

**Act No. 324/2011 on Postal Services and on Amendments to Certain Acts**

The National Council of the Slovak Republic has passed this Act:

**Art. I**

**PART ONE  
BASIC PROVISIONS**

**§ 1**

**Object of the Act**

(1) This Act regulates

- a) the conditions for providing postal services and postal payment service on the market for postal services (hereinafter referred to as "market"),
- b) scope, conditions of providing and financing of the universal service,
- c) rights and duties of a provider and users of postal services;
- d) access to the public postal network and requirements for density and equipment of access points of public postal network and of contact points of the public postal network;
- e) the powers of the state administration bodies in the area of postal services and state supervision over the provision of the postal services,
- f) state regulation of postal services and postal payment service and
- g) offences and other administrative offences in the area of postal services.

(2) This Act does not apply to activities carried out by carriers or forwarders;\_ the provision of § 7 paragraph 3 shall not be affected by this provision.

**§ 2**

**Postal services and postal payment service**

(1) Postal services mean services provided for the purposes of delivery of postal items, specifically clearance and distribution of postal items.

(2) Clearance of a postal item means the acceptance of a postal item by a postal enterprise from a sender or person posting the postal item, including the acceptance through an access or contact point of the postal network. If the sender or the person posting a postal item provides data in documentary or electronic form for the purposes of processing and production of

a postal item on the basis of such data, the postal item is cleared at the moment of its production on the basis of such data, providing it is produced by a postal company.

(3) Distribution means processing of a postal item after its clearance for the directions of traffic or places of delivery up to its delivery, which includes sorting, transport and delivery of the postal item.

(4) Delivery of a postal item means a delivery of a postal item to the addressee or authorised recipient in a manner specified in this Act, in the Postal Service Provision Agreement (hereinafter referred to as the “Postal Agreement“), and in the General Terms and Conditions<sup>1)</sup> of the postal company that govern providing of postal services on the market (hereinafter referred to as the “postal terms and conditions“), to the place specified in the address of the postal item, to the place determined in the postal terms and conditions, or to a place agreed in advance with the postal company.

(5) Users of a postal service are the sender and the addressee.

(6) Person posting a postal item is a person who hands over the postal item to the postal company on behalf of the sender for the purpose of clearance.

(7) Authorised recipient is a person who is authorised to accept the postal item on behalf of the addressee.

(8) Postal payment service means a delivery of cash based on data in money orders of the postal payment service (hereinafter referred to as “postal money order“) that is remitted by the sender to the addressee to make a cash payment or to mediate its putting on the bank account.

(9) Postal service does not mean:

a) production of a postal item, if the produced postal item is not distributed by a person who has produced it, or if the produced postal item is handed over by the person who has produced it, on behalf of the sender, to the postal company that will clear it.

b) transport of postal items, if the postal items are transported by a person who will not clear, sort or deliver these postal items; and

c) self-delivery.

(10) Self-delivery means a delivery of a postal item and activities preceding such delivery and related thereto, where the delivery of the postal item is executed by the sender himself.

(11) Express postal service means a postal service that offers a higher speed and a higher reliability of clearance and distribution of a postal item than other postal services, and at least four of the following services:

a) clearance of a postal item on the place of its origin;

b) guarantee of delivery at the determined date;

c) personal delivery to the addressee;

d) possibility of change of the place of delivery and address during transport;

e) confirmation of the delivery of the postal item to the sender

f) monitoring and traceability of the postal item or

g) a personalised service provided according to an individual agreement and specific requirements of the user.

### § 3

#### Universal service

(1) The universal service is a set of offered postal services pursuant to paragraph 2, that serves for minimum satisfaction of needs of all users of postal services in the territory of the Slovak Republic with the aim to ensure the availability of the access and contact points of the public postal network under the same conditions, in the determined quality and for a reasonable price, on every working day, at least with one clearance and delivery per day. The universal service provider is one or more postal companies that are obliged to provide the universal service on the basis of the postal license under the conditions and in the manner prescribed by this Act.

