipments;

1.5. **Courier service** - door-to-door service, receipt of shipment at the address of the sender and its delivery to the address of the recipient without interruption of the activity by any other action;

1.6. **Postal package** - postal shipments containing goods or items, with or without commercial value;

1.7. **Secured shipment** - secured postal shipment service up to the value declared by the sender in case of loss, theft or damage;

1.8. **Postal shipment paid upon delivery (repayment)** - postal shipment delivered to the person addressed against a payment to the postal service provider in the value (amount) specified by the sender;

1.9. **Wholesale postal shipments** - postal shipments received by the postal service provider in larger numbers (wholesale) that are delivered by a natural or legal person to a significant number of the addressees;

1.10. **Postal Service Provider** - a natural or legal person providing one or more postal services;

1.11. **Universal service provider** - postal service provider who provides the universal postal service according to the provisions of this Law;

1.12. **Postal Services** - services with payment including acceptance, processing, transport and distribution of postal items in the national and international postal network; Postal Services do not include:

1.12.1. delivery of a shipment to the receiver by the sender;

1.12.2. delivery of a shipment in cases where the addressee and the sender are the same person and the delivery is not carried out by the postal service provider;

1.12.3. delivery of a shipment that has not been addressed with a full entry of the addressee's name, but only with a partial address, such as the postal area, country, street (advertisement without address, direct mail and other shipment);

1.12.4. transport as an independent service.

1.13. **Universal Postal Service** - a defined minimum of services of a certain quality at affordable prices, permanently available, to all points, to users in the territory of the Republic of Kosovo;

1.14. **Special Services** - Shipment Registration Service, Shipment Value Assurance, Notification, Airmail, Express Service, Delivery Payment for Breakable and Delicate Shipments, and Deliveries only to addressees;

1.15. **Point of Access** - physical objects, including mailboxes provided to the public in the postal service provider's offices or in public places or in business premises for the receipt of postal shipments for delivery to the recipient;

1.16. **Postal Network** - organization system and resources of all types used by the universal service providers for specific purposes, in particular for:

1.16.1. acceptance, processing of postal shipments covered by the universal postal service obligation, for delivery from points of access to the whole territory;

1.16.2. handling and transferring them from the points of access in the postal network to distribution/delivery points;

1.16.3. distribution of shipments to the addresses indicated on the shipment;

1.17. **Collection** - the processing of postal acceptance deposited/delivered in points of access;

1.18. **Distribution** - the process from processing to distribution centers for shipment/delivery of postal shipments to/at their addresses;

1.19. **Acceptance** - the action by which the postal service provider accepts postal shipments with a view of their delivery to the destination;

1.20. **Processing of shipments** - the entirety of actions carried out after the acceptance of shipments, including categorization, sorting and delivery of postal shipments to the addressee through the postal network, including personal delivery with an acknowledgment of receipt;

1.21. **Delivery** - the process of delivering postal shipments to the addressee or authorized person, placing the shipment in the private mailbox or delivering the shipment to the work premises of the addressee;

1.22. **Sender** - a natural or legal person sending the postal shipment, which is the holder of the shipments' rights until its regular delivery;

1.23. **Recipient** - natural or legal person to whom the postal shipment is addressed, and which is to be delivered according to the sender's order;

1.24. **User** - any natural or legal person who uses postal services as a sender or recipient;

1.25. **Distributor** - person charged with the delivery of postal shipments in accordance with the law;

1.26. **International mail** - mail from or to another country;

1.27. **Postal Agents** - a natural or legal person authorized to carry out postal services by a postal service operator;

1.28. **Terminal charge** - a payment to the universal service provider for the delivery of international mail deliveries from another country;

1.29. **Basic Conditions** - general non-economic conditions which encourage setting of additional conditions in the provision of postal services as per the applicable legislation regarding correspondence confidentiality, network security and transportation of

hazardous goods, compliance with employment criteria and conditions, protection of personal data and privacy, and environmental protection;

1.30. **Mailbox** - mailbox where the universal service user can deliver postal shipments so that the universal service operator sends them to the recipient;

1.31. **Household Mailboxes** - household mailboxes used for the delivery of postal shipments to the recipient, located at the entrance of the household facility, business and residential;

1.32. **Ministry** - Ministry responsible for the postal sector;

1.33. **Minister** - Minister responsible for the postal sector;

1.34. **Regulatory Authority of Electronic and Postal Communications**- (hereinafter: Authority) is the regulatory body that oversees and implements the legal framework set forth in this Law and the applicable legislation on electronic communication;

1.35. **Authorization** - any permit in the form of a General Authorization or Individual Authorization outlining specific rights and obligations in the postal sector, by which the postal service provider is permitted to provide postal services and, when applicable, build and/or operate their networks for the provision of such postal services as defined in this Law;

1.36. **General Authorization** - authorization issued by the Authority through which a postal service provider is entitled to provide postal services other than universal and reserved services;

1.37. **Individual Authorization** - authorization issued by the Authority through which a postal service provider is entitled to universal, reserved services and other postal services;

1.38. **UPU acts** - international acts issued by the Universal Postal Union;

1.39. **Postage Stamps** - a letter of value serving to define the tariff for postal services carried out by the Post Office for the receipt, transportation and delivery of various shipments within and outside of the Republic of Kosovo;

1.40. **Philatelic block** - a philatelic product which, in its entirety of design, may have one or more postage stamps.

Article 4 **General principles**

1. Provision and security of postal services shall be done throughout the territory of the Republic of Kosovo by natural and legal persons on the basis of the principles of legality, non-discrimination, objectivity and transparency.

2. The provision of postal services must ensure confidentiality of correspondence and personal data protection, continuity of universal postal service provision, protection of the interests of users and ensuring equal treatment thereof in line with the legislation in force.

CHAPTER II COMPETENT BODIES IN THE FIELD OF POSTAL SERVICES AND THEIR COMPETENCIES

Article 5 Competent bodies

1. Competent bodies in the field of postal services are the Government, Ministry and the Authority.
2. The Government shall approve the National Strategy for the Development of Postal Services Sector, drafted by the Ministry.

Article 6 Competencies of the Ministry in the area of postal services

1. The Ministry shall have the following competencies:
 - 1.1. to draft and submit for approval to the Government the National Strategy of Development of the Postal Sector in the Republic of Kosovo;
 - 1.2. to coordinate and supervise the implementation of the Government's national policies and strategies in the postal services sector;
 - 1.3. to draft and approve relevant bylaws as defined by this law;
 - 1.4. to draft and approve acts for the issuance, withdrawal, release of postage stamps;
 - 1.5. in cases of emergencies, to create the conditions to ensure the provision of universal postal service;
 - 1.6. to determine the density of points of access in the postal network for the provision of universal postal service;
 - 1.7. to take measures ensuring that postal service providers implement their obligations related to the protection of domestic interests, public security, and service provision in exceptional cases;
 - 1.8. to represent the Republic of Kosovo in international organizations, and to draft and sign bilateral and multilateral international agreements in the field of postal services on behalf of the Republic of Kosovo, within the scope of its competences;
 - 1.9. to coordinate the implementation of obligations in the field of postal services deriving from treaties and/or international agreements, to which the Republic of Kosovo adheres.

