

***POSTAL AND TELECOMMUNICATIONS  
CODE***

(Postal Part)

Mars 2002

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## **STATE SECRETARY FOR INDUSTRY**

**GENERAL DIVISION FOR INDUSTRY, INFORMATION AND POSTAL TECHNOLOGIES**  
***Post and Telecommunications and Postal Staff Service***  
***Regulations and International Subdivision***  
***Regulations and Competition Bureau***

This code is an updated version based on

- the 99-533 Act, dated from the 25<sup>th</sup> June 1999 on “the direction of long-term town and country planning and development” - Published in the Official Newspaper of the French Republic the 19<sup>th</sup> of June 1999 – which article number 19 has modified the articles L1 and L2 of the former version of the Code of Posts and Telecommunications and enforced the 97/67/CE of the European Parliament and the Council on common rules for the development of internal market of Community postal services and the improvement of quality of service.
- The number 2001-1335 decree dated from the 28<sup>th</sup> December 2001 creating the Ombudsman and a handling procedure of users complaints of the postal universal service (Official Newspaper of the French Republic dated the 30<sup>th</sup> December 2001)

### **NOTICE**

As a working tool, this document has no legal value and may in no case be taken as a code such as published by the *Journal Officiel*.

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**PART L (POSTAL)**

(Legislative)

# ***BOOK I: Postal Service***

## **SEGMENT I: General Provisions**

### **CHAPTER I: Postal Monopoly**

#### **Article L1**

The postal service is a universal service contributing to social cohesion and balanced land development. This service is run in compliance with the principles of equality, continuity, and adaptability to find the greatest economic and social efficiency. It ensures postal services meeting set quality standards for all users at all times throughout the country. These services are offered at prices that are affordable for all users.

It includes national and trans-border services of dispatches weighing up to 2 kilograms, parcel post up to 20 kilograms, registered letters, and dispatches with declared value.

Postal collection and distribution services are provided every working day, except under exceptional circumstances.

#### **Article L2**

The Post (*La Poste*) is the universal postal service organisation. In providing the corresponding services, it assumes obligations in terms of service quality, accessibility, the processing of users' claims and, for certain services, compensation in cases of loss, theft, damage, or failure to meet service quality commitments. The Post is also subject to specific accounting and information obligations.

National and trans-border letter delivery services, whether by express or ordinary post, including mass mailings weighing less than 350 grams per unit, and the price of which is less than five times the rate applicable to the fastest letter delivery category of the lowest weight scale, are reserved to the Post.

The registered dispatch service, the use of which is prescribed by legal or regulatory texts, is reserved to the Post which is subject to obligations in this respect.

The application provisions expressed in the present Chapter are set by Council of State Order as advised by the Higher public service commission of postal and telecommunications services.

#### **Article L3**

The Postmasters and post office employees of maritime cities or localities are, to the exclusion of any other persons, in charge of the letter and packet service for weights of one kilogram or less, coming from or going to overseas departments and territories.

#### **Article L4**

Any captain or crew member of a ship arriving in a French port is expected to carry or send immediately any letters or packets entrusted to him, other than those constituting his ship's cargo, to the local post office.

## **CHAPTER II: Exceptions to the Inviolability and Secrecy of Correspondence**

### **Article L5**

The Post transmits any address changes that come to its attention to the legal authorities who request it for penal purposes, to the internal revenue service, and to the manager of the audio-visual license fee service.

### **Article L6**

As stated in Article 66 of the Customs code, the Post is authorised to submit to customs check, under the conditions provided for by the agreements and arrangements of the Universal postal union, any items prohibited for import, subject to duties or taxes collected by the Customs service or subject to restrictions or formalities for entering the territory.

The Post is also authorised to submit to customs check any items prohibited for export, subject to duties or taxes collected by the Customs service or subject to restrictions or formalities for leaving the territory.

Customs officials have access to sedentary and ambulatory Post office areas, including the sorting rooms, directly accessed from the outside, to look for sealed or unsealed deliveries of domestic or foreign origin in the presence of postal employees, with the exception of items in transit, and which contain or seem to contain objects of the kind mentioned in the present article. The secrecy of correspondence may be violated under no circumstances.

## **SEGMENT III: Responsibilities of the Public Service Operator**

### **Article L7**

The Post is not bound to make any compensation for loss of ordinary correspondence without the prejudice of the provisions of Article L2.

### **Article L8**

The loss, damage, or despoiling of registered objects is subject to compensation of an amount set by Statutory order, except under force majeure, to the benefit of the sender or, if the sender is unknown or so requests, to the benefit of the addressee.

### **Article L9**

The Post is discharged of registered letters by their delivery to the addressee or the addressee's authorised representative, against a receipt, and is discharged of other registered objects by their delivery either to the addressee or to a person in his or her service or living with him or her, against receipt.

### **Article L10**

The Post is responsible for items of value inserted in letters and properly declared, up to a sum that is set by Statutory order, and except in case of loss by force majeure.

It is discharged of this responsibility by the delivery of letters for which the addressee or authorised representative has given a receipt.

In case of dispute, litigation on liability is brought before the Magistrates' court.



### **Article L11**

Parcels of jewels and precious objects are classed as letters enclosing declared valuables, insofar as this concerns the responsibility of the Post.

In case of loss or damage resulting from breakage of the boxes that are supposed to enclose these shipments and do not meet regulatory conditions, no compensation is due from the Post.

### **Article L12**

Once the Post has reimbursed the amount of the declared valuables that have not reached their destination, it becomes surrogate owner and the owner is then expected, at the time compensation is made, to reveal to the Post the nature of the valuables as well as any circumstances that may facilitate effective exercise of the surrogate owner's rights.

### **Article L13**

The Post incurs no liability in case of delay in the distribution or non-remittal by express, but in the latter case the reimbursement of the special postage is by money order.

### **Article L13-1**

Whatever the object or reason, claims concerning correspondence objects of any kind are admissible only one year after the day following the deposit of the dispatch.

## **SEGMENT IV: Official-paid**

N/A

## **SEGMENT V: Parcel Post**

N/A

## **SEGMENT VI: Postal Distribution**

## **CHAPTER I: Home Address Distribution**

### **Article L14**

Hotel and travel agency directors or their employees approved by the Post may be authorised to receive letters or objects that are registered or have declared value and are addressed to their customers, under the conditions set out by the Minister for Post and telecommunications, unless the sender or addressee have opposed this, in writing.

The effect of this discharge is to substitute the responsibility of hotel or travel agency directors for that of the Post, resulting from Articles L9 and L10.

## **CHAPTER II: Distribution Over the Counter**

### **Article L15**

No correspondence, whether ordinary, registered, or of declared value, and addressed Poste Restante to unemancipated minors less than 18 years of age may be remitted to them without written authorisation from father or mother or their legal guardian. If no authorisation is presented, this correspondence is returned to the sender or forwarded to the discard service.

## **SEGMENT VII: Maritime Post**

### **Article L16**

Any captain of a ship navigating between France and the departments of Algeria, because of the transport of dispatches, correspondence, or parcel post, incurs the same responsibility to the Post and telecommunications agency as the Agency does with respect to the public.

## **SEGMENT VIII: Penal Provisions**

### **Article L17**

Any person who performs transport of correspondence in a second infraction of the provisions of Article L2 is punished with a fine of 25,000 F (3750 €). A second infraction occurs when the offender has been sentenced for infraction under the provisions of Article L2 within the three previous years.

### **Article L18**

If sentence is pronounced in application of the preceding article, the court may order placarding of the judgement in a number of copies not exceeding 50, all at the expense of the offender.

### **Article L19**

Haulage contractors are personally responsible for infractions committed by their employees unless proceedings are undertaken against them or against any person by whose fault the infraction is a result.

### **Article L20**

For the performance of the provisions of Article L2, sworn civil servants of the Post and telecommunications ministry, Customs employees at national borders, the Gendarmerie, and any other agents authorised to notify misdemeanours and infringements, may perform seizure and impoundment on any persons who, by their profession or trade, commonly perform transport from one place to another. They may, if they deem necessary, call in the assistance of armed force.

#### **Article L21**

Reports are written at the time of seizure, listing the letters and packets with their addresses.

#### **Article L22**

The impounded letters or packets mentioned in the preceding article are remitted to the nearest Post office along with a copy of the reports. They are forwarded to their destination and delivered against receipt of the due postage. The reports are immediately sent by the civil servants of the Post and telecommunications service to the Public prosecutor for purposes of proceeding against the offenders for each fraudulently transported envelope.

#### **Article L23**

When inspecting ships, Customs agents check if the Captain or crew members are carrying letters or packets that might have been taken from the Post. If an infringement is discovered, they write a report. Letters or packets are seized and remitted to the local Post office.

#### **Article L24**

Infractions of the provisions of Articles L3 and L4 are observed in the manner prescribed by Articles L20, L21, and L22. If they are committed as a second offence, they are subject to the penalties provided for in Articles L17 and L18.

#### **Article L25**

The use of franking machines without authorisation by the Post, and any attempt at fraud in the use of such machines, is punishable by six months' imprisonment and a fine of 50,000 F (7500 €).

#### **Article L26**

Any fraudulent declaration of values greater than the value actually inserted in a letter is punishable by a year of imprisonment and a fine of 25,000 F (3750 €).

#### **Article L27**

The provisions of the preceding Article are applicable to postal parcels.

#### **Article L28**

The Post and telecommunications ministry takes legal action for infringements of the provisions of Articles L2, L3, L4, and L17 concerning the postal monopoly, as well as those concerning the insertion of prohibited valuables in dispatches, or the use of postage stamps that have already been used.

The Minister for Post and telecommunications is authorised to come to terms in these matters.

### **Article L29**

It is prohibited, under the penalties expressed in Articles L17 and L18 if the infringement is a second one, to insert in a dispatch entrusted to the Post:

- any dangerous or dirtying materials or objects;
- goods subject to Customs or excise duties, as well as any prohibited goods.

### **Article L30**

Postmasters are authorised to require the opening of letters and closed envelopes of any origin by the addressee upon arrival, in the presence of postal employees and Internal revenue or Customs employees, if the letter or closed envelope is presumed to contain products that are either subject to domestic circulation formalities, Customs duties, or prohibition.

They are to proceed with this requisition whenever the request is made to them by the Customs or Revenue service.

### **Article L31**

Except for cases provided for by international convention, the insertion of opium, morphine, cocaine, and other drugs in postal dispatches is prohibited under the penalties provided for in Article L627 of the Public health code.

## ***BOOK III: Financial Services***

### **SEGMENT I: Post Office Banking System**

#### **Article L98**

The postal banking service is managed by the public operator, the Post.

#### **Article L99**

Any physical person or government or private organisations, as well as all public services and public or private interest groups may, under reserve of approval by the Post, open a current postal checking account.

Requests to open accounts are written on blank paper. Specimens of the usual signatures of the account holder and other persons authorised to draft cheques are also collected on blank paper.

#### **Article L100**

The postal cheque is signed by the drafter and bears the date of the day it is drafted. It indicates the place where it is issued as well as the sum for which it is drafted.

This sum is to be written in figures and also fully spelled out, and the amount as spelled out prevails if there is any difference between the two. However, exceptions to these principles may be set by Statutory order.

The postal cheque is payable on presentation. Any mention to the contrary is ignored. Any postal cheque presented for payment before the day indicated on the date of issue is payable on the day of presentation.

Any postal cheque bearing no indication of its place of issue is considered to be issued in the drafter's place of residence designated in the current account identification reproduced in the title.

Any postal cheque bearing no designation of a beneficiary is considered to be a cheque to the bearer.

### **Article L101**

When the beneficiary presents the postal cheque for payment, he cannot refuse a partial payment.

If the provisions in the account are less than the amount of the cheque, the beneficiary has the right to demand payment up to the amount of the provision, after deduction of the tax applicable on the operation.

In case of partial payment, the Postal banking centre holding the drafter's account can demand that mention of this payment be made on this cheque and that a receipt be given for it.

### **Article L101-1**

Any person who remits a postal cheque to a beneficiary in payment must support his identity by showing an official document bearing his photograph.

### **Article L104**

The beneficiary can claim from the person against whom he undertakes proceedings:

- 1) the unpaid sum on the amount of the postal cheque;
- 2) interest at the legal rate, counting from the date of presentation of the cheque, as indicated by the certificate of non-payment.

Infringement of bank cheque laws are fully applicable to the postal cheque. The same is true for the provisions of Articles 65-1, 65-2, 65-3, 65-3-1 to 65-3-5, 65-4, 71, 73, 73-1 and 73-2 of the Statutory order of 30 October 1935 unifying the law concerning cheques, as well as those concerning the powers delegated to the Banque de France or to establishments having issuance privilege, for the prevention and repression of these infringements. The postal cheque may not, however, be endorsed.

