



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 03/L-173

ON POSTAL SERVICES

Assembly of Republic of Kosovo,

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

Adopts:

LAW ON POSTAL SERVICES

Article 1
Purpose

The purpose of this law is ensuring provision of universal postal service and other postal services, protecting the interests of users, ensuring their equal and non-discriminatory treatment, promotion of free and effective competition in the provision of postal services, promoting continuous improvement of quality of service and ensure confidentiality of correspondence for the user in the entire territory of the Republic of Kosovo.

Article 2
Scope of application

This law regulates the provision of postal services, the manner of conducting the postal services, the role of Government and Regulatory in the mail sector and the rights and duties of postal operators and users.

Article 3 Definitions

1. Terms used in this law have the following meanings:

1.1. **Postal services** – the services performed for a fee for sending letters of mail shipments, packages, draughts (pay orders) as well as services performed with payment which are ensured through the means for receiving and sending mail shipments;

1.2. **Universal postal service** – the services performed with a payment for delivering of ordinary postal shipments of letters up to two (2) kg, packages up to twenty (20) kg, draughts services and special services for registered shipments;

1.3. **Reserved service** – the services performed exclusively by the Public Postal Operator - Post of Kosovo;

1.4. **Special postal service** – services with which the sender requires specific way of sending, transportation and delivery of the shipment;

1.5. **Public Postal Operator** – the legal entity licensed to provide universal postal services;

1.6. **Postal service operator** – the legal person licensed to provide postal services;

1.7. **Public mail network** – mail facilities, equipment and tools which are connected in a technical-technological process, with the purpose of providing postal services;

1.8. **Post office** – a working space in which mail operator provides postal services;

1.9. **Mail agent**– the natural or legal person authorized by a mail operator to perform postal services;

1.10. **Mailbox** – the mailboxes installed by the Public Postal Operator in public places that serve for accepting ordinary (simple) shipments;

1.11. **Private mailbox** – the mailbox used for deposit of mail shipments that can be found at the entrances of buildings or the entrances of house yards;

1.12. **Customer** – the natural or legal person who uses postal services as a sender or recipient;

1.13. **Sender** – natural or legal person who sends mail shipments and who is the holder of all rights and obligations from the receipt until the delivery of shipment;

1.14. **Recipient** – natural or legal person to whom the shipment is addressed;

- 1.15. **Postage tax** – the rate fixed for the conduct of postal service;
- 1.16. **License** – the legal act by which the mail operator is allowed to carry out postal services;
- 1.17. **Direct Mail** – a communication that has to do only with marketing or advertising material and containing an identical message, except the name, address or other data, which does not change the nature of the message and which is sent to a large number of people;
- 1.18. **Addressed shipment** – the mail shipment in which can be found the address of the recipient;
- 1.19. **Mail shipment** – letters, postcards, typography, shipments for the blind people and small package;
- 1.20. **Ordinary shipment** – any mail shipment, which is not registered or accompanied by any special service;
- 1.21. **Ordered shipment - Recommande** – a shipment for which the postal service operator gives the sender a receipt on receipt of shipment and hands it over to the recipient after confirming it with his signature;
- 1.22. **Shipment with receipt voucher** – the mail shipment for which the sender, after receiving confirmation of its delivery - receipt voucher, in which will be available data on the delivery of shipment with signature of the recipient;
- 1.23. **Shipment with compensation** – the shipment which is delivered to the recipient by collecting previously the amount of compensation from the sender of the same shipment;
- 1.24. **EMS - Express Postal Service** – the special urgent shipment, for which the sender receives a receipt on receipt, and the same is handed over to the recipient by confirming its receipt with his signature, while the sender, respectively the recipient may request additional services, such as an oversight of the shipment movement any time- Online, time of delivery, etc.;
- 1.25. **Urgent shipment** – the shipment, which except the speed of delivery may have also an additional value which is defined in the sub-legal acts on postal services;
- 1.26. **Shipment which is delivered personally to the recipient** – the shipment which the postal service operator must personally hand over to the recipient, his legal representative or authorized person;
- 1.27. **Declared value shipment** – securities, EMS shipment, or package in which the sender declares the value of content, and for loss, damage or reduction of content is compensated up to the degree of declared value of the shipment content;