Article 7 Competencies of the Authority in the area of postal services

1. The Authority is an independent regulatory body responsible for regulating and overseeing the postal services market in the Republic of Kosovo. The Authority is a legal, public, non-profit entity, which carries out its activities in accordance with the legislation in force. The Authority is independent in its work and in making decisions within its competences.
2. For the fulfillment of its duties in the field of postal services, the Authority shall have the following competencies and responsibilities:

- 2.1. drafts and approves regulations for the implementation of this law;
- 2.2. issues and withdraws authorizations given under this law and sub-legal acts;
- 2.3. determines the universal postal service provider, according to the requirements defined in this law, and supervises the performance of universal postal service obligations;
- 2.4. supervises, monitors and inspects the activities of postal services providers, and takes administrative measures in cases of violations of the provisions of this law and the regulations issued pursuant to it;
- 2.5. oversees the compliance with the legal requirements for universal postal services tariffs and takes necessary measures to implement this law;
- 2.6. develops, controls and supervises the standards and technical conditions for the provision of postal service and postal universal service in accordance with the recommendations of international organizations;
- 2.7. encourages open competition between postal service providers to ensure transparency and non-discrimination;
- 2.8. collects and analyses statistical and financial data from postal service providers to fulfill regulatory duties, guaranteeing the confidentiality of the information provided;
- 2.9. drafts and approves the terms and general terms of universal postal service delivery;
- 2.10. regulates and approves universal postal service tariffs and other specific services defined by this Law;
- 2.11. settles disputes between postal service providers;
- 2.12. protects the rights of users of postal services and resolves disputes between users and providers of postal services;
- 2.13. it cooperates with national and international organizations in the field of regulation of postal services.
- 2.14. represents the Republic of Kosovo in international regulatory organizations of postal services.

Article 8 **Public consultations**

The Authority, during the process of drafting sub-legal acts that have a significant impact on the postal services market, shall receive and evaluate the opinion of relevant stakeholders through public consultations, in accordance with the procedures established by the Authority.

Article 9 **Reporting of the Authority regarding postal services**

1. The Authority is responsible for its work and shall report to the Assembly of the Republic of Kosovo.
2. The Authority shall inform the Ministry during the year about the fulfillment of the postal sector development objectives.

CHAPTER III UNIVERSAL POSTAL SERVICE

Article 10 Provision of universal postal services

1. Every user in the Republic of Kosovo shall enjoy the right to universal postal service, including continuous provision of universal postal service, with the relevant quality and affordable price at all points of access within the territory of the Republic of Kosovo.
2. The universal postal service shall include the following minimum requirements:
 - 2.1. receipt, processing, transport and distribution of postal shipments weighing up to two (2) kg;
 - 2.2. receipt, processing, transport and distribution of postal packages weighing up to ten (10) kg;
 - 2.3. special services for registered postal shipments and secured postal shipments;
 - 2.4 receipt, processing, transportation and distribution of postal shipments, for blind persons (cecogramme), up to seven (7) kilograms, free of charge.
3. The Authority may increase the universal service weight limit for the postal packages as defined in paragraph 2.2 of this Article, up to twenty (20) kilograms and may lay down special rules for the distribution of such packages "door to door".
4. Notwithstanding the weight limit for postage packages, determined under this article, the universal postal service provider shall ensure that postal shipments, received from other countries and weighing up to twenty (20) kg, are distributed throughout the territory of the Republic of Kosovo.
5. The minimum and maximum dimensions for postal shipments, for purposes of this article, shall be in accordance with relevant UPU acts.
6. The universal postal service shall cover domestic and international postal services.
7. The universal service provider is obliged to provide universal services to all users, with the exception of circumstances or geographic conditions that are considered extraordinary, at least five (5) days a week, providing at least:
 - 7.1. receipt of postal shipments;
 - 7.2. distribution of postal shipments to the addresses or premises of any natural or legal person.
8. The density of points of access for the provision of universal postal service shall be determined by a decision of the Minister, taking into account the needs of the users. Prior to approving the decision determining the density of points of access, the Ministry shall consult with stakeholders and the Authority. The approved document shall be published on the official website of the Ministry and the Authority.

Article 11 Provision of universal postal services

For the provision of universal postal service, the Authority may designate one universal postal

service provider, to ensure the provision of universal postal service throughout the territory of the Republic of Kosovo.

Article 12
Basic Requirements for Provision of Universal Postal Service

1. The universal postal service provider must meet the following requirements:
 - 1.1 provision of universal postal service in accordance with the basic criteria;
 - 1.2 provision of the same service to all users on equal terms;
 - 1.3 provision of postal services without any form of discrimination;
 - 1.4 ensure that the service is offered in continuity, except in cases of force majeure;
 - 1.5 ensure that the service is developed in accordance with the technical, economic and social conditions and needs of the users.
2. The universal postal service provider shall publish detailed and up-to-date information regarding the specific elements and quality of the universal postal services provided. Published information includes general terms and conditions of universal service delivery, conditions for access to the postal network, service delivery rates and quality of services provided.
3. Information on general terms and conditions and fees must be published at least thirty (30) days prior to their entry into force. The information is published on the official website of the service provider and at all points of access of the postal service.
4. Obligations and data of the universal postal service provider shall be published on the Authority's web site and at the points of access of the universal postal service provider, in line with the applicable law on the right to information.
5. The Authority shall conduct an independent quality assurance inspection of the universal postal service provider, at least once a year. The inspection results shall be published on the official website of the Authority.

Article 13
Reserved postal services

1. To ensure the provision and maintenance of universal postal services, the receipt, acceptance, transportation and delivery of local and international postal shipments are reserved to the universal postal service provider in accordance with weight and price restrictions.
2. Reserved postal services include:
 - 2.1. receipt, transportation and delivery of simple shipments weighting up to one hundred (100) grams for the domestic and international traffic;
 - 2.2. placement of mailboxes in public areas, and their emptying and maintenance.
3. Services from sub-paragraph 2.1 of this Article are not considered reserved services if they are carried out at a tariff of at least three (3) times higher than the basic price.

CHAPTER IV FINANCING THE UNIVERSAL SERVICE

Article 14

Compensation for the provision of universal postal service

1. Provision of universal postal service can be compensated only in the ways and in cases defined in this Law and based on procedures defined in the applicable legislation.
2. If the provision of universal postal service causes additional net costs that may constitute an unreasonable burden on the universal postal service provider and cannot cover such costs from other postal services and other business services, then the universal postal service provider may seek compensation for coverage of additional net cost for the provision of universal postal service.
3. Compensation for the provision of universal postal service shall be done by the budget of the Republic of Kosovo after verification and prior confirmation by the Authority that the provision of these services incurred the alleged net cost, constituting an unreasonable burden for the universal postal service provider.

