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Chapter I GENERAL PROVISIONS

Article 1. Purpose of the present Law

(1) This Law establishes the main norms and conditions of activity in the field of postal communications, the legal framework for the provision of postal services and for ensuring the access to the universal postal service, the relations between postal service providers and users of postal services, the rights and obligations of the state, natural and legal persons.

(2) This Law regulates the activity of postal communications operators.

Article 2. Main definitions

For the purpose of the present Law, the terms below shall have the following meaning:

Regulatory authority – an entity entitled by the state to exercise the regulatory functions falling under the scope of the present Law;

General authorization – a legal regime establishing the rights and obligations specific for the postal sector and enabling the provision of postal services and, where appropriate, establishing and operation of postal networks for the provision of such services, without presuming to obtain an explicit decision from the regulatory authority before exercising the rights given by the authorization;

Cecograms – cecographic postal items presented open, clichés with cecographic signs, sonorous recordings and recordings on special paper intended solely for the use of visually-impaired people, or if they are shipped by or to an institution for visually-impaired people;

Essential requirements – general non-economic conditions, by which requirements for the provision of postal services are imposed, consisting of: observing the secrecy of correspondence, ensuring the security of the postal network in terms of transportation of dangerous goods and, where justified, data protection, environmental protection and regional planning. Data protection includes

protection of personal data, confidentiality of the transmitted or stored information and privacy protection;

Terminal dues – the remuneration of the universal service provider for the distribution of international mail entering a Member State of the Universal Postal Union and comprising postal items from another Member State of the Universal Postal Union;

Postal packages – goods, with or without commercial value, sent via postal networks;

Postal communications – a technologic system of postal units and itineraries ensuring services of clearance, sorting, transportation and delivery of postal items;

Addressee – natural or legal person to whom a postal item is addressed;

Distribution of periodicals – interaction between the postal service provider, publishers and addressees, which consists in clearance, processing, transportation of periodicals and their distribution to the addressees. This relation is established on a contract basis;

Postal effects – envelopes, aerogrammes or postcards with printed stamp, forming a postal unit as a single whole;

Sender – a natural or legal person who introduces a postal item into the postal network, either personally or through a third person;

Franking – a way of attesting the preliminary payment of postal tariffs by using postal stamps, adhesive labels or impressions obtained by printing or stamping;

Postal service provider – an authorized natural or legal person, registered as an entrepreneur in the Republic of Moldova, whose activity consists, wholly or partially, in postal service provision;

Universal postal service provider – a provider offering postal services within the scope of universal postal service;

Postal stamp – printed item of a certain value, issued and placed in circulation solely under the authority of the state, as an attribute of its sovereignty, representing the proof of postage consistent with its intrinsic value, when applied to a postal item in accordance with the Universal Postal Union acts;

Notification – a declaration, submitted by a natural or legal person to the regulatory authority, stating the intention to provide postal services and containing a minimum set of information necessary to keep the Public Register of postal service providers;

Postal office – postal unit open for the public for the provision of postal services;

Periodical – newspaper, journal, almanac, bulletin or other publication under a permanent title, issued twice a year or more frequently;

Direct mail – postal items to be transported and delivered to the address indicated by the sender on the item itself or on its wrapping and consisting solely of advertising, marketing or publicity material and comprising an identical message, except for the addressee's name, address and identification number, which is sent to a significant number of addressees, established by the regulatory authority. The following items shall not be regarded as direct mail:

- bills, invoices, financial statements and other non-identical messages;

- postal items, combining direct mail with other items within the same wrapping;

Access points – physical facilities, including letter boxes, provided for the public either on the public roads or at the premises of the universal postal service provider, where postal items are introduced into the public postal network by customers;

Public postal network – the system of organization and resources of all kinds used by the universal service provider, in particular for the purpose of:

- clearance of postal items from access points throughout the territory of the country;

- sorting within the distribution center and transportation of postal items;

- distribution to the addresses shown on items;

Services of international postal payments – services of postal payments as regards:

- money transfers and postal remittance service provided under bilateral international agreements, concluded in accordance with the Universal Postal Union Agreement on postal payment services, to which the Republic of Moldova is party;

- services associated with international money transfers;

- services of intermediary money transfers;

Financial and payment services – provision of financial and payment services pursuant to [Law no.114 of May 18, 2012](#) on payment services and electronic money;

Postal services – services addressed to the public, involving the clearance, wrapping (upon necessity), sorting, transportation and delivery of postal items to addressees;

Courier service – clearance, receipt of postal items and their delivery by a courier to the addressee, personally by the addressee or by a person authorized to receive the postal item;

Money transfer service – a service of reception, processing, transportation (transmission) and distribution or delivery of cash via the postal network or via electronic communications facilities;

Postal payment service – overall activities of postal service providers as regards the provision of:

- money transfer service and money transfer service;

- services associated with money transfers;

- intermediary services for money transfers;