- 1.28. **Group shipment - Consignment**– sending a large number of shipments from a sender to one or more recipients;
- 1.29. **Letter** – the mail shipment which contains a written communiqué or anything other, most frequently used for mutual communication;
- 1.30. **Court letters and letters of administrative procedure and offender** – the letter sent by the state courts and other bodies for which is required confirmation of its delivery. Letters with judicial content may be registered and urgent;
- 1.31. **Postcard** – the delivery of open shipment with text processed by hard paper or cardboard;
- 1.32. **Secogram** – the mail delivery which is dedicated to blind people;
- 1.33. **Typography (printing paper)** – open shipment containing books, newspapers or magazines. Typography may be a tied publication which is published regularly or occasionally in the market and without jackets. Typographies which are sent by the sender without the addresses of the recipients are considered unaddressed typographies;
- 1.34. **Small package** – addressed mail shipment which contains merchandise or other items with the weight to 2 kg;
- 1.35. **Package** – the registered shipment which contains something or other goods;
- 1.36. **Draught (Pay order)** – the shipment with which the sender sends to the recipient a certain amount of money;
- 1.37. **Receipt on receipt of shipment** – the document which is issued by the postal service operator on the occasion of the receiving the shipment;
- 1.38. **Acceptance of the mail shipment** – the acceptance of mail shipment at the post offices, addressed to the sender or via public postal mailboxes;
- 1.39. **Franking machine** – the apparatus or device, whose markings are used to indicate the payment of postal tax. Includes the operator logo, postage stamp track and the date postal track;
- 1.40. **Universal Postal Union Acts** – the international agreements and rules issued by Universal Postal Union bodies – UPU, applied in international postal service;
- 1.41. **Minister** – the Minister of Ministry competent for Transport and Post Communication;
- 1.42. **Ministry** – the Ministry which is competent for Transport and Post Communication issues;

1.43. **Regulator** – the Telecommunications Regulatory Authority – TRA according to the Law on Telecommunication no.2002/7.

Article 4

Competencies of the Ministry in the mail sector

1. The Ministry has competence to:

1.1. determine the development strategy of the mail sector in the Republic of Kosovo;

1.2. determine and draft policies for the development of postal service and provides organizational conditions for their implementation, by promoting investment in the mail sector;

1.3. tracks the development of the postal market and conditions of providing the universal postal service;

1.4. coordinates postal activities of international character;

1.5. propose to the Government the development strategy of postal sector and laws that regulate postal activity;

1.6. propose to the Government necessary measures to provide performance of mail services;

1.7. sign agreement with the Public Postal Operator to respect obligations in performing universal and reserved postal services;

1.8. represent Ministry in international postal organizations and signs agreements in the field of postal sector.

Article 5

Additional competencies of Telecommunications Regulatory Authority

Telecommunications Regulatory Authority besides its competences according to the Law on Telecommunication no.2002/7, other sub-legal acts, international agreements and memorandum of understanding where Republic of Kosovo is participator or is a member, has also other competences foreseen by this Law.

Article 6
Additional competencies of the Regulator

1. Regulator, according to the provisions of this law has competencies and carries out the following tasks:

1.1. establishes the sector that deals with searching and regulation of market of postal services in the territory of Republic of Kosovo;

1.2. issues and revokes licenses of postal operators for providing universal services and other postal services;

1.3. approves (ratificates) tariffs for universal and the reserved postal services proposed by the Public Postal Operator;

1.4. determines the degree of weight –limit, for the reserved postal services;

1.5. determines fees for issuing licenses and annual taxes for the provision of postal services as well as deadlines for the execution of payment;

1.6. proposes rules to the Ministry for provision and fulfillment of standards for implementation of postal services;

1.7. keeps the register of licenses issued with the relevant data;

1.8. monitors the observance of conditions set by the license and in case of violation of the terms of the license takes the necessary measures vis-à-vis the postal operators;

1.9. monitors the use of postal services tariffs and proposes legal measures in cases when the mail operator imposes or uses tariffs contrary to the measures stipulated by this law;

1.10. monitors developments concerning issues that are related to postal sector and postal services market and takes the necessary measures to ensure equality and transparency for competition in the postal services market;

1.11. settles disputes between postal operators and costumers with postal operators;

1.12. provides costumers of postal services equal conditions;

1.13. collects necessary information regarding the postal service and publishes them if needed;

1.14. issues the statute and rules of procedure;

1.15. submits to the Assembly of the Republic of Kosovo the annual work report;

1.16. performs other tasks as well, in accordance with the provisions of this Law and other sub legal acts;

Article 7 **Use of postal services**

All citizens of the Republic of Kosovo and foreign citizens that live in the Republic of Kosovo have a right to use postal services, according to their needs and in full accordance with the provisions of this Law.

