

# LAW OF THE REPUBLIC OF ARMENIA

## ON POSTAL COMMUNICATION

*Adopted on 14 December 2004*

### CHAPTER 1

#### GENERAL PROVISIONS

##### **Article 1. Subject matter of the Law**

This Law shall lay down the legal grounds for carrying out activities in the sphere of postal communication in the territory of the Republic of Armenia, the powers of public administration bodies aimed at regulating the activities of postal communication, as well as the rights and obligations of natural persons and legal entities participating in the activities of postal communication or availing themselves of the services of postal communication.

The relationships in the sphere of state courier communication shall not be covered by this Law.

##### **Article 2. Legal regulation of relationships in the sphere of postal communication**

The relationships in the sphere of postal communication in the Republic of Armenia shall be regulated by the Civil Code of the Republic of Armenia, this Law, other laws and other legal acts.

Where international treaties lay down norms other than those stipulated by this Law, the norms of the international treaties shall apply.

##### **Article 3. Main concepts used in this Law**

The main concepts used in this Law shall be the followings:

**“Postal communication”** means any type of communication ensuring receipt, processing, carriage and handover of postal items, as well as postal money transfer, which is a universal production-technological complex of technical and transportation means.

**“Postal item”** means addressed letter correspondence, postal parcels and containers, printed publications in respective packaging.

**“Postal delivery”** means receipt, processing, carriage and handover of a postal item to an addressee.

**“International postal communication”** means exchange of a postal item between postal communication operators under the jurisdiction of different countries.

**“Letter correspondence”** means simple and registered letters, postcards, secograms, packages and small packets.

**“Insured postal item”** means any postal item which is accepted by sender’s declared value of the enclosure, issuance of a receipt to the sender, and is handed over to the addressee with signature.

**“Secogram”** means a postal item intended exclusively for the blind, which is handed over in open form, with letters and publications written by a secography method, cliché with secography signs, audio records, typhlotechnical means.

**“Small packet”** means an international registered postal item with samples of goods and small objects.

**“Postal money transfer”** means a service rendered by an operator of postal communication with regard to receipt, processing and transfer of money, as well as of charges for public utilities and other types of charges and with regard to handover of cards, which are not deemed to be bank transactions but are equivalent to money transfers, using postal and telecommunication networks.

Postal money transfers shall be made in accordance with the rules for services of postal communication laid down in this Law, unless otherwise stipulated by the rules envisaged by laws and other legal acts regulating money transfers.

**“Dissemination of print publications”** means subscription to print publications and delivery to subscribers.

**“Services of postal communication”** means an action or activity with regard to receipt, processing, carriage and handover of a postal item, as well as making postal money transfers and subscription to periodicals.

**“Universal services in postal communication”** means services in postal communication throughout the whole territory of the Republic of Armenia in respect of delivery of letter correspondence, packages with weight of up to twenty kilogram and periodicals in rural areas, as well as special

delivery of documents defined by the Law of the Republic of Armenia “On special delivery of documents”.

**“Users of postal communication services”** means natural persons or legal entities, local self-government authorities or public administration bodies, which make use of postal communication services.

**“Time period for rendering postal communication services”** means a set of time periods and regulations for relevant postal communication services intended for carrying out separate technological activities.

**“Control period”** means a period of time specified for delivery of postal items and postal money transfer from the place of receipt of postal communication to the place of handover of postal establishment, as well as for their individual reprocessing operations at postal establishments.

**“Postal communication service tariff”** means a fixed payment rate for postal communication services.

**“Postal communication operator”** means a legal entity or an individual entrepreneur eligible to provide postal communication services, which operates in accordance with the licence issued.

**“National operator of postal communication”** means a postal communication operator which provides universal postal communication services and bears the symbol of the post of the Republic of Armenia.

**“Postal establishments”** means separated subdivisions of the postal communication operator: a centre for sorting and carriage of mail, departments for carriage of mail adjunct to airports or railway stations, mail exchange offices, postal departments, mobile post offices, etc.