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<sup>1)</sup> Section 273 of the Commercial Code

(2) The universal service includes:

- a) clearance and distribution of postal items with a weight up to 2 kg (inclusive),
- b) clearance and distribution of mail items for the blind,
- c) clearance and distribution of parcels with a weight up to 10 kg (inclusive),
- d) distribution of parcels with a weight up to 20 kg (inclusive), if they have been cleared by a foreign universal service provider abroad,
- e) clearance and distribution of registered and insured postal items
- f) clearance and distribution of official postal items,
- g) services linked to recorded postal items, provided up to the extent of supplementary services according to the rules for the international postal service<sup>2)a</sup>
- h) return of a found postal item to the sender pursuant to § 53 paragraph 3.

(3) Registered postal item is a letter, to which the “registered“ service is provided. By this service it is provided a flat-rate guarantee against the risk of loss, theft or damage of the letter and issued a document to the sender on posting the postal item and also, upon request, on its delivery to the addressee.

(4) Insured postal item is a postal item to which it is provided the service 'insurance', by which the postal item is insured against a loss, theft or damage up to the value declared by the sender when posting the item.

(5) The universal service is provided within both domestic and international postal service. The universal service within international is provided according to the rules valid for the international postal service.<sup>3)</sup>

#### § 4

#### Interchangeable postal service

(1) Interchangeable postal service is a postal service that, from the user’s perspective, is interchangeable with a postal service from the extent of the universal service pursuant to § 3 paragraph 2. For the purposes of assessment of interchangeability, particularly the content of the postal service, its purpose and use for the postal service user, the added value of the postal service and the price for provision of the postal service (hereinafter referred to as “postal charge“) are taken into account. In justified cases the postal service may be assessed as interchangeable, even if it does not have all the characteristics of a postal service from the extent of the universal service under § 3 paragraph 2, in particular the frequency of delivery or the territorial extent of provision.

(2) If a dispute concerning the interchangeability of a specific postal service arises, the Postal Regulatory Office shall initiate, upon a motion of the postal company, proceedings to determine whether the specific postal service is or is not interchangeable.

(3) In proceedings pursuant to paragraph 2 for assessment of a proposal for determination of relevant markets, on which the postal services is provided, or assessment of the interchangeability of the postal service, the Postal Regulatory Office cooperates with the Antimonopoly Office of the Slovak Republic.<sup>4)</sup>

(4) The express postal service is not an interchangeable postal service.

(5) The entry in the register of postal companies pursuant to § 23 paragraph 1 (b) is decisive for the purposes of decision whether a postal service is an interchangeable postal

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<sup>2)</sup> Article 13 of the World Postal Convention (Communication of the Ministry of Foreign Affairs of the Slovak Republic No. 50/2010 Coll. on adoption of the Acts of the World Postal Union).

<sup>3)</sup> Acts of the World Postal Union (Communication of the Ministry of Foreign Affairs of the Slovak Republic No. 50/2010 Coll. on adoption of the Acts of the World Postal Union).

<sup>4)</sup> § 22 paragraph 1 (f) of Act No. 136/2001 Coll. on Protection of Competition and on Amendment and Supplements to the Act of the Slovak National Council No. 347/1990 Coll. on Organisation of the Ministries and Other Central Bodies of the State Administration of the Slovak Republic, as amended.

service, unless the Postal Regulatory Office decides otherwise in proceedings pursuant to paragraph 2.

## § 5

### Postal item

(1) A postal item is a written communication or other item that is to be delivered to the addressee and that is designated by the address of the addressee. The final form of a postal item, in which the postal item is cleared and distributed by a postal company, shall be determined by the postal company in the postal terms and conditions. The minimum and maximum dimensions of postal items are determined by the rules for the international postal service.<sup>3)</sup>

(2) Postal items according to paragraph 1 are:

- a) letter items, in particular items of correspondence, direct mail or items for the blind,
- b) parcels,
- c) periodical postal items or
- d) postal money orders.

(3) An item of correspondence is a communication in written form on any kind of physical medium to be delivered to the address indicated by the sender on the item itself or on its wrapping. Items of correspondence are also accounts, invoices, financial statements or other reports with variable contents and form, concerning obligation or other relations between the sender and the addressee. Books, catalogues, newspapers and other periodicals shall be regarded as items of correspondence, even if they are the content of letter items.