Article 15

Calculation of net cost of universal postal service

1. The Authority shall determine, through a separate act, the net cost calculation method as well as the intangible benefits to be taken into account in calculating the costs of the provision of universal postal service.
2. Postal service providers are required to keep separate accounts for the costs of provision of universal postal service. Financial accounts of the universal postal service provider shall be audited by independent accounting experts and are published in accordance with the applicable legislation.
3. The universal postal service provider, who claims the right to compensation for the provision of universal postal service, must submit to the Authority the claim, together with information on the actual costs, the data used to calculate the actual net costs of postal service and financial statements.
4. The Authority shall carry out the control and verification of information submitted. At the end of the verification the Authority shall:
 - 4.1. confirm the calculation of real (net) costs for the provision of universal postal service; or
 - 4.2. require relevant adjustments, if it notes that the calculations are incorrect.
5. In its assessment, the Authority shall also consider the costs of providing the universal postal service submitted by the provider in the selection process, pursuant to paragraph 4 of Article 11 of this Law.
6. The Authority shall assess the cost differences only in cases where the conditions have changed since the issuance of the universal postal service provider's authorization and compellingly, objectively and transparently proves such differences. The Authority shall publish the results of cost calculations and of expertise carried out for the information submitted by the universal postal service provider.
7. The Authority, based on the calculations, shall determine the universal postal service

provider's the right to compensation for universal postal services, and shall determine the level of compensation on a net cost basis. In any case, compensation shall only be made after approval by the State Aid Commission, in accordance with the procedures laid down in the legislation in force for state aid.

CHAPTER V CONDITIONS FOR THE PROVISION OF POSTAL SERVICE

Article 16 Provision of postal services

1. Any natural or legal person may provide postal services in the Republic of Kosovo, in accordance with the provisions of this Law.
2. The provision of postal services in the Republic of Kosovo shall be done pursuant to the authorization issued by the Authority.
3. Authorization to provide postal services in the Republic of Kosovo shall be done:
 - 3.1. through general authorization, upon notice, where the provision of postal services is not part of the universal postal service;
 - 3.2. through individual authorization for the provision of universal postal service, for cases provided for in Article 11 of this Law.
4. Authorization for the provision of postal services shall entitle the authorized entity to negotiate access to the postal network with the universal service provider, in accordance with this law.
5. The postal service provider may benefit from the activity of a cooperator or postal agent in performing the services entrusted thereto. The postal service provider shall determine the terms and conditions of the arrangement with the postal agent, and shall inform the Authority thereof.

Article 17 Access to the postal network

1. Access to the postal network shall include:
 - 1.1 postal code system;
 - 1.2. address system;
 - 1.3. mailboxes;
 - 1.4. household mailboxes;
 - 1.5. information on changes of addresses;
 - 1.6. new service of delivery and return to sender.
2. In order to protect the user's interest and to promote effective competition, based on the specific circumstances of the country and in accordance with applicable legislation, the Authority shall, where necessary, through a separate decision, determine the measures to ensure that the conditions of access to the postal network are transparent, proportionate and non-discriminatory. Prior to making a decision on access, the Authority shall conduct public consultation with stakeholders.

Article 18

Courier services

1. The postal operator providing courier services must ensure that the postal shipment is received by the sender, transferred and delivered to the addressee, handing the shipment to the recipient in person upon signing.
2. The postal operator providing courier services must ensure the compatibility of courier services with all of such activities, including:
 - 2.1. the receipt of the postal shipment from the sender to his/her country, for which the sender signs a completed postal shipment document;
 - 2.2. the delivery of the postal shipment to the addressee, upon signature by the recipient;
 - 2.3. confirmation of delivery to the sender at his/her request;
 - 2.4. ensuring the delivery of the postal shipment within the guaranteed timeframe;
 - 2.5. entry of the name of the postal operator in the postal shipment or accompanying document.
3. The postal operator providing courier services must meet all the requirements and restrictions as specified in international standards for postal services which are mandatory in relation to packaging, addressing and the contents of postal shipments.
4. The postal operator shall keep the accompanying postal shipment documents referred to in paragraph 1 of this Article for two (2) consecutive years.

Article 19

Ways of payment for postal services

1. Postal services are paid:
 - 1.1. in cash, directly at the service provider's desk;
 - 1.2. through the bank, in the bank account of the service provider, based on a service contract between the service provider and the user;
 - 1.3. with other legal means of payment.
2. Postal service fees, for each postal shipment, shall be marked on the postal delivery with:
 - 2.1. valid postage stamps, issued by the public post operator;
 - 2.2. franking machines, printing signage machines;
 - 2.3. other signs indicating that the postal service is paid.
3. Payments shall be made according to service fees that should be made available to the users of postal services in a visible and easily accessible place in the premises of the activity of the postal service provider.

Article 20
Notice for General Authorization

1. Any natural or legal person who, for profit purposes, expresses an interest in providing postal services must notify the Authority prior to the beginning of the postal service provision.
2. The notice shall be made in writing, according to the rules adopted by the Authority, and shall contain at least the following information:
 - 2.1. the name and address of the provider;
 - 2.2. information of the legal registration of a natural or legal person;
 - 2.3. contact persons of the natural or legal person;
 - 2.4. brief description of the postal service and network;
 - 2.5. date when the start of delivery or change of activity is foreseen;
 - 2.6. fees for provision of postal services;
 - 2.7. declaration of the postal service delivery area.
3. The notice shall be accompanied by a statement that:
 - 3.1. the information is accurate;
 - 3.2. a natural or legal person shall comply with legal obligations.
4. The service provider is obliged to report to the Authority all changes to the information submitted during the notice, within thirty (30) days of their occurrence.
5. The Authority shall register the service provider within fifteen (15) days from the date of receipt of the notice in the electronic database and shall confirm in writing the issuance of the authorization.
6. Within fifteen (15) days from the date of receipt of incomplete documentation, as per the requirements in paragraphs 2 and 3 of this Article, the Authority shall inform the natural or legal person of the need to complete the missing information. If the natural or legal person failed to provide the missing information within fifteen (15) days, the Authority shall inform the natural or legal person that it will not register it. The natural or legal person shall have the right to appeal to the Authority.
7. If the Authority fails to issue a confirmation in writing within the deadline defined in paragraph 5 of this Article, or fails to inform the natural or legal person of the completion of the missing information under paragraph 6 of this Article, the notice shall be considered complete and the registration shall be deemed to have been completed.
8. The Authority, by special act, shall determine the form and content of the request for information as well as supporting documentation. This document shall be published on the official website of the Authority and shall be readily accessible to the public.
9. The Authority shall administer an up-to-date register of databases for postal service providers who are authorized pursuant to the provisions of this Article. The database shall contain the information specified in paragraph 2 sub-paragraphs 2.1, 2.2, 2.3, 2.5, 2.7 of this Article, and shall be open to the public.

10. The Authority shall deregister a provider from the General Authorization Register in cases where:

10.1. the postal service provider submits a notice for termination of its activity and/or provision of postal service;

10.2. the Authority finds that the postal service provider has ceased its activity and/or the provision of postal service;

10.3. the postal service provider has passed away;

10.4. there is an effective court order to liquidate the postal service provider due to its bankruptcy if it is a legal entity or other organization;

10.5. the Authority finds that the postal service provider has provided false data because of which the person cannot be entered on the list of postal service providers;

10.6. the postal service provider has failed to submit reports on the provision of postal service to the Authority, within one (1) year;

10.7. the postal service provider is not listed in the Kosovo Business Registration Agency register or is not found in its address within a year.