**“Postal communication route”** means a postal transport route between postal communication establishments.

**“Postal communication network”** means a set of postal establishments and postal communication routes.

**“Means of postal communication”** means buildings, premises, non-residential areas, equipments and postal transport, postal envelopes, postcards and postal containers used for providing postal communication services.

**“State stamps (marks) of postal charge”** means postage stamps or other marks affixed on postal items and confirming the payment made for postal communication services.

**“Franking and marking machines”** means machines intended for affixing state stamps of postal charge on letter correspondence confirming the payment for postal communication services, the date of receipt of the correspondence concerned and other information.

**“Postal code”** means a conventional digital marking of a postal address provided to a postal establishment, which is valid throughout the whole territory of the Republic of Armenia and is binding upon operators of postal communication.

**“Nominal item”** means a device (imprint) intended for printing impressions on documents and postal items with the indication of the name of postal establishment, the date of receipt and handover of postal items and other information.

**“Mailbox”** means a special lockable box intended for collection of ordinary letters and postcards.

**“Addressee”** means a natural person or organisation to which postal items, postal money transfers, telegraphic or other messages are addressed.

**“Post subscription box”** means a special lockable box intended for receiving postal items by addressees.

**“Post subscription locker”** means a special locker with lockable cells placed in residential buildings as well as in places of handover intended for receiving postal items by addressees.

**“Post-office personal locker”** means a special locker with lockable cells placed in postal establishments and provided for a definite period of time aimed at receiving postal items by addressees.

**“Base mailbox”** means a special locker provided at handover stations for temporary storage of postal items or for receipt of postal items by addressees.

*(Article 3 amended and supplemented by HO-173-N of 9 April 2007)*

**Article 4. Principles of activities in the sphere of postal communication**

Principles of activities in the sphere of postal communication in the Republic of Armenia shall be as follows:

- (a) ensuring the freedom and confidentiality of postal communication;
- (b) access for natural persons and legal entities to universal services of postal communication;
- (c) freedom of transit of postal items;
- (d) equality of rights of users of postal communication services;
- (e) ensuring the manageability and reliability of postal communication.

**Article 5. Rights of postal communication service users**

Postal communication service users in the Republic of Armenia shall have equal rights for availing themselves of postal communication services.

The postal communication service user shall be eligible to have access to information on postal communication services supplied, on postal service tariffs, on control periods for delivery of postal items, on objects and substances prohibited for delivery, on validity period for the licence to provide postal communication services.

The postal communication service user shall be eligible to receive postal items and notifications on postal money transfers at his address through the use of post-office locker or poste restante. Addressees shall be entitled to refuse the receipt of postal items or postal money transfers delivered to their address.

Postal communication service users shall determine on their own the value of enclosure of insured postal items, which should comply with the real value of the enclosure, and choose the type of packaging upon their declaration, in accordance with the legislation of the Republic of Armenia.

**Article 6. Obligations of the postal communication operator and the national operator**

The postal communication operator and the national operator shall be obliged to:

- (a) have the necessary technological equipment, as well as the mechanical appliances, automatisation and informatisation means for the postal communication service user;
- (b) ensure the delivery of letter correspondence to users of postal communication services within the control periods;
- (c) ensure the storage of postal items and postal money transfers received by users of postal communication services;
- (d) ensure, in accordance with the standards established by regulatory documents governing the activities of postal communication, the quality of postal communication services, as well as its compliance with the conditions of the contract and with the information on conditions for the provision of the services concerned;
- (e) ensure the observance of confidentiality of postal communication;
- (f) assist the law enforcement authorities in carrying out operational intelligence measures and during the conduct of legal proceedings in cases and in the manner prescribed by law;
- (g) ensure available information on postal communications service tariffs, time limits for delivery of postal items, operating mode, as well as other necessary information which facilitates the provision of postal communication services.

The national operator of postal communication shall be obliged to ensure the provision of universal postal communication services throughout the whole territory of the Republic of Armenia.

**Article 6.1. Activities of the national operator of postal communication**

The national operator of postal communication – acting as a payment and settlement organisation – may carry out commercial and any other activities, the list of which shall be established by the Government of the Republic of Armenia.