(4) Direct mail is a communication consisting solely of advertising, marketing, or publicity material and comprising an identical message, except for the addressee's name, address, and identifying number, which do not alter the nature of the message and which is sent to a significant number of addressees, to be delivered at the address indicated by the sender on the item itself or on its wrapping. Bills, invoices, financial statements, and other messages with non-identical content and form shall not be regarded as direct mail. Neither a communication which is combination of direct mail with another item under the same envelope is regarded as direct mail.

(5) Literature for the blind is a communication written in Braille, raised dots with signs for the blind, sound recording, and special paper for the blind.

(6) A periodical item is a postal item that contains periodical press according to a special regulation.<sup>5)</sup>

(7) An official postal item is an item of correspondence for personal delivery to the parties to proceedings conducted before public authorities.

(8) A recorded postal item is a postal item, upon clearance of which by the postal company the sender shall receive a confirmation of clearance. It is delivered against signature of the addressee or the authorised recipient.

## § 6

### Postage stamps

Postage stamps are:

- a) Postage stamps marked "Slovakia" or "Slovak Republic", if appropriate with completed symbol of the European Union,
- b) Items with printed postage stamp such as postcards, envelopes, aerograms and pigeograms with representation of a postage stamp,
- c) Postage prepayment impressions marked "Slovakia" or "Slovak Republic", if appropriate with completed symbol of the European Union, from self-service technical facilities,
- d) strips for franking machines or

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<sup>5)</sup> § 2 paragraph 1 of Act No. 167/2008 Coll. on Periodicals and Agency News Service and on Amendment and Supplements to certain acts (Press Act).

e) international reply coupons issued by the International Bureau of the Universal Postal Union.

## § 7

### Postal company

(1) Postal company is an entrepreneur providing one or more postal services or the postal payment service.

(2) Provision of postal services and of the postal payment service is business. Postal services and the postal payment service may only be provided under the conditions laid down by this Act, it being understood that

- a) the universal service is provided under the trade license,
- b) postal services other than the universal service and the postal payment service are provided only on the basis of registration and within scope specified in the general authorisation, and
- c) postal payment service is only provided by a postal company that is a legal person mandatorily creating the registered capital.

(3) A postal company may provide, on a contractual basis, postal services and the postal payment service or carry out activities related to their provision through other postal company or other person, within both domestic and international postal service; the postal company cannot be discharged from the responsibility for providing postal services, and any agreements on the limitation or exclusion of these duties or this responsibility shall be invalid.

(4) The clearance and distribution of an official postal item may only be provided by a postal company that will ensure:

- a) at least one clearance and one delivery of an official postal item on every working day;
- b) the availability of the access or contact points of the postal network for clearance and delivery of the official postal item;
- c) periods for the delivery of the official postal item; and
- d) storage of official items so as to ensure full delivery in proceedings that the official postal item relates to,

in the territory where it provides the postal services.

(5) A postal company, that is authorised to provide the postal payment service, is also authorised to provide payment services.<sup>6)</sup>

(6) An employee of a postal company has the status of protected person according to the Criminal Code in delivery of a postal item and in delivery of cash according to data in the postal money order.<sup>7)</sup>

### Postal network and public postal network

## § 8

(1) The postal network is a system of organisation and a set of facilities used by the postal company for clearance and distribution of postal items and for provision of the postal payment service.

(2) The public postal network is a postal network of the universal service provider.

(3) Access points of the postal network are buildings and permanent facilities that are accessible to the public for clearance, distribution of postal items, or provision of the postal payment service.

(4) Contact points of the postal network are places for clearance or delivery of postal items or provision of the postal payment service other than access points of the postal network, specifically mobile facilities, access points or electronic addresses for communication by electronic means; for the purposes of this Act, a contact point of the postal

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<sup>6)</sup> § 2 paragraph 3 (c) of Act No. 492/2009 Coll. on Payment Services and on Amendment and Supplements to Certain Acts.

<sup>7)</sup> § 139 paragraph 1 (h) of the Criminal Code.

network also means designated employees of the postal company or persons who are authorised to clear or deliver postal items on the basis of a contract with the postal company.