11. Prior to the removal of the postal service provider from the list of postal service providers in accordance with the provisions of sub-paragraphs 5, 6 and 7 of paragraph 10 of this Article, the Authority shall notify the postal service provider of the possibility of removal from the list of postal service providers and will allow the provider, within a time limit set by the Authority, which in no case shall be shorter than thirty (30) calendar days, to submit the required revised data or report on the provided postal service.

12. The Authority must notify the postal service provider of the removal from the list of postal service providers and provide reasons for such removal from the list of postal service providers and inform them that persons providing postal services and not informing the Authority shall be held liable in accordance with the procedure laid down by law.

Article 21

Basic conditions for provision of postal services

1. Authorization for provision of postal services shall contain the requirements for fulfillment of basic conditions in relation to:

1.1. confidentiality of correspondence;

1.2. network security, in relation to transportation of dangerous goods;

1.3. compliance with employment criteria and conditions;

1.4. social insurance schemes determined under the law;

1.5. collective contracts;

1.6. protection of personal data and privacy;

1.7. protection of environment and spatial planning;

1.8. obligations in cases of extraordinary situations.

2. Through a special act, the Authority shall regulate issuance of general authorization.

Article 22
Modification of General Authorization

1. Through a decision the authority shall modify the rights, conditions and procedures for general authorization in objectively justified cases and in proportional manner, following a public consultation. Objectively justified cases shall mean:

- 1.1. modification of facts, based on which the rights, conditions and procedures in general authorization were determined;
- 1.2. compliance with engagements deriving from membership of the Republic of Kosovo in international organizations;
- 1.3. the need to protect state security;
- 1.4. the need to protect the public interest.

Article 23
Individual Authorization for Providing Universal Postal Service

1. The Authority shall through a separate decision, determine the universal postal service provider, following the conclusion of procedures determined by a separate act approved by the Authority.

2. The individual authorization shall be issued for a period of five (5) to fifteen (15) years with the possibility of renewal.

3. Transfer of individual authorization to another natural person or legal entity shall not be permitted.

4. Individual authorization should in particular contain:

- 4.1. conditions, rights and obligations of the universal service provider;
- 4.2. information on the universal postal service provider;
- 4.3. validity duration of individual authorization;
- 4.4. specific rights and obligations, to be performed by the universal postal service provider, when providing universal postal services for: the postal network, points of access; quality of postal shipments tracking, including requests for the information system for tracking postal shipments.

5. Individual authorization holder shall be obliged to report all status changes to the Authority, within thirty (30) days from the day such changes occurred.

Article 24
Modification of Individual Authorization

1. Following a proposal by the authorization holder the authority may modify the individual authorization through a decision.

2. The authority shall have the right to modify the individual authorization, through a decision, if that is necessary to guarantee the effectiveness in provision of universal postal services.

Article 25

Revocation of Individual Authorization

1. Individual authorization may be revoked on the initiative of the Authority or on the request of the individual authorization holder.
2. The authority shall revoke the individual authorization, on the request of its holder, only when the latter has fulfilled all the obligations deriving from this law and other secondary legislation.
3. The authority may revoke validity of an individual authorization when:
 - 3.1. the individual authorization holder fails to comply with requirements under this law;
 - 3.2. the holder submitted inaccurate information during the selection procedure, which had an impact in its appointment;
 - 3.3. the individual authorization holder fails to provide services that are subject to decision, within one (1) year from the entry into force of the decision, unless otherwise determined by the decision;
 - 3.4. the individual authorization holder failed to comply with its obligations, despite several warnings;
 - 3.5. in cases of violation of provisions of this law or repeated violations, found during inspection and oversight of implementation of obligations determined in the authorization, if such violations have not been eliminated by using softer measures in the control procedure;
 - 3.6. the individual authorization holder, despite the warning, fails to undertake measures to prevent interference in confidentiality of postal shipments.
4. When the provision of universal postal services is jeopardized, the Authority may revoke the validity of individual authorization, only after it has appointed another universal postal service provider through a decision.

Article 26

Procedure for Revocation of Individual Authorization

1. On the entry into force of the decision for initiation of revocation procedure of individual authorization, the Authority is obliged to inform the individual authorization holder immediately, by laying out reasons for initiating the procedure.
2. Before revoking the validity of individual authorization, the Authority shall in writing request from the individual authorization holder to stay the commission of violations found during the inspection procedure within thirty (30) days, within which such violations should be eliminated. If the individual authorization holder continues with such violations even after the expiry of the determined deadline, the Authority shall revoke the individual authorization.
3. The validity of individual authorization may be revoked partially or completely, based on the principle of proportionality.
4. The revocation of validity of individual authorization shall enter into force on the day the decision for revocation of validity of individual authorization becomes final.

Article 27
Conclusion of Individual Authorization Validity

1. The individual authorization shall be concluded:
 - 1.1. when its validity duration expires;
 - 1.2. if the individual authorization holder ceases to exist;
 - 1.3. on revocation of validity of individual authorization, in line with Article 26 of the present law.
2. In cases determined under sub-paragraph 1.2 of this Article, the Authority shall take a decision whereby it determines that the validity of authorization is concluded.

Article 28
Payments for Supervision of Postal Services Market

1. The postal service providers are obliged to pay to the Authority, an annual payment for supervision of postal services market.
2. The annual payment should not exceed zero point five percent (0.5%) of the annual income of the previous calendar year, earned from postal services only. Method for the calculation and placement of the payment shall be made by the Authority based on the operational costs for the fulfillment of obligations deriving from this Law.
3. Annual payments for supervision of postal services market shouldn't distort competition or create undue obstacles to the entry into the market of new postal service providers.
4. Postal service providers are obliged to keep separate accounts for postal service revenues, recording them as separate revenues in the audited financial statements, separately from revenues of other services, not related to postal services.
5. Postal service providers shall submit to the Authority a copy of audited financial statements of the previous year, by 31 March of the following calendar year.

CHAPTER VI
TARIFF AND ACCOUNT TRANSPARENCY PRINCIPLES

Article 29
Tariffs for Provision of Universal Postal Services

1. Tariffs for universal postal services shall uphold the following principles:
 - 1.1. affordable to all users in the territory of the Republic of Kosovo;
 - 1.2. to be cost-oriented and provide incentives for an efficient provision of universal postal service;
 - 1.3. to be the same for the same services throughout the territory of the Republic of Kosovo;
 - 1.4. transparent and non-discriminatory.
2. Application of same tariffs shall not be construed to exclude the entitlement of universal postal service provider to enter individual tariff contracts with users for delivery of wholesale shipments.

3. In the case of application of special tariffs, in relation to corporate services, for the acceptance of wholesale shipments or for postal collectors from various users, universal postal services providers shall be obliged to apply the principle of transparency and non-discrimination. The application of special tariffs shall not result into an increased net universal postal service cost, according to Article 15 of this Law.

4. Service tariffs and associated conditions, according to paragraph 3 of this Article, shall apply equally to third parties/other users and between third parties and the universal postal service provider for the provision of equivalent services. These tariffs shall apply to individual users and to small and medium enterprises in similar conditions.