Article 8 **International Postal Service**

International postal service is implemented in full accordance with the provisions of this law, Universal Postal Union acts and on the basis of international standards related to postal services.

Article 9 **Shipments, Activity and Postal Services**

1. Mail shipment is considered:

1.1. letter, postcard, typography, shipment - Secogram for blind people and small package;

1.2. packages;

1.3.fax; and

1.4. draught.

2. The postal activity is considered:

2.1. production, emission, placing in circulation and the withdrawal from circulation of postal stamps and materials related to them;

2.2.receiving, processing, conveyance, sending and delivery of mail shipments.

3. Activities specified in sub-paragraph 2.1 of this Article, shall be exercised by the Public Postal Operator with the authorization of the Minister.

4. Activities specified in sub-paragraph 2.2. of this Article, shall be exercised in accordance with the legislation in force.
5. Mail activities specified in sub-paragraph 2.2 of this Article, which exercised vis-à-vis the payment, will be charged as postal services.
6. In addition to mail activities described in sub-paragraph 2.2 of this Article, the Public Postal Operator exercises other activities as well, some of which require special and specific license as:
 - 6.1. financial and banking services;
 - 6.2. insurance activities;
 - 6.3. transport services - logistics;
 - 6.4. other services;
 - 6.5. cooperation with operators that offer telephonic services;
7. Activities outlined above may be exercised only if their exercise does not damage the standards of providing the universal service and if they are not in contrary to the legislation regulating these services.

Article 10
Mail deliveries that are banned in the postal service

1. It is prohibited the acceptance, transportation and sending of postal shipments that contain:
 - 1.1. explosive material, which can be easily sparked, materials whose content is dangerous;
 - 1.2. toxic materials, narcotics and psychotropic, biological and radioactive materials, disgraceful and immoral items;
 - 1.3. live animals except animal transport of which is determined by special conditions for provision of postal service, and
 - 1.4. other items whose content contradicts the domestic and international legislation.

Article 11
Providing universal service

1. Universal postal service provider is tasked to offer domestic and international services, as well as acceptance, transportation and delivery of:

- 1.1. letters up to a weight of two (2) kg and Secogram up to seven (7) kg;
- 1.2. packages – labelled post with a weight up to twenty (20) kg;
- 1.3. draughts services, and
- 1.4. special services concerning the shipments described in sub-paragraph 1.1, 1.2 and 1.3 of this Article.

2. Special services shall mean services such as acceptance, transportation and delivery of ordered shipments, shipments with receipt voucher, shipments with payment, shipments that are delivered personally to the recipient, shipments with receipt - notice, declared value shipments, urgent shipments (Express Mail Service EMS shipments), Consignment shipments and other shipments envisaged in the Regulation of the postal service.

3. Universal postal services must be provided in equal conditions for all users of postal services in the entire territory of Republic of Kosovo.

Article 12 Reserved Services

1. Public Postal Operator in order to meet the universal postal service requests, should be entitled to offer reserved services such as:

- 1.1. accept, transport and delivery of ordinary shipments with a weight up to one (1) kg;
- 1.2. acceptance, transportation and delivery of shipments with court, administrative and offender procedure;
- 1.3. production, emission, placing in circulation and the removal from circulation of postage stamps;
- 1.4. setting the post boxes, their emptying and maintenance.

2. Services described in the sub-paragraph 1.1 of this Article shall not be considered as reserved services if they are carried out with a fee triple higher than the basic price.

Article 13 Courier Service

1. The postal service operator through courier service provides quick postal service, at the request of the sender, directly to the address of the recipient.