(5) Access points of the public postal network are particularly:

a) posts, and

b) publicly accessible self-service technical facilities for:

1. clearance of postal items, especially mail-boxes,
2. distribution of postal items, especially P. O. boxes and delivery boxes,
3. selling postage stamps and postal prepayment impressions.

(6) A postal company that provides interchangeable postal services or the postal payment service is required to set up and operate at least one access or contact point of the postal network.

(7) Post office is a permanent establishment for clearance and distribution of postal items and for selling postage stamps.

(8) The "post" sign may only be used to mark access points of the public postal network and contact points of the public postal network. The right to use the "post" sign in combination with other words, as a part of the business name of a postal company, or as a part of the name of a postal service of the postal company, providing it can be distinguished from the sign according to the first sentence, shall not be affected by this provision.

#### § 9

(1) A postal company providing interchangeable postal services has the right to request the universal service provider to conclude a written agreement on access to the public postal network or its part (hereinafter referred to as the "Agreement on Access"), for the purposes of protection of postal service users or maintenance of effective competition.

(2) The Agreement on Access contains, apart from the names of the parties, the identification of conditions, the method and the extent of access to the public postal network, remuneration of the universal service provider for access to the public postal network, the method and maturity date of remuneration of the universal service provider, and the conditions of ensuring the postal secrecy, protection of information and personal data on the part of the acceding postal company.

(3) The conditions of the Agreement on Access concerning matters of the same type must be equal for all acceding postal companies. The universal service provider shall make references to the model Agreement on Access in all his postal terms and conditions, structured among others by the extent of access to the public postal network.

(4) The remuneration of the universal service provider for access to the public postal network must be at least equal to actual costs effectively incurred by the universal service provider through provision of access to the public postal network. It shall always comprise actual costs that the universal service provider shall effectively incur through provision of this access during the whole period of this access.

(5) The universal service provider is required to conclude the Agreement on Access, if the conditions under paragraph 1 are fulfilled, if the draft Agreement on Access contains all particulars of the Agreement on Access according to this Act, and if the access is not hindered by the capacity and technical conditions of the public of the postal network.

(6) The acceding postal company is required to deliver one copy of the Agreement on Access to the Postal Regulatory Office immediately after conclusion of the Agreement on Access.

(7) If the Agreement on Access is not concluded within 30 days of the date of delivery of the request pursuant to paragraph 1, the acceding postal company has the right to submit to the Postal Regulatory Office a proposal for decision on determination of the disputed content of the Agreement on Access. The parties to the proceedings are the postal company that has submitted the proposal and the universal service provider to which the proposal for conclusion of the Agreement on Access has been addressed.

(8) The Postal Regulatory Office in the proceedings on the proposal under paragraph 7 shall request the universal service provider in writing for his comments to the proposal. If the Postal Regulatory Office establishes the fulfilment of conditions for the conclusion of the Agreement on Access according to this Act, it shall determine by its decision the content of the Agreement on Access, that has been the subject of the proposal, and impose on the universal service provider and the acceding postal company the duty to conclude the Agreement on Access with such determined content; otherwise it shall dismiss the proposal.

(9) The Postal Regulatory Office is required to decide on the proposal pursuant to paragraph 7 within 30 days of the date when the proposal is delivered to it. In very complicated cases the Postal Regulatory Office has the right to extend the time limit pursuant to the first sentence by 30 days, about which it is required to inform the parties to the proceedings during this period, with indication of reason for its extension.

(10) The Postal Regulatory Office is bound by the proposal of the acceding postal company under paragraph 7. In its decision-making the Postal Regulatory Office is not bound by the model Agreement on Access pursuant to paragraph 3.

(11) The decision according to paragraph 8 has written form and contains the name of body issuing the decision and the name of person acting on its behalf, specification of the content of the Agreement on Access, names of the parties on which the duty to conclude the Agreement on Access is imposed, operative part of the decision, including the period for conclusion of the Agreement on Access or for dismissal of the proposal, reasons for the decision, instruction on the reviewability of the decision by a court, date and place of issue of the decision and signature of the acting person. The decision is delivered to the parties to the proceedings, is not open to appeal and is reviewable by court according to the Civil Procedure Code.<sup>8)</sup>

## § 10

### Postal secrecy

(1) Postal secrecy shall apply to

- a) information and data concerning postal items and on postal services provided to them, with the exception of information of statistical character from which it is not clear who was the sender or the addressee;
- b) the content of correspondence; or
- c) the content of other postal items.