Article 30 **Universal Postal Services Tariff Regulation**

1. The Authority, by special decision shall define tariffs for universal postal services, should it find that they are not in accordance with the requirements of this Law.

2. The Authority shall ensure regulation of tariffs through:

2.1. setting minimum or maximum tariff rates;

2.2. adjustment of tariff flows, thereby setting conditions such as:

2.2.1. maximum threshold for tariff amendments for a certain time period;

2.2.2. maximum ratio of tariff increase imposed by increased prices of integral items for a certain time period;

2.2.3. procedure to be applied to determine or calculate tariffs enabling enjoyment of reasonable profits.

3. Determining a period of time, not longer than twelve (12) months, during which tariff increases shall be prohibited over their current market level.

4. In regulating universal postal service tariffs, the Authority shall review most recent data on:

4.1. tariffs in regional countries with a development rate similar to the Republic of Kosovo;

4.2. ratio between retail and wholesale tariffs;

4.3. best EU Member State practices.

5. Tariff regulation modes may be combined.

Article 31 **International Service Tariffs**

1. With a view of ensuring the provision of universal postal services for international post, the universal postal service provider shall be entitled to enter agreements on international postal delivery on mutual terminal charges, in due observation of the following principles:

1.1. such terminal charges shall reflect incoming international postal delivery processing and distribution costs;

1.2. charge rates shall be related to the quality of services provided;

- 1.3. terminal charges shall be transparent and non-discriminatory.
2. Provisions as per paragraph 1 of this Article may be implemented through a provisional agreement, necessary to avoid interruption of international postal services or disadvantageous economic conditions between sending providers and postal delivery receivers. In any case, the number of such agreements shall be limited to the necessary minimum for providing services.
3. In determining terminal charges, the operator assigned for universal postal services shall apply the rules adopted by the UPU.

Article 32 **Unbundling Accounts**

1. Postal services providers exercising one or more business activities other than postal services shall perform unbundling of accounts, to account for revenues from postal services separately from other business activities.
2. Universal postal services providers shall maintain separate accounts within their accounting system to clearly discern services and products that are part of universal postal services and those that are not part of such services, with a view of accounting for net costs of universal postal services.
3. The Universal service provider shall provide the Authority detailed information on cost accounting systems it shall apply.
4. The Authority shall issue a special act detailing methods and modes of determining and evidencing universal service provider costs.

Article 33 **General Terms and Conditions of Postal Service Provision**

1. Postal service providers shall develop general terms and conditions of postal service provision, which shall specifically include:
 - 1.1. name and place of service provider;
 - 1.2. list of services provided by the service provider;
 - 1.3. area of coverage of postal services;
 - 1.4. manners and conditions for postal services and special services;
 - 1.5. postal delivery conditions;
 - 1.6. terms and conditions of payment for postal services;
 - 1.7. service provider liability and damage compensation;
 - 1.8. complaint Review Procedures.
2. Such General Terms and Conditions, as developed by the service provider shall be submitted to the Authority for review at least thirty (30) days before their application. The Authority may, within thirty (30) days from the receipt of notice, require amendments to such General Terms and Conditions submitted by the service provider, if it finds breaches of provisions of the present Law and secondary legislation thereto.

3. General Terms and Conditions shall be published in the official website of the service provider, and in areas it exercises its business activities in direct engagement with postal service users, at least fifteen (15) days before their effective date.

4. In case the Authority does not express itself on such general terms and conditions within timelines as per this Article, such terms and conditions shall be deemed silently approved.

CHAPTER VII SERVICE QUALITY

Article 34 Service Quality

1. The Authority shall issue a special act providing on quality criteria for universal postal services, in order to guarantee high quality services according to international standards.

2. Universal postal services providers shall be required to publish information on quality of universal postal services at least annually.

3. Service quality shall include, specifically, postal delivery distribution time requirements, postal delivery tracking information systems, regularity and credibility of domestic and international services.

4. In case of failure of the universal postal service provider to uphold service quality standards, the Authority shall make notice to the service provider, thereby setting a timeline for fulfilling requirements. In case of repeated failure, the Authority shall take measures as provided by provisions of the present Law.

5. Universal postal services provision shall be made in accordance with international standards of postal services, as set forth by the UPU.

Article 35 Right to Complain

1. Each user of postal services shall be entitled to file complaint or demand clarifications from the postal service provider in case he/she claims that general terms and conditions of providing postal services, tariffs set and quality of postal services have been breached.

2. A postal service user may file a complaint in writing within thirty (30) days:

2.1. on postal service provision, if such complaint refers to quality of service provided;

2.2. on billing of services provided, if such complaint refers to amount billed for services provided.

3. Upon receipt of a complaint, the postal service provider shall review the complaint filed as per paragraph 2 of this Article, and upon such review, provide response not later than thirty (30) days from the date of receipt of complaint by the postal service user.

4. If the user is not satisfied with the written reply by the postal service provider, the user may file motion for dispute settlement with the Authority, within fifteen (15) days.

5. Each postal service provider shall be required to publish, in its official website and postal offices, its rules on receipt, handling and resolution of user complaints, pursuant to this Law and applicable consumer protection legislation.

Article 36
Duty to Provide Information

1. Postal service providers shall supply to the Authority, upon request, all information necessary for its exercise of functional duties as per the present Law.
2. Information required by the Authority shall be proportional to the exercise of functional duties.
3. Postal service providers shall submit all information as required by paragraph 1 of this Article within timelines and in the detail level as requested.
4. If such information is deemed confidential, the Authority shall obtain such information in accordance with applicable legislation on business secrets. If such information is deemed to not be confidential, the Authority shall publish or render available to the public such information, upon request, whenever necessary in order to ensure an open and competitive market.
5. The Authority shall publish reports on the market condition of postal services, thereby including statistical, financial and other data as provided by this Law.

CHAPTER VIII
ACCEPTANCE AND DISTRIBUTION OF POSTAL SHIPMENTS

Article 37
Acceptance of Postal Delivery

1. A delivery is made or a service is received by stipulating a contract between the postal service provider and the user.
2. Placement of a delivery in a postal box installed by the service provider shall be equivalent to the receipt of such delivery.
3. Acceptance of registered shipments, accepted in accordance with special services, letters and mailed and valued packages is deemed completed when such delivery is assumed by the service provider, which in turn gives the service user a handover document for the postal delivery.
4. A postal Service provider may accept postal shipments with declared value, according to general terms and conditions of providing special services. In international traffic, the declared value of postal delivery cannot exceed the threshold set in the receiving place.

Article 38
Packaging Postal Shipments

1. The sender shall be required to package his/her delivery to protect its contents, other shipments, equipment and delivery processing workers.
2. The sender shall be liable for internal packaging of postal shipments.
3. The postal service provider shall be required to transport and submit the postal delivery in the condition of acceptance.
4. Conditions and methods of packaging postal shipments shall be provided for by General Terms and Conditions of Postal Service.