2. Service shall be conducted through a technological process which is not allowed to be interrupted by any other activity from the acceptance to the delivery of shipment, while acting at any time as directed by the sender.
3. Courier service, according to the paragraph 1 and 2 of this Article ensures rapid and safe delivery of shipments and guarantees the delivery time, the possibility of monitoring the shipments during the transportation and other actions at the request of the sender, as well as specific services required by the sender.
4. Courier service are not considered services of acceptance of mail shipments addressed to the sender, which are addressed to the addresses of multiply recipients, and can not be offered according to the manner and conditions stipulated in paragraph 1, 2 and 3 of this Article.
5. Courier service is offered in the free market, while the postal service providers are obliged to provide them in a manner and conditions stipulated by this law and other sub-legal acts concerning the postal services.

Article 14

Rights and Duties of Public Operator

1. Ministry, through an agreement authorizes the Public Postal Operator, to provide all universal and reserved services, same time it sets forth the rights and duties of the Public Postal Operator for the provision of universal postal service and reserved services.
2. The agreement is signed in a fifteen (15) years period and should be reviewed every five (5) years, with the aim to reflect the changes stemming from the evolution of mail markets and the general conditions.
3. The agreement shall regulate:
 - 3.1. mission and strategic directions of the Public Postal Operator;
 - 3.2. standards of realization and the offering quality of postal services;
 - 3.3. ways and means to control the delivery of service;
 - 3.4. publication of details of the universal postal service on conditions and access points, as well as density of acceptance and distribution of mail shipments;
 - 3.5. reclamation's handling procedures;
 - 3.6. financial objectives and direction indicators;
 - 3.7. principles of establishing the tariffs for universal and reserved postal services;

- 3.8. method of keeping the accounts to ensure their transparency;
- 3.9. business plan;
- 3.10. investment and scientific- research policies;
- 3.11. the policy of human resource development;
- 3.12. requirements of technical cooperation with other providers of universal postal services, to ensure their non-discriminatory treatment and to discharge the mutual obligations;
- 3.13. statistical data of the activity and their periodicity.

Article 15

Provision of Postal Services by the Public Operator

1. Public Postal Operator is obliged to provide all universal postal services, according to this law throughout the territory of the Republic of Kosovo.
2. Public Postal Operator is obliged to ensure a high level of quality in providing universal postal service according to this law and other sub-legal acts.
3. Republic of Kosovo shall be represented in Universal Postal Union (UPU) by the Ministry and the Public Postal Operator.
4. Public Postal Operator is authorized to conclude agreements and contracts with other mail administrations and operators regarding mode, form and terms of implementation of the postal services.
5. Public Postal Operator is the only operator authorized to use the emblem of the post and title - Post.

Article 16

Postage Stamps and Date Postage Stamping

1. All procedures regarding the issuance, emission, putting in circulation, sale and withdrawal from circulation of postage stamps in Republic of Kosovo are conducted by a Public Postal Operator.
2. Ministry, with a sub legal act, according to the paragraph 1 of this Article, determines the conditions and manner of issuance and usage of postage stamps, as well as all matters concerning the postage stamps in conformity with UPU acts.

3. Postage stamps should be used for payment of postal fees for mail deliveries in the internal and international traffic.
4. Date postage stamping serves for stamping of mail shipments, and the same is stipulated with universal postal union acts, and acts on the universal postal service. It can be used only by the Public Postal Operator.
5. Postal service operator can use the stamp from the franking machine, provided that in its print tracks is found the hour, date, location and denomination of the postal service Operator.

Article 17 **Invalid Postage Stamps**

1. Invalid postage stamps are considered:
 - 1.1. postage stamps which have not been issued by the Public Postal Operator;
 - 1.2. damaged postage stamps;
 - 1.3. postage stamps withdrawn from usage;
 - 1.4. stolen - incriminated postage stamps;
 - 1.5. postage stamps that do not meet the conditions set forth by the universal postal union acts.

Article 18 **Cooperation for Realization of Postal Service**

1. Mail operator can benefit from the activity of an associate (postal agent) for performance of the services entrusted to him.
2. Postal agent can not exercise activities contradicting with the conditions for fulfillment of the postal activity.
3. Public Postal Operator sets forth conditions and the mode of agreement with the postal agent, using the expression "Post" and informs the Regulator on this issue.