*(Article 6.1 supplemented by HO-9-N of 15 December 2005)*

**Article 7. Storage of postal items and postal money transfers**

Receipt and handover of postal items and money between postal communication operators shall be carried out in the manner prescribed by the Government of the Republic of Armenia, ensuring the accurate amount of postal items and money to be handed over and received.

In case of detecting postal items with defects (discrepancy with the weight mentioned in accompanying documents, packaging defects, stamp defects, defects in the binding and other defects), the postal communication operator shall be obliged to register and hand over such postal items in the manner prescribed by the legislation of the Republic of Armenia.

The national operator of postal communication shall be authorised, in the manner prescribed by law, to have civilian and service weapons necessary for the protection of postal items, money, as well as postal establishments.

Premises, where processing of postal items and storage of money are carried out, shall be furnished with protection means and fire protection means.

Airplanes, post office coaches, motor vehicles and other transportation means, which transport postal items and money, shall be equipped so as to exclude the possibility of entrance of unauthorised persons to relevant premises.

Postal communication operator shall be entitled, in the manner prescribed by the legislation of the Republic of Armenia, to have subdivisions of postal security and protection means.

**Article 8. Special conditions of postal communication services**

Postal item or postal money transfers, which are impossible to deliver (hand over) due to inaccuracy of address of postal communication users or lack of required data contained therein, departure of an addressee to another place or other circumstances excluding the opportunity for an operator of postal communication to fulfil its obligations provided under a postal communication service contract, shall be returned to the sender within a reasonable time.

In case the sender refuses to receive the returned postal item or postal money transfers, they shall be moved to temporary storage by the postal communication operator as an unclaimed postal item or unclaimed postal money transfers.

Unclaimed postal items and unclaimed money shall, for a period of six months, be temporarily stored by the postal communication operator.

Money may be handed over to the addressee or the sender upon their application and with the permission of the postal communication operator during the specified period for storage.

Upon the expiry of the time period referred to in part 2 of this Article, the unclaimed letter correspondence shall be subject to seizure and destruction. Other enclosures of unclaimed postal items shall, as an ownerless property, fall under the ownership of the postal communication operator in accordance with the requirements set forth in Article 178 of the Civil Code of the Republic of Armenia.

Where the value of the enclosure of an unclaimed postal item or the amount of unclaimed money is less than 5-fold of the minimum salary, the enclosure of the postal item and the money shall be transferred on to the balance-sheet of the postal communication operator under a handover act.

Where the value of the enclosure of an unclaimed postal item or the amount of unclaimed money is more than 5-fold of the minimum salary, the enclosure of the postal item and the money shall be transferred on to the balance-sheet of the postal communication operator on the basis of the court decision and upon an action brought by the postal communication operator.

Where an undelivered (not handed over) postal item or postal money transfers are impossible to be returned to the sender due to lack of necessary address data of the postal communication service user, they shall be transferred for temporary storage: a postal item – as a postal item not handed over, and postal money transfers – as unclaimed postal money transfers.

For the purpose of clarifying the address data of the postal communication service user or obtaining other information to hand over to the addressee or to return to the sender, postal items that are not handed over shall be opened. Opening of postal items not handed over shall be carried upon court decision.

Opening of postal item not handed over shall be carried out with the observance of the required security measures. Where the postal communication operator has found, during preliminary studies, that the enclosure of a postal item not handed over contains objects or substances which, in case of opening of the postal item not handed over, may be hazardous to human life and health, the postal item concerned shall, in the manner prescribed by this Law, be seized and destroyed without opening.



Postal items not handed over shall be opened upon a court judgement with the aim of finding other data necessary for handing over to the addressee or returning to the sender.

For temporary storage of postal items not handed over, the postal communication operator shall, not less than once a quarter, apply to the court with the purpose of obtaining an authorisation for opening postal items.

Examination of materials with respect to opening of postal items not handed over shall be carried out, within a period of five days, by the court of the place of the postal establishment carrying out temporary storage of postal items.