Article 39

Mail Delivery Distribution and Submission

1. Postal shipments shall be distributed and delivered in one of the following receiver addresses:
 - 1.1. receiver's residence;
 - 1.2. office or business premises;
 - 1.3. home postal box, placed in appropriate areas.
2. Simple postal shipments may be delivered to home postal boxes.
3. Registered and declared value shipments shall be delivered to the address of receiver. If this is not possible, a registered and declared value package shall be delivered to an adult member of family, his/her residential address, or an authorized person at office premises, or a person authorized by the receiver.
4. If delivery of postal shipments is not possible according to paragraph 3 of this Article, due to their absence, the distributor shall issue notice to the address as per paragraph 1 of this Article, thereby specifying place of receipt and timeline within which such postal shipments may be withdrawn.
5. If the postal delivery receiver is not able to receive the postal delivery within the timeline specified in the notice as referred to by paragraph 3 of this Article, such postal delivery shall be returned to the sender outside the country, according to UPU acts and provisions.
6. If the receiver or persons referred to by paragraph 3 of this Article, refuse to accept a registered or declared value package, the distributor shall mark on the postal package the date and reason of such refusal, and return the package to the postal delivery sender.
7. If a postal package cannot be delivered to the receiver, and in case the receiver cannot be identified, the postal service provider shall issue an official note on the postal package. Such package shall be stored for a period of one (1) year from the date of such official note.
8. If the receiver is illiterate or otherwise cannot sign the delivery slip, the distributor shall record the name of receiver, including a note specifying the reason for the absence of a signature of the receiver on the delivery slip.

Article 40

Distribution of Unaddressed Postal Shipments

1. The postal service user may prohibit distribution of unaddressed packages, advertisements, other promotional messages and other marketing materials to their home boxes by placing a prohibiting label.
2. Postal service providers may use home postal boxes for direct product marketing or similar services, and shall also be required to provide their users a possibility of prohibiting such use for marketing purposes of their own home postal boxes, at any time, in a simple and non-charged manner.
3. Every service provider making unaddressed postal shipments for marketing purposes shall maintain records of exclusions, which records persons who do not wish to receive unsolicited commercial communications. Service users shall be required to regularly examine and observe such record of exclusions.

Article 41

Home Postal Boxes

1. Owners or administrators of homes, housing units or commercial premises shall ensure installation, labelling and maintenance of home postal boxes at the entry of such home, building or commercial premises. Users of postal services, owners of homes, housing units or commercial premises, shall ensure that such postal boxes are regularly emptied.
2. Home postal boxes in multi-storey buildings shall be labelled to the resident family or apartment number, or the name or number of company. They shall be installed at first floor and shall be freely accessible.
3. Should persons referred to in paragraph 1 of this Article fail to meet their requirements, the postal service provider shall issue written notice thereby inviting them to rectify such breach within a set timeline.
4. Should persons referred to in paragraph 1 of this Article fail to rectify such breaches within the set timeline, the universal postal service provider shall cease to distribute any further postal shipments, and notify the Authority.
5. Postal boxes shall be designed and installed in such a manner to ensure safe distribution and privacy of postal shipments.
6. In cases of construction of new buildings for commercial or housing purposes, developing entrepreneurs shall be required to provide for postal network infrastructure, by installing postal boxes.

CHAPTER IX

POSTAL STAMPS

Article 42

Production and Emission of Postal Stamps

1. The public postal operator shall be entitled to manufacture, emit, circulate and retract from circulation postal stamps in the Republic of Kosovo.
2. The Minister shall issue a special decision thereby establishing a Postal Stamp Committee. Such Committee shall be responsible for determining the annual thematic programs, extraordinary editions, design selection and approval of first sample. The Postal Stamp Committee shall consist of seven (7) members, and its chair from the ranks of members. Members of the Postal Stamp Committee shall include the Ministry, Post of Kosovo, experts of culture, art, history, archaeology, biology science and geography.
3. The Ministry shall issue Administrative Instruction providing on terms and conditions of issuance, use and trade of postal stamps, in accordance with requirements of UPU acts.

Article 43

Invalid Postal Stamps

1. The following postal stamps shall be deemed invalid:
 - 1.1. manufactured and emitted in breach of this Law;
 - 1.2. damaged stamps, in which the nominal value shown in figures, letters, and the insignia showing the Issuing Authority are no longer visible;

- 1.3. used to pay for postal services;
 - 1.4. not emitted by the Public Postal Operator;
 - 1.5. stamps with an expired validity.
2. When an invalid postal stamp is placed on a postal package, postal services shall be deemed unpaid.

CHAPTER X POSTAL PACKAGE CONTENTS AND DAMAGE LIABILITY

Article 44 Prohibitions Related to Postal Delivery Contents

1. Following shipments or items contained in postal shipments shall be prohibited:
 - 1.1. narcotics and psycho-tropic substances, unless the sender or receiver are legally authorized to trade in such substances;
 - 1.2. hazardous explosive, flammable, radioactive or other substances;
 - 1.3. live animals, unless otherwise provided by UPU acts;
 - 1.4. shipments, imports and circulations of which is prohibited in the country of destination;
 - 1.5. items that are hazardous for workers employed by the postal service provider;
 - 1.6. other substances or items, delivery of which is prohibited by applicable legislation.
2. Notwithstanding sub-paragraphs 1.2 and 1.3 of this Article, hazardous substances exchanged between competent institutions may be transported in postal shipments in the manner and conditions provided for by law.
3. Notwithstanding sub-paragraph 1.3 of this Article, insured postal shipments may contain bees, leeches and silk worms.
4. Postal service providers shall be required to deliver a postal shipment containing substances or items as referred to by sub-paragraphs 1.1 and 1.2 of this Article, thereby observing nature and level of hazard, of competent state authorities, public position holders or proxies, or public utility service providers.

Article 45 Damage Liability

1. The postal service provider shall be liable for damages caused in transporting registered and insured postal shipments, and postal packages, due to:
 - 1.1. loss, damages or theft of shipment;
 - 1.2. expiry of deadline for shipment transport and distribution;
 - 1.3. unfinished or incomplete or incorrect delivery of postal services.

2. With the exception of events referred to by paragraph 1 of this Article, postal service providers shall not be liable for damages caused if such operators prove that:

- 2.1. postal shipment transport was performed in compliance with provided conditions;
- 2.2. damages were caused due to force majeure;
- 2.3. damages were caused due to act or omission of the sender, or as a result of nature of contents of postal shipment;
- 2.4. damages were caused because the postal shipment was submitted to competent state authorities, public authority holders, or public utility providers as referred to by this Law;
- 2.5. postal service users are insured for contents of postal shipment by fraud, for an amount surpassing the actual value of content;
- 2.6. postal services users have not made any claims within set timelines;
- 2.7. damages occurred due to lawful action of competent authorities.

3. Provisions of sub-paragraph 2.2 of this Article shall not exclude the entitlement of sender for reimbursement of charges paid, and measure of indemnification, as provided by the applicable legislation.

Article 46 Reclamations

1. A postal service user may file a written claim to the postal service provider in case of loss of postal shipments, exceedance of delivery/transport timelines, and distribution of postal shipments, or in cases when postal service was not provided at all, or was provided incompletely, within a deadline of three (3) months from the date of deposit of postal shipment into national traffic, or within a deadline of six (6) months for international traffic.

2. In case of damages or reduced contents of postal shipment, the receiver or any other authorized person shall file reclamation immediately upon delivery of postal shipment.