Express postal service – a postal service cumulatively consisting in:

- clearance, reception of postal items, with document released by the postal service provider to the sender, attesting the date and time of postal item reception, as well as the tariff that does not affect the price limit of the reserved sector;

- fastest possible transport of the postal item;

- delivery of the postal item to the addressee, personally to him or to a person authorized to receive the postal item;

Cash-on-delivery service – postal service where the recipient pays to the sender the price of the delivered goods via the postal network;

Confirmation of delivery service – a postal service in which, upon receipt of the postal item, the sender is issued a receipt, while the item is delivered to the recipient against signature, however, no guarantees whatsoever is provided against the risks of loss, theft or damage;

Insured mail service - a service insuring the postal item up to the value declared by the sender in the event of loss, theft or damage;

Registered mail service - a service providing a guarantee against risks of loss, theft or damage, received without contents evaluation and providing the sender, where appropriate, upon request, with proof of the postal item delivery to the addressee;

Money transfer service – a service presuming money transfer from the sender's bank account to the addressee's bank account;

Universal postal service – permanent provision of a set of postal services, of a specified quality, in all localities of the country, at affordable prices for all users;

Special tariff – a tariff applied by the universal postal service provider for the postal services within the scope of the universal postal service he is designated to provide, calculated under the principles of transparency and non-discrimination;

Item of correspondence - a communication in written form, printed or registered on any form of physical medium and delivered to the address indicated by the sender on the item itself or on its wrapping. Books, catalogues, newspapers and periodicals shall not be regarded as items of correspondence;

Express item – an item collected, wrapped, transported and delivered via physical facilities in a fastest possible manner;

Postal item – an item containing a written address, intended to be distributed by the postal service provider. Such items include items of correspondence, books, catalogues, newspapers, periodicals and postal packages containing goods with or without commercial value;

International postal item – a postal item sent from the Republic of Moldova to an address beyond its territory or sent from outside the Republic of Moldova to an address on its territory;

User – a natural or legal person using postal services as sender or recipient.

Chapter II

PUBLIC ADMINISTRATION IN THE FIELD OF POSTAL COMMUNICATIONS

Article 3. Central specialized public administration body

(1) The central specialized public administration body in the field of postal communications (*hereinafter – central specialized body*) shall be the Ministry of Information Technology and Communication.

(2) The central specialized body shall develop and promote the state policy in postal communications, based on principles of transparency, objectivity, non-discrimination, progressive liberalization and protection of public interest, ensuring its enforcement and assessment by means of:

a) development of policy documents and draft legislative and normative acts in the field of postal communications;

b) approval of technical regulations in the field of postal communications pursuant to [Law no. 420-XVI of December 22, 2006](#) on technical regulation activity;

c) establishing quality standards for postal services within the scope of the universal postal service;

d) approval of the characteristic features of the public postal network of the universal postal service provider;

e) ensuring the certification of postal services within the scope of universal postal service, postal products, postal network equipment and facilities;

f) development of the plan for postage stamps issuance, according to the regulations approved by the Government and verification of the use of stamps and other postage of the Republic of Moldova;

g) inspection of the certification of postal products and services;

h) establishing the manner and conditions for the use of postal network for the needs of defense and national security in the event of force majeure and emergency situation;

i) organization and supervision of compliance with the obligations deriving from the acts of the Universal Postal Union and other treaties and conventions related to postal communications, to which Moldova is a party;

j) cooperation with postal authorities from abroad and representation of the Government in international postal organizations, within the scope of its competence;

k) development and approval of a system of identification of addresses and postal codes;

l) management of postal codes.

Article 4. Regulatory authority

(1) The regulatory authority in the field of postal communications (*hereinafter – regulatory authority*) shall be the National Regulatory Agency for Electronic Communications and Information Technology, created on basis of [Law on Electronic Communications no.241-XVI of November 15, 2007](#). The regulatory authority has the status of a legal entity with autonomous budget and is operationally independent of the postal operators.

(2) The regulatory authority, pursuant to the provisions of this Law, shall regulate the postal service market, by fulfilling the following tasks:

- a) ensure the enforcement of policy document in the field of postal communications;
- b) develop and adopt regulatory documents under the provisions of the present law;
- c) implement the general authorization regime, as established by the present law;
- d) supervise and control the compliance with the obligations imposed on the universal postal service provider, control the compliance of postal service providers with the general authorization regime;
- e) develop and submit to the Government for approval the Regulations on a mechanism of funding and compensating the net cost of universal postal service provision;
- f) develop and approve the Methodology for tariff setting;
- g) approve, in a public and transparent manner, tariffs for universal postal services, as well as tariffs for the use of the public postal network, in accordance with the Methodology for tariff setting;
- h) establish principles and rules for the use of the public postal network of the universal postal service provider;
- i) require that the universal postal service provider supply information on the costs of the universal postal service provision;
- j) verify the performance of universal postal service provider and his compliance with quality of service standards, with publication of official reports on the results of service quality verification, on the website, at least once a year;
- k) approve the procedure for examination of users' complaints, developed by the postal service provider;
- l) examine and solve users' complaints on postal services;
- m) solve disputes between postal service providers with the view of ensuring fair competition and protection of users on the postal service market;
- n) cooperate with the Competition Council in order to ensure undistorted competition on the postal service market;
- o) cooperate with similar authorities from other countries.