Opening, preliminary examination and destruction of postal items shall be carried out by the commission established by the head or deputy head of the postal communication operator; the procedure for the formation of which, as well as the rules of procedure thereof shall be defined by the head of the postal communication operator. Representatives of the bodies of the Police or National Security Service shall also be engaged in the commissions established by the postal communication operator in case of opening not handed over postal parcels, letters with declared value and packages with declared value.

The said commission shall draw up a statement on opening, seizure or destruction of the postal item not handed over.

Where the postal communication operator, when opening a postal item not handed over, succeeds to identify the address data of the postal communication service user, the operator of postal communication shall deliver the postal item to the addressee or return it to the sender. Where the address data of the postal communication service user has not been identified by opening the postal item not handed over, such postal item shall be classified as unclaimed.

A postal communication service user shall be charged for the delivery or return of the not handed over postal item to the address defined, the rate of which shall be defined according to the tariffs applicable on the day of return.

An international postal item not handed over shall, in case of expiry of its storage period, be sent to the international mail exchange unit from which it has been received.

A postal item which has been returned because of failure to find the addressee or his/her death, refusal to receive or for other reasons, shall be sent in the manner prescribed by law.

## CHAPTER 2

### PUBLIC ADMINISTRATION AND REGULATION IN THE FIELD OF POSTAL COMMUNICATION

#### **Article 9. Powers of the Government of the Republic of Armenia in the field of postal communication**

In the field of postal communication, the Government of the Republic of Armenia shall:

- (a) *(point (a) repealed by HO-173-N of 9 April 2007);*
- (b) determine the national operator of postal communication;
- (c) empower the national operator of postal communication to render universal postal communication services and bear the symbol of the post of the Republic of Armenia;
- (d) establish the procedure for compensating the lost profits of the national operator of postal communication due to the regulation of universal postal communication service tariffs;
- (e) establish an authorised public administration body in the field of postal communication;
- (f) exercise other powers reserved to it by this Law and other legal acts.

*(Article 9 amended by HO-173-N of 9 April 2007)*

#### **Article 10. Competences of the authorised public administration body of the Government of the Republic of Armenia in the field of postal communication**

The public administration and regulation in the field of postal communication in the Republic of Armenia shall be exercised by the public administration body of the Government of the Republic of Armenia in the field of postal communication (hereinafter referred to as “the authorised body”).

1. The authorised body shall:

- (a) implement the state policy in the field of postal communication;
- (b) conduct the licensing of postal communication services in the manner prescribed by law;
- (c) establish the image and the topic of postage stamps of the Republic of Armenia;

- (d) establish the samples, nominal values, print run, validity periods of state stamps of postal charge and organise the publication and dissemination thereof;
- (e) establish the postal establishment codes;
- (f) establish the frequency of collecting letter correspondence from mailboxes and define the control periods for transmission of postal items, making postal money transfers;
- (g) ensure the operation of existing postal communication networks in emergency situations;
- (h) exercise control over the requirements of valid licences;
- (i) implement, within the scope of its competence, the international cooperation of the Republic of Armenia in the field of postal communication and represent the interests of the Republic of Armenia in international postal communication organisations;
- (j) support free and equal competition in the market of postal communication services;
- (k) exercise other powers reserved to it by the legislation of the Republic of Armenia.

**Article 11. Licensing of activities in the field of postal communication**

Postal communication services in the Republic of Armenia shall be subject to licensing, except for postal communication networks intended for the needs of the defence, police and national security, civil defence and protection of the population in emergency situations, the Penitentiary Service of the Ministry of Justice of the Republic of Armenia, as well as for diplomatic and consular needs.

Licensing shall be carried out for the purpose of regulation and oversight over the activities of the provision of postal communication services.

The licence for the provision of postal communication services in the Republic of Armenia, except for postal money transfers, shall be issued by the authorised body in accordance with the Law of the Republic of Armenia "On licensing".

Postal money transfers shall be subject to licensing by the Central Bank of the Republic of Armenia in the manner prescribed by law and other legal acts, except for postal money transfers made by the national operator of postal communication in the manner and under the conditions established by the international treaties of the Republic of Armenia.