The other provisions concerning bank cheques are not applicable to the postal cheque.

### **Article L105**

The postal cheque for payment may receive a special crossing before being presented for cashing.

The crossing consists of two parallel bars on the recto side.

The name of the designated banker is written between the bars. Any deletion of the crossing or of the designated banker's name is considered invalid.

The crossed postal cheque can be paid only to the designated banker by a clearing house or by bank transfer to his Post office current account, or to the beneficiary, by transfer to his Post office current account. If the beneficiary of the crossed postal cheque is the drafter himself, the cheque can also be paid in cash. The designated banker can have recourse to another banker for collection by a clearing house.

A postal cheque may bear two crossings at most, one of which is for collection by a clearing house.

### **Article L106**

Any postal cheque, whether crossed or not, for which the corresponding provision is available to the drafter must be certified by the Postal banking centre concerned if the drafter or bearer so requests, except for the drawee's possibility of replacing this cheque by another issued on his own agency.

The certified postal cheque provision remains blocked until expiry of the cheque's validity.

The measures for applying the present article are determined by Order in Council of state.

### **Article L106-1**

No stoppage of payment by the drafter of a postal cheque presented by the beneficiary is allowed except in the case of a lost cheque or receivership.

If, despite this prohibition, the drafter stops payment for other reasons, the judge hearing the application for interim relief, even when principal proceedings are brought, must order the stop-payment released on request by the bearer.

### **Article L107**

The Post is responsible for the sums it has received to be credited to Post office checking accounts.

When ordinary or telegraphed money orders are used, the provisions of Article L113 are applicable.

The Post is not responsible for delays that may occur in the performance of the service.

Claims concerning operations on Post office current accounts are accepted within the Common law statute of limitations.

In the case of a claim, the rules concerning the collection or reimbursement of postage on money orders are applicable to postal cheques.

### **Article L107-1**

The Post is authorised to grant its guarantee to the beneficiaries of payments made by the bearers of charge cards it issues.

### **Article L108**

If there is a change in the civil or legal status of the Post office checking account holder, the Postal banking centre holding this account is to be notified. The Post cannot be held responsible for any consequences that may result from any changes that are not notified.

With regard to the Post, any payment cheque regularly presented for withdrawal from the drafter's account is considered to be paid. When the cheque is converted into a money order, when payment is made by this means, the financial responsibility incurred by the Post is the same as for a money order.

The Post office checking account holder is solely responsible for the consequences resulting from abuse, loss, or disappearance of cheque forms remitted to him by the Post.

The responsibility for wrong payment or transfer due to erroneous or incomplete assignment or transfer information is incumbent upon the cheque drafter.

Simple possession of a cheque to bearer by the Post is sufficient to be worth payment with respect to the account holder.

### **Article L109**

The balance of any Post office checking account which has laid dormant without operations or claims by its assignees for 30 years reverts to the State.

The Post may automatically close a checking account, mainly for abusive operations or when one or more postal cheques have been drawn by the account holder without sufficient provisions.

In the case of death of the account holder, the account is closed at the date when the death is brought to the awareness of the service holding the account. The balance is reimbursed to the inheritors at the behest of the checking centre holding the account, by money order or postal transfer.

## **SEGMENT II: Money Orders**

### **Article L110**

In the domestic French system, funds can be sent by means of money orders issued by the Post and transmitted by post or telegraph.

Money orders sent by post may be either ordinary money orders sent to the beneficiary by the sender or postcard money orders sent directly from the issuing Post office to the office in charge of payment.

Telegraphing of money orders is subject to all of the rules applicable to private telegrams, notably those of Article L37, under reserve of the provisions of Article L113.

### **Article L111**

Money orders issued and paid by the Post are exempt from postage.

### **Article L112**

The taxes and commissions collected for the Post are retained even when the money orders remain unpaid.

### **Article L113**

Under reserve of the provisions of Articles L115 and L116, the Post is responsible for sums converted into money orders until such time as they have been paid out under the conditions provided for by regulations.

For ordinary money orders to the bearer, the Post is validly discharged of responsibility by the sole fact of entering into possession of the certificate, without a receipt or identification being demanded of the person who presented it for payment, unless the certificate has been transformed into a money order to a named person, with the beneficiary's name written on it.

The Post is not responsible for delays that may occur in the performance of the service.

### **Article L114**

The Post is validly discharged by the payment of money orders between persons and against discharge by civil or military postmen regularly accredited with Postmasters.

### **Article L115**

The amount of a money order of any kind for which payment or reimbursement has not been claimed by the beneficiaries within two years counting from the day of payment of the funds definitively reverts to the State.

#### **Article L116**

Beyond two years counting from the day of payment of the funds, claims concerning money orders of any kind are not accepted, whatever the object or reason.

### **SEGMENT III: Bill Collection and Cash on Delivery**

#### **Article L117**

In the domestic French system, receipts, billing invoices, promissory notes, drafts, and generally any commercial or other valuables, protestable or not, can be collected through the postal service, under reserve of those exceptions determined by order of the Minister of the Post and telecommunications.

The maximum amount of the valuables to be recovered, and the number and amount of valuables that can be included in the same dispatch, are set by order of the Minister of the Post and telecommunications.

#### **Article L118**

In the domestic French system, correspondence determined by order of the Minister of the Post and telecommunications can be sent against reimbursement. The amount of this reimbursement is independent of the object's intrinsic value and the declared value, if any, and its maximum is set by order of the Minister of the Post and telecommunications.

#### **Article L119**

To cover cheques and bills of exchange remitted to it in the performance of the present division, the Post may in no case be subjected to obligations incumbent on the bearer by laws and regulations in force.

#### **Article L120**

The amount of the valuables to be recovered or sums to be collected from the addressee of the dispatch against reimbursement must be paid in full in a single payment. No partial payments are allowed.

Once a payment is made, it cannot be recovered from the Post by the person who remitted the funds.

The Post is exempted of any formalities concerning a statement of non-payment.

#### **Article L121**

If the sender has a Post office checking account, he may request that any uncollected cheques or drafts be remitted to a notary or bailiff under the conditions set by the Post, to protest the bill.

Any sender who uses this possibility authorises *ipso facto* the withdrawal of the amounts corresponding to the protest expenses and postage by the Post on the balance of his Post office checking account.

The sender is expected to keep an adequate positive balance on his Post office checking account to allow withdrawal of these expenses. He has the possibility of asking the protested debtor for reimbursement.



### **Article L122**

During postal transmission and the preparation for remittal of valuables or objects to the interested parties, the Post has the same responsibility as in matters of postal correspondence for the category to which the dispatches belong, whether they be ordinary or registered objects, or with declared value.

Starting at the time the valuables or objects have been remitted to the debtor or addressee, the Post is responsible for the sums received or which should have been received. When these sums have been converted into money orders or paid to the credit of a Post office checking account, the Post has the same responsibility as in matters of money orders or certificates of the postal checking service.

If payment is refused on presentation of an article subject to protest, the Post is discharged by remittal of this article to a notary or bailiff.

The Post is not responsible for delays in the performance of the service, notably as concerns the presentation of protestable drafts at a home address, and the remittal of unpaid drafts to the notary or bailiff in charge of writing the protest.

### **Article L123**

In the cases provided for in the second paragraph of Article L122 above, claims concerning bills to be collected and cash on delivery are received within two years of the date of deposit.

### **Article L124**

The provisions of the present segment are applicable neither to bank or other items of value remitted for collection at the checking centres by Post office checking account holders, nor to the sending of parcel post.

## ***BOOK IV: Financial Organisation***

### **SEGMENT II: Budgetary Provisions**

#### **CHAPTER V: Special Provisions**

##### **Article L126**

For any request to return the price of its services made after a year counting from the day of payment, the prescription falls in favour of the public operator.

The prescription is decided in favour of the user for sums due in payment of services by the public operator when the operator has not claimed them within a year counting from the date of their payability.

### **FINAL PROVISIONS**

##### **Article L128**

Under the conditions provided for by Article 34 of the Constitution and law no. 52-233 of 27 February 1952, the present code substitutes for the legislative provisions contained in the following articles of the post, telegraph, and telephone code insofar as they concern the Post, telegraph, and telephone service: Articles L1, L.2, L3, para. 2, L4, L10, L12 to L14, L33 to L39, L48, L50, L59, para. 5, L63, L64, L67, L68, L69, para. 1, L71 to L77, L79 to L84, L85, para. 1, L86 to L88, L93, para., 1 and 2, L94, L95, L97, L103, L104, L105, al . 1 to 6 and 8 to 10, L106, L109, last two sentences of third paragraph, L110 to L113, L114, para. 2, L116, L125 to L131, L133 to L137, L139, L144 to L149, L150, para. 1 and 2, L151 to L155, L157 to L159, L161, L164 to L167, L168, para. 1, L170, para. 1 and 2, L172-1 to L177, L179, para. 1 to 3, L182, L185, L189 to L192, L193 to L196, L198, L200 to L202, L204, para. 1, L128 and L228-1.

Article 48, 2<sup>nd</sup> para., of the law of 31 March 1931 approving the Statutory order of 6 September 1929, and particularly its Article 1. The following legal documents remain abrogated under the terms of Article 230 of the old modified code, D no. 54-680, 14 June 1954, Art. 6 and D no. 57-192, 13 February 1957:

- Statutory order of 23-30 July 1793, article 1.
- Law of 5 nivôse year V, article 14, paragraph 3.
- Order of 27 prairial of year IX, articles 1 to 3, 5 and 9.
- Order of consuls of 19 germinal of year IX.
- Law of 21 April 1832, article 47.
- Ordinance of 19 February 1843.
- Law of 29 November 1850, article 1, paragraph 2, articles 3 to 6.
- Statutory order-law of 27 December 1851.
- Law of 20 May 1854, article 1, last paragraph.
- Law of 22 June 1854, article 20, 21 and 22.
- Law of 4 June 1859, articles 1 to 3, 5 to 7, paragraph 1 and article 9.
- Law of 3 July 1861, article 1.
- Law of 20 December 1872, article 22, paragraph 1.
- Law of 25 January 1873, except article 6.
- Law of 5 April 1878, single article.
- Law of 6 April 1878, article 8.
- Law of 20 April 1882, articles 1 and 2.
- Law of 20 December 1884.
- Law of 28 July 1885.
- Law of 26 January 1892, article 30, paragraph 1, 2 and 3.
- Law of 12 April 1892, article 4, 2<sup>nd</sup> paragraph.
- Law of 25 December 1895, article 15, paragraphs 5 and following.
- Law of 30 March 1902, article 24.

Law of 17 April 1906, article 17.  
Law of 8 April 1910, article 45 and law of 13 July 1911, article 19.  
Law of 27 February 1912, article 14.  
Law of 30 July 1913, article 25, par. 1.  
Law of 31 December 1918, article 20.  
Law of 12 August 1919, article 10.  
Law of 31 December 1921, article 11.  
Law of 30 June 1922, article 2.  
Law of 30 June 1923, articles 70 to 79, 81, 85, 90 to 93.  
Law of 27 December 1923, article 44.  
Law of 22 March 1924, article 89.  
Law of 13 July 1925, article 162.  
Law of 9 August 1925, article 5.  
Law of 29 April 1926, article 67, paragraph 1, 92, paragraphs 1, 2, 3, 4, 94 and 97.  
Law of 30 June 1926, article 28.  
Law of 19 December 1926, article 40, paragraphs 1, 4 and 5, article 41, paragraphs 2 and 4, article 50.  
Statutory order of 28 December 1926.  
Law of 27 December 1927, article 52.  
Law of 30 June 1928, article 28.  
Law of 29 December 1929, article 27.  
Law of 16 April 1930, article 94.  
Law of 31 March 1931, articles 52, 55.  
Law of 31 March 1932, article 63.  
Law of 31 December 1935, article 46.  
Law of 15 June 1938, articles 1 to 4.  
Statutory order of 17 June 1938, article 1.  
Law of 31 December 1938, article 54.  
Law of 5 October 1940, article 40.  
Law of 17 July 1941, articles 2 and 3.  
Law of 28 October 1941, article 1.  
Law of 17 November 1941.  
Law of 5 February 1942, article 1.  
Law of 26 March 1942, article 1.  
Law of 31 December 1942, article 48, paragraph 1.  
Law of 29 June 1943.  
Law of 27 October 1943, articles 1 and 2.  
Ordinance no. 45-524 of 31 March 1945, article 45.  
Ordinance no. 45-2250 of 4 October 1945, articles 63 and 64.  
Law no. 45-0195 of 31 December 1945, articles 102 and 103, paragraphs 1, 2, 3, 5 and 6.  
Law no. 47-1465 of 8 August 1947, article 108.  
Law no. 48-1113 of 10 July 1948, single article.  
Law no. 48-1288 of 18 August 1948, article 2.  
Law no. 48-1992 of 31 December 1948, article 46.  
Law no. 49-211 of 16 February 1949, articles 1, 2 and 3.  
Law no. 49-758 of 9 June 1949.  
Law no. 49-759 of 9 June 1949.  
Law no. 49-946 of 16 July 1949, article 17.  
Law no. 50-928 of 8 August 1950, article 34.  
Law no. 51-570 of 20 May 1951, article 10.  
Law no. 51-633 of 24 May 1951, articles 2 and 3.  
Law no. 51-1506 of 31 December 1951, articles 2 and 3.  
Law no. 52-401 of 14 April 1952, article 70-VII.  
Law no. 53-26 of 28 January 1953, articles 1 to 13 inclusive, except paragraph 1 of article 12.  
Law no. 53-1333 of 31 December 1953, article 9.