3. Notwithstanding paragraph 2 of this Article, reclamation for damages or reduced contents of postal shipment may be filed after delivery of postal shipment only if the receiver submits proof that such damages or reduction of contents of postal shipment did not occur after delivery of shipment.

4. The postal service operator shall respond with a written reply for the postal service within thirty (30) days from the date of receipt of reclamation to national traffic, or within sixty (60) days from the date of receipt of reclamation for international traffic.

5. To the written reply by the postal service provider, the postal service user shall be entitled to file complaint with the Consumer Complaint Commission against the postal service provider within thirty (30) days from the receipt of written reply. The Consumer Complaint Commission shall be required to respond in writing to the postal services within thirty (30) days from the receipt of such complaint.

6. As part of general terms and conditions of postal service provision, the postal service provider shall publish all complaint (reclamation) resolution procedures for postal service users in relation to postal service provision. Claim filing and resolution procedures shall be in compliance with provisions of the present law, and shall be transparent, objective, non-discriminatory,

comprehensible and available to the public and all users of postal services at an affordable cost.

Article 47 **Indemnity and Compensation Forms**

1. A sender or authorized person may file with the postal service provider a compensation claim within thirty (30) days from the date of receipt of notice on resolution of complaint/reclamation, respectively receipt of notification on guilty plea, as provided by Article 45 paragraph 1, or pursuant to the Authority's Decision, if such dispute is resolved to the favour of postal service user.

2. The postal service provider shall be required to compensate damages for shipments in national traffic to the sender or other authorized person in the events of:

2.1. loss or full destruction:

2.1.1. shipments registered to the five-fold amount of tariff paid for postal services,

2.1.2. declared value shipments – to the amount of declared value;

2.2. partial damage or reduced contents:

2.2.1. registered shipments – amount corresponding to real value of shipment damaged or reduced, but not at five-fold the tariff paid for postal services,

2.2.2. declared value shipments – to the amount corresponding to real value of damaged or reduced contents of shipment, and maximally to the value declared;

2.3. for exceeding timeline for shipment distribution – to the three-fold of tariff paid for postal services.

3. When postal service is not completed, the postal service provider shall be required to return the tariff paid for postal service.

4. In cases mentioned in the paragraph 2 of this Article, the postal service provider shall, apart from compensation, return the amount of tariff paid for claim against shipment and postal service tariff.

5. In case the postal service provider fails to pay the sender or another authorized person the penalty within thirty (30) days from the date of submission of claim according to paragraph 1 of this Article, compensation procedure may be initiated before a competent court.

6. If a lost shipment or parts thereof are found after compensation, the postal service provider shall be required to notify the sender or another authorized person.

7. If the sender or another authorized person requires the delivery of found shipment, such person shall be required to return compensated amount, otherwise the Postal service provider shall be entitled to destroy such shipment, or sell its contents.

8. For indemnification in international traffic, the provisions of UPU acts shall apply.

9. In their General Terms and Conditions of postal service provision, postal service providers shall determine damage compensation procedures for postal shipments and services not referred to in provisions of this Article and Article 33 of this Law.

CHAPTER XI ENSURING POSTAL SERVICE IN SPECIFIC SITUATIONS

Article 48 Service Provision in Outstanding Cases

1. The universal service provider shall develop an action plan on ensuring service provision in outstanding situations and submit the same to the Minister and the Authority. Within the meaning of this Law, an outstanding event shall mean severe damages to network, natural disasters, emergency situations or state of war.
2. In cooperation with other institutions, the Ministry shall propose to the Government measures to be taken as per paragraph 1 of this Article in addressing such outstanding events.

Article 49 Provision of Postal Services during Strike

1. During strike, the Postal service provider shall ensure operations of postal services for:
 - 1.1. postal shipments used in judicial proceedings, administrative proceedings and breach-related proceedings, and registered postal shipments for defence and rescue purposes;
 - 1.2. registered and declared value shipments received before the strike.
2. Upon completion of the strike, the Postal service provider shall ensure prompt distribution of all postal shipments received before the strike.
3. The Postal service provider shall take measures to ensure postal shipments received and stored during the strike are not destroyed, damaged or lost, and that such shipments are delivered to destination not later than two (2) days upon completion of strike.

CHAPTER XII DISPUTE RESOLUTION

Article 50 Dispute Resolution between Users and Postal Service Providers

1. The Authority shall resolve disputes between postal services providers and users, when such disputes are related to rights and duties as provided by this Law and secondary legislation implementing this Law.
2. If a dispute between a postal service user and a Postal service provider cannot be resolved by complaint (reclamation) proceedings, an aggrieved user may, within fifteen (15) days from the receipt of written reply from the Postal service provider, require in writing from the Authority to resolve such dispute.
3. The Authority shall take a decision on the settlement of the dispute not later than thirty (30) days from the date of receipt of the request, except in cases where longer time is required due to the complexity of the case, in accordance with procedures approved by the Authority.
4. The decision of the Authority shall be binding on both parties and shall remain in force even if an administrative dispute is opened in the competent court, unless the court decides otherwise in accordance with the procedures established by law.

5. The decision of the Authority is a document with executive powers. If a decision is not executed voluntarily, then this decision may be executed in a binding manner in accordance with the procedure described in the applicable laws in force.

Article 51

Dispute Settlement between Postal Service Providers

1. The Authority shall settle the disputes between the postal service providers on issues relating to the implementation of this law and the acts issued for the implementation of this law.

2. Settlement of disputes between postal service providers may be initiated by the Authority itself or at the written request of at least one postal service provider in accordance with the procedures approved by the Authority.

3. When a dispute settlement request is received, the relevant provisions of the applicable legislation apply.

4. The Authority shall take a decision on the settlement of the dispute no later than thirty (30) days from the date of receipt of the request, except in cases where longer time is required due to the complexity of the matter under review.

5. The Authority shall resolve the dispute in accordance with the principles and objectives of this Law and in accordance with the principles of cost efficiency, cooperation, competition, readiness and procedural equality of the parties referred to in the relevant provisions of the applicable legislation.

6. The decision of the Authority is final and binding on both parties and remains in force even if an administrative dispute is opened in the competent court, unless the court decides otherwise in accordance with the procedures established by law.

7. The decision of the Authority is a document with executive powers. If a decision is not executed voluntarily, then this decision may be executed in a binding manner in accordance with the procedure described in the applicable laws in force.

8. Decisions to resolve disputes issued by the Authority shall be public to the extent that they do not affect the confidentiality of information and privacy of natural persons.

CHAPTER XIII CUSTOMS MATTERS

Article 52

Customs Duties for Postal Deliveries

1. Postal deliveries containing the goods are subject to the required customs formalities and controls and may be subject to a customs duty, tax or other charge payable on importation or exportation or may be subject to exclusion from such payments under the legislation in power.

2. The postal service provider is obliged to publish the information to the users in advance and clearly on the fees/fees to be paid, as well as about the prohibitions and restrictions on the import/export of goods mail containing shipments.

Article 53

Customs Declaration

1. Actions related to filling in and depositing a customs declaration shall be a liability of the

declaring party. If not a declaring party, the service providers shall not be liable for customs declaration.