State duties shall be charged for carrying out an activity subject to licensing in the manner and in the amount prescribed by the Law of the Republic of Armenia “On state duties”.

**Article 12. Management of activities in the field of postal communication in emergency situations**

Regulation and management of activities in the field of postal communication in emergency situations shall be carried out by the authorised body in cooperation with the authorised public administration body for management of public defence in emergency situations and civil defence and together with the bodies disposing of postal communication networks.

**Article 13. Use of languages in the field of postal communication**

The addresses of postal items in the territory of the Republic of Armenia shall be formulated in the Armenian language, whereas in cases envisaged by international treaties – in other languages.

**Article 14. Time of registration in the field of postal communication**

When carrying out technological activities in the field of postal communication in the Republic of Armenia, the time of registration shall be deemed the local time.

The time of registration of international postal communication shall be defined upon the universal coordinated time, unless other registration time is established by international treaties.

### **CHAPTER 3**

#### **ACTIVITIES IN THE FIELD OF POSTAL COMMUNICATION**

**Article 15. Financing of activities in the field of postal communication**

Financing of the activities of postal communication operators shall be carried out:

(a) at the expense of income derived from postal communication services by postal communication operators;

(b) at the expense of funds received from the provision of contractual services prescribed by this Law, as well as from other activities not prohibited by the legislation of the Republic of Armenia.

#### **Article 16. Use of transportation means for the carriage of postal items**

The transportation means of the postal communication operator shall bear a special distinguishing sign.

The transportation means of the national operator of postal communication shall be exploited in the manner and under the conditions envisaged for the transportation means of special services.

Transportation means of the national operator of postal communication shall have, as its distinguishing sign, yellow base and shall bear “Post of Armenia” inscription and may be furnished with warning lights.

Postal transportation means of the national operator of postal communication shall have the right to unimpeded passage through all the streets and roads of the Republic of Armenia, as well as fuelling, without waiting in line, together with other vehicles of operational and special services.

Postal transportation of the national operator of postal communication may not, without the consent of those organisations, engage in the provision of services and performance of works not relating to its activities.

Entry of the postal transportation means of the postal communication operator to postal establishments and freight complexes for the purpose of mail exchange shall be carried out as a priority matter and free of charge.

#### **Article 17. Locating of postal establishments and the means thereof**

When planning the development of residential areas, design and construction of buildings as well as sites for locating postal establishments should be envisaged – in compliance with state urban development standards and rules – during the construction and reconstruction of urban and rural municipalities, regions, as well as residential buildings and other elements of planning structure.

Lands intended for locating postal establishments shall be provided in the accordance with the procedure for land allocation for public needs.

Allocation of lands to the national operator of postal communication for locating postal establishments shall be carried out upon the motion of the authorised body. The authorised body shall act as a contractor for relevant works.

Lands allocated to the national operator of postal communication for postal establishments may be provided for permanent (unlimited) gratuitous use.

The national operator of postal communication shall be exempt from property tax, land tax, local taxes, as well as payments and fees intended for renting premises falling under the ownership of local self-government authorities.

Lands for construction of postal establishments shall be provided to the national operator of postal communication in central parts of residential areas by ensuring relevant conditions for mail exchange of postal items carried by transportation means.

Locating of postal establishments of the national operator of postal communication close to bus stations, railway stations and airports shall be carried out in compliance with technological standards.

Local self-government authorities shall provide the national operator of postal communication with non-residential premises in existing (or in the phase of construction) residential or other buildings in accordance with technological standards, in the manner and under the conditions determined by local self-government authorities.

Post subscription lockers in multi-stored buildings shall be installed by construction organisations. Acquisition and installation costs of post subscription lockers shall be included in the construction cost estimates of those buildings.

Postal communication service users in residential buildings shall install – at their own expense – post subscription boxes for receiving postal items.

The national operator of postal communication shall be entitled to install, without compensation, mailboxes on the walls of residential and administrative buildings and in other suitable places in order to collect ordinary letters and postcards, upon prior consent of the owner of residential and administrative buildings.