Article 19 **Information on Provision of Postal Service**

Public Postal Operator and other postal operators must inform the public about the services that are offered, tariffs, working hours as well as the standards of realization of postal service.

Article 20
Emergency Situations

1. Public Postal Operator should provide postal services, regardless of the emergency situations created in Republic of Kosovo.
2. In emergency conditions, promulgated under the relevant legal provisions, the Minister, acting on the proposal of the postal sector, may temporarily restrict or suspend the provision of universal postal service in certain place or region.

Article 21
License for Provision of Postal Services

1. For the provision of universal services and other postal services, legal person is required to obtain a license.
2. The Ministry, with a sub-legal act, specifies procedures and conditions for issuing, suspension, revocation and renewal of licenses.
3. License is issued by the Regulator under the conditions stipulated in the paragraphs 1 and 2 of this Article, who must submit the necessary documentation for licensing.
4. Regulator is obliged to examine the application stipulated in the paragraph 2 of this Article in a period of sixty (60) days from the date of acceptance of the request.
5. Legal person who is licensed is obliged to inform the Regulator without delay about all changes no farther than thirty (30) days after the day of application of those changes.

Article 22
License Content

1. Licenses must contain the following information:
 - 1.1. denomination of postal services provider;
 - 1.2. postal services that are offered;
 - 1.3. the territory in which postal services are provided;
 - 1.4. address of postal services Operator;
 - 1.5. number of license and the validity term;
 - 1.6. date of license issuance.

2. License is issued for a period of ten (10) years, with possibility of renewal at the request of the postal service Operator in a manner and under conditions stipulated by this law and other sub-legal acts.

3. Postal Service Operator is not allowed to transfer the license to any other legal person.

Article 23 **Verification of Conditions for Granting License**

1. Before granting the license, at the written request of a legal person, the commission appointed by the Regulator verifies the conditions for granting the license.

2. The Commission is obliged to carry out the verification in a period of thirty (30) days from the date of acceptance of application.

3. If during the verification is proved that the applicant has failed to meet all the conditions to obtain the license, the commission will take a decision which will stipulate the additional period of fifteen (15) days to meet the conditions.

4. If the applicant in the additional period as well fails to meet the conditions, then the Regulator will reject the request for granting the license.

Article 24 **Changes in License**

1. License may be changed at any time upon request of the Postal Service Operator or on the basis of official obligations.

2. Regulator may change the license according to the official obligation if this is needed to harmonize it with local and international legal acts.

Article 25 **Termination of the License Validity**

1. Regulator takes the decision for termination of validity of license in cases as follows:

1.1. on the basis of a written request from the operator of the postal service;

1.2. expiration of the term for which the license was granted;

1.3. if the operator of the postal service does not start with the realization of postal services in the period of six (6) months from the date of receipt of the license;

Article 26
Annual Tax

1. Operators of postal services are obliged to pay the annual tax for the license to Regulator's office.
2. The amount of payment, mode, timeline and other issues related to payment of annual tax are determined by a special decision of the Regulator.

Article 27
Control of Postal Services Operators

1. Control of postal service operators on the basis of this law and other sub-legal acts is performed by the Regulator.
2. The Ministry, with a sub-legal act, sets forth detailed rules for the exercise of control of postal operators.
3. The operator of postal services is obliged to allow control of books, various documents, equipment, and post facilities to the official of the Regulator, and upon his request without delay to put at the disposal all the necessary information concerning the control.

Article 28
Authorizations of the Officials of Regulator

1. If Regulatory Officials during the control confirm that the Postal Service Operator is not carrying out postal services according to the manner and rules stipulated under this law, other sub-legal acts, or fails to secure the functioning of the postal service according to the legislation in force, then the same is authorized to:

1.1. order removal of evidenced irregularities under paragraph 1 of this Article within term of 30 (thirty) days;

1.2. if within 30 (thirty) days does not eliminate the entire evidenced irregularities, the regulator may enounce fines according to Article 44 of this Law, on condition that within terms of 30 (thirty) coming days shall eliminate the entire evidenced irregularities;

1.3. if during the additional term of 30 (thirty) days the evidenced irregularities are not eliminated according to sub-paragraph 1.1. and 1.2. of this Article. The Regulatory is obliged to withdraw the license.