2. Service providers shall take all necessary steps to inform users on adhering to customs formalities, and specifically, on correct completion of customs declaration, to facilitate customs clearance procedures.

3. Service providers shall take measures to facilitate all customs clearance procedures for air mail shipments.

Article 54 **Cases of Cancelling Customs Duties**

1. Pursuant to an application by the declaring party, Customs Authorities may cancel or invalidate a customs declaration pursuant to applicable legislation on customs matters, on postal shipments, when they are:

1.1. returned to sender;

1.2. resent to a third country;

1.3. abandoned by the declaring party;

1.4. lost in postal service, or destroyed, due to full destruction of contents, and in this case, upon submission of a customs declaration on destruction.

CHAPTER XIV **SUPERVISION OF COMPLIANCE WITH THIS LAW**

Article 55 **Procedure for Compliance Monitoring**

1. When the Authority finds that a postal service provider fails to comply with this Law and bylaws issued pursuant to this Law, it shall initially notify the provider of such findings and give it an opportunity for reasoning or regulation of any irregularities within the deadline:

1.1. thirty (30) days after the notification;

1.2. shorter time, if the entrepreneur agrees, or the Authority determines in the event of repeated irregularities;

1.3. longer time, if the Authority considers that the nature of irregularity requires a longer period of time for regulation.

2. If the provider of the services concerned does not regulate the irregularities within the time limit prescribed in paragraph 1 of this Article, the Authority shall take proportional measures to ensure compliance, including economic sanctions specified in Article 58 of this Law.

Article 56 **Inspection upon Postal Operators**

1. Activities of each postal service provider shall be inspected by authorized officers of the Authority, who shall present a special identification document.

2. Authority officers shall conduct inspection in premises in which the Postal service providers

exercise their activities, even without prior notice, to assess implementation of provisions of this Law and other secondary legislation.

3. Postal service providers shall be required to allow officers of the Authority to perform inspection in premises where postal services are provided, and supply them with all data and documentation as requested.

4. In the process of control and inspection, officers of the Authority shall keep minutes, and a copy of such minutes shall be given to the controlled/inspected entity upon completion of control and inspection.

Article 57

Competencies and Authorization of Authority Officers

1. During the inspection, the officials of the Authority after the presentation of the document issued by the Authority certifying their authorization and functions and for the purpose of supervising the compliance with this law, have the right, on behalf of the Authority, to:

1.1. seek and examine identification documents (identity cards, passport, etc.) to validate identity of persons inspected, and all other persons present in control and inspection;

1.2. have access, enter and examine all commercial premises, buildings or facilities using technical means and equipment;

1.3. check documentation of entity, equipment and other items to obtain sufficient information on the person or entity under control and inspection;

1.4. obtain statements from responsible persons to collect evidence and facts that cannot be ascertained directly, and interview other persons present during control and inspection;

1.5. require in writing from the inspected entity all accurate and complete records and information on necessary documentation for control and inspection;

1.6. order elimination of irregularities, gaps or deficiencies found during control and inspection, and/or order harmonization of postal services with provisions of this law and secondary legislation in implementation thereof;

1.7. require in writing from the inspected entity a report on measures and actions ordered during control and inspection;

1.8. suspend temporarily the provision of postal services completed or offered without special authorization or permit.

2. The officials of the Authority when they find that a postal service provider or any other natural or legal person exercising activity in the field of postal services has violated this law and the acts adopted for its implementation, they propose to the Board Authority:

2.1. to impose the fine pursuant to Article 58 of this Law, and to seek measures for correction of the violation, setting a time limit for its realization;

2.2. suspension of the authorization for the provision of postal service until the postal service provider corrects this violation;

2.3. withdrawal of authorization, in case of repeated violations.

3. Commercial premises under this article shall mean all housing and commercial facilities and other premises in which the controlled and inspected entity exercises its postal activities.

4. Officers of the Authority shall be required to handle all information and data obtained from persons under control and inspection and those present in a confidential manner, and in accordance with conditions set forth for their keeping.

Article 58 **Imposing the fines**

1. If the postal service providers fail to comply with the provisions of this law and by-laws issued pursuant to this law, the Authority with a special decision has the right to impose fines.

2. The criteria for determining the type and amount of punishment shall be determined according to the relevant misdemeanour legislation.

3. For the following offences, if they have no elements of a criminal offence, and are considered administrative offences in postal services, offenders shall be fined as the following:

3.1. from five hundred (500) Euros up to twenty thousand (20,000) Euros for offences perpetrated by a legal entity, which:

3.1.1. has failed to provide national and international universal postal service, in accordance with provisions of this Law and its implementing sublegal acts;

3.1.2. has not ensured level of quality of universal postal services, as provided by Article 34 of this Law, within twelve (12) months;

3.1.3. has failed to provide universal postal services in a permanent, regular, unobstructed manner and in equal conditions for all users of universal postal services;

3.1.4. has failed to provide universal postal services for at least five (5) days a week, for every postal service user;

3.1.5. has not respected the rights and duties as provided by Article 13 of this Law;

3.1.6. has failed to apply Authority requirements on tariff regulation, in accordance with this Law;

3.1.7. has failed to maintain unbundled accounts, in accordance with Article 32 of this Law;

3.1.8. has provided postal services without authorization by the Authority.

3.2. from thirty (30) up to two thousand (2.000) Euros, for all offences committed by a natural person and by a responsible person of a legal person;

3.3. from two hundred (200) euros up to four thousand (4,000) Euros, for offences committed by a natural or a legal person, which:

3.3.1 fails to publish terms and conditions of provision of postal services and access to the postal network in a transparent, non-discriminatory manner, in accordance with the provisions of this law;

3.3.2. fails to pay duties and charges to the Authority, as provided by Article 28 of this Law.

4. Payments of fines collected by the Authority shall be deposited in the Budget of the Republic of Kosovo.

5. Against the decision of the Authority to impose the fine, the dissatisfied party has the right to open administrative conflict in the competent court.

CHAPTER XV TRANSITIONAL AND FINAL PROVISIONS

Article 59 Transitional Provisions

1. All secondary legislation issued by the Ministry and the Authority for the implementation of the Law no.03/L-173 on Postal Services shall remain applicable until new acts are issued in accordance with this Law.

2. All licenses issued according to the Law no.03/L-173 on Postal Services shall remain effective and valid until their amendment, in accordance with the provisions of this Law.

3. Upon entry into force of this Law, the Authority shall issue the public postal service provider an individual authorization as a universal postal services provider for a period of five (5) years, in accordance with this Law.

4. The public postal service provider shall continue to exercise its entitlement to provide reserved postal services until 31.12.2021.

Article 60 Secondary Legislation

The Ministry and the Authority shall, within twelve (12) months from the entry into force of this Law, issue secondary legislation as referred to by this Law.

Article 61 Abrogation

With the entry into force of this Law, the Law no.03/L-173 on Postal services (OG no. 69/2010) shall be abrogated.

Article 62 Entry into Force

This Law shall enter into force fifteen (15) days from its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 06/L-038
21 December 2018**

Promulgated by Decree No. DL-02-2019, dated 08.01.2019, President of the Republic of Kosovo Hashim Thaçi.