Other organisations may be permitted to be located within postal establishments, provided that the security of storage of postal items and money and the confidentiality of postal communication is ensured, as well as where such installation does not distort and impede the provision of postal communication services.

*(Article 17 supplemented by HO-32-N of 25 December 2006)*

**Article 18. Tariffs for postal communication services**

Tariffs for postal communication services – except for universal postal communication services – shall be fixed by the postal communication operator.

*(Part 2 repealed by HO-173-N of 9 April 2007)*

*(Part 3 repealed by HO-173-N of 9 April 2007)*

Sold state stamps of postal charge confirming the payment for the delivery of letter correspondence, shall not be subject to return or exchange.

*(Article 18 amended by HO-173-N of 9 April 2007)*

**Article 18<sup>1</sup>. Tariffs for universal postal communication services and the principles of formation thereof**

1. Tariffs for provision of universal postal communication services in the Republic of Armenia shall be fixed and revised by the Public Services Regulatory Commission (hereinafter referred to as “the Regulatory Commission”).

2. Principles for formation of tariffs for universal postal communication services in the Republic of Armenia shall be:

(a) ensuring the compensation for justified operational and maintenance costs, depreciation of fixed assets and amortization of non-intangible assets necessary for the provision of universal postal communication services;

(b) ensuring the opportunity for getting reasonable profit;

- (c) inclusion of substantiated loan servicing costs;
  - (d) distinction between tariffs conditioned by the types and specific features of services;
  - (e) inclusion of substantiated and necessary insurance costs;
  - (f) inclusion of other substantiated and necessary costs envisaged by the legislation of the Republic of Armenia.
3. The principle of covering costs shall underlie the formation of the tariff for special delivery of documents.

*(Article 18' supplemented by HO-173-N of 9 April 2007)*

**Article 18<sup>2</sup>. Fixing and application of tariffs for the provision of universal postal communication services in the Republic of Armenia**

1. The procedure for fixing and revision of tariffs, forms and list of necessary documents (application package) submitted by the national operator of postal communication to that regard, shall be defined by the Regulatory Commission.
2. The fixed tariffs shall enter into force 30 days after taking a decision. The validity period for tariffs may not be less than six months, except for cases where, on the basis of a court judgment adopted as a result of appeal of the tariff rates through a judicial procedure, the Regulatory Commission takes a new decision on defining the tariff.
3. The Regulatory Commission may fix a long-term tariff for universal postal communication services rendered by the national operator of postal communication and, if appropriate, lay down the principles for the adjustment thereof.
4. The fixed tariff may express a certain numerical value, as well as a calculation formula depending on certain rates.
5. A fixed tariff may be revised upon the initiative of the national operator of postal communication, as well as that of the Regulatory Commission. The Regulatory Commission shall revise (reaffirm or change) the tariff and take a decision within 45 days after the revision of the application package of the national operator of postal communication.



6. The national operator of postal communication may provide universal postal communication services at a tariff lower than that fixed by the Regulatory Commission, excluding price discrimination. In case of such reduction of tariffs, the Regulatory Commission, when fixing new tariffs, shall not take into account the losses incurred by the national operator of postal communication.

7. For the purpose of submitting reports to the Regulatory Commission, the Regulatory Commission shall establish accounts and sub-accounts complying with the laws of the Republic of Armenia, national chart of accounts and other legal acts.

8. The national operator of postal communication shall submit its financial statements, other information (with the necessary substantiating documents) to the Regulatory Commission in the forms and in the manner prescribed by the latter.

9. For the purpose of verifying the accuracy of submitted reports and information, the Regulatory Commission shall be entitled to carry out or organise examinations of financial and economic activities by requesting the necessary substantiating documents.

*(Article 18<sup>2</sup> supplemented by HO-173-N of 9 April 2007)*

## CHAPTER 4

### LIABILITY IN THE FIELD OF POSTAL COMMUNICATION

#### **Article 19. Liability of the postal communication operator**

The postal communication operator shall be held liable – in the manner prescribed by law – for loss, damage, deficiency of enclosure, delay in control periods for postal money transfers, failure to keep the confidentiality of postal communication, where these have resulted in damage caused to the users of those services.