3. Regulatory officials during control keep minutes.

Article 29
Implementation of the Regulatory Decision

Appeal against the decision of the Regulatory is allowed, according to the law on Administrative Procedure, whereas after the decision made the unsatisfied party may initiate judicial procedure to the competent court.

Article 30
Receival of Mail Shipment

1. Receival of a mail shipment is made with a contract between the public or private operator and the user of postal service.
2. Disposing a delivery into a mailbox installed by the Public Postal Operator for this purpose, or a different device, that serves the same purpose, is equivalent to receival of this delivery.
3. Receival of a registered shipment is realized when shipment is accepted by the Public Postal Operator, which gives the sender a receipt voucher.
4. A letter or a package (label) may be accepted with the declared value, with amount that is limited to local and international traffic; meanwhile if the destination of the shipment is a foreign country, the value declared can not ram limit set by the country of receival.
5. Acceptance of draughts by the Public Postal Operator is made under conditions determined by the acts of the universal postal service.
6. Acceptance and distribution of postal shipments from postal operators should be in full compliance with foreseen standards of the Directives of the European Union:
 - 6.1. time limit from acceptance to delivery, D + 3; 85% of shipments;
 - 6.2. time limit from acceptance to delivery, D + 5; 97% of shipments.

Article 31
Transport and Delivery of Mail Shipments

1. Operators of postal services are obliged to accept the mail shipment, transport and send it safely to a destination.
2. Operators of postal services choose the way and the manner of transportation of shipment to destination.

Article 32
Delivery of Mail Shipments

1. Mail shipments received by the postal operators should be delivered to the recipient in the address indicated by the sender except in cases when:

1.1. recipient may authorize others to accept mail shipments;

1.2. Public Postal Operator can deliver an addressed shipment to the recipient if the sender has failed to provide any other instruction, to a substitute recipient -family member or to deliver it indirectly, as defined in paragraph 2 of this Article.

2. Public Postal Operator may deliver a mail shipment instead of the recipient to an authorized recipient - surrogate delivery, by unleashing the responsibility at the given address, if such delivery is made to:

2.1. military unit;

2.2. prisons and rehabilitation centers;

2.3. health or social care institution;

2.4. hotel, students boarding and similar;

3. Instead of the address shown by the sender, a shipment can be returned to the office Public Postal Operator if:

3.1. sender or recipient have given relevant instructions;

3.2. no person designated to receive shipments was found at the address indicated by the sender;

3.3. delivery to the certain address is limited by the nature and definitions of some certain types of shipments.

4. An ordinary shipment can be delivered, by disposing it in a private mailbox at the address shown.

Article 33
Fees of Postal Services

1. Establishment of fees for postal services is determined by taking into account the conditions listed below:

- 1.1. prices for postal services must be reasonable and of such level to enable covering the costs for the exercise of their activity in the entire territory of the Republic of Kosovo;
 - 1.2. same fees and conditions for the entire territory of the Republic of Kosovo;
 - 1.3. fees should cover the fund of implementation of the postal services and maintenance of the network of postal services;
 - 1.4. fees should be adequate and comparable to the European Union member-states and countries of the region.
2. Postage Tax may be paid with postage stamps that are in circulation, using the franking machine, in cash or other legal means of payment.
 3. Use of franking machine is regulated by a specific contract signed between the Public Postal Operator and other relevant entity in accordance with the general conditions for conducting the postal services.
 4. The Public Postal Operator for large clients (users), is entitled to discount the approved basic rates, by ensuring full transparency to all interested clients, but this can not be used to discriminate other clients.
 5. Mail shipments for blind people - Secogram is exempted (excluded) from fees of postal service.

Article 34
Cases when Shipment is Considered Undeliverable

1. Mail shipments for which is verified that cannot be delivered to the recipient neither returned to the sender, postal services operator will open and inspect the shipment in the presence of commission to verify the address of the recipient or sender.
2. In case that even after opening and checking the shipment in the presence of commission can not be delivered to the recipient or returned to the sender, the operator will:
 - 2.1. terminate the ordinary shipment in the presence of commission (letter, postcard, typography etc.) if it contains only written notes;
 - 2.2. save other shipments one (1) year, counting from the date of opening and control with the commission;
 - 2.3. save the draught for three (3) years for which is verified that it cannot be sent, counting from the date when its delivery was considered as impossible.