**PART R (POSTAL)**  
(Orders in Council of State)

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# ***BOOK I: Postal Service***

## **PART I : UNIVERSAL POSTAL SERVICE**

### **CHAPTER I: Handling of users complaints by the universal postal service provider**

#### **Article R. 1**

Handling of complaints by the universal postal service provider shall be free for users. The proposal of the universal postal service provider referred to in the first subparagraph shall concern the internal procedure for handling complaints, the list of services qualifying for compensation in the event of loss, theft, deterioration or failure to meet the service's quality commitments, as well as compensation scales.

### **CHAPTER II: Universal postal service Ombudsman**

#### **SECTION III: The Ombudsman: Appointment procedures, powers and resources**

##### **Article R. 1.1**

A universal postal service Ombudsman shall be appointed under the Minister for Posts.

##### **Article R. 1.2**

The universal postal service Ombudsman shall be appointed by decree, following a report by the Minister for Posts, from a list of three persons drawn up by the chairman of the Public Service Commission for Posts and Telecommunications.

The universal postal service Ombudsman shall be appointed for a term of five years. He may be relieved of his duties before the expiry of this term only at his own request or in the event of permanent incapacity. His appointment shall not be renewable.

The office of universal postal service Ombudsman shall be incompatible with any other permanent professional activity in the public or private sector. The Ombudsman cannot, either directly or indirectly, hold interests in the postal sector.

##### **Article R. 1.3**

The universal postal service Ombudsman shall receive and investigate users' complaints concerning universal postal service provision in the manner provided for in Article R. 1.8.

If these complaints concern the performance of a contract containing special clauses relating to the universal postal service's terms and conditions, they shall be received and investigated in the manner provided for in Article R. 1.9.

In cases and under the procedures provided for in Article R. 1.10, the Ombudsman shall give an opinion on the drafting and amendment of contracts concerning universal postal service provision and containing special clauses relating to the terms and conditions of this service.

He shall inform the Minister for Posts of any failure by the universal postal service provider to comply with its obligations of which he is aware.

##### **Article R. 1.4**

The Minister for Posts shall inform the Ombudsman of notification by the universal postal service provider, under Articles 4, 23 or 33 of the Post Office schedule, of draft contracts or draft amendments to existing contracts containing special clauses relating to universal service provision.

The minister shall forward to the Ombudsman the contracts referred to in the first subparagraph upon their entry into force.

#### **Article R. 1.5**

The universal postal service Ombudsman shall have the specific staff and resources necessary for the performance of his duties.

#### **Article R. 1.6**

In all his activities, the universal postal service Ombudsman may undertake any consultation that he may deem advisable and call on the services of any suitably qualified person for expert opinion.

When complaints and requests for an opinion are referred to him, the universal postal service Ombudsman may ask the parties concerned as well as the Minister for Posts for any information relevant to the performance of his duties.

#### **Article R. 1.7**

The universal postal service Ombudsman shall submit to the Minister for Posts an annual report in which he shall review his practice and in which he may make any recommendations or put forward any proposals for improving universal postal service provision. This report shall be made public.

### **SECTION II: Procedures followed by the Ombudsman**

#### **Article R. 1.8**

I. - Without prejudice to other possible remedies provided for by laws and regulations, any user, whether individually or through a nationally accredited trade association or consumer organisation, may make a complaint in writing to the universal postal service Ombudsman concerning the performance of this service.

The complaint must first have been sent to the universal postal service provider and have been wholly or partly rejected or not have received any answer within two months.

Referral to the Ombudsman shall not be a preliminary to bringing an appeal before the competent courts.

II - The universal postal service Ombudsman shall deliver a reasoned recommendation to the universal postal service provider within two months of the referral at the latest. Should it be necessary to amplify the recommendation before it can be implemented, this time limit shall be extended to three months. The recommendation shall be sent by registered post with acknowledgement of receipt to the person making the complaint and to the universal postal service provider.

The Ombudsman shall be informed by the universal postal service provider of the action taken on his recommendation.

In the absence of a response from the universal postal service provider acting upon the recommendation within the time limit that he has laid down, the Ombudsman shall inform the Minister for Posts. He may also make public his recommendation, subject to the need to protect business secrecy.

#### **Article R. 1.9**

I - Without prejudice to other possible remedies provided for by laws and regulations, a contracting party or trade association may make a complaint in writing to the universal postal service Ombudsman in the event of disagreement concerning the performance of contracts containing special clauses relating to the universal postal service's terms and conditions.

Referral to the Ombudsman shall not be a preliminary to bringing an appeal before the competent courts.

II - The Ombudsman shall hear the person making the complaint and the universal postal service provider if he deems this to be appropriate or if the latter so request.

III - The universal postal service Ombudsman shall deliver a reasoned recommendation to the universal postal service provider within two months of the referral at the latest. Should it be necessary to amplify the recommendation before it can be implemented, this time limit shall be extended to three months. The recommendation shall be sent by registered post with acknowledgement of receipt to the person making the complaint and to the universal postal service provider.

The Ombudsman shall be informed by the universal postal service provider of the action taken on his recommendation.

In the absence of a response from the universal postal service provider acting upon the recommendation within the time limit that he has laid down, the Ombudsman shall inform the Minister for Posts, who, where appropriate, shall make known to him, within one month, the action that he intends to take. The Ombudsman shall notify the universal postal service provider and the person making the complaint of the Minister's response.

The Ombudsman may make public his recommendation, subject to the need to protect business secrecy.

### **Article R. 1.10**

I - a) The universal postal service Ombudsman may have referred to him by the universal postal service provider, by a trade association or by any other party concerned, a disagreement on a draft contract or a draft amendment to an existing contract containing special clauses relating to universal postal service provision.

This referral to the Ombudsman must occur before the new contractual clauses enter into force.

The Ombudsman shall inform the Minister for Posts of the cases referred to him.

b) If the case referred to the Ombudsman concerns a draft contract or draft amendment to an existing contract that has been forwarded to the Minister by the universal postal service provider under Articles 4, 23 or 33 of the Post Office schedule, the Minister shall make available to the Ombudsman the documents sent to him on this occasion.

c) If the case referred to the Ombudsman concerns a draft contract or draft amendment to an existing contract that has been forwarded to the Minister by the universal postal service provider under Article 33.1b of the Post Office schedule, the Ombudsman may request the Minister to exercise the power of objection provided for in the schedule provisions in order to suspend approval during the consultation period as laid down in paragraph III of this article.

d) The person referring the case shall forward to the Ombudsman all information relevant to the draft contract or draft amendment to an existing contract, in particular the information necessary for evaluating:

- the technical constraints imposed by the draft contract or amendment;
- the financial and tariff conditions, in particular cost recognition;
- the respective obligations of the contracting parties.

The representations and documents forwarded to the Ombudsman by one party shall be made available to the other parties, without prejudice to any confidential information, in particular that coming under business secrecy, which they might contain, in order to allow these parties to submit their representations.

The Ombudsman shall hear the parties if he deems this to be appropriate or if the latter so request.

II - The Minister for Posts may consult the Ombudsman at any stage in the procedure for drawing up or amending contracts containing special clauses relating to universal postal service provision and forwarded by the universal service provider under Articles 4, 23 and 33 of the Post Office schedule.

The Minister for Posts shall forward relevant information to the Ombudsman.

The Ombudsman shall make this information available to the parties concerned in order that they may submit their representations, without prejudice to the confidential aspects, in particular those coming under business secrecy, that this information may contain.

The Ombudsman shall hear the parties concerned and the universal postal service provider if he deems this to be appropriate or if the latter so request.



III - In all cases referred to him the Ombudsman shall deliver his opinion within one month of the referral. He may, on his own initiative or at the request of the parties, extend this time limit by one month. In this case he shall state the reasons for this deferment, which shall be notified to the parties by registered post with acknowledgement of receipt.

However, if the Ombudsman is consulted under paragraph II of this article, his opinion shall be delivered within a time limit set by the Minister, within the maximum time limit referred to in the preceding subparagraph.

Referral to the Competition Council, as provided for in Articles L. 462.1 to L. 462.5 of the Commercial Code, of the case referred to the Ombudsman shall suspend these time limits until such time as the Council has delivered its decision.

The Ombudsman shall state the reasons for his opinion. It shall be notified by registered post with acknowledgement of receipt to the person making the complaint. It shall also be sent to the other parties.

In all cases the opinion shall be forwarded to the Minister for Posts, who, where appropriate, shall make known to the Ombudsman, within one month, the action that he intends to take. The Ombudsman shall notify the universal postal service provider and the person making the complaint of the Minister's response.

The Ombudsman may make public his opinion, subject to the need to protect business secrecy.

#### **Article R. 1.11**

The Ombudsman shall ensure that the information forwarded to him under the procedures laid down in Articles R. 1.8, R. 1.9 and R. 1.10 is treated as confidential.”

### **SEGMENT VIII: Penal Provisions**

#### **Article R2**

The act of conveying correspondance items or registered items that are reserved to the universal service provider under Article L. 2 shall be punished with the penalties laid down for Class 5 petty offences.

Persons contravening Articles L. 3 and L. 4 shall be liable to the same penalties.”

#### **Article R3**

The following is punishable by the fine provided for under infractions of the 5<sup>th</sup> class:

1) Insertion of French or foreign bank notes or other values to the bearer in ordinary or simple registered dispatches.

The penalty will not be incurred when the insertion of these notes or valuables in registered does not exceed the maximum amount of compensation granted, in case of loss, as a function of the guarantee rate chosen by the sender at the time of sending.

2) Insertion of gold or silver articles, jewels or other precious objects, in ordinary or simple registered letters.

The penalty will not be incurred when the insertion of such articles, jewels, or objects in registered parcels does not exceed a value equal to the maximum amount of compensation granted, in case of loss, as a function of the guarantee rate chosen by the sender at the time of sending.

3) Insertion of French or foreign coins of legal tender, other than in a letter or box with declared value.

#### **Article R4**

The provisions of Article R3 are applicable, as the case may be, to the insertion of cash, gold or silver materials, or other precious objects in postal parcels without declaration of value.

### **Article R5**

It is prohibited, under the penalties stated in Article R1, to insert the following in a dispatch entrusted to the Post:

- dangerous or dirtying matter or objects;
- goods subject to Customs duties, excise taxes, or prohibited goods.

### **Article R6**

The following are punishable by the fine provided for under 4<sup>th</sup> class infractions:

- 1) those who use a postage stamp or franking that has already been used;
- 2) those who insert a letter, document, form, or any other object in an official-paid dispatch or envelope without required postage if this mode of sending is not provided for by the regulations in force for the object considered.

### **Article R7**

The provisions of the first paragraph in Article R5229 of the Public health code apply to infractions of Article L31 observed in the postal service.

### **Article R8**

It is prohibited to use the forms the Post makes available to the public, or reproductions or imitations of these forms, for any operations performed without the Post as intermediary.

It is also prohibited to distribute any document of any kind bearing stickers, stamps, imprints or wording that give the false impression of an object of correspondence that has passed through the postal service.

Any infraction of the provisions of the previous two paragraphs is punished by the fine provided for 3<sup>rd</sup> class infractions by the form used or by the document distributed.

## ***BOOK III: Financial Services***

### **SEGMENT I: Post Office Banking System**

#### **Article R52-10**

The regulations establishing the application conditions of the modified Statutory order of 30 October 1935 concerning the implementation of cheque issuance prohibition are applicable to Postal banking centres.

#### **Article R52-11**

Acts relative to sales, provisional or attributive garnishments, propagated against holders of Post office checking accounts are notified to the Postal banking centre where the accounts concerned by these acts are held.

**PART D (POSTAL)**

(Statutory Orders)

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## ***BOOK I: Postal service***

### **SEGMENT I: General provisions**

#### **CHAPTER I: Postal monopoly**

##### **Article D1**

The postage payable for remittal of letters and parcels impounded by application of Articles L23 and L24 to the addressee or sender, on their request, is equal to four times the postage applicable to each of them.