The postal communication operator shall, through mass media, inform the postal communication service users of its activities, new services, tariffs, achievements in the field of postal communication.

The postal communication operator shall be obliged – upon the request of a postal communication user – to provide information on control periods of delivery of postal letter correspondence.

The postal communication operator shall provide compensation for damages caused to the postal communication service user during the provision of postal communication services in the following amounts:

(a) in case of loss of insured postal item or spoilage (damage) of enclosure – in the amount of the estimated value and the sum of tariff payment, except for tariff payment for declared value.

(b) in case of loss or spoilage (damage) of a part of the enclosure of insured postal item during the delivery with the declaration of enclosure thereof – in the amount of the declared value of missing or spoiled (damaged) part of the enclosure mentioned by the sender;

(c) in case of loss or spoilage (damage) of a part of the enclosure of insured postal item delivered without declaration thereof – in the amount of the part of the value of insured postal item enclosure, which shall be determined by the proportionality of the missing or spoiled (damaged) mass of the enclosure and the mass of the enclosure to be delivered, without the mass of the outer packaging of the postal item.

(d) in case of failure to pay for (carry out) postal money transfers – in the amount of the sum of transfer and the sum of tariff payment;

(e) in case of loss or spoilage (damage) of other registered postal items – in the 2-fold of the amount of the sum of tariff payment, whereas in case of loss or spoilage (damage) of a part of the enclosure – in the amount of the sum of tariff payment.

(f) in case of violation of control periods for delivery of postal items and for making postal money transfers, postal communication operators shall pay penalty in the amount of three percent of the charges for the provision of postal communication services for each day of delay in delivery but not more than the sum paid for the provision of the service concerned, as well as for the violation of control periods for delivery of postal items by air transport – in the amount equal to the difference between the sum for delivery by air transport and that for delivery by land transport.

Issues relating to liability for loss or damage of an international postal item shall be regulated by law and international treaties.

**Article 20. Liability of the postal communication service user and restriction of actions**

The postal communication service user shall be held liable – in cases prescribed by law – for the damage caused to the staff engaged in the processing of postal items or to other postal items, if the damage has been caused as a result of enclosing prohibited objects or inappropriate packaging of the delivered enclosure by the user.

Objects prohibited to be delivered in postal items within the territory of the Republic of Armenia shall be:

- (a) fire-arms, gas spray gun, missile weapon, signal pistols, airgun, ammunition, cold weapon, electric-shock devices and spark discharges, as well as main parts of weapon and firearms;
- (b) narcotic substances or psychotropic, radioactive, explosive, toxic, highly flammable and other hazardous substances;
- (c) noxious animals and plants;
- (d) currency units of the Republic of Armenia and foreign currency (except for those sent by the Central Bank of the Republic of Armenia and its **branches**);
- (e) perishable foods;
- (f) objects which may, by their nature or packaging, cause damage to postal communication staff, soil other postal items of postal communication and postal communication equipment;

The postal communication operator shall be entitled not to deliver a postal item the enclosure of which is prohibited for the delivery within the territory of the Republic of Armenia, and to keep it in the place of detection thereof.

Temporary storage of such postal items shall be carried at the postal establishment, ensuring the accurate record keeping and safekeeping thereof. The entry of unauthorised persons to the archive of such postal items shall be prohibited.

The postal communication operator shall immediately inform the Police or the bodies of the National Security Service of the fact of detecting in postal items objects and substances mentioned in points (a) and (b) of this Article and of not delivering such postal item. The employees of the mentioned bodies shall – in the presence of the head or deputy head of the postal establishment – seize the prohibited object or substance and send a copy of the protocol drawn up thereon to the sender of the postal item.

Noxious animals and plants detected in postal items shall be transferred under a protocol to the relevant authorities of veterinary or phytosanitary inspection.