Article 35
Cooperation with Customs

1. The operator of postal services must submit mail shipments to the customs authority for inspection, in the presence of its representatives for customs control.
2. Shipments stipulated in paragraph 1 of this Article coming from abroad, must be processed by the postal service Operator in accordance with relevant customs legal provisions and based on the special agreement with the customs authority.
3. For shipments in international postal service, the contents of which should be subject to customs control, should be dealt with under the customs provisions.

Article 36
Terms of the Contract and Provision of Postal Services

1. In accordance with the contract of the postal service, postal services operators are obliged to accept, process, distribute and send to the addressee any mail shipment that meets the criteria set forth in the relevant legal provisions, standards and other acts of the postal service.
2. Operator can refuse fulfillment of the contract only in cases specified in paragraph 3 and 4 of this Article.
3. Public Postal Operator is obliged to refuse fulfillment of any contract for the universal postal service if:
 - 3.1. the service interferes with the conditions of the realization of the universal postal service or with international agreements;
 - 3.2. contents of mail shipment is not in accordance with Article 9 of this Law;
 - 3.3. shipment does not meet specifications, which are related to shipments that are subject of conditional distribution.
4. Mail shipments referred to in paragraph 3 of this Article and their conditions of acceptance, transfer and delivery are defined by the Public Postal Operator in acts of universal postal service. Also, the Public Postal Operator takes the necessary measures to publish them.
5. Public Postal Operator may refuse to sign a contract if:
 - 5.1. provision of service is suspended or limited in accordance with Article 25 of this Law;
 - 5.2. exercise of activity does not comply with the activity of the postal service.

6. For acceptance of shipments with a destination outside the Republic of Kosovo then Public Postal Operator is obliged to warn the sender of any prohibition or restriction on imports that is in force in the state of the arrival of the shipment or in transit states through which the shipments will pass.

Article 37

Responsibility for Fulfilling the Postal Service Contract

1. Operator of postal services retains the responsibility for not fulfilling the contract of postal service, including the damage that is caused to the shipment, loss of content, loss and delay of its delivery, in accordance with the rules of the postal service and exceptions laid down in Article 38 of this law.
2. For damages caused outside those stipulated in the contract, as well as for damages caused deliberately, by the negligence or a criminal act, the Public Postal Operator retains the responsibility in accordance with legal provisions and measures of compensation.
3. The Public Postal Operator takes the responsibility only for the amount that is verified with the evidence for the service of draughts, in and outside of state.

Article 38

Cases of Exemption from Responsibility

1. Public Postal Operator shall be released of responsibility in the field of postal service for:
 - 1.1. ordinary mail shipment;
 - 1.2. if the operator proves that the loss or damage of registered shipment, reduction of its content or the passage of the deadline for delivery of mail shipment has been caused as a result of external causes or by the fault of the sender.

Article 39

Measures of Compensation

1. Public Postal Operator is obliged to pay compensation to the sender respectively the receiver in case of loss, reduction or damage of content, as well as delay of the delivery:
 - 1.1. of ordered shipments and packages without a declared value;
 - 1.2. securities and packages with declared value;
 - 1.3. of Draughts.

2. In the case of shipments specified in sub-paragraph 1.1 of this Article, the measure of compensation will be made in accordance to the approved tariffs. In the case of shipments specified in sub-paragraph 1.2 of this Article, the compensation will be equivalent with the declared value. In the case of deliveries specified in sub-paragraph 1.3 of this Article, the measure of compensation will be equivalent to the value of the draught (pay order).
3. For the international service, the measure of compensation will be determined in accordance with international acts and other legal acts on postal services.

Article 40 Reclamation

1. Any shipment received at the post offices, at the request of the sender, represents an advertising issue. Reclamations shall be accepted for any mail shipment received within one (1) year, starting from a day after the receipt of the mail shipment in the post offices, if the shipment was received for delivery in the internal service, and within six (6) months starting from a day after receipt of the mail shipment in the post offices, if the shipment was received for delivery to the international service.
2. Each post office is obliged to accept reclamations for mail shipments received in its office or other post offices. Detailed conditions concerning reclamations shall be determined with acts on universal postal service.
3. Public Postal Operator requires payment of postal fee for reclamation service of the mail shipment.