##### **Article D2**

When a ship is quarantined in a French roadstead, the Captain first delivers the letters and parcels entrusted to him and the crew members to the port's public health administration. After carrying out its health operation, this administration remits the letters and parcels to the Postmaster, who alone is responsible for distributing them or forwarding them by the earliest ordinary mail to their ultimate destination.

#### **CHAPTER II: Exceptions to the Inviolability and Secrecy of Correspondence**

##### **Article D3**

Customs officials, with the assistance of post and telecommunications administration employees, may open and check all unclosed dispatches as well as closed dispatches labelled "Douane" (Customs) provided for by universal postal convention, whether of domestic or foreign origin. They may also require the opening of closed dispatches not carrying this label, by the postal service in the presence of the sender or addressee, as the case may be, or with his authorisation, and the dispatches will then be subject to their inspection.

Customs civil servants may in no case acquire awareness of the content of correspondence.

#### **CHAPTER III: Creation of Post Offices**

##### **Article D4**

The Post and telecommunications administration creates establishments and jobs necessary for the performance of the services of which it is in charge, within the bounds of authorisations granted by the finance laws.

##### **Article D5**

Management of auxiliary proceeds may be entrusted to tobacconist tax collectors for whom it is an obligation, to tobacconists, merchants, and even to individuals as required.

## **CHAPTER IV: Conditions for Admission of Correspondence Objects in the Domestic System**

### **SECTION I: General**

#### **Article D6**

Conditions for admission of correspondence objects of any kind are set by order of Minister of the Post and telecommunications under reserve of the stipulations in the Universal postal convention as concerns the international system.

#### **Article D7**

The weight of tapes, envelopes, strings, and stamps, as well as that of the postage stickers, is included in the weight subject to postage for dispatches entrusted to the postal service.

#### **Article D8**

Any dispatches mentioned in Articles D10, D13, and D14, carrying a reduced rate of postage but not fulfilling the required conditions to benefit from this rate, are considered as letters with insufficient postage if they are presented uncovered or in an envelope, and as parcel post with insufficient postage if they are presented in any other form.

The same applies to dispatches covered by Articles D13 and D14 when they include unauthorised hand-written notes or contain even printed notes resembling personal correspondence or which could be taken as such.

### **SECTION II: Letters, Postcards, and Parcel Post**

#### **Article D9**

In the domestic system, the following are considered as "letters" for application of the postal rate:

- 1) dispatches presented in the form of covered or uncovered folded paper, in an open or closed envelope, consisting essentially of correspondence or papers which can be taken as such;
- 2) dispatches not meeting the conditions for admission of their category in the cases provided for in Article D8.

#### **Article D10**

Postcards, which benefit from a special postage rate, consist of a thin sheet of cardboard, sufficiently strong to avoid handling problems, on which at least the right-hand half of the recto side is reserved for the destination address.

#### **Article D11**

Unless they fulfil the conditions of Articles D13 and D14 to come under the "Printed Matter and Samples" rate, dispatches including essentially goods and presented in the form of an open or closed parcel are subject to parcel post rates.

### Article D12

Postal parcels benefit from a special rate as long as their postage is applied by a franking machine and they are sorted and bagged by centralising offices in large cities and deposited in numbers of at least 1000, at the sites, and at the day and time decided in agreement with the postal service.

An even lower special rate may also be granted to users depositing a minimum of 500,000 postal parcels per year, in exchange for the co-operation that these users bring the postal service. The procedures for this co-operation are stated in a special agreement between the administration and each such user.

## SECTION III: Printed Matter and Samples

### Article D13

The "Printed Matter and Samples" rate is applicable to:

- 1) Printed matter, *i.e.*, any printings or reproductions obtained on paper or similar materials such as parchment or cardboard, by letterpress, etching, lithography, mimeography, composing stick, inked stamp, or any mechanical process other than a typewriter or carbon copy.

Reproductions of a hand-written or typewritten manuscript obtained by a mechanical duplication process other than carbon copy are likened to printed matter as long as they are deposited at the Post office window in a minimum of 20 perfectly identical copies.

When a printed text reproduces handwriting, the words "texte imprimé" (printed text) are to appear clearly visible, by one of the above processes.

- 2) Samples, *i.e.*, goods or fragments of goods sent to make a product known.  
Goods or objects sent as "samples" should generally have no mercantile value.

The dispatches covered by the present article must not by themselves, nor by any attached documents, exhibit a character of personal correspondence nor be taken as such. Also, except when determined by the Minister of the Post and telecommunications, they must be fabricated in such a way that their contents can always be easily checked without damaging the packaging.

### Article D14

The following also come under "Printed Matter and Samples" postage:

- 1) printers' proofs, with or without the corresponding manuscripts and possibly with modifications or additions on the proofs corresponding to correction, formatting, or printing;
- 2) dispatches of manuscripts intended for printing in newspapers, in an open envelope addressed to a newspaper or periodical.

Hand-written manuscripts weighing up to 20 grams, and printed manuscripts, can be delivered "out of bag" in the railway station or distributed to the address.

In order to benefit from the lower postage, hand-written manuscripts weighing more than 20 grams must be sent under "out of bag" envelope to be picked up at the station.

- 3) Questionnaires bearing the stamp of the National statistics and economic studies institute;
- 4) Manual reproductions or tracing paper copies of cadastral survey maps exchanged in unclosed envelopes between the internal revenue service, the land registry service, and landowners.

### Article D15

By exception to Articles D13 and D14, printed or hand-written voter's identification cards, printed or hand-written ballots, and printed electoral circulars sent in unclosed envelopes or without envelope during the electoral period also benefit from a special rate.

Voters' identification cards deposited at the Post by the municipal authorities in a closed envelope for distribution to voters at their home address are exceptionally admitted for this rate as long as the card is sent during the

electoral period and the envelope is marked "Carte d'électeur" (voter's ID) as well as the designation of the local administration sending it.

#### **Article D16**

"Printed Matter and Samples" presented for cash-paid postage or with pre-paid postage stamps or franking machine prints, deposited in numbers of at least 1000, sorted and bundled under the conditions set by regulations, benefit from a special rate.

#### **Article D17**

Printed Matter and Samples may include hand-written or printed notes authorised by decision of the Minister of the Post and telecommunications without additional postage.

### **SECTION IV: Newspapers and Periodicals**

#### **Article D18**

Newspapers and Periodicals connected with the news, which is evaluated in light of the object of the publication, benefit from the newspaper rate if they fulfil the following conditions:

- 1) They are of a general interest character as concerns the dissemination of thought: instruction, education, information, public recreation.
- 2) They satisfy the obligations of the law of 29 July 1881 on freedom of the press, namely:
  - a) They bear the name and address of the printer who actually prints the publication.
  - b) They have a publication director whose name is printed on all of the copies.
  - c) They have been deposited as provided for in Articles 7 and 10 of the above law.
- 3) They appear regularly at least once per quarter, without the possibility of an interval greater than four months between two issues.
- 4) They are effectively sold to the public on the news-stand or by subscription, at a marked price that is in real relationship with the costs, without the delivery of the periodical being accompanied by a free or paid supply of goods or services not in direct relation with the main object of the publication. A joint decision by the Minister in charge of communication, the Minister in charge of the Post, and the Minister in charge of the budget states the procedures for application of the present provision as required.
- 5) At most two-thirds of their space is devoted to advertising, judicial and legal announcements, and classified advertisements, while the classified advertisements do not exceed half the total area.
- 6) Despite the appearance of newspapers or reviews they might have, they cannot be likened to any of the publications coming under the following categories:
  - a) advertising sheets, tracts, guides, brochures, catalogues, almanacs;
  - b) books published especially for delivery, and the publication of which covers a limited period of time, or which are a complement or update of books already published. However, this complement or update may benefit from the newspaper rate for the part which, in the course of the year, does not increase the number of pages that the work included as of 31 December of the previous year;
  - c) publications whose main object is the research and development of the transactions of commercial, industrial, banking, insurance companies or other publications seeming to be accessory to a commercial or industrial activity;
  - d) publications whose main object is the publication of programme schedules, plan models, drawings, or financial quotes, except publications whose essential object is the insertion of radio and television programmes or real estate values for information;
  - e) publications whose main object is to carry information concerning the internal life of a group of any legal status or constituting an advertising or propaganda instrument for the group;
  - f) publications whose price is included in the membership dues for any association or group.

### **Article D19**

Under reserve of meeting the provisions of paragraphs 1), 2) and 3) of Article D18, and falling within none of the categories mentioned in paragraphs a, b, c, d, or e in paragraph 6) of the same Article, and on condition that they show a connection with news, and the publicity and advertisements do not exceed 20 % of the total space, the following publications may benefit from a specific rate which cannot be less than the one provided for in the preceding article:

- 1) under reserve of favourable opinion from the Minister in charge of veterans, publications by veterans or war wounded or victims;
- 2) under reserve of favourable opinion from the applicable Minister, professional information publications published by union organisations representative of employees;
- 3) publications whose essential object is to promote a political action or philosophy, which are not published by or on behalf of an entity of public law;
- 4) under reserve of favourable opinion from the Minister of social affairs, publications by mutual companies governed by the mutuality system code, as well as those published by groups constituted and operating in conformity with this code;
- 5) under reserve of favourable opinion from the competent Minister, publications by non-profit organisations whose object it is to contribute in a manifestly disinterested way to the defence of humanitarian, national, or international causes;
- 6) school newspapers published or printed under the direction and responsibility of teachers or professors for the purpose of educating children and informing parents and the corresponding schools of life and work at school.

### **Article D19-1**

Publications by the State administration and by government-owned organisations, except those of industrial or commercial type or working on behalf of them, pay postage at the Administrative publication rate.

### **Article D19-2**

Newspapers and publications with an at-most weekly periodicity fulfilling the conditions provided in Article D18 and of a political and general information type, benefit, if they so request, from a rebate on the urgent, non-urgent, or contact newspaper rate. The amount of this rebate is set by Statutory order.

In order to be considered as a publication of political and general information, the publication must exhibit all of the following characteristics:

- 1) continuously provide news and comments tending to enlighten citizens' judgement on the general, local, national, or international political situation;
- 2) devote most of their editorial space to this purpose;
- 3) show an interest manifestly overreaching the concerns of a category of readers.

Also, national dailies with low advertising resources in the sense of Statutory order no. 86-616 of 12 March 1986 and regional, departmental, and local dailies in the sense of Statutory order no. 89-528 of 28 July 1989 benefit from an additional rebate.

### **Article D19-3**

In order to benefit from the newspaper rate, the specific rate, or the administrative publications rate, or from rebates on the newspaper rates, Newspapers and Periodicals must receive an enrolment certificate delivered by the Joint commission of publications and press agencies or one of its sub-commissions, and be mentioned in one of the categories provided in Articles D18, D19, D19-1. Moreover, the enrolment certificate mentions if the publication benefits from the rebate provided for in Article D19-2.

### **Article D19-4**

Publication deposits are accompanied by a declaration indicating the category in which the Joint commission of publications and press agencies or one of its sub-commissions has classified the publications to be sent. This

declaration also stipulates if it is a normal or supplementary issue, or a special issue, as well as the presence of special pages. It also includes the weight of the publications deposited.

Furthermore, the publisher or his authorised representative certifies in the declaration that the publications deposited meet the conditions of their classification.

#### **Article D19-5**

If the declaration provided for in the preceding article does not correspond to reality, the Post applies the rate corresponding to the real dispatch, increased by 50 %.

If another untrue declaration is made within the same year, the increase is set at:

- 100 % for the first repetition
- 150 % for the second
- 200 % for subsequent repetitions.

The Post delivers a document to the editor in which it informs him of the untruthfulness found in the information that was to be given in the declaration, the rate applied, along with the increase provided for.

The declaring party has one calendar month counting from the time of this notification to appeal the rate and increase applied before the Joint commission of publications and press agencies.

After collecting written comments from the parties, the Joint commission of publications and press agencies decides on the untruthfulness of the information given in the declaration, the correctness of the rate and increase applied, within one month counting from submission of the appeal.

#### **Article D19-6**

If the declaring party is found to be acting in bad faith as shown by a repeated declaration with untruthful information or by the amplitude of the untruthfulness, the Joint commission of publications and press agencies decides automatically or on request from the Post to exclude the declaring party from the benefit of the newspaper rate for a maximum term of six months.