Article 5. Provision of information

(1) The regulatory authority shall have the right require from the postal service provider, in writing, any information necessary to fulfill the tasks as provided by this law, including financial information or information related to the provision of universal postal services, observing, where necessary, the confidentiality of such information.

(2) the information shall be required on reasonable basis, while its volume and nature shall be proportionate to the purpose for which it is required.

(3) The regulatory authority may impose on postal service providers the obligation to periodically submit certain categories of information for the purpose of preparing statistical reports on postal service provision.

(4) The information required under section (1) or (3) shall be provided in due time and as detailed as established by the regulatory authority.

Article 6. Philatelic policy

(1) The philatelic policy pursued by the central specialized body shall be consistent with the preamble to the Universal Postal Union Constitution, shall reflect the cultural identity of the Republic of Moldova, contribute to the promotion of the image of the Republic of Moldova, enhance the development of postal stamp collection activities by issuing postal stamps in observance of international treaties and conventions in the field, to which the Republic of Moldova is part.

(2) The central specialized body shall have the exclusive right to issue, put into circulation and withdraw from circulation postal stamps of the Republic of Moldova and other means of postal franking.

(3) The central specialized body shall approve, yearly before September 1, the plan of postal stamp issuance for the following year, specifying the subject matter of the postal stamps, the periodicity they are put into circulation and their number for each of the proposed subject. The annual plan for postal stamps issuance can be modified.

(4) The central specialized body shall publish the annual plan of postal stamps issuance on its official web site.

(5) The subject matter of postal stamps shall comprise history, culture, science, nature, main social and political events in the country and worldwide. The subject matter shall be developed in accordance with the norms established by the Government and shall involve experts from different spheres of activity, as well as representatives of non-governmental organizations.

(6) The stamp conservatory of the universal postal service provider shall store the Moldovan stamp and postal effects issues, as well as foreign ones, received as a result of relations with the Universal Postal Union. The stamp conservatory structure and manner of administration shall be established by the central specialized body. The goods that are part of the stamp conservatory shall be part of the national cultural heritage.

(7) Forgery of stamps and other means of franking, the use, release or trade of counterfeited means of franking shall be punished under the law.

Article 7. Limitation or suspension of postal service provision

In case of force majeure and state of emergency, the Government is entitled to limit or suspend postal service provision, under the law.

Chapter III

POSTAL SERVICES AND POSTAL PAYMENT SERVICES

Article 8. Regulation of postal service provision

The postal service provision shall be regulated by this law and rules on postal service provision, developed by the central specialized body and approved by the Government. The postal payment services shall be provided pursuant to the provisions of legislation and regulations on payment services, currency regulation, as well as legislation on preventing and combating money laundering and financing of terrorist activities.

Article 9. Postal service provision

(1) Postal service providers shall make available for users the general conditions for postal service provision. The conditions shall contain at least the following:

- a) conditions of postal items acceptance;
- b) conditions of quality to be met by the provided postal services;
- c) responsibility of the postal service provider;

d) a simple, transparent and accessible mechanism for solving complaints received from users, in particular as regards loss, theft, partial or total damage of postal items, as well as non-compliance with service quality conditions.

(2) Upon the acceptance of a postal item in the postal network, it shall be considered that an individual contract is concluded between the sender and the postal service provider, under the general conditions set out in section (1). Any other arrangements can be fixed by mutual agreement of the parties, in observance of the legal provisions in force.

Article 10. Identification of postal service providers

(1) Any postal item accepted by a postal service provider to be sent shall be properly marked with the provider's name or trademark.

(2) Any postal service provider operating a postal network shall mark all the physical facilities that are part of his network including access points, with a hallmark intended to ensure his identification.

(3) The minimum and maximum sizes and weights of postal items falling under the category of postal services open to competition shall be established by the postal service provider.

Article 11. Inadmissible postal items. Prohibitions

(1) Postal items that do not meet the conditions provided in the Universal Postal Convention shall not be admitted. Postal items sent with the intention of a fraudulent act or for integral non-payment of due amounts, shall neither be admitted.

(2) It shall be forbidden to introduce the following objects in all categories of postal items:

- a) drugs and psychotropic substances, as are defined by the International Narcotics Control Board (INCB);
- b) obscene or immoral objects;
- c) counterfeited and pirated objects;
- d) other items for import or circulation, which are prohibited in the country of destination;
- e) objects which, through their nature or wrapping, may represent danger for agents or public at large, may stain or damage other postal items, postal equipment or property belonging to third parties;
- f) documents making the object of current and personal correspondence exchanged between persons other than the sender and the addressee or persons living with them;
- g) explosive, inflammable or radioactive materials and hazardous goods;
- h) explosive devices and inert military equipment, including inert grenades, inert shells and other similar items and imitations of such;
- i) live animals.

(3) It shall be forbidden to introduce in postal packages items of correspondence exchanged between persons other than the sender and addressee or persons living with the latter, except archived materials.

(4) It shall be forbidden to introduce coins, banknotes, securities or bonds, traveler's checks, platinum, gold or silver, processed or not, gemstones, jewelry and other precious objects in postal items with no declared value.

(5) As an exception, the following items shall be admitted:

- a) in letter items, other than insured mail, the following animals:
 - bees, leeches and silkworms;
 - parasites and destroyers of noxious insects intended for keeping such insects under control and exchanged between officially recognized institutions;
 - flies from Drosophilidae family intended for biologic and medical research, exchanged between officially recognized institutions;
- b) in packages: live animals, whose transportation via post is authorized through regulations in the field of postal communications and transport.

Article 12. Tariffs

(1) Postal services and postal payment services shall be charged according to tariffs that are made public. Users shall pay in local currency for the services provided by the postal service provider. In the

case of international postal payment services, the payment for the services provided to the user by the postal service provider can be made in foreign currency. Natural persons can also pay to the postal service provider, for international payment services, in foreign currency cash.

(2) The tariffs established for the services under the scope of the universal postal service shall be affordable, transparent, non-discriminatory, cost-based and shall be applied on the entire territory of the country.

(3) The universal postal service provider shall present to the regulatory authority the draft tariffs for the services under the scope of universal postal service, developed according to the Methodology for tariff setting, developed and approved by the regulatory authority. The tariffs shall be approved by the regulatory authority in a transparent and public manner. The approved tariffs shall be notified to the public at least 30 days before they enter in force, under the conditions set by the regulatory authority.

(4) Charging a uniform tariff shall not exclude the right of the universal postal service provider to conclude individual agreements on charging special tariffs for large volumes of postal items to all users, observing the principles of transparency and non-discrimination both on the charges and on associated conditions.

(5) When setting and applying special tariffs, as stipulated in section (4), the universal postal service provider shall comply with the following conditions:

a) Special tariffs shall be set by taking into account the costs that are avoided, due to the big volume of postal items, against the situation where the service including the full range of its components related to the collection, sorting, transportation and distribution would refer to a single post item;

b) Special tariffs shall be available both for natural persons as well as corporate users who introduce postal items into the public postal network under similar conditions;

c) Special tariffs shall be made publicly available by the universal postal service provider under the conditions established by the regulatory authority.

(6) Tariffs for postal services open to competition shall be established by the postal service provider.

(7) The postal items within the scope of universal postal service shall be franked only with official stamps of the Republic of Moldova.

Article 13. Complaints

(1) Postal service providers shall establish a transparent, simple and inexpensive complaint-solving procedure, especially for cases of loss, theft, partial or complete damage of postal items and non-compliance with service quality standards.

(2) The user can refer to the universal postal service provider with prior complaints for domestic postal items within 6 months, while for international postal items – within the terms set by international treaties, to which Moldova is party. The term shall be calculated from the date the postal item was submitted.

(3) For postal services open to competition, the deadline for submitting complaints shall be determined by agreement between the postal service provider and the user, but shall not be less than 30 days and shall be calculated from the date the postal item was submitted.

(4) The universal postal service provider shall review and respond to user complaints in the shortest possible time, not exceeding 30 days from the date the complaint for domestic postal item was submitted and for international postal items - the deadline set by international treaties to which Moldova is party, while for international postal items – within the terms set by international treaties, to which Moldova is party.

(5) Where the complaint to the universal postal service provider has not been satisfactorily solved, the complainant may address a prior complaint to the regulatory authority to solve the issue. The decision of the regulatory authority may be challenged in court.

(6) The information on the number of complaints filed to the universal postal service provider and on the manner those were solved shall be annually published on the official website of the universal postal service provider.

Article 14. Responsibility of postal service providers

(1) Postal service providers shall be liable in relation to users for:

a) the provision of services under conditions provided by law and the contract concluded with the sender;

b) the damage resulting from the loss or total or partial damage of the postal item, which occurred during the timeframe between its submission to the post office or access point till the delivery to recipient;

(2) Indirect losses or loss of profits shall not be taken into account when calculating the damages to be paid by the postal service provider.

(3) The universal postal service provider shall be responsible for international postal items in accordance with international treaties to which Moldova is party, including the obligations arising from the acts of the Universal Postal Union and the present law.

(4) The universal postal service provider shall be responsible for domestic postal items and shall pay damages from its own resources as follows:

1) in case of total loss, total theft or total damage;

a) in the amount of 5 registered tariffs – for a registered postal item;

b) in the amount of the payable tariff - for a postal item sent via the service with attested collection;

c) in the amount of the declared value – for a postal item sent via the insured mail service;

d) in the amount of the declared value – for a postal item sent via the service of delivery against cash, till the moment of delivery to addressee;

e) in the amount of the cash on delivery – for a postal item sent via the cash on delivery service, after the moment of delivery to addressee;

f) in the amount of 5 tariffs – for a postal package which is not sent via the insured mail service, regardless of its weight;

2) in case of partial loss, partial theft or partial damage:

a) in the amount of the declared value for the missing or damaged part, as written by the sender in the inventory note - for a postal item covered by the insured mail service;

b) in the amount of the apportioned share corresponding to the weight missing from the declared value – for a postal item submitted without an inventory note, which is sent via the insured mail service;

c) in the amount of the apportioned share from the sum of 5 tariffs, established in relation to the missing weight or weight of damage content – for a postal item which is not sent via the insured mail service;

3) in case of non-observance of delivery terms - in the amount of 5% of the shipping tariff - for every day of delay, but not more than the total shipping tariff.

(5) Besides the damages provided in section (4) 1), the postal service provider shall reimburse the charges levied upon collection of the postal item by the post office, except charges for registration and insurance.

(6) The postal service provider shall be liable for inadequate postal payment services and shall pay damages from own resources, as follows:

a) in case of non-payment of money order, amounts related to money transfers services and amounts related to intermediation of money transfers – in the amount of the deposited sum;

b) In case money was not transferred to the account of the addressee – in the amount of the non-transferred sum.

(7) The provider of postal services open for competition shall be liable, according to the contracts concluded with users, for loss, damage, missing contents, non-delivery or delayed delivery of postal items.

(8) The postal service provider shall not be responsible for the damaged postal items where damage was caused by the fault of the sender or due to circumstances of force majeure or exceptional situations, neither for postal items received without objection by the recipient.

Article 15. Responsibility of sender

The sender of the postal item shall be responsible to the postal service provider for damage caused by the hazardous nature of the item or inadequate packaging of its content. The responsibility shall be measured within the value of the damage and the amounts paid as compensation to other beneficiaries of postal services, whose items have been damaged along with the hazardous postal item.

Article 16. Refusal to receive postal items

The postal service provider may refuse to receive any postal item, where its acceptance endangers the life or health of persons or may cause material damage or deteriorate other postal items.

Article 17. Rights postal service providers

(1) The provider of universal postal service has the following rights:

a) to install, maintain, replace or move, free of charge, mailboxes for letters, either on public roads or on buildings under state property or owned by the administrative-territorial units, in coordination with the authorities responsible for the management of those facilities;

b) to benefit of facilities deserved under the mechanism of funding and compensation of the net cost for the provision of services within the scope of universal postal service;

c) to act, within international relations, as a universal postal service provider and to conclude operational agreements in this role;

d) to use specific international forms, as provided by international treaties and conventions, to which the Republic of Moldova is a party.

(2) In order to comply with the delivery timeframes required for international postal items, postal service providers shall have the right to priority access to the state border-crossing points and customs bodies.

(3) Postal service providers shall be authorized to submit international postal items for customs control, under the law. The customs control, full and definitive, the preparation of due documents and the customs procedures shall be carried out by the customs service officers in places of international postal exchange – spaces of the postal service providers, specially equipped for that purpose.

Article 18. Secrecy of correspondence

(1) The secrecy of correspondence and other postal items is guaranteed by the Constitution and by this law. The personnel involved in postal activities shall ensure the confidentiality of correspondence. Disclosure of any information on postal services to third parties other than the sender or addressee shall be prohibited, unless otherwise provided by legislation.

(2) The postal service provider shall not have the right to open correspondence items, where such items cannot be distributed or re-addressed by reason of the missing sender's or recipient's address.

(3) Withholding postal items, their opening or disclosure of content shall be permitted only under conditions and pursuant to with the procedure laid down by law.

Article 19. Unclaimed postal items

The goods from postal items sent via universal postal service provider, which could not be handed over to the recipients and senders, after the expiry of the claim and storage timeframes as established by the regulatory authority, shall be used or destroyed by the universal postal service provider in accordance with the rules on postal service provision.

Article 20. Shared use of postal networks

The universal postal service provider shall offer access to the public postal network to other postal service providers on a contractual basis, under conditions of transparency, objectivity and non-discrimination.

Chapter IV
UNIVERSAL POSTAL SERVICE

Article 21. Access to universal postal service

(1) Any natural or legal person shall have the right to use the services within the scope of universal postal service. Users of universal postal services shall install and maintain their individual mail boxes at their own expense.

(2) The access of any natural or legal person to the universal postal service is guaranteed throughout the country under non-discriminatory conditions.

Article 22. Postal services within the scope of universal postal service

(1) The following shall be the postal services within the scope of universal postal service:

a) clearance, sorting, transportation and distribution of domestic and international postal items weighing under 2 kg;

b) clearance, sorting, transportation and distribution of domestic and international packages weighing under 10 kg;

c) distribution of postal packages weighing under 20 kg, sent from abroad to an address on the territory of the Republic of Moldova;

d) service of domestic or international registered mail;

e) domestic and international insured mail service;

f) clearance, sorting, transportation and distribution of domestic and international cecograms weighing under 7 kg.

(2) The regulatory authority may increase the weight limit provided in section (1) b) up to maximum 20 kg and may establish special conditions for home delivery of such postal packages.

(3) The minimum and maximum sizes of the postal items covered by universal postal services shall be those established by the Universal Postal Union.

Article 23. Financing the universal postal service

(1) The financing of universal postal service shall be realized by granting the exclusive right to provide reserved postal services to the universal postal service provider.

(2) The mechanism for financing and compensation of the net cost of services under the scope of universal postal service shall be based on the following general operation principles: defining the

category of postal items for reserved postal services, establishing the weight segment for postal items covered by reserved postal services and ensuring the established tariffs for reserved services.

Article 24. Requirements for the provision of postal services within the scope of the universal postal service

(1) The universal postal service provider shall ensure in every locality at least one collection from every post office and access point and at least one delivery to the address of any natural or legal person every working day, but no less than 5 days a week, except in cases arising from circumstances and geographic conditions considered exceptional by the central specialized body. In cities, on Saturdays, the post offices of the universal postal service provider shall work minimum 4 hours, while at least one post office shall work on Sundays.

(2) The universal postal service provider shall observe the following conditions:

- a) offer services that guarantee conformity with essential conditions;
- b) offer identical services to users placed in comparable conditions;
- c) offer postal services to all users, without any form of discrimination;
- d) offer postal services constantly, except in cases of force majeure;
- e) ensure the evolution of postal services in terms of technical/scientific, economic and social progress and users requirements;
- f) apply, where necessary, in the interest of users, the standards published in the EU Official Journal.

(3) The universal postal service provider shall regularly provide the users with sufficiently detailed and updated information on the features of postal services within the scope of universal postal service they provide, such as information on the general conditions of access to such services, on tariffs and levels of quality of service standards. The quality of service standards shall focus particularly on itinerary duration, regularity and reliability of postal services within the scope of universal postal service. This information shall be published on the official website of the universal postal service provider and of the regulatory authority.

Article 25. Universal postal service provider

(1) State company „Posta Moldovei” is hereby designated as the universal postal service provider, being responsible for ensuring the conditions stipulated by the present law for the provision of services under the scope of universal postal service.

(2) The universal postal service provider is hereby designated as an official operator on the territory of the Republic of Moldova for the provision of postal services according to international treaties to which the Republic of Moldova is a party and pursuant to the present law.

(3) The universal postal service provider shall conclude contracts with economic entities for distribution of periodicals, bills, etc.

Article 26. Basic postal services

(1) The universal postal service provider shall ensure the acceptance, processing, transportation and delivery of letter items, which includes:

- a) priority and non-priority items weighing less than 2 kg;
- b) letters, postcards, printed items and small packages weighing less than 2 kilograms;
- c) cecograms for the blind weighing less than 7 kg;
- d) special bags containing newspapers, periodicals, books and similar printed documents, to the same addressee and to the same destinations, called "M bags" weighing less than 30 kg.

(2) The universal postal service provider shall ensure the acceptance, processing, transportation and delivery of parcels weighing less than 20 kg.

Article 27. Additional services

(1) The universal postal service provider shall ensure the provision of additional services, as follows:

- a) registered mail service for air mail and priority outgoing letter items;
- b) registered mail service for all registered incoming letter items;
- c) service of insured mail for letter items and parcels.

(2) Other additional services are prescribed in the rules for postal service provision.

Article 28. Reserved postal services

(1) The right to provide postal services of domestic and international correspondence weighing less than 350 g shall be reserved for the universal postal service provider. The services subject to such a reserved right shall be called reserved services.

(2) Postal services other than the reserved ones shall be open to competition.

(3) The reserved right as provided in paragraph (1) shall not be extended on domestic and international correspondence items weighing under 350 g, the distribution tariff for which is five times as much as the tariff of the universal postal service provider, established for the correspondence items from the first weight category.

(4) The regulatory authority may authorize exceptions from weight and price limits, the free postal service intended for the blind.

(5) To the extent deemed necessary to maintain the universal postal service, the direct mail may be reserved by the regulatory authority within the price and weight limits laid down in sections (1) and (3).

(6) Document exchange service cannot be reserved.

Article 29. Money transfer

(1) The universal postal service provider, when providing international money transfer services, upon request, shall collect from the sender or pay to the recipient money as: foreign currency subject to transfer abroad or received from abroad, other foreign currency or local currency. To deliver such services to individuals, foreign currency or domestic currency may be received or paid in cash.

When such services are provided to natural persons, the foreign currency or local currency may be received or paid in cash.

(2) Within international money transfer service, money shall be transferred and paid under the currency legislation in force.

Article 30. Terminal dues

The universal postal service provider, when concluding agreements on terminal dues for international mail sent from outside the Republic of Moldova, shall observe the following principles;

- a) terminal dues shall be determined based on the costs of processing and distribution of international postal items;
- b) level of tariffs shall be consistent with the quality of services;
- c) terminal dues shall be transparent and non-discriminatory.

Article 31. Peculiarities of the accounting system of the universal postal service provider

(1) The universal postal service provider shall keep an accounting system based on accounting standards and pursuant to the [Law on Accountancy no.113-XVI of April 27, 2007](#).

(2) The universal postal service provider shall ensure analytical accounting separately per service from reserved and non-reserved sectors. The analytical accounting within the accounting system for non-reserved services shall be separate for the services within the scope of universal service and services beyond it.

(3) The provisions of paragraph (2) imply the breakdown of production costs related to the services provided within all reserved and non-reserved services. The breakdown of production costs for reserved and non-reserved services shall be established in the Methodology of production costs allocation for reserved and non-reserved services, which shall be developed and approved by the regulatory authority, in coordination with the Ministry of Finance. The methodology shall be based on specific features of the universal postal service provider's activity.

(4) The annual financial statements of the universal postal service provider shall be subject to mandatory audit and shall be annually published at the expense of the universal postal service provider, under the conditions established by the regulatory authority.

Article 32. Provision of premises for postal services within the scope of the universal postal service

Local public administration authorities shall provide the universal postal service provider with premises necessary for postal service provision, under the terms of the property lease/rent or for free use.

Chapter V

GENERAL AUTHORIZATION REGIME

Article 33. General authorization regime

(1) Postal services shall be provided under the general authorization regime, as stipulated by the present article.

(2) The general authorization regime shall allow the provision of postal services without obtaining an explicit decision of the regulatory authority, by the notification of the intention to provide postal service activities.

(3) The general authorization regime imposes obligations for the provision of postal services to the extent necessary to ensure compliance with essential requirements.

(4) The postal services for international postal items shall be in compliance with the customs legislation in force.

Article 34. Notification

(1) The right to provide postal services shall be granted provided that the respective person to assumes the obligation to comply with the essential requirements and legal provisions regulating these essential requirements, including those covered by the regulations issued under this Law.

(2) Any natural or legal person registered as entrepreneur in the Republic of Moldova that intends to provide postal services, before starting work, shall file to the regulatory authority a notification of such intention. The notification shall be compulsorily filed by filling in the standard form established and updated by the regulatory authority.

(3) The notification, accompanied by documents confirming the entrepreneur's registration, shall be filed to the regulatory authority in one of the following ways:

a) by submitting it personally or by an authorized representative of the person intending to provide postal services, with signature;

b) by registered postal service with acknowledgment of receipt;

c) through a document in electronic form, to which a genuine electronic signature has been applied.

(4) The date of the notification shall be considered the date of registration of the incoming correspondence in the general register of the regulatory authority, the date of confirmation of registered mail receipt or the receipt of document in electronic form.

(5) The notification shall be considered as successfully submitted on conditions that it meets all the requirements related to its submission, form and content. If the requirements under sections (2) and (3) are not met, the regulatory authority, within 5 working days from the date the notification was filed, shall request, in written form, that the notifying person fulfill those requirements. .

(6) The regulatory authority, in maximum 15 days from the date the notification was filed, shall issue to the notifying person a standard certificate, which confirms the notification submission by a natural or legal person, its registration in the Public Register of the postal service provider, as well as his rights and obligations.

(7) Any changes to the data included in the notification shall be sent to the regulatory authority within 10 days after the change occurs.

(8) Postal service providers who intend to cease the activity are obliged to notify the regulatory authority and inform users of this fact at least 30 days before the date of cessation.

Article 35. Notification conditions

(1) The regulatory authority shall develop and approve the standard notification form, which includes the information required to be indicated by the person intending to provide postal services in order to have the right to provide postal services under the general authorization regime. This information is grouped in the following categories:

- a) the data necessary for the identification of the provider and communication with him;
- b) list of postal services he intends to provide and a general description of his postal networks;
- c) estimated starting date.

(2) General authorization conditions for postal service provision include:

- a) observance of essential conditions;
- b) presentation to the regulatory authority of the information requested under this law;
- c) availability of premises, technical equipment and vehicles necessary for service provision.

(3) The general authorization regime grants the following rights to the notifying natural or legal person:

- a) provision of postal services under general authorization regime;
- b) concluding agreements for the use of the public postal network.

(4) The preparation of documents under the general authorization regime shall be free of charge.

(5) The right to provide postal services under the general authorization regime shall apply without time limitation, except cases stipulated by this law.

Article 36. Regulatory and monitoring fee

(1) The regulatory authority shall establish the amount of regulatory and monitoring fee for the next year, according to this law. The amount shall be maximum 0.1% from the revenue every postal service provider, derived from the provision of postal services in the previous year.

(2) Annually, by November 1, the regulatory authority shall be published in the Official Gazette of the Republic of Moldova its decision concerning the amount of regulatory and monitoring fees the following year.

(3) The regulatory and monitoring fees shall be transferred by postal services providers to the current account of the regulatory authority, quarterly or annually, before 25th of the month following the quarter or reporting year.

(4) For the purpose of this Article, the revenue derived from the provision of postal services shall be considered the revenue from sales minus the amounts transferred to other states as terminal dues by the universal postal service provider or amounts transferred to international networks of express delivery service providers by the providers of post services open to competition.

Article 37. Supervision of reserved service provision

In order to ensure compliance with the obligations under this law, the regulatory authority shall establish controls on reserved postal service provision.

Article 38. Sanctions

(1) Where the postal service provider admits of infringement of the general authorization regime conditions and/or provisions of laws and/or other relevant regulations, the regulatory authority shall issue a decision requiring termination of infringement and / or measures to remedy its consequences.

(2) The right to provide postal services may be suspended by a court decision at the request of the regulatory authority in case of provider's non-compliance with the decision to remedy the infringements of the obligations set under the general authorization regime.

(3) The right to provide postal services may be withdrawn by a court decision at the request of the regulatory authority, in case of failure to remove, within a reasonable fixed timeframe, the circumstances entailing suspension.

(4) The right to provide postal services under the general authorization regime shall become void in the following cases:

a) the postal service provider notified the regulatory authority, under this law, about cessation of postal service provision;

b) the postal service provider was declared insolvent or deleted from the State Register of Legal Persons.

Article 39. Derogations

The provisions of this law are not applicable to services which do not require authorization, namely:

a) transportation and distribution of the sender's own postal items personally by the sender himself;

b) transportation and distribution of the sender's postal items, for free by a natural person authorized as sender for this purpose;

c) transportation of cash and valuables in the same locality by employees of businesses, payments, collection of due sums or revenues related to the activity of these businesses;

d) collection, sorting, transportation and delivery of postal items within an organized service for the exclusive use of public authorities, under special legal provisions;

e) special mail distribution to government authorities, military units, law enforcement Intelligence and security service;

f) services provided by the State Special Courier Service of according to [Law no. 402-XV of December 2, 2004](#).

Chapter VI
FINAL AND TRANSITORY PROVISIONS

Article 40. Final and transitory provisions

(1) This law shall enter in force on the date of publication, except art.31 (2), which shall enter in force on December 31, 2016, and Chapter V, which shall enter in force after 6 months from the date on entry in force.

(2) the postal service providers operating on the date of entry in force of this law, intending to continue to provide postal services, shall notify their intention to the regulatory authority within one month from the implementation of Chapter V.

(3) The regulatory authority, within 6 months, shall develop and approve the Methodology of tariff-setting and the Methodology of production cost distribution for reserved and non-deserved services.

(4) The Government, in a 6-month timeframe, shall:

a) submit to the Parliament proposals on legislation alignment with this law;

b) approve:

- rules on postal service provision;

- mechanism for financing and compensation of the net cost of universal postal service provision;

- manner and conditions for the use of postal networks for defense and security needs in case of force majeure or emergency;

- characteristic features of the network of universal postal service provider;

- universal service quality standards;

c) bring its normative acts in line with this law.

(5) On the date this law enters in force, Law on Post no. 463-XIII of 18 May 1995 (Official Gazette of the Republic of Moldova, 1995, nr.65-66, art.711), with all amendments and additions, shall be abrogated.

Article 41. Full liberalization of postal services

(1) This law is compatible with 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, published in the Official Journal of the European Union L 15 of 21 January 1998.

(2) Full liberalization of postal services shall be implemented by means of:

a) transposition of Directive 2002/39/EC of the European Parliament and of the Council of 10 June 2002 amending Directive 97/67/EC with regard to the further opening to competition of Community postal services, published in the Official Journal of the European Union L 176 of July 5, 2002. Accordingly, this law shall be amended so that the right to provide postal services of domestic and international postal items, weighing below 100 g be reserved for the universal postal service provider, a provision to be implemented within 4 years from the date this law enters in force;

b) transposition of Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services, published in the Official Journal of the European Union L 52 of February 27, 2008. For this purpose, this law shall be amended within six years from the entry in force.

PRESIDENT OF THE PARLIAMENT

Andrian CANDU

No. 36, Chisinau, March 17, 2016