

Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service

CHAPTER 1

Objective and scope

[^{F1}Article 1

This Directive establishes common rules concerning:

- the conditions governing the provision of postal services,
- the provision of a universal postal service within the Community,
- the financing of universal services under conditions that guarantee the permanent provision of such services,
- tariff principles and transparency of accounts for universal service provision,
- the setting of quality standards for universal service provision and the setting-up of a system to ensure compliance with those standards,
- the harmonisation of technical standards,
- the creation of independent national regulatory authorities.]

Textual Amendments

- F1** Substituted by [Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services.](#)

Article 2

For the purposes of this Directive, the following definitions shall apply:

1. *[^{F1}postal services*: services involving the clearance, sorting, transport and distribution of postal items;]
- 1a. *[^{F2}postal service provider*: undertaking that provides one or more postal services;]
2. *[^{F1}postal network*]: the system of organisation and resources of all kinds used by the universal service provider(s) for the purposes in particular of:
 - the clearance of postal items covered by a universal service obligation from access points throughout the territory,
 - the routing and handling of those items from the postal network access point to the distribution centre,
 - distribution to the addresses shown on items;
3. *[^{F1}access points*: physical facilities, including letter boxes provided for the public either on the public highway or at the premises of the postal service provider(s), where postal items may be deposited with the postal network by senders;]
4. *[^{F1}clearance*: the operation of collecting postal items by a postal service provider;]

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5. *distribution*: the process from sorting at the distribution centre to delivery of postal items to their addressees;
6. ^[F1]*postal item*: an item addressed in the final form in which it is to be carried by a postal service provider. In addition to items of correspondence, such items also include for instance books, catalogues, newspapers, periodicals and postal parcels containing merchandise with or without commercial value;]
7. *item of correspondence*: a communication in written form on any kind of physical medium to be conveyed and delivered at the address indicated by the sender on the item itself or on its wrapping. Books, catalogues, newspapers and periodicals shall not be regarded as items of correspondence;
8. ^[F3]]
9. *registered item*: a service providing a flat-rate guarantee against risks of loss, theft or damage and supplying the sender, where appropriate upon request, with proof of the handing in of the postal item and/or of its delivery to the addressee;
10. *insured item*: a service insuring the postal item up to the value declared by the sender in the event of loss, theft or damage;
11. *cross-border mail*: mail from or to another Member State or from or to a third country;
12. ^[F3]]
13. ^[F1]*universal service provider*: the public or private postal service provider providing a universal postal service or parts thereof within a Member State, the identity of which has been notified to the Commission in accordance with Article 4;]
14. ^[F1]*authorisations*: any permission setting out rights and obligations specific to the postal sector and allowing undertakings to provide postal services and, where applicable, to establish and/or operate their networks for the provision of such services, in the form of a general authorisation or individual licence as defined below:
 - ‘general authorisation’: an authorisation, regardless of whether it is regulated by a ‘class licence’ or under general law and regardless of whether such regulation requires registration or declaration procedures, which does not require the postal service provider concerned to obtain an explicit decision by the national regulatory authority before exercising the rights stemming from the authorisation,
 - ‘individual licence’: an authorisation which is granted by a national regulatory authority and which gives a postal service provider specific rights, or which subjects that undertaking’s operations to specific obligations supplementing the general authorisation where applicable, where the postal service provider is not entitled to exercise the rights concerned until it has received the decision by the national regulatory authority;]
15. *terminal dues*: the remuneration of universal service providers for the distribution of incoming cross-border mail comprising postal items from another Member State or from a third country;
16. *sender*: a natural or legal person responsible for originating postal items;
17. ^[F1]*user*: any natural or legal person benefiting from postal service provision as a sender or an addressee;]

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18. *national regulatory authority*: the body or bodies, in each Member State, to which the Member State entrusts, *inter alia*, the regulatory functions falling within the scope of this Directive;
19. [^{F1}*essential requirements*: general non-economic reasons which can induce a Member State to impose conditions on the supply of postal services. These reasons are the confidentiality of correspondence, security of the network as regards the transport of dangerous goods, respect for the terms and conditions of employment, social security schemes, laid down by law, regulation or administrative provision and/or by collective agreement negotiated between national social partners, in accordance with Community and national law and, where justified, data protection, environmental protection and regional planning. Data protection may include personal data protection, the confidentiality of information transmitted or stored and protection of privacy;]
20. [^{F2}*services provided at single piece tariff*: postal services for which the tariff is set in the general terms and conditions of universal service provider(s) for individual postal items.]

Textual Amendments

- F1** Substituted by [Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services.](#)
- F2** Inserted by [Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services.](#)
- F3** Deleted by [Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services.](#)