(2) Any person dealing with a subject to postal secrecy is required to maintain confidentiality about this item and prevent it from being disclosed to another person. He may only be relieved of the confidentiality obligation in writing by the sender or addressee of the postal item, their legal successor or a person acting on their name on the basis of a proxy.

(3) The subject of postal secrecy may only be made available to the sender, addressee, their legal successor or a person acting on their behalf on the basis of a proxy with authenticated signature of the principal. The subject of postal secrecy is made available to a court, and at written request and by order of the court<sup>9)</sup> to other state authority for the purposes of fulfilment of its functions according to a special regulation<sup>10)</sup>, and to the prosecution body for the purposes of inquiry, investigation, and prosecution of criminal acts.

(4) Other state authority for the purposes according to paragraph 3 means an armed defence corps, a defence corps and a state authority fulfilling functions in the area of

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<sup>8)</sup> §§ 247 to 250k of the Civil Procedure Code.

<sup>9)</sup> §§ 108 to 112 of the Criminal Procedure Code.

<sup>10)</sup> Act of the National Council of the Slovak Republic No. 46/1993 Coll. on the Slovak Information Service, as amended, Act of the National Council of the Slovak Republic No. 171/1993 Coll. on the Police force, as amended, Act of the National Council of the Slovak Republic No. 198/1994 Coll. on Military Intelligence, as amended, Act No. 652/2004 Coll. on State Administration Bodies in the Field of Customs and on Amendments and Supplements to Certain Acts, as amended.

protection of constitutional establishment, the internal rules, state security and defence of a state.

(5) Making available the subject of postal secrecy pursuant to paragraph 3 also applies to a person who transports postal items specified in § 2 paragraph 9 (a) and (b).

#### § 11

##### Information and personal data protection

(1) When providing postal services or postal payment service, the postal company is only entitled to require and record the name, surname, title, address and registration data on the proof of identity on a sender and on their representatives, and process and store them in the information systems up to the extent necessary for the provision of postal services or postal payment service, unless a special regulation<sup>11)</sup> provides otherwise. The postal company shall ensure the protection of information about provided postal services and the protection of personal data against being made available to other persons, and against being made public or misused.

(2) Information and data subject to personal data protection may only be disclosed to the person whom they concern; for the provision of information and data the postal company is entitled to the reimbursement of its costs up to the amount according to the tariff.

(3) Information and data covered by the protection of personal data shall be provided to a court, prosecutor's office or other state authority for the purpose of fulfilment of their functions according to a special regulation<sup>9)</sup> or for the purpose of inquiry, investigation, and prosecution of criminal acts.

(4) The central population residence records office is required, upon written and justified request, to provide the postal company with data from these records, if these data are required for the provision of a postal service.

(5) The provision of paragraph 3 also applies to a person who transports postal items according to § 2 paragraph 9 (a) and (b).

## **PART TWO STATE ADMINISTRATION OF POSTAL SERVICES**

### **TITLE ONE**

#### **State administration bodies**

#### § 12

The state administration bodies in postal services are:

- a) The Ministry of Transport, Construction and Regional Development of the Slovak Republic (hereafter referred to as "the Ministry"), and
- b) The Postal Regulatory Office.

#### § 13

(1) The Ministry shall

- a) draft proposals for the state postal policy and concepts for the development of postal services, and submit them to the Government of the Slovak Republic (hereafter referred to as "the Government") for approval;
- b) ensure international relations in postal services at the level of bodies of the European Union, members of the governments, and governmental and intergovernmental organizations;
- c) approve
  1. the plan of issuing postage stamps and postal stationery and their thematic and graphic design,
  2. the beginning and the end of validity of postage stamps and postal stationery, and

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<sup>11)</sup> Act No. 428/2002 Coll. on Protection of Personal Data, as amended.

d) publish decisions and other documents under this Act in the Bulletin of the Ministry of Transport, Construction and Regional Development of the Slovak Republic (hereafter referred to as “Bulletin”).