#### **Article D20**

Ordinary Printed matter postage is applied to the following:

- 1) classified advertising sheets, brochures, catalogues, almanacs, serial books delivered over a limited period of time, as well as any periodicals which, though appearing to be informational in content, have the main object of seeking or developing transactions of commercial, industrial, banking or other companies, and those which are actually advertising or publicity in the service of establishments, companies, or individuals;
- 2) newspapers and periodicals and their supplements when more than two-thirds of one or the other are devoted to publicity and advertisements, as well as opinions inciting the reader to commercial transactions, or when the publicity for the same advertiser exceeds 10 % of the total newspaper space;

However, the percentage of publicity for the same advertiser can reach 25 % of the total advertising space on condition that this percentage remains exceptional and does not concern more than:

- four issues per quarter for daily publications
- two issues per quarter for weekly publications
- one issue per quarter for publications appearing once or twice per month
- one issue per year for other publications.

The exceptional sending of issues in which the advertisements exceed the above proportions does not remove the benefit of the reduced rate for the regular issues sent later.

Any insertions whose object is to indicate, make aware, or recommend what can be the object of a transaction is considered as advertising.

#### **Article D21**

Foreign newspapers and periodicals are subject to the postage rate for non-urgent letters or printed matter, depending on their destination.

However, this provision does not apply to publications from the European Economic Community instituted by the Treaty of Rome, which benefit from the preferential press rate under the same conditions as French publications.

The Post and telecommunications administration is authorised to award the preferential press rate to foreign publications deposited at the Post in France when the country considered awards the rate provided by its own domestic regulations in favour of objects in the same category reciprocally, for French newspapers and periodicals posted in that country.

#### **Article D22**

For the application of postage, newspapers are classified as dispatched, semi-dispatched, and other, depending on the degree of preparation performed by the sender prior to remittal to the postal service.

#### **Article D23**

Newspapers and periodicals may, without additional postage, include hand-written or printed notes authorised by decision of the Minister of the Post and telecommunications.

#### **Article D24**

"Dispatched" or "out of bag" newspapers and periodicals sent in packets by publishers or their authorised representatives to depositories or dealers benefit from a 50 % reduction on the rate that would normally be applicable to them.

#### **Article D25**

Each issue of a publication may include special pages for part of its readers, determined by geographic, social, or professional criteria.

These special pages are to be clearly identified either by specific pagination or by mention made in the publication contents.

Special pages may be presented as a separate part, but they are an integral part of the publication and cannot be disseminated or sold separately.

#### **Article D26**

The place of publication, from the viewpoint of the postage applied, is where the newspaper is printed.

#### **Article D27**

Any detached publication appearing periodically or constituting an addition prompted by the abundance of subjects to complement or illustrate the text of a publication is considered as a supplement to a periodical.

The supplement is to satisfy the same content and form conditions as the main publication.

Any supplement is to be marked "supplément" followed by the title and date or number of the publication to which it is attached.

The supplement may not be sold separately nor be subscribed to separately.



When the supplement is not deposited in the same Post office as the main publication to which it is attached, postage is applied separately.

#### **Article D27-1**

Any publication proposed to the public in addition to the normal issue, on the occasion of a news event or major organised event, is considered as a special or non-serial issue of a periodical.

The special or non-serial issue must satisfy the same content and form conditions as the main publication. It must be marked "numéro spécial" or "hors série" (special issue). However, one issue per year for quarterly publications, and two issues per year for publications appearing at lesser intervals may be devoted to a single theme on condition that the subject treated is manifestly tied in with the usual content of the main publication.

#### **Article D27-2**

Supplements and special issues of a publication that benefits from the rebate on newspaper rates provided for under Article D19-2 are fully eligible for this advantage.

#### **Article D28**

Printed matter or samples may, when their presentation so permits, be inserted in a newspaper or periodical.

The insertions in a given publication are subject to distinct postage in addition to the postage for the publication itself. This is calculated according to their total weight, at the "Printed Matter and Samples" rate.

The reply cards or envelopes mentioned in Article D46 and distributed under the cover of a periodical publication give rise to the collection of special postage independent of the postage applicable to other inserts, and calculated from the total of the cards or envelopes inserted, on the basis of the "Printed Matter and Samples" rate. This postage is payable for any reply correspondence insertion mode, even if the reply card is to be detached from a normal page of the publication.

The total postage collected must in no case exceed that which would be applicable to a dispatch of the same weight at the rate of the "Printed Matter and Samples" or "Parcel Post" category, as the case may be.

### **SECTION V: Sound Magazines**

#### **Article D29**

In order to be admissible for the benefit of the reduced "Sound Magazines" rate, these magazines must satisfy the following conditions:

- 1) The essential object of the magazine is to disseminate sound documents of general interest news. These documents and the printed texts corresponding directly to them are to represent at least a third of the magazine's total space.
- 2) They are to include only recordings that are specially designed and arranged for the magazine. These recordings are to be an integral part of the magazine and, as such, materially attached to it. In particular, it should not be possible to make separate distribution or use of them.
- 3) They are to include a permanent title followed by the words "magazine sonore" (sound magazine).
- 4) They are to bear the address of the headquarters, the director's or administrator's name, and the number or date of the issue.
- 5) They are to appear regularly, at least once per month.
- 6) They must be available to the public in the form of a subscription. This is an obligation that does not prevent news-stand sales, however.
- 7) They are to be sent in a removable sleeve or open envelope and include no other hand-written words than those authorised on "Printed Matter and Samples".

- 8) They are first to be registered at the departmental division of the Post and telecommunications to which the office of deposit is attached.

#### **Article D30**

"Sound Magazines" that do not meet the provisions of Article D29 are subject to the normal postage applicable to "Printed Matter and Samples" or "Parcel Post", by weight.

The following, namely, are subject to this postage:

- 1) "Sound Magazines" distributed for advertising purposes;
- 2) those in which the advertisements or publicity exceed two-thirds of the space, including all advertisers, or 10 % for the same advertiser, whether the advertisements or publicity are made free of charge or for price;
- 3) those whose publication covers a limited period.

#### **Article D31**

The reduced rate is also granted only to those "Sound Magazines" that are deposited under the following conditions:

- 1) The dispatches are to be deposited by the publishers or their authorised direct representatives (printers or dispatching firm).
- 2) Postage is to be applied by franking machine and the dispatches are to be deposited, sorted, and bundled by department and distribution office, and include only sound magazines, to the exclusion of any other correspondence objects.

Also, the shipment sleeves or envelopes are to bear the indication of the magazine title, followed by the very clear marking "magazine sonore" (sound magazine).

### **SECTION VI: Special Provisions**

#### **Article D32**

The cadastral booklets exchanged between the internal revenue and land registry service and landowners are admitted for a special rate up to a maximum weight of 500 grams.

#### **Article D33**

Printed matter in relief for use by the blind is exonerated from postage as well as from special duties related to registration, return receipt, urgency, express, claim and reimbursement formalities, under the conditions and limits set by regulations.

### **CHAPTER V: Conditions for Admission of Correspondence Objects in the International System**

#### **Article D34**

The exchange of ordinary and registered correspondence between France and its overseas departments, on the one hand, and the member countries of the Universal postal union on the other, is performed under the conditions set by

the Universal postal convention and its rules, under reserve of application of the special arrangements authorised by this convention.

#### **Article D35**

The exchange of objects of declared value between France and its overseas departments, on the one hand, and, on the other hand, countries that have or will subscribe to the Universal postal union arrangement concerning objects of declared value, is performed under the conditions set by this arrangement and its rules, under reserve of application of special systems.

#### **Article D36**

The "postal subscription" service in relations between France and its overseas departments, on the one hand, and countries which have or will subscribe to the Universal postal union arrangement concerning subscriptions to newspapers and periodicals, is performed under the conditions determined by this arrangement and the appended rules, under reserve of application of special systems.

### **SEGMENT II: Franking, Registration, and Loading**

#### **CHAPTER I: Franking**

#### **Article D37**

*(Abrogated by Statutory order no. 92-382 of 30 March 1992, Art. 1 in the Journal Officiel of 7 April 1992)*

#### **Article D38**

The Post and telecommunications administration is authorised to issue a reply coupon usable under conditions set by ministerial order.

#### **Article D39**

*(Abrogated by Statutory order no. 81-256 of 13 March 1981, Art. 4 in the Journal Officiel of 20 March 1981)*

#### **Article D40**

*(Abrogated by Statutory order no. 92-382 of 30 March 1992, Art. 1 in the Journal Officiel of 7 April 1992)*

#### **Article D41**

The imprints of franking machines operated with the authorisation of the Post and telecommunications administration are considered to be valid for franking correspondence objects.

The Post and telecommunications administration is authorised to grant a rebate that cannot exceed 1 % of the amount of postage applied by franking machines or pre-cancelled stamps, to individuals. A ministerial order countersigned by the Ministry of finance determines the conditions under which this can be granted.

The Post and telecommunications administration is authorised to grant a maximum 2 % rebate on the amount of postage to holders of a specific postal code number who apply postage by franking machine, depending on the amount of mail received. The amount and the way this rebate is computed, as well as the application conditions, are set by order of the Secretary of state for Post and telecommunications.

#### **Article D42**

The Minister of the Post and telecommunications is authorised to issue special stamps that include, independently of the payment of the normal postage, a surtax whose proceeds go to the French Red Cross.

#### **Article D44**

Prior franking of correspondence objects is not obligatory in the French domestic service except as concerns loaded or registered objects, urgent dispatches, and those to be distributed by special messenger, return receipts, and cash on delivery.

#### **Article D45**

For any correspondence objects that carry inadequate or no postage, the complement of postage is collected from the addressee or, if the addressee refuses, from the sender, along with a fixed handling fee.

#### **Article D46**

In exception to the provisions of Article D45, reply correspondence authorised by the Post and telecommunications administration and sent without postage to the authorisation holder are subject only to normal postage, plus a fixed surtax.

This exception applies exclusively to replies sent in the form of postcards or letters of the first two weight categories. These dispatches cannot be registered.

Authorisations are delivered for a maximum period of one year. For the amount of the surtaxes, a minimum is payable per authorisation.

Permanent authorisations can also be granted under reserve of a traffic minimum and special distribution procedures set by the administration.

Reply cards or envelopes are to be in conformity in format and presentation with the model established by the Post and telecommunications administration.

Those that are disseminated under cover of a periodical publication are subject to payment of a special insertion postage defined in Article D28.

The Post and telecommunications administration is authorised to defer the distribution of reply correspondence according to service requirements.

When the authorisation is delivered, the holder is to subscribe the commitment to pay the amount of the postage plus either the corresponding surtax or, as the case may be, the minimum payment provided for in the present article.

The postage to be collected is mandatorily withdrawn from the user's Post office checking account.

Reply correspondence deposited after expiry of the authorisation validity or after suspension of a permanent authorisation are subject to the application of double postage in conformity with the provisions of Article D45.

## **CHAPTER II: Registration and Loading**

### **Article D47**

Except for "Printed Matter and Samples", reply correspondence and newspapers and periodicals other than those stamped at the "other newspapers" rate, correspondence objects entrusted to the postal service can be registered.

Dispatches admitted for registration are guaranteed against risks of loss and are remitted against a receipt under the conditions set in Articles L8 and L9.

### **Article D48**

No particular packaging is required for registered dispatches, which are subject to the rules of the category to which they belong, in this respect.

### **Article D49**

Registered objects are deposited at Post office windows.

### **Article D50**

All postage of any kind to which registered objects are subject must be paid by the sender.

### **Article D51**

Within the limits of Article R3 (1), second paragraph, valuables of any kind except gold and silver, jewels and precious objects, may be inserted in registered letters.

### **Article D52**

It is permitted to insert gold or silver materials other than coins of legal tender in registered packages, provided that the value of these materials is not greater than the amount of the compensation granted in case of their loss.

### **Article D53**

Dispatches of declared value are used for the transport of valuables listed in Article D55, as well as the documents given in Article D56.

These dispatches are remitted against receipt and are guaranteed against risks of loss, damage, and spoilage, under the conditions set by Article L10.

The declaration of value is to be written fully spelled out on the dispatch subscription, and the amount of the values sent is to be stated.

The maximum declaration of value authorised is set by Statutory order.

#### **Article D54**

Depending on the type of valuables inserted, dispatches with declared value are to be presented in the form of a letter, box, or package.

Dispatches of declared value are subject to special packaging specific to each of these three categories: letter, box, or package.

#### **Article D55**

Valuables that can be insured, with prior declaration, are:

- 1) In letters or boxes: bank notes, coupons, dividend coupons and interest payable to bearer, paper valuables of any kind, jewels and precious objects, gold and silver, including French or foreign coins of legal tender;
- 2) In packages: bank notes and other values to the bearer, as well as paper valuables of any kind, objects having mercantile value, excluding jewels and precious objects, gold and silver.

#### **Article D56**

Documents having no intrinsic value (such as mortgage bonds, drafts or similar documents, plans, estimates, or contracts) sent by the Post can be declared to have a value corresponding to the replacement cost of the documents, and for a maximum amount that is set by Statutory order. These documents can be inserted in letters, boxes, or packages.

#### **Article D57**

The sender of a registered object, or one of declared value, may request that the addressee return a receipt for this object.

### **SEGMENT IV: Official-paid**

#### **Article D58**

*(Statutory order no. 67-24 of 2 January 1967, Art. 1 in the Journal Officiel of 8 January 1967)  
(Abrogated by Statutory order no. 96-212 of 19 March 1996, Art. 2 in the Journal Officiel of 20 March 1996)*

#### **Article D59**

*(Statutory order no. 67-24 of 2 January 1967, Art. 1 in the Journal Officiel of 8 January 1967)  
(Abrogated by Statutory order no. 96-212 of 19 March 1996, Art. 2 in the Journal Officiel of 20 March 1996)*

#### **Article D60**

*(Abrogated by Statutory order no. 96-212 of 19 March 1996, Art. 2 in the Journal Officiel of 20 March 1996)*

#### **Article D61**

*(Abrogated by Statutory order no. 96-212 of 19 March 1996, Art. 2 in the Journal Officiel of 20 March 1996)*

#### **Article D62**

*(Abrogated by Statutory order no. 96-212 of 19 March 1996, Art. 2 in the Journal Officiel of 20 March 1996)*

**Article D63**

*(Statutory order no. 81-256 of 13 March 1981, Art. 1 in the Journal Officiel of 20 March 1981)  
(Abrogated by Statutory order no. 96-212 of 19 March 1996, Art. 2 in the Journal Officiel of 20 March 1996)*

**Article D64**

*(Abrogated by Statutory order no. 96-212 of 19 March 1996, Art. 2 in the Journal Officiel of 20 March 1996)*

**Article D65**

*(Abrogated by Statutory order no. 96-212 of 19 March 1996, Art. 2 in the Journal Officiel of 20 March 1996)*

**Article D73**

The following are admitted as official-paid:

- 1) ordinary correspondence received by the President of the French Republic;
- 2) correspondence for which treaties or laws provide for this system.

**Article D74**

The services provided by the Post are paid by the State according to the procedures defined in Article 38 of the Post specifications.

**Article D75**

Official-paid dispatches are subject to the same conditions for admission as other objects of the same kind entrusted to the postal service, under reserve of special procedures of admission set by order of the Minister in charge of the Post.

**Article D76**

Except for the correspondence covered in (1) of Article D73 in the present code, official-paid dispatches are mandatorily deposited at a Post office window. Otherwise, they are treated as correspondence objects without postage according to the procedures provided for in Article D45 of the present code.

**Article D77**

When a dispatch is deposited at a Post office window, the Post has the right to ask the sender for proof of the right to official-paid postage.

## **SEGMENT V: Parcel Post**

### **Article D81**

The Minister of the Post and telecommunications is in charge of organising and controlling the Parcel Post service in France and in its overseas departments. In continental France and the coastal islands, the Parcel Post service is limited to exchanges with Corsica and overseas departments and territories.

### **Article D81-1**

The list of foreign countries with which Parcel Post traffic benefits from a preferential system provided for by an agreement concluded between the State and the National railways (SNCF) is set by order of the Minister of the Post and telecommunications after opinion from the Minister of foreign affairs.

### **Article D82**

In relations between continental France (including coastal islands) and overseas territories, and in international relations, Parcel Post is exchanged under the conditions set by the arrangements of the Universal postal union concerning Parcel Post and cash on delivery, their final agreements and performance rules, or according to the provisions of arrangements concluded with countries that do not subscribe to the aforementioned acts. Exchange of Parcel Post with Corsica and overseas departments is subject to the same conditions when exception is not made by special provisions laid down by the Minister of the Post and telecommunications. These provisions cannot concern quotas of any kind, or the main and accessories proceeds coming into the auxiliary budget of the Post and telecommunications, and remain subject to the rules laid down in the aforementioned arrangements.

### **Article D83**

The service performance conditions by land, sea, and air transporters and the responsibilities they incur are set by the specifications and by the laws concerning the co-ordination of transport, or special agreements.

### **Article D84-1**

Post offices participate in the small parcel service of the National railways (SNCF) under conditions set by the Post and telecommunications administration in agreement with this company.

### **Article D85**

The postage collected for Parcel Post exchanged in the relations covered in Article D82 include the following, by application of the stipulations of Universal postal union arrangements concerning Parcel Post and cash on delivery:

- a) Territorial quotas owed to the auxiliary budget of the Post and telecommunications or to French transporters
- b) maritime or air transport quotas
- c) transit quotas due to government agencies or intermediate services
- d) territorial quotas allocated to destination government agencies or services
- e) accessory postage provided for by the aforementioned arrangements.



#### **Article D86**

The extent of the service, the amount of the compensations, the French land, maritime, air, and transit quotas, as well as any main or accessory postage due to the auxiliary budget of the Post and telecommunications or to French transporters are set by decision of the Minister of the Post and telecommunications in light of the provisions of the specifications and laws concerning co-ordination of transport, or special agreements covered by Article D83, as the case may be.

#### **Article D87**

The regulatory provisions of the Universal postal union arrangements concerning Parcel Post and cash on delivery are applicable to Parcel Post in the internal system of the department of Corsica and overseas departments when no special provisions have been laid down by the Minister of the Post and telecommunications. Like the provisions of Article D82, these Special Provisions cannot concern quotas of any kind or main and accessory postage.

#### **Article D88**

Abandoned Parcel Post or those parcels undelivered for six months are delivered to the State property service for sale for the profit of the State, with any taxes and expenses due to transporters deducted. In the same way, the product of the sale of articles contained in Parcel Post and subject to deterioration or vitiation is paid to the State property service if it cannot be remitted to the sender or addressee. If for any reason it is impossible to sell the damaged or vitiated objects, they are destroyed.

#### **Article D89**

Any parcel post containing letters or notes having the character of current or personal correspondence is treated as a letter of maximum weight without postage from the same origin, and bearing the same address. However, if the weight of the parcel is less than the maximum weight for letters, the postage to be received is based on the real weight of the parcel. If the parcel contains only one letter or note, this is treated as an unstamped letter.

The same provisions are applicable to parcels recognised as containing unauthorised inscriptions.

## **SEGMENT VI: Postal Distribution**

### **CHAPTER I: Distribution to Address**

#### **Article D90**

The Post and telecommunications administration collects correspondence objects for which transport is entrusted to it, and distributes them every working day to the address indicated by the sender.

For this purpose, buildings constructed starting at a date that will be set by joint order of the Minister for land development and the State secretary for the Post and telecommunications are to be equipped with letter boxes ensuring the security of the correspondence and quick distribution.

If such equipment does not exist, the correspondence objects are held at the corresponding Post office according to procedures and for times set by the Minister of the Post and telecommunications.

Agreements may also be included by the administration for servicing buildings which justify special operating conditions by their type, situation, or use.

### **Article D91**

The Post and telecommunications administration is authorised to have any correspondence object of postal origin delivered by special messenger in all departments, including overseas departments, when the sender so requests on the subscription and has paid the corresponding postage.

### **Article D92**

Distributors serving communities that have no Post office or remote sections of a township having an office are expected to serve as intermediary between individuals and their home office under conditions determined by the Minister of the Post and telecommunications for certain operations that can be performed only at the Post office itself.

Each of these operations is subject to the collection of a commission to the benefit of the distributor, who is in charge of it during the rounds, and this commission is independent of the postage paid to the State.

## **CHAPTER II: Distribution Over the Counter**

### **Article D93**

Individuals whose home address or whose commercial or industrial establishment is located within the zone of a Post office can be authorised to withdraw their correspondence at the office itself, under conditions determined by order of the Minister of the Post and telecommunications.

## **SEGMENT VII: Maritime Post**

### **Article D94-1**

Any ship owner who has to stop over in a port of continental France is expected to make the presumed day of his ship's departure known to the Minister of the Post and telecommunications as well as to the qualified representative of the postal service in the stopover port, at least one month in advance.

He is also to indicate which ports the ship will reach later in its course of travel, with the probable dates of arrival and departure for each port.

### **Article D94-2**

It is prohibited for any sea captain to set sail from any metropolitan port for any destination whatever without carrying a certificate from the qualified representative of the local postal service indicating the remittal of postal dispatches or the fact that the postal service had remitted none. This measure does not apply to services sailing out of one metropolitan port to another.

#### **Article D94-3**

Upon arrival in his port of destination, the sea captain remits his certificate and the dispatches to the qualified representative of the postal service in the place of disembarkation and receives a receipt. Upon return to a metropolitan port, he remits this receipt to the qualified representative of the local postal service, who delivers an acknowledgement of debt.

#### **Article D94-4**

Any ship owner having to stop over in a port of French overseas departments or territories is to make the following known to the qualified representative of the local postal service, at least a month in advance:

- the ship's presumed date of departure from the port considered;
- the ship's date of arrival in the destination port of metropolitan France.

No ship captain may set sail without carrying a certificate from the qualified representative of the postal service in the stopover port, mentioning the number of postal dispatches that were remitted to him or attesting that the postal service had no dispatches to remit.

When arrived at the port of destination, the captain is to remit this certificate to the qualified representative of the local postal service, who delivers a receipt.

#### **Article D95-1**

Exchange of dispatches between employees of the Post and telecommunications administration and captains of free ships, *i.e.*, those not recognised as mail boats or receiving premiums provided for by merchant marine law, is performed on the wharf in the proximity of the ships. The transport expenses between the Post office and the point chosen for the exchanges are at the charge of the Post and telecommunications administration.

#### **Article D95-2**

Free ships may be obliged to provide the Parcel Post service.

The payment conditions for this transport are set by the Minister of the Post and telecommunications in the framework of the provisions of the Universal postal union Parcel Post arrangement.

#### **Article D95-3**

The payment allocated by the Post and telecommunications administration to free ship owners navigating between France and its overseas departments and territories is set by Statutory order of the Minister of the Post and telecommunications, countersigned by the Minister of finances.

#### **Article D96**

*(Abrogated by Statutory order no. 65-444 of 8 June 1965, Art. 1 in the Journal Officiel of 13 June 1965)*

## ***BOOK II: Telecommunications***

### **SEGMENT I: General provisions**

#### **CHAPTER I: Principles and Definitions**

*Paragraph 1. – Designation of members of the Higher Commission for public service of the Post and telecommunications*

##### **Article D96-1**

The Deputies who are named members of the Higher Commission for public service of the Post and telecommunications and are members for the term of the legislature to which they are elected.

##### **Article D96-2**

Senators are designated for a three-year period. After each one-third renewal of the Senate, a new college of Senators is named for a three-year term.

##### **Article D96-3**

Qualified leaders in the post and telecommunications field are named by order of the Minister in charge of the Post and telecommunications for a three-year term.

These persons may exercise no functions either in relation with the Minister in charge of the Post and telecommunications or establishments coming under his authority, or with the telecommunications regulation authority, or with operators in the Post and telecommunications sectors, nor may they conserve nor assume any interests of a kind that might compromise their independence, by themselves or by any intermediary, while performing their functions within the commission.

##### **Article D96-4**

Commission members assume the confidentiality of the facts, information, and documents that come to their knowledge in the exercise of their functions within the commission.

##### **Article D96-5**

The commission elects a President and two Vice presidents from among its parliamentary members, for a three-year term.

Candidacies for the Commission presidency are to be submitted to the Commission secretarial services a fortnight before the meeting at which the election is to take place. However, no such lead time is required upon the occasion of the first installation of the Commission.

##### **Article D96-6**

The Commission members lose their membership at the same time as the term for which they were designated lapses, or when they cease to fulfil the conditions provided for in Article D96-3.

If a seat becomes vacant, the duration of the new nomination is limited to the period remaining.

*Paragraph 2. – Attribution of the Higher Commission for public service of the Post and telecommunications*

**Article D96-7**

The Commission is consulted by the Minister in charge of the Post and telecommunications concerning:

- 1) specific law bills to modify the postal and telecommunications sectors
- 2) proposed community directives relative to the postal and telecommunications sectors
- 3) specification projects and modifications and, as required, plan contracts of the Post and operators in charge of the universal telecommunications service
- 4) government reports to parliament provided for in Article L35-7 of the present code and Article 23 of law no. 96-659 of 26 July 1996 on the regulation of telecommunications.

In the framework of this procedure, the Minister makes available to the Commission any document that the Commission deems necessary to develop an opinion.

**Article D96-8**

The Minister in charge of the Post and telecommunications may ask the Commission for advice on any subject entering within the Commission's jurisdiction.

**Article D96-9**

The Commission examines the conditions under which *La Poste* and *France Télécom* perform their missions and, with the Minister in charge of the Post and telecommunications, monitors compliance with the provisions of the Plan contracts and specifications.

More generally, the Commission oversees the balanced evolution of the postal and telecommunications sectors, as well as the compliance with public service principles, and especially the universal service in the telecommunications sector, under the conditions provided by Article L32-2.

**Article D96-10**

Upon the initiative of its President and the majority of its members, the Commission may decide to raise any question falling within its jurisdiction, and make its observations and recommendations known. In so doing, it first informs the Minister in charge of the Post and telecommunications.

**Article D96-11**

The Commission may collect all data of use in the accomplishment of its missions.

More generally, it may proceed with any hearing that it deems necessary to the proper accomplishment of its missions.

**Article D96-12**

On the initiative of its President and the majority of its members, the Commission may decide to ask the Minister in charge of the Post and telecommunications to have the General inspection of the Post and telecommunications proceed with any study or investigation concerning *La Poste* and *France Télécom* or, more generally, the Commission's field of competence.

The General inspection's report or study is remitted by the Minister in charge of the Post and telecommunications to the Commission's President in the times set by common agreement.

In the framework of this procedure, the Commission may proceed with any investigation of either of the two operators that it deems to be of use.

#### **Article D96-13**

The Commission may be consulted by the telecommunications regulation authority and by the permanent commissions of the National Assembly and Senate on questions coming under their specific competence in matters of the Post and telecommunications.

#### **Article D96-14**

The Commission may refer to the telecommunications regulation on questions concerning the competence of this authority in matters of monitoring and sanctioning operator's compliance with public service and universal service obligations resulting from the legal and regulatory provisions applicable to them by virtue of the Postal and Telecommunications Code and the authorisations they derive from it.

#### **Article D96-15**

The Commission returns its opinion in one month counting from the referral by the referring authority.

In urgent cases, the referring authority may request an opinion in a briefer interval, which is set after consultation with the Commission President.

#### **Article D96-16**

The Commission's opinions, which are mandatorily reasoned on the basis of modified Article 35 of law no. 90-568 of 2 July 1990 concerning the organisation of the Post and telecommunications public service, and rendered in the framework of a consultation provided for in paragraph (3) of Article D96-7, are notified to the Minister in charge of Post and telecommunications and are published either within a month of this notification or, as the case may be, when the documents concerned are published.

The other opinions rendered in the framework of a consultation provided for in Article D96-7, as well as the advice, observations, or recommendations issued in the framework of the present Statutory order may be made public by decision of the Commission with the agreement of the referring authority.

#### **Article D96-17**

The Commission writes an annual report which necessarily includes a review of the year in the public service of the Post and telecommunications over the entire country. This report includes a chapter concerning the universal telecommunications service as well as a chapter on the implementation of public interest missions as defined in the third paragraph of Article L35-6. This report is written after the Commission has heard the annual report of the telecommunications regulation authority. The annual report also relates the Commission's activities and compiles the public opinions it has issued in the course of the elapsed year.

This report is remitted to the Prime Minister and to the Presidents of the National Assembly and the Senate, and is made public.

*Paragraph 3. – Operation of the Higher Commission for public service of the Post and telecommunications.*

**Article D96-18**

The Commission establishes its own internal by-laws.

**Article D96-19**

The Commission's President convenes ordinary sessions at least once every two months, including in the invitation the agenda for the session, set by the President. If at least seven members of the Commission so request, a question is included in this agenda.

The invitation is sent at least ten days before the date of the meeting. In a case of emergency, no forewarning is necessary.

The Commission is rightfully convened on a set agenda if at least seven of its members so request to the President, who then proceeds with the invitation within ten days of this request.

In the course of the session, if the members present so agree, the President may modify the agenda.

**Article D96-20**

In the first meeting, devoted to electing its President, the Commission is convened and presided by the dean of its parliamentary members.

**Article D96-21**

The Commission deliberates on affairs falling within its jurisdiction. It cannot validly deliberate unless nine of its active members are present or represented. If this quorum is not achieved, the Commission is convened again within ten days and then deliberates by the majority of members present or represented.

In case of an even vote, the President's vote is decisive.

The Commission members may delegate their voting rights. Each member may receive no more than one such mandate.

The Commission's President takes all necessary measures to implement the provisions of Article D96-15. In particular, in a case of emergency, he may decide on a written consultation according to the procedures provided for by the internal by-laws.

**Article D96-22**

Minutes are written for each meeting, and are signed by the Commission's President.

**Article D96-23**

The Commission manages its secretarial services, with the help of the Minister in charge of the Post and telecommunications.

**Article D96-24**

The necessary funds for Commission operation and the accomplishment of its missions are entered in the budget of the Ministry in charge of the Post and telecommunications. The expenditures decided by the Commission's President in the framework of this budget are authorised by the Minister in charge of the Post and telecommunications.

The budget for the coming year is forwarded by the President in due time each year, to the Minister in charge of the Post and telecommunications, for preparation of his department's budget.

## ***BOOK III: Financial Services***

### **SEGMENT I: Post Office Banking System**

#### **Article D488**

The management of the Post office banking system is entrusted to the Post and telecommunications administration.

#### **Article D489**

Current accounts are held by regional centres.

Postal banking centres are open in the following cities: Ajaccio, Bordeaux, Châlons-sur-Marne, Clermont-Ferrand, Dijon, Grenoble (1), Lille, Limoges, Lyons, Marseilles, Montpellier, Nancy, Nantes, Orléans, Paris, Rennes, Rouen, Strasbourg, and Toulouse, Pointe-à-Pitre (Guadeloupe), Cayenne (Guyane), Fort-de-France (Martinique), Saint-Denis (Réunion) (2).

#### **Article D490**

The same person may open several checking accounts in the same checking centre or in different centres. A different request has to be made for each account to be opened.

People and groups admitted for opening Post office checking accounts may be expected to make a guarantee deposit, the amount of which is set by Statutory order.

#### **Article D491**

Requests to open Post office checking accounts are remitted to the Postmaster, Postmaster-distributor, or Post office manager who serves the requester's home address. In order to be transmitted to this office, requests may also be deposited in any postal establishment or remitted to the mailman in the course of his rounds, in those cases and under the conditions provided for by the regulations in force.

#### **Article D491-1**

Post office checking account holders may accredit one or more persons with the Postal banking centres holding their accounts. The corresponding proxy statements are written on a blank sheet of paper. These powers may be general or may be limited to one or certain operations. Specimens of the account holder's and proxy's signatures are also collected on a sheet of blank paper.

#### **Article D492**

The Post and telecommunications administration is authorised to publish a list of Post office checking account holders. This list is delivered to the public under the conditions set by order of the Minister of the Post and telecommunications.



#### **Article D493**

No limit is set on the financial assets in Post office checking accounts

#### **Article D494**

The following are credited to Post office checking accounts:

- 1) the amount of transfer orders issued either on request by the account holders to supply their own accounts, or by third parties
- 2) the amount of posted or telegraphed money orders of all categories addressed or remitted by the beneficiary or, on his request, to the Postal banking centre holding his account
- 3) transfers ordered by other Post office checking accounts holders
- 4) the amount of bank checks and commercial paper cashed under the conditions provided for in Article D499
- 5) the amount for charge card operations within the bounds, if so required, of the guarantee provided for in Article L107-1.

#### **Article D495**

*(Abrogated by Statutory order no. 65-192 of 8 March 1965 in the Journal Officiel of 12 March 1965)*

#### **Article D496**

Postal transfers between France and countries belonging to the Universal postal union arrangement concerning postal transfers are performed under the conditions determined by this arrangement and its rules, under reserve of application of the particular systems.

#### **Article D497**

In the domestic French system, all fully operational Post offices, Postmaster-distributor establishments, and other secondary establishments participate in:

- the issuance of transfer orders to Post office checking accounts;
- the payment of money orders issued by Postal banking centres,

under the conditions and within the limits set by the regulations in force.

#### **Article D498**

*(Abrogated by Statutory order no. 65-192 of 8 March 1965 in the Journal Officiel of 12 March 1965)*

#### **Article D499**

Bank checks and commercial paper can be remitted for cashing at the Postal banking centre holding the account to be credited. However, banks and credit institutions with special legal status are not authorised to use this collection mode.

When the bank checks and commercial paper referred to in the previous paragraph are subject to protest, the amount of the protest expense is taken from the available balance in the Post office checking account into which the collection was to be made. If this withdrawal is not possible or can be made only partially for lack of sufficient funds in

the account, the sums due or remaining due are recovered in the forms and under the conditions provided for in Articles 85 and the following, in Statutory order no. 62-1587 of 29 December 1962.

#### **Article D500**

The following are debited from accounts:

- 1) the amount of Post office checks drawn on these accounts by the account holders or their authorised representatives
- 2) the amount of regularly established debit orders
- 3) the amount of charges on the performance of operations on the accounts
- 4) the amount of operations regularly performed using charge cards delivered by the Post and telecommunications administration.

#### **Article D501**

The Post and telecommunications administration provides Post office checking account holders with check forms bearing the name and account number, printed by the Postal banking centre. Account holders can use these forms to issue checks payable:

- either in cash, to themselves (withdrawal check), to a named third party (allocation check) or to the bearer
- or into a Post office checking account. The check may be crossed or not, but must carry the number of the beneficiary's Post office checking account. This is called a "transfer check".
- or into a bank account. In this case, the check is crossed in a special way under the conditions provided for in Article L105.

#### **Article D501-1**

Post office checking account holders may receive charge cards delivered by the Post and telecommunications administration, subject to its approval.

#### **Article D502**

The Post office checking account holder may use a single check to make payments or transfers to one or more designated beneficiaries. To do this, he attaches a money order or transfer sheet for each beneficiary, and a recapitulative table, to this "multiple check".

#### **Article D503**

When it deems this is called for, as provided for in Article L100 paragraph 2, the Post and telecommunications administration may authorise drafters of Post office checks to write only the sum in letters or in figures on their certificates, when the sum is written by a mechanical process offering security guarantees that are deemed sufficient.

When there is a difference between the sum in letters and the sum in figures on multiple checks, the sum in figures is accepted if it fits in with the total duly checked on the corresponding recapitulative table.

#### **Article D504**

Cheques to the bearer are payable upon presentation at the window of establishments specially designated for this purpose.

Payment is made without receipt and without identifying the bearer.

Any cheque to bearer can, before payment, be converted either into an allocation cheque by writing the beneficiary's name and address on the certificate, or a transfer cheque by indicating the beneficiary's name Post office checking account number on the certificate.

Crossed cheques to bearer are payable under the same conditions as crossed Post office cheques designating the beneficiary.

#### **Article D505**

When the wording on a Post office cheque is incomplete or illegible, or when the cheque shows scratch-outs, overwriting, scraping or washing, the Post and telecommunications administration may rightfully delay or not perform the operation.

#### **Article D506**

When the beneficiary presents a Post office cheque for payment, partial payment may be made up to the available balance, under the conditions provided for in Article L101. When the beneficiary has requested delivery of a non-payment certificate, the centre makes out a certificate for the remainder.

#### **Article D506-1**

Except in cases provided by the laws and regulations in force, a Post office checking account cannot be debited for an amount greater than the available balance on the account, after deduction of any applicable charges.

Any operation exceeding the available balance may prompt the collection of expenses in proportion to the amount and to the time during which insufficient provision was observed.

#### **Article D507**

Except for crossed Post office cheques presented to banker's clearing houses, Post office cheques must be addressed directly to the Postal banking centres concerned, under closed envelope, or remitted directly.

As long as they are not crossed and include no indication of the beneficiary's Post office checking account number, Post office cheques can be paid at the special windows for sight payments.

#### **Article D508**

On written request from a Post office checking account holder, the following are debited from this account:

- transfer orders, given once and for all, to be credited to one or more designated accounts
- withdrawal orders issued by organisations authorised for this purpose by the Post and telecommunications administration
- bank check payment orders and commercial paper domiciled in Post office checking centre holding the account.

These operations are performed according to the procedures provided for in the regulations in force.

#### **Article D509**

*(Statutory order no. 72-12 of 14 February 1972, Art. 2 in the Journal Officiel of 16 February 1972)  
(Abrogated by Statutory order no. 92-456 of 22 May 1992, Art. 45 in the Journal Officiel of 23 May 1992)*

**Article D510**

*(Abrogated by Statutory order no. 92-456 of 22 May 1992, Art. 45 in the Journal Officiel of 23 May 1992)*

**Article D511**

*(Statutory order no. 65-192 of 8 March 1965 in the Journal Officiel of 12 March 1965)*  
*(Abrogated by Statutory order no. 92-456 of 22 May 1992, Art. 45 in the Journal Officiel of 23 May 1992)*

**Article D512**

The postal cheque validity time is set at one year, date to date, running from the date of issuance to the date at which the cheque reaches the checking centre holding the account to be debited or the date at which it is presented for payment at the Post office window. When the Post office cheque is issued in a country where the calendar is other than Gregorian, the day of issue is converted to the corresponding day in the Gregorian calendar. The Post and telecommunications administration considers that the expired postal cheque is null and void. It is sent back or returned to the drafter or to the person who transmitted it or presented it for payment.

**Article D513**

At the end of each day during which entries have been made to the credit or debit of a Post office checking account, the checking centre sends the account holder a statement of the various entries performed. This statement is accompanied by the support documents and shows the new balance for the account.

**Article D514**

The account holder may be informed of the balance on his account by periodic notices. The account holder also has the possibility of being notified of his account balance at a set date or obtaining a copy of his account's operations over a given period. These additional communications are charged.

**Article D515**

The current account holder may request that the current account opened in his name be transferred from one checking centre to another. This transfer request must be hand-written, dated and signed, and addressed to the checking centre holding the current account.

**Article D516**

An account holder may request the closure of his account at any time.

The request is to be a hand-written declaration, dated and signed, and addressed to the checking centre holding the current account.

**Article D517**

Any payment made into the account after its closure is automatically reimbursed to the paying party.

#### **Article D518**

When the account being closed has been cleared, the net amount of the balance remaining in the account is reimbursed to the assignee by postal cheque. The Post and telecommunications administration may require that the unused blank checks remaining in the hands of the owner, as well as the charge cards delivered on the account, be returned.

#### **Article D519**

When the balance of a closed account is less than or equal to the charge applicable to the reimbursement postal cheque, this balance is entered into the auxiliary budget of the Post and telecommunications.

#### **Article D520**

Three months before the end of the legal prescription set by Article L109, paragraph 1, the Post and telecommunications administration advises the account holders or their assignees of the threatened termination, by registered letter. This notice is sent to the last known address according to information in the possession of the Postal banking centre.

#### **Article D521**

*(Statutory order no. 65-192 of 8 March 1965 in the Journal Officiel of 12 March 1965)  
(Abrogated by Statutory order no. 96-199 of 13 March 1996, Art. 1 in the Journal Officiel of 15 March 1996)*

#### **Article D522**

*(Abrogated by Statutory order no. 93-977 of 31 July 1993, Art. 5 in the Journal Officiel of 5 August 1993)*

## **SEGMENT II: Money Orders**

#### **Article D523**

The conditions under which the various categories of Post offices co-operate in the performance of the postal and telegraphic money order service are set by order of the Minister of the Post and telecommunications.

#### **Article D524**

The amount beyond which the administration reserves the possibility of performing money order postcard payment at Post office windows is set by order of the Minister of the Post and telecommunications.

#### **Article D525**

In addition to postage and postal commissions, an exchange charge may be collected on money orders transferred between metropolitan France and overseas departments and territories, under the conditions set by the applicable laws.

#### **Article D526**

The sender of a money order may request that a notice of payment be returned.

#### **Article D527**

It is prohibited to divide up the amount of money orders addressed by the same sender to the same beneficiary when this division is done intentionally to benefit from a reduction or exemption of charges.

#### **Article D528**

Money orders are made out to a named person. Money orders by letter may, however, be made out to the bearer with no other indication than that of the sum to be paid, within the limits of the maximum amount set by order of the Minister of the Post and telecommunications.

#### **Article D529**

Money orders are payable upon presentation under the conditions provided by regulations, within a time that may vary depending on their origin, destination, or status of sender and receiver, which is set by order of the Minister of the Post and telecommunications.

#### **Article D530**

The party paying a sum for conversion into a money order receives a receipt.

No receipt is made, however, when the money order is the result of a conversion of another money order or postal cheque.

#### **Article D531**

The maximum amounts of postal or telegraphed money orders are set by order of the Minister of the Post and telecommunications.

#### **Article D532**

The sender of a money order to bearer coming under Article D528 has the possibility of making the certificate out to a named person by designating the beneficiary on the certificate himself.

### **Article D533**

The notice of payment provided for in Article D526 may always be requested at the time the funds are deposited.

The request can also be made within the time of admissible claims counting from the date of issuance of the money order, for a money order postcard or telegraphed money order, or an ordinary money order for which an issuance notice was established, or which is payable by, an expressly designated Post office.

### **Article D534**

Money orders postcards and wired money orders distributed and paid by express mail are subject to the special charge applicable to postal correspondence objects and telegrams distributed by express.

### **Article D535**

Letter money orders are payable at the Post office window unless they are credited to a Post office checking account, and except under circumstances provided for by regulations.

Under the same reserves, and if the amount does not exceed the fixed sum according to Article D524, the following are payable at the receiver's address:

- 1) money orders postcards
- 2) wired money orders for which payment at the address has been expressly requested by the sender or beneficiary.

Letter money orders meeting the aforementioned amount condition, and whose payment is delayed for reasons of faulty service, may also be paid at the home address

A maximum of two presentations may be made at an address.

The administration is authorised to defer payment of a certain number of money orders at destination addresses when their total amount, during the same mailman's round, exceeds a maximum amount set by order of the Minister of the Post and telecommunications.

### **Article D536**

Aside from the case when the sender has expressly requested that a money order be payable by a designated Post office to the exclusion of any other, money orders can be paid by a Post office or Postal banking centre other than the one named on the certificate, under the conditions provided for by regulations.

### **Article D537**

Claims for non-payment of money orders for which a notice of payment was not requested are subject to their charges whatever the status of the person making the claim.

These charges are not due by the claimant if it is found that the non-payment stems from faulty service.

### **Article D538**

Money orders to an amount not exceeding five francs, addressed to or sent by soldiers or sailors designated in Article D76 to benefit from Official-paid post, are exempt of commission.

#### **Article D539**

Direct and related taxes, including city taxes, turnover and related taxes, and indirect taxes can be paid through the postal service by means of a special money order called "mandat-contribution" (tax money order).

The receipt is in full if it is delivered in exchange for a tax money order that is regularly filled out.

#### **Article D540**

Funds can be sent by means of postal or wired money orders, between metropolitan France and overseas departments, on the one hand, and overseas territories on the other.

#### **Article D541**

The sending of funds mentioned in Article D540 is generally subject to the rules of the domestic French system.

#### **Article D542**

The postal establishments of different categories co-operate in the performance of the service of money orders exchanged in the relations mentioned in Article D540, in accordance with their attributions and size, and within the limits set by each administration.

#### **Article D543**

*(Abrogated by Statutory order no. 68-1073 of 22 November 1968, Art. 8 in the Journal Officiel of 30 November 1968)*

#### **Article D544**

In the relations specified in Article D540, the maxima applicable to the amount of postal or wired money orders is set by order of Minister of the Post and telecommunications.

#### **Article D545**

In the relations mentioned in Article D540, the total amount of the daily dispatches that the same sender is allowed to address to the same beneficiary is, in theory, unlimited.

However, the number of these dispatches may be limited momentarily. The decision is to be made on proposal by or after advice of the treasurer for the territory concerned, or by the Minister of the Post and telecommunications for departures from metropolitan France and overseas departments, or by the head of the territory for departures from a territory.

#### **Article D546**

The exchange of postal money orders between metropolitan France and its overseas departments, on the one hand, and countries belonging to the Universal postal union arrangement concerning postal money orders and Post office traveller's cheques is performed under the conditions determined by this arrangement and its rules, under reserve of the application of particular systems.



#### **Article D547**

The exchange of money orders between metropolitan France and its overseas departments, on the one hand, and countries not belonging to the Universal postal union arrangement concerning postal money orders and Post office traveller's cheques is performed under conditions set by special agreements.

#### **Article D548**

In the relations between metropolitan France and its overseas departments, on the one hand, and countries belonging to the Universal postal union arrangement concerning postal money orders and Post office traveller's cheques, the Post office traveller's cheque service is provided under the conditions determined by this arrangement and its rules, under reserve of application of special systems.

### **SEGMENT III: Bill Collection and Cash on Delivery**

#### **Article D549**

The postal establishments of different categories co-operate in the performance of the bill collection and cash on delivery service, in accordance with their attributions and size, and within the limits set by the Minister of the Post and telecommunications.

#### **Article D550**

Conditions for admission of bill collection and cash on delivery by the postal service are set by order of the Minister of the Post and telecommunications.

#### **Article D551**

Bills entrusted to the Post for collection, and sums to be collected from the addressee for postal cash on delivery are, in theory, payable at the destination address. However, the Post and telecommunications administration may require payment at the Post office window under the conditions provided by its rules, namely when the funds to be collected exceed a set sum.

#### **Article D552**

The funds collected, less the commissions and postage deducted by the office in charge of collection, are transmitted to the sender of the bills or objects either by crediting them to his Post office checking account, or by money order, or by any other means allowed by the Post and telecommunications administration.

#### **Article D553**

Bill collection and cash on delivery are considered to be refused when the addressee does not consent to pay the sum indicated by the sender.

#### **Article D554**

When the sender refuses to pay the postage to which the bill to collect or COD dispatch is subject when they are returned to him, proceedings to recover the postage are begun at expiry of a three-day delay under the conditions provided in Article L126.

#### **Article D555**

Collectable bills subject to protest are distributed among notaries and bailiffs by the Post and telecommunications administration at the convenience of the postal service. However, the sender may designate the notary or bailiff to whom the bills are to be entrusted, at his own risk and peril.

The bills under protest are in all cases remitted to the Ministerial officer against a receipt.

#### **Article D556**

When the notary or bailiff receives payment for a bill before closure of the protest, he must pay the full amount within 24 hours to the Postmaster, who is in charge of transmitting the funds to the sender.

#### **Article D557**

If the bill is not paid, at the latest on the 12<sup>th</sup> day after term, the notary or bailiff who has made the protest remits the protested bill, the original deeds, and a duly receipted list of expenses and disbursements, the amount of which is paid to him by the PTT administration.

#### **Article D558**

Any notary or bailiff who refuses to make a protest is to produce a written, signed declaration indicating the reasons for refusal.

#### **Article D559**

If the Post office checking account balance of the sender of a protested bill does not allow the withdrawal provided for in Article L121, the due sums are recovered in the forms and under the conditions provided for in Articles 85 and the following of Statutory order no. 62-1587 of 29 December 1962.

#### **Article D560**

Employees of the Post and telecommunications administration in charge of recovering negotiables, bills, and cheques from abroad and payable in France are authorised to apply and cancel the stamps representing the duties to be collected in accordance with the laws in force, under the conditions set by Articles 405 E and 405 F of appendix 1 to the General tax code.

#### **Article D561**

The bill collection and cash on delivery services operate in the relations between Metropolitan France and its overseas departments, on the one hand, and overseas territories on the other.

#### **Article D562**

In the relations mentioned in the previous article, bill collection and cash on delivery are generally subject to the rules of the domestic French system.

#### **Article D563**

The postal establishments of different categories co-operate in the performance of the bill collection and cash on delivery service in the relations mentioned in Article D561, in accordance with their attributions and size, and within the limits set by each administration.

#### **Article D564**

The total amount of the bills to be collected in the same dispatch, and the amount of the sums to collect from the addressees of COD dispatches may not exceed the maximum of the postal money orders exchanged in the same relations, or an equivalent sum in the local currency, nor may they be greater than the maxima provided for the same dispatches in the domestic system of the territories concerned.

#### **Article D565**

The operations stemming from the bill collection and cash on delivery service in the relations stipulated in Article D561 are subject to the duties and taxes existing in the territories of origin and destination

If a sender residing in metropolitan France or its overseas departments refuses to pay the postage on bills to be collected cash on delivery items that are returned to him, this postage is recovered under the conditions provided for in Articles L126 and D554.

#### **Article D566**

When the issuance of money orders prompts the collection of an exchange tax, in the relations stipulated in Article D561, the amount of the bill to collect or cash to collect on delivery is increased, before presentation, by a sum equal to the exchange tax applicable to the account settlement money order.

#### **Article D567**

The protestable bill service can be introduced in the relations stipulated in Article D561 after agreement between the administrations concerned.

**Article D568**

Exchange of bills to collect and COD items between France and its overseas departments, on the one hand, and countries belonging to the Universal postal union arrangements concerning bill collection and cash on delivery, is performed under the conditions determined by these arrangements and the corresponding rules, under reserve of application of particular systems.

**Article D569**

Exchange of bills to collect and COD items between France and its overseas departments, on the one hand, and countries not belonging to the Universal postal union arrangements concerning bill collection and cash on delivery, is performed under the conditions determined by special arrangements.

**Articles D570 to D579**

*(Abrogated by Statutory order no. 97-290 of 24 March 1997 in the Journal Officiel of 29 March 1997)*