Article 41 Maintaining Confidentiality

1. Postal service provider is obliged to maintain the confidentiality of correspondence, and confidentiality of individual activity that becomes known during the performance of the contract.
2. Obligation to maintain confidentiality is the same for your service provider, its employees and for everyone else who has knowledge of individual secrets or details of which has learned during the working process. If secret correspondence is discovered, then the responsible persons are held accountable in accordance with legal provisions.
3. The obligation for maintaining the secrecy of correspondence, as defined in paragraph 2 of this Article shall apply even after the completion of the implementation of the postal service and after termination of the employment relationship between employees and postal service provider.

Article 42

Data Protection

1. Based on the obligations for maintaining secrecy, the postal service operator with exceptions made in cases specified in paragraph 2 of this Article, is prohibited from:

1.1. opening a closed mail shipment or to get its content;

1.2. providing information to others , data which he has learned during the implementation of the postal service, with the exception of the sender, the recipient and authorized person to take or accept the shipment;

1.3. hand over the shipment to other persons, with the aim of finding out its content;

2. Postal service operator has the right to open a closed mail shipment in the presence of a committee or to review its content if:

2.1. when is missing the address of the receiver or the sender and the shipment can not be delivered or it can not be returned and for its sending is necessary to have the address of the sender or recipient;

2.2. packaging of the shipment is damaged in a measure so that to protect its contents it is needed repackaging it, which can not be done without opening the shipment;

3. Opening of a shipment is made by keeping records on the opening and measures that must be taken. Opening of mail shipment is made by the committee and the sender or the recipient should be informed about the reasons for opening.

4. Prohibitions envisaged in sub-paragraphs 1.1, 1.2, and 1.3 of this Article shall not apply if under a court order actions committed in them are necessary for the prosecution of an administrative offence or a criminal act.

5. Relevant legal provisions will apply regarding the confiscation, seizure or reservation of mail shipments.

Article 43

Sanctions

1. Actions committed by a natural or legal person shall be sanctioned as administrative violations, if they do not constitute a criminal offence, such as the following violations:

1.1. sending mail shipments without a license, as envisaged with the provisions of this Law;

- 1.2. failure to respect the conditions of the license envisaged in this law;
- 1.3. violation of the provisions of this Law relating to the confidentiality of correspondence, security and data protection;
- 1.4. failure to respect the exclusive right of the Public Postal Operator, according to this law.

Article 44 **Fines**

1. Administrative offences will be punished along with the measures envisaged in Article 43 of this law, by a fine in the following measures:

- 1.1. for administrative offences defined in sub-paragraph 1.1, 1.3 and 1.4 of Article 43 of this law in the amount of five thousand (5000) € up to ten thousand (10000) €;
- 1.2. for administrative offences defined in sub-paragraph 1.2, Article 43 of this law in the amount of one thousand (1000) € up to five thousand (5000) €.

2. Conviction by a fine according to sub-paragraph 1.1 and 1.2 of this Article is enounced by the Regulator.

3. The Regulator shall cooperate with competent bodies in implementation of the requirements of this Article.

4. Fines enounced according to paragraph 1 of this Article and sub-paragraph 1.2 of Article 28 of this Law shall be executed by competent body for payment of fines and offences.

5. The appeal does not postpone the decision for execution of a fine.

Article 45 **Government's Support**

The realization of the universal postal service, their maintenance and development are insured, in case there's a need, also with the support from the Government through subsidies.

Article 46 **Cooperation with Other Bodies**

In the municipal and regional development plans, the Public Postal Operator cooperates with local authoritative bodies for creating opportunities for the installment of offices and equipment

that serve the ensuring universal postal services, as well as facilitations for use of public spaces, the obligation to mount mail boxes as well as managing the system of addresses.

Article 47
Final Provisions

With the entry into force of this law are abolished Law no. 2003/18 on Postal Services (Official Gazette of the Provisional Institutions of Self Government in Kosovo / Pristina: Year II / no. 19 / 1 December 2007) and all other legal and sub-legal provisions that contradict this law.

Article 48
Revenues

Revenues generated under this law shall be deposited in the Budget of the Republic of Kosovo.

Article 49
Entry into force

This law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No. 03/L-173
15 April 2010

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI