

THE LAW OF THE REPUBLIC OF ARMENIA

ON POSTAL COMMUNICATION

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Non official translation

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CHAPTER I General Provisions

Article 1. The subject of law regulation

This law establishes the legal basis of the activity implementation in the field of postal communication within the territory of RA, the authorizations of the state governmental bodies directed to the regulation of the postal communication activity, as well as the rights and responsibilities of the physical and legal persons participating in the postal communication activity and using the postal communication services. The relations of the state messenger communication field are not regulated by this law.

Article 2. The legal regulation of the relations in the field of postal communication.

The relations in the field of postal communication in the Republic of Armenia are regulated by the Civil Code, this law and other legal acts of RA. If other norms are defined by international contracts, the norms of the international contracts are applied.

Article 3. The basic concepts used in the law.

The basic concepts used in this law are the following:

Postal communication – A type of communication which is an integrated production technological complex of technical and transportation means which provides the receipt, handling, transportation and delivering of postal items as well as postal money transfer.

Postal item- Addressed letter correspondence, postal parcels and containers, printed publications with respective packing.

Postal delivery -Receipt, handling, transportation and delivery of the items to the addressee.

International postal communication- Exchange of postal items between postal communication operators which are under different countries legislation.

Letter correspondence- Ordinary and registered letters, postal cards, secograms, packets and small packets.

Insured postal items- Postal items which are accepted by the sender's assessment of content value, delivering the receipt to the sender, which is handed over to the addressee over the signature.

Secogram - Postal item intended only for the blind which is delivered unpacked with letter messages and publications written in secographic way, cliches with secographic marks, with recordings and typhlotechnical means.

Small packet- International registered postal item with the samples of goods and simple subjects.

Postal money transfer- Services of receipt, handling and transferring the charges of funds, charged public utilities fees, local taxes and other types of charges, cards service and delivery on service provided by postal communication operators, the above mentioned services are not banking transactions but are equalized with money transfers with the use of postal communication and telecommunication networks. Postal money transfers are implemented by the rule established for postal communication services if other rules are not established by the laws regulating money transfers and by other legal acts.

Distribution of printing publications - Subscription of printing publications and delivery to the subscribers.

Postal communication services- Action or activity of receipt, handling, transportation and delivery of postal items as well as implementation of postal money transfer and periodicals subscription.

Postal communication universal services - Postal communication services at a discount within the whole territory of RA: delivery of letter correspondence, parcels weighing up to 20 kg and publications to the rural areas.

Postal communication services users - Physical or legal persons, local self-governmental and state governmental bodies who use postal communication services.

The term of the postal communication services provision- A unity consisting of the terms of postal communication certain services and norms established for implementing separate technological actions.

Control terms- Defined period for postal items and postal money transfer from the place of postal communication acceptance till the place of the delivery of the item as well as the fixed period for separate activities on their processing in postal communication objects.

Postal communication services rate- Defined amount of postal communication services payment.

Postal communication operator –A legal person or an individual entrepreneur who has the right to provide postal communication services and implements its activities in accordance with the given license.

Postal communication national operator - Postal communication operator who provides postal communication universal services and bears the symbol of Post of RA.

Postal communication objects- Separated subdivisions of postal communication operators: post sorting and transportation center, post transportation divisions close to the airports and railway stations, post exchange units, post offices, postal mobile units, etc.

Postal communication route- Postal transport route among postal communication objects.

Postal communication network- A unity of postal communication objects and postal routes.

Postal communication means-Buildings, constructions, non-residential areas, equipments and postal transport, postal envelopes, cards and postal containers for providing postal communication services.

Postal payment state marks- Postal stamps and other marks which are stamped on the items and confirm the payment of postal communication services.

Franking machine and franker- Machines intended for stamping postal payment state marks confirming payment of postal communication services on letter correspondence, the dates of accepting the mentioned correspondence and other information.

Postal classifier - Postal address conditional digital marking given to the postal communication object which operates throughout the Republic of Armenia and is compulsive for postal communication operators.

Nominal object- machine (stamp) intended for stamping documents and postal items mentioning the name of postal communication object, the date of accepting and delivering the postal items and other information.

Postal box- A special lockable box intended for collecting ordinary letters and postal cards.

Addressee - Physical person or organization to which postal items, postal money transfers, telegraphic or other messages are addressed.

Postal subscription box- A special lockable box intended for receiving postal item by the addressees.

Postal subscription safe – A special safe for receiving postal items with lockable sections located in dwelling buildings and sections of delivery.

Postal nominal safe- A special safe having sections with locks for receiving postal items by the addressees provided for a definite period, located in the postal communication objects.

Supporting point postal box- A special lockable safe intended for keeping postal items temporarily or intended for receiving postal items by the addressees in the places of delivery.

Article 4 The principles of the activity in the field of postal communication.

The principles of the activity in the field of postal communication in the Republic of Armenia are the following:

- Freedom of postal communication and confidentiality provision

- Accessibility of using postal communication universal services for physical and legal persons.
- Freedom of postal items transit
- Rights equality of the users of postal communication services.
- Provision of postal communication manageability and reliability.

Article 5. The rights of the users of postal communication services

The users of postal communication services have equal rights to use postal communication services in the Republic of Armenia.

The user of postal communication services has the right to get available information on provided postal communication services, postal communication services rates, postal items delivery control terms, articles and materials prohibited for delivery, license activity term of postal communication services provision.

The user of postal communication services has the right to receive postal items and postal money transfer notifications at his address delivery on demand or by means of using postal subscription safe.

The addressee has the right to reject postal items received at his address or postal transfers of postal funds. The users of postal communication services decide by themselves the content value of the insured postal items which should correspond to the real value of the content and they choose the type of packing by their declaration in conformity with the legislation of RA.

Article 6 The responsibilities of postal communication operator and national operator

The responsibilities of postal communication operator and national operator are the following:

- To have the necessary technological equipments and mechanization, automation, information means for the users of postal communication services.
- To provide letter correspondence delivery within control term for postal communication users.
- To provide the protection of postal items and postal money transfer accepted from the users of postal communication services.
- To provide the quality of postal communication services regulating postal communication activity in accordance with the standards defined by normative documents, as well as its compliance with the contract conditions and the information on the mentioned services provision terms.
- To provide the maintenance of the postal communication confidentiality
- In the cases defined by the law and order to support authorized state bodies performing the operative activities and judicial investigations.
- To provide available information on postal communication services rates, postal items delivery terms, working regime as well as other information needed which makes the provision of postal communication services accessible.

The postal communication national operator is obliged to provide postal communication universal services within the whole territory of RA.

Article 7 The protection of postal items and postal money transfers

The receipt and delivery of postal items and funds between postal communication operators is implemented providing the exact account of the postal items delivered and accepted in the order defined by the government of RA.

In case of discovering postal items with irregularities (weight difference mentioned in the accompanying

documents, irregularities of packing, seals, binding etc) the postal communication operator is obliged to formalize and hand over such kind of postal item by the law defined by the legislation of RA.

The postal communication operator has the right to have civil and service arms in the order defined by the law which is necessary to protect postal items and funds as well as postal communication objects.

The buildings where the postal items handling and the protection of funds is realized should be furnished with protective and antifiring measures.

The planes, postal vans, vehicles and other transportation means which transport postal items and funds should be equipped so that to exclude unauthorized person access possibility to relative areas.

The postal communication operator has the right to have postal security subdivisions and protective means in the order defined by the legislation of RA.

Article 8 The special terms of postal communication services.

The postal items or funds postal transfer which cannot be delivered by the reason of the address incorrectness of postal services users or the absence of the data needed, the removing of the addressee to another place or by other reasons, which exclude the duties performed by the postal communication operator established by the postal communication services provision contract, are returned to the sender in a due time. In case of being rejected by the sender, the returned postal items or postal money transfers are handed over to the postal communication operator for keeping temporarily as non-demanded postal item and postal money transfers.

The non-demanded postal items and funds are kept by the postal communication operator for the period of 6 months. The funds can be delivered to the addressee or the sender on the basis of their application by the operator's authorization within the defined protection period.

After the expiration of the period mentioned in the second part of this article non-demanded letter correspondence is subject to confiscation and destruction. The other contents of non-demanded postal items as an unowned estate become the property of postal communication operator in accordance with the requirements of article 178 of the Civil Code of RA. If the content cost of non-demanded postal items or the amount of non-demanded funds is less than fivefold of minimum salary, the funds are handed over in conformity with the act to the postal communication operator's balance. If the content cost of non-demanded postal items or the amount of non-demanded fund exceeds the fivefold of minimum salary the postal items content and funds are handed over to the postal communication operator's balance on the basis of court decision, according to the postal communication operator's claim.

If by the reason of the needed data absence of the address of the postal communication services users the undelivered postal items or postal money transfers are not possible to return to the sender, they are handed over for temporarily keeping, the postal item as an undelivered postal item, and funds postal transfer as a non-demanded funds postal transfer. In order to clarify the postal communication services user's address details or to hand over to the addressee or to return to the sender the non-delivered postal items are subject to opening. The opening of non-delivered postal items is done on the basis of the decision of the court of justice.

While opening the non-delivered postal items the relevant security precautionary measures should be taken. If it turned out by preliminary investigation of the postal communication operator that the content of the non-delivered postal item contains articles or materials which can endanger people's life and health while opening the non-delivered postal item, this postal item can be confiscated and destroyed without being opened in the order defined by the law.

The non-delivered postal items are opened on the basis of the court decision with the purpose of clarifying other necessary data for handing them over to the addressee or returning to the sender.

The postal communication operator is obliged to turn to the court of justice for temporarily keeping of the non-delivered postal items, but not less than once a quarter for the purpose of receiving authorization in order to open postal items.

The discussion of the matters on opening the non-delivered postal items is implemented by the court, where the postal communication object is located and which implements the temporarily keeping of the postal items in 5 days' period.

The opening, initial investigation and destruction of non-delivered postal items is done by the committee, established by the postal communication operator head or his deputy as well as formulation order is defined by postal communication operator head.

In case of opening the non-delivered postal parcels, insured letters and insured packets the representatives of the police or National Security Bodies are also included in the committees established by postal communication operator. The mentioned committee draws up an act on the opening, confiscation or destruction of the non-delivered postal items. If the address data of postal communication service user happens to be found out upon opening the non-delivered postal items the postal communication operator delivers the postal item to the addressee or returns to the sender. If the address data of postal communication service users is not found out upon opening the non-delivered postal item, such a postal item is included in non-delivered items range. In order to deliver or return the non-delivered postal items at the defined address a sum of money is charged from postal communication service user, the amount of which is decided according to the rates of the day of return. The non-delivered international postal item is sent to the international post exchange center from where it has been received when the keeping day expires. The postal items returned for the reason of not finding the addressee, his/her death, the addressee's refusal to receive it and other reasons are sent in the order defined by the law.

Chapter II

State management and regulating in the field of postal communication.

Article 9 The authorization of RA government in the field of postal communication.

The government of RA in the field of postal communication:

- Defines the rates of postal communication universal services as well as the rates formation principles and establishment order.
- Defines postal communication national operator.
- Authorizes postal communication national operator to provide postal communication universal services and to bear the symbol of Post of RA.
- Defines postal communication national operator's non-received incomes reimbursement order on account of postal communication universal services rates state regulation
- Defines authorized state governmental body in the field of postal communication.
- Implements other authorization entrusted to the government by this law and other legal acts.

Article 10 The authorization of the state governmental body empowered by the government of RA in the field of postal communication.

The state governmental body (hereinafter referred to as an authorized body) authorized by the government of RA in the field of postal communication implements the state management and regulation in the sphere of postal communication in RA.

The authorized body:

- Implements state policy in the field of postal communication.
- Implements postal communication services licensing in the order defined by the law.
- Defines stamps subject and theme of RA
- Defines postal payment state marks samples, nominal prices, printing quality, terms of activity and organizes their publication and distribution.
- Defines postal objects classifiers.
- Defines the frequency of letter correspondence collection from postal boxes as well as the transmission times of postal items and postal money transfers implementation.
- Provides the activity of the existing postal communication networks in emergency situations.
- Exercises supervision over existing licenses requirements
- Implements the international cooperation of RA within the limits of its authority in the field of postal communication and represents the interests of RA in the postal communication international organizations.
- Supports free and equal competition in the market of postal communication services.
- Implements other authorities entrusted to him by the legislation of RA.

Article 11 The activity licensing in the field of communication.

The services in the field of postal communication in RA with the exception of defense, police, national security, civil defense, postal communication networks intended for diplomatic and consular needs are subject to licensing.

The licensing is implemented to regulate and supervise the activity of postal communication services provision.

The authorized body grants the activity implementation license in the field of postal communication in RA according to the law of RA "About licensing".

Postal money transfers are subject to licensing in the order defined by the law and other legal acts by the central bank of RA with the exception of postal money transfers provided by the postal communication national operator in the order defined by international contracts and terms of RA.

Annual taxes are paid to implement the activity subject to licensing in the order and amount defined by the law of RA "About state taxes".

Article 12 The management of the activity in emergency situations in the field of postal communication.

The authorized body implements the activity coordination and management in the situations of emergency in the field of postal communication in cooperation with the state management authorized body of population defence and civil defence and with other bodies in emergency situations, under the authority of which are postal communication networks.

Article 13 The utilization of languages in the field of postal communication

The postal items addresses shall be executed in Armenian within the territory of Armenia and in cases intended for by international contracts may be executed in other languages.

Article 14 The accounting time in the field of postal communication

While implementing the technological activity in the field of postal communication in RA the accounting time is accepted as the local time.

The accounting time of international postal communication is specified by the world systemized time if no other accounting time is specified by the international treaties.

Chapter III The Activity in the Field of Postal Communication .

Article 15 The activity financing of postal communication

The activity financing of postal communication operators is implemented:

- at the expense of the incomes received from the postal communication services by postal communication operators
- from the contractual services provision stipulated for by this law as well as at the expense of the means received from the other activity not-prohibited by the legislation of RA.

Article 16 The usage of transportation means for postal items transportation

The postal communication operator transport should have a special identification mark.

The transportation means of postal communication national operator are operated in the order and terms intended for the special services transportation means.

The postal communication national operator transport as an identification has yellow basis and "Armenian post" signature and can be equipped by lighting signals.

The postal transport of postal communication national operator has the right to pass the streets of RA of all buildings and roads without an obstacle as well as to be filled with fuel along with the cars of operative and special services.

The postal transport of postal communication national operator cannot be involved in the implementation of services and activities having nothing to do with its activity without agreeing with those organizations.

The passing through of postal transport of postal communication operator to postal objects and freight complexes for post exchange is assigned with absolute priority and is free of charge.

Article 17 The allocation of postal communication objects and means.

While planning the development of residential areas during the construction and reconstruction of urban and rural communities, regions as well as dwelling buildings and other planning structure in compliance with the state city construction standards and rules the project and construction of buildings as well as of areas should envisage for the location of postal communication objects.

The lands intended for the location of postal communication objects are provided for the state needs by the lands provision order.

The provision of the lands of the postal communication national operator's postal communication objects is implemented by mediation of an authorized body and he comes to the fore as a customer of the corresponding activities.

The lands given to the postal communication national operator for the postal communication objects can be given for permanent (termless) usage.

The lands given to the postal communication national operator for the postal communication objects

construction should be provided in the center of the residential area providing relative terms, for the postal items post exchange transported by transportation means.

The location of the postal communication objects of postal communication national operators near the car stations, railway stations and airports is implemented in accordance with technological norms.

The local self-governmental bodies provide postal communication national operator with non-dwelling areas in the available (or under construction) dwelling or other buildings according to the technological norms in the order and terms decided by the local self governmental bodies.

The postal subscription safes are installed in blocks of flats by the constructive organizations. The costs for postal subscription safes purchase and installation are included in the budget of those buildings construction.

In order to get postal items the users of postal communication services in dwelling buildings place the postal subscription boxes at their own expense.

The postal communication national operator has the right to place post boxes on the walls of blocks of flats and administrative buildings and other comfortable places termlessly for collecting ordinary letters and postal cards by agreeing with the owner of the dwelling and administrative buildings beforehand.

The location of other organizations in the postal communication objects is permitted on condition of securing postal items and funds keeping and providing the confidentiality of postal communication as well as if that location does not hamper and impede the provision of postal communication services.

Article 18 The rates of postal communication services

The postal communication operator defines the rates of postal communication services with the exception of postal communication universal services. The postal communication universal services of RA are rendered by the same and integrated rates, the formation principles and establishment order of which are defined by the government of RA. As a result of the postal communication universal services provision by postal communication national operator the incomes non-received by the postal communication national operator are subject to reimbursement in the order defined by the government of RA. The sold out marks of postal payment confirming the payment of the delivered letter correspondence are not taken back and are not exchanged.

Chapter IV

The responsibility in the field of postal communication.

Article 19 The responsibility of the postal communication operator

The postal communication operator bears responsibility in the order defined by the law for the postal item loss, damage, content missing, delivery, postal money transfers implementation control terms delay, not keeping the confidentiality of postal communication which caused losses to the users of those services.

The postal communication operator informs the users of the postal communication services about its activity, new services, rates, achievements in the field of postal communication through mass media.

The postal communication operator is obliged to provide information on postal letter correspondence delivery control terms by the request of the users of postal communication. During the postal communication provision the postal communication operator reimburses the damages caused to the users of postal communication service in the following amount:

- In case of insured postal items loss or content damage in the amount of insured cost and rate payment with the exception of the rate payment for the declared cost.

- During the delivery with declaration in case of insured postal item loss or damage, in the insured amount of the missing or damaged part of the content mentioned by the sender.
- During the delivery without declaration in case of insured postal items content partial loss or damage in the amount of insured postal item content which is decided by the proportion of the content missing or damaged mass and delivered content mass without the postal items packing mass
- In case of not paying (not implementing) postal money transfers in the amount of transfer amount and rates payment.
- In case of other registered postal items loss or damage in the amount of rate payment in double and in case of loss or damage of a part of the content in the amount of the rate payment.
- In case of breaching the control terms of implementing postal items delivery and funds postal transfer the postal communication operators pay for the postal communication service the penalty of 3 percent per non-delivery day but not more than the amount paid for that service as well as for the breach of control terms of postal items delivery by air transport in the amount of the difference between the delivery by air and surface.

For the loss of international postal items or damage the matters of responsibility are regulated by law and international contracts.

Article 20 The responsibility of the user of postal communication services and the restriction of the activities

The user of the postal communication services in cases defined by the law bears responsibility for the damage caused to the employees who deal with the processing of postal items or another postal item if that damage was the result of the prohibited articles content or delivered content incomplete packing. The list of the prohibited articles in postal items within the territory of RA is the following:

- a) Firearms, gas weapons, grenades and mines, alarm weapons, force pump weapons, armory, cold steel, electroshock equipments, and sparking equipments, as well as the main parts of the weapons and firearms.
- b) Drugs or psychoactive, radioactive, explosive, poisonous, inflammable and other dangerous substances.
- c) Poisonous animals and plants.
- d) Monetary units and currency of RA(with the exception of those being sent by the Central Bank of RA and its subsidiaries)
- e) Perishables
- f) Articles, which can harm the employees of postal communication by its nature or packing, can pollute the other articles of postal communication and postal communication equipments.

The postal communication operator has the right not to deliver the postal item which content is prohibited to be delivered within the territory of RA and to keep it in the discovery place. The temporarily keeping of such postal items is implemented in the postal communication object providing its accurate accounting and preservation. The strangers' access to the preservation of such articles is denied. The postal communication operator immediately informs the bodies of the police or national security service about discovering the articles and substances in postal items mentioned in (a and b points) of the present article or about the fact of non-delivery of that postal item. The employees of the mentioned bodies in the presence of the postal communication object head or his deputy confiscate the article or the substance prohibited and they send the copy of the act drawn up on it to the sender of the item. The poisonous animals and plants discovered in postal items are handed over in conformity with the act to respective veterinarian or phytosanitarian bodies. The discovered monetary units of RA are returned to

the sender or are delivered to the addressee by postal transportation, by the way, the amount equivalent to the fee for the delivery is deducted from the discovered amount. The currency confiscated from the postal items is sent to the sender or the addressee by an insured letter. The calculated amount by the defined rate is charged for the delivery. The postal communication operator confiscates the perishables as well as the articles which can endanger the life and health of postal communication employees or the third persons by their nature or packing or can pollute or damage other postal items or postal equipments, and destroys in the order established by the law if that danger cannot be prevented in another way. In reference to this an act is drawn up and a copy of it is delivered to the sender. The postal communication operator informs the sender or the addressee in 10 days' term about the articles and substances confiscation and destruction prohibited for delivery with the exception when the bodies of the police and national security service on the occasion of the confiscation of the mentioned articles and substances make a decision to organize operative research activities. The list of the prohibited articles and substances of the international postal items, the order of their removing, destroying and the customs supervision and registration of the articles transferring by the customs border of RA is implemented in the order established by the law. The postal communication operator has the right to examine and remove the postal items being sent in the order defined by this law the content of which is prohibited to be sent as well as to destroy or to let destroy the postal items the content of which endangers the life and health of the employees of postal communication operator or third person and if that danger cannot be prevented in another way.

Article 21 The responsibility in case of postal payment state marks and nominal subjects infringement, usage or issue.

The making of postal payment state marks and international reply coupons or their consuming by infringing them as well as the usage of infringed stamps and nominal goods of frank machine and franker creates responsibility in the order defined by the legislation of RA.

Article 22 The responsibility in the field of postal communication.

Those who break the provisions of this law bear responsibility in the order defined by the law. Those who are to be blame for spoiling postal boxes, postal subscription boxes, postal nominal safes, supporting points safes, for postal items loss, destruction or damage, or those who damage postal transport, estate and the other equipment of postal communication operator shall bear responsibility in the order defined by the law. The postal communication operators do not bear responsibility for the postal items loss, spoilage, (damage) non-delivery or for breaking the control terms of its delivery or if it is a result of force majeure or is conditioned by the nature of postal items content which has been proved later.

In case of international postal items loss or spoilage (damage) the matters of responsibility are regulated in the order defined by the law and international contracts.

Article 23 The order to present requests and claims to the postal communication operator

In case of not performing or performing improperly the duties of the postal communication services provision by the postal communication operator, the user of postal communication service has the right to claim the compensation for the damage caused in 6 months period since the day of handing over the postal items and funds in the order defined by the legislation of RA. The requests and claims represented to the postal communication operator of the postal items accepting and sending place are subject to compulsory

registration and discussion in the order defined by the law. The requests of searching the international postal items are accepted and discussed by the legislation of RA and in the order and terms established by international treaties.

Chapter V International Cooperation

Article 24 International cooperation

The international cooperation in the field of postal communication is implemented by the legislation of RA and international contracts. While implementing the international activity in the field of postal communication the authorized body comes to the fore as a postal communication administration of RA and represents, supports the interests of RA while cooperating with the postal communication administrations of overseas countries and international organizations within the scope of its empowerment established by the government of RA.

Chapter VI Conclusive provisions

Article 25 Coming into force

1. This law comes into force on the tenth day following the official publication day.
2. In this law the regulating provisions of the licensing relations come into force after 6 months of the official publication.