Currency units of the Republic of Armenia, detected in a postal item, shall be returned to the sender or delivered to the addressee by a postal transfer; meanwhile, an amount equal to the delivery charge shall be withheld from the detected amount. The foreign currency seized from a postal item shall be delivered to the sender or the addressee upon a letter with declared value. An amount calculated by a fixed tariff shall be charged for the delivery.

Perishable foods as well as objects which – by their nature or packaging – may cause harm to the life and health of postal communication staff or third parties, soil or damage other postal items or postal equipment, shall be seized by the postal communication operator and destroyed in the manner prescribed by this Law, if such a danger may not be otherwise eliminated.

In this respect, a protocol shall be drawn up, and one copy thereof shall be delivered to the sender.

The postal communication operator shall, within a period of ten days, inform in writing the sender or the addressee of the seizure or destruction of objects and substances prohibited for delivery, except for the cases when the relevant body of the Police or National Security Services takes a decision on carrying out operational intelligence measures on the occasion of the fact of seizure of the mentioned objects and substances.

The list of prohibited objects and substances for international postal items, the procedure for the removal and destruction thereof, and customs control and formalities of goods conveyed across the customs border of the Republic of Armenia shall be carried out in the manner prescribed by law.

The postal communication operator shall be entitled, in the manner prescribed by this Law, to examine the postal item, remove the postal item to be sent where the content of its enclosure is prohibited to send, as well as to destruct or permit to destruct a postal item where the content of its enclosure constitutes a danger to the life and health of staff of postal communication operator or third parties, and where this danger may not be otherwise prevented.

**Article 21. Liability in case of counterfeiting, use or issuance of state stamps of postal charge and nominal items**

The preparation of state stamps of postal charge and international reply coupons or the sale thereof through falsification, as well as the use of fake clichés of franking and marking machines and the use of nominal items shall incur liability in the manner prescribed by law.

**Article 22. Liability in the field of postal communication**

Persons violating the provisions of this Law shall be held liable in the manner prescribed by law.

The persons guilty for spoilage of mailboxes, post subscription lockers, post-office personal lockers, base mailboxes, for misappropriation, destruction or damage of a postal item, as well as those guilty for causing damage to postal transportation means, property and other equipments of postal communication operators shall be held liable in the manner prescribed by law.

Postal communication operators shall not be held liable for the loss, spoilage (damage) of postal item, failure to hand over the postal item or for violation of control periods for the delivery thereof, where those have occurred by reason of *force majeure* or are conditioned by the properties of the enclosure of the postal item, which has been proved afterwards.

In case of loss or spoilage (damage) of international postal item, issues relating to liability shall be regulated in the manner prescribed by law and by the international treaties.

**Article 23. The procedure for filing claims and complaints to the postal communication operator**

Where the postal communication operator fails to fulfil its obligations or fulfils them inappropriately, the postal communication service user shall have the right to require compensation for damages caused, in the manner prescribed by the legislation of the Republic of Armenia, within a period of six months after the day of handing over the postal item or money.

Claims and complaints – submitted to the postal communication operator of the place of receipt and dispatch of the postal item – shall be subject to compulsory registration and examination in the manner prescribed by law.

Claims for search of international postal items shall be received and examined in the manner and under the conditions prescribed by the legislation and international treaties of the Republic of Armenia.

## CHAPTER 5

### INTERNATIONAL COOPERATION

#### **Article 24. International cooperation**

International cooperation in the field of postal communication shall be carried out in compliance with the legislation and international treaties of the Republic of Armenia.

When launching international activities in the field of postal communication, the authorised body shall act as postal communication administration of the Republic of Armenia and represent and protect the interests of the Republic of Armenia within the framework of competence defined by the Government of the Republic of Armenia in cooperation with the administration units of postal communication of foreign countries and international organisations.

## CHAPTER 6

### FINAL PROVISIONS

#### **Article 25. Entry into force of the Law**

1. This Law shall enter into force on the tenth day following its official publication.
2. The provisions regulating relationships of licensing by this Law shall enter into force after six months following its official publication.

**President**  
**of the Republic of Armenia**

15 January 2005

Yerevan

HO-46-N

**R. Kocharyan**