(2) The Postal Regulatory Office shall:

- a) perform state regulation of postal services and postal payment service (hereinafter referred to as “state regulation“);
- b) perform state supervision over the provision of postal services and postal payment service (hereinafter referred to as “state supervision“),
- c) cooperate with regulatory bodies of other states in postal services,
- d) shall be in relation to bodies of the European Union, relevant bodies of the member countries of the European Union and to relevant bodies of the member countries of the European Free Trade Association a notification body in the area of state regulation;
- e) perform statistical surveys for the area of postal services and
- f) perform other activities according to this Act.

#### § 14

(1) The Postal Regulatory Office is a state budget-funded organisation with seat in Žilina.

(2) The Postal Regulatory Office shall be headed by the chairman (hereafter referred to as “the chairman”), who shall be elected and recalled by the National Council of the Slovak Republic, following a proposal from the Government. The salary and related items of the chairman are determined by the Government according to a special regulation.<sup>12)</sup>

(3) The chairman shall be represented by the Postal Regulatory Office deputy chairman (hereafter referred to as “the deputy chairman”), who shall be appointed and recalled by the Government.

(4) The chairman's and the deputy chairman's term of office shall be six years; they may perform their posts for a maximum of two consecutive terms of office.

(5) During their performance of office, the chairman and the deputy chairman may not:

- (a) perform an office in a political party or political movement;
- (b) perform an office in any other state authority or to be a member of a body of a legal entity established as a public institution according to the law;
- (c) be an employee, partner, director, or member of a body of a postal company or act to its benefit or to its disadvantage.

(6) The performance termination of chairman's and deputy chairman's office shall end prior of his regular term of the office shall end only if chairman or deputy chairman:

- a) has resigned from the office,
- b) has been recalled
- c) has died or has been declared to be died.

(7) The chairman and the deputy chairman may be recalled if:

- a) the Postal Regulatory Office has not performed duties according to this Act,
- b) any of the circumstances specified in paragraph 5 has occurred,
- c) the chairman or the deputy chairman has been legally sentenced for an intentional criminal act or any other criminal act related to the performance of the office, or
- d) the chairman or the deputy chairman has not perform office for at least six consecutive months.

## TITLE TWO

### State regulation

### Basic provisions

#### § 15

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<sup>12)</sup> Act No. 400/2009 Coll. on Civil Service and on Amendments and Supplements to Certain Acts, as amended.

(1) State regulation comprises:

- a) the creation of conditions for establishing and maintaining the competitive environment on the market,
- b) setting general rules for providing postal services,
- c) setting the general conditions for providing interchangeable postal services and postal payment service,
- d) granting licenses or imposition of the obligation to provide the universal service, setting conditions for providing the universal service and requirements for operating the public postal network;
- e) regulation of postal charges<sup>13)</sup> for provision of the universal service and the execution of postal payment service; and
- f) regulation of financing of the universal service.

(2) Decisions of the Postal Regulatory Office in the execution of state regulation must be issued in a transparent and non-discriminatory manner, comply with the technical and economic possibilities of postal companies, and based on objective criteria.

#### § 16

At the time of emergencies caused by a natural disaster or industrial accident and in reasonable cases of protection of public order, public security including the inquiry and prosecution of criminal offences, health care and human life, animals and plants protection as well as cultural heritage in the affected territory, the Postal Regulatory Office may temporarily adjust the method and conditions of clearance (collection) and distribution of postal items in the affected areas by way of derogation from the provisions of this Act, in particular, for the necessary time period, it may:

- a) exclude providing of postal services and decide that these services will only be provided by the authorised postal company,
- b) exclude some types of postal items from clearance and distribution,
- c) restrict or suspend provision of postal payment service, or
- d) ensure clearance and distribution of some postal items in a special way.

#### § 17

##### General authorisation

(1) General authorisation is a decision issued by the Postal Regulatory Office for a non-specified category of postal companies, setting:

- a) general conditions for providing postal services other than the universal service and postal payment service,
- b) documents proving the fulfilment of conditions for clearance and delivery of official postal items and provision of postal payment service,
- c) details and data concerning the registration.

(2) For providing the interchangeable postal services, the general authorisation may determine conditions concerning:

- a) protection of the postal network against unauthorised access to it and to postal items; and
- b) limitation of clearance and distribution of items that are excluded from clearance and distribution.

(3) For clearance and delivery of official items, the general authorisation may stipulate the details on conditions pursuant to § 7 paragraph 4, but only to the extent, in which the conditions of availability of the access or contact points of the postal network for clearance and delivery of postal items and periods for delivery of postal items and storage of postal

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<sup>13)</sup> § 11 of Act of the National Council of the Slovak Republic No. 18/1996 Coll. on Prices, as amended.

items are imposed on the universal service provider according to this Act or in the postal license.

(4) For providing the postal payment service, the general authorisation can determine conditions ensuring:

- a) the ability to satisfy claims for compensation for damage that the postal company caused by provision of postal payment service, in the form of minimum amount of the registered capital, or in the form of minimum insurance coverage from liability insurance, up to the amount specified in § 44 paragraph 5 (a),
- b) professional competence, but only within the scope according to § 44 paragraph 4 and
- c) technical and organisational preparedness for provision of postal payment service.

#### § 18

(1) The draft general authorisation shall be published in the Bulletin at least 90 days prior to its planned announcement, together with an invitation to present opinions and information on the place where and the limit within which it is possible to make comments on the draft. This time limit for submission of comments may not be less than 30 days of the date of publishing the draft.

(2) The general authorisation shall be published in the Bulletin and enter into force on the date of publication, unless it specifies a later date of entry into force. The Postal Regulatory Office shall also publish the general authorisation on its website.

(3) The provisions of § 17 and paragraphs 1 and 2 apply equally to amendment and revocation of the general authorisation.

#### § 19

##### Registration proceedings

(1) Registration means entry of a person, who will provide postal services other than the universal service or postal payment service, into the register of postal companies. The application for registration is lodged before the commencement of providing postal services.

(2) The Postal Regulatory Office shall register a person on the basis of the application for registration and after the submission of proof of:

- a) integrity of an individual who is statutory body, a member of statutory body, supervisory body or management body, or authorised representative (hereinafter referred to as “body of postal company“) of the legal person lodging the application; in case of an individual after submission of the proof of his integrity; and
- b) fulfilment of the conditions for clearance and delivery of official postal items and postal payment service specified in the general authorisation, if the postal company provides such postal service or postal payment service.

(3) The integrity of persons pursuant to paragraph 2 (a) is proved by an extract from the Criminal Register not older than three months, and in case of a foreigner by a similar confirmation issued by competent body of the state of his usual residence not older than three months. An integrious person for the purposes of paragraph 2 (a) is a person who has not been validly convicted of an offence against property, offence committed in connection with execution of a managerial function or for a premeditated offence.

(4) The conditions under paragraph 2 and the general conditions for providing postal services and postal payment service, specified in the general authorisation according to § 17 paragraph 1 (a) and to this Act, must be fulfilled by the postal company during the whole period of providing postal services or postal payment service.

(5) The application for registration is lodged using a form of type specified in the general authorisation and must contain identification data of the person lodging the application, the body of the postal company and the type of provided postal service; the details on the content and structure of identification data and on the type of provided postal services shall be determined by the Postal Regulatory Office in the form specified in the general authorisation. The application shall be accompanied by:

- a) postal terms and conditions
- b) tariff
- c) documents proving integrity pursuant to paragraph 3 and
- d) documents proving the fulfilment of conditions pursuant to § 17 paragraph 1 (b), if the postal company will provide such postal service or postal payment service.

(6) The application for registration, the form for announcement of changes or the request for change of registered data form an annex to the general authorisation.

(7) The Postal Regulatory Office shall register a company by its entry into the register of postal companies within 10 working days of the date of delivery of the complete application for registration. In justified cases this period can be extended by 20 days at the most.

(8) Within the scope, in which the Postal Regulatory Office accepts the application for registration, a special decision on registration is not issued.

(9) With the registration, the Postal Regulatory Office shall issue the confirmation of registration and deliver it to the postal company.

## § 20

### Proceedings for change of registration

(1) The postal company is required to give notice to the Postal Regulatory Office of the change of:

- a) identification data of the postal company or bodies of the postal company that were contained in the application for registration
- b) bodies of the postal company, or
- c) conditions for clearance and delivery of official items and postal payment service, specified by the general authorisation, that served as basis for the registration, within 10 working days of the date of change.

(2) The notice pursuant to paragraph 1 must have a written form and contain identification data of the postal company within the scope of the application for registration and identification of items that were changed. If changes were made in persons in relation to whom the integrity or professional competence is proved upon registration, the notice shall always be accompanied by a document proving the integrity or professional competence of new persons.

(3) On the basis of the notice according to paragraph 1, the Postal Regulatory Office shall initiate proceedings for the change of registration and assess the change, in particular from the view of the fulfilment of duties under § 19 paragraph 4. For this purpose it has the right to determine to the postal company a period for submission of documents required for assessment of the change, not exceeding the scope of documents that are submitted for registration. The provision of §19 shall apply equally to assessment of the change and to demonstration of the fulfilment of conditions under § 19 paragraph 2.

(4) If, after the change of items according to paragraph 1, the conditions pursuant to § 19 paragraph 2 are fulfilled, the Postal Regulatory Office shall inform the postal company in writing that it had noted the notified change and would change the registered data.

(5) If the Postal Regulatory Office finds out that, after the change of items pursuant to paragraph 1, the conditions pursuant to § 19 paragraph 2 are not fulfilled, and it can be reasonably assumed that the postal company might be able to fulfil these conditions within a reasonable period, the Postal Regulatory Office shall discontinue the proceedings for change of registration and provide to the postal company a reasonable period for fulfilment of the conditions pursuant to § 19 paragraph 2, but not more than 60 days. If the postal company does not fulfil the conditions pursuant to § 19 paragraph 2 within this period, or the Postal Regulatory Office finds out that the postal company did not fulfil the conditions pursuant to § 19 paragraph 2 and it cannot be assumed that it will fulfil these conditions in the future, the Postal Regulatory Office shall decide on the discontinuation of the proceedings for change of registration and initiate proceedings for revocation of registration.

(6) The Postal Regulatory Office may initiate the proceedings for change of registration from its own initiative if it learns about the change of items pursuant to paragraph 1 otherwise than from the notice according to paragraph 1. If the Postal Regulatory Office initiates proceedings for change of registration from its own initiative, it is required to immediately inform about it in writing the affected postal company and provide to it a reasonable period for making comments to the subject of proceedings.

(7) A postal company that is registered for providing other postal service than clearance and delivery of official items or postal payment service is required to apply the Postal Regulatory Office for the change of registration before it starts providing clearance and delivery of official items or postal payment service. The provisions on registration apply equally to the proceedings on the application pursuant to the first sentence, except for the duty to prove the fulfilment of the condition of integrity.

## § 21

### Proceedings for termination or revocation of registration

(1) The registration terminates:

- a) by the effective date of decision on the revocation of registration, unless the decision specifies a later date of the revocation of registration, or
- b) by the date of winding up of the postal company.

(2) The Postal Regulatory Office shall revoke the registration if:

- a) the postal company requires for it,
- b) the postal company or the body of the postal company ceased to fulfil the conditions pursuant to § 19 paragraph 2,
- c) the postal company repeatedly violates the duties arising for it from this Act during 18 consecutive calendar months and an earlier imposed sanction has not resulted to a remedial measure, or
- d) it is necessary for the defence and protection of the state, the internal rules, or state security.

## § 22

### Common provisions to registration proceedings

(1) Registration is not transferrable to other person and shall not be transferred to the legal successor.

(2) The application for registration or notification of change pursuant to § 20 paragraph 1 can be lodged in electronic form, provided they are provided with secure electronic signature.

(3) If the universal service provider is not entered in the register of postal companies before the date of issue or deposition of the postal license, the Postal Regulatory Office shall enter him into the register of postal companies together with issue or deposition of the postal license. During the validity of the postal licence the universal service provider has the right to provide postal services, the provision of which is subject to registration under this Act, also without registration. This provision also applies to providing the postal payment service, if the postal license imposes the duty to provide postal payment service. If the postal license does not impose on the universal service provider the duty to provide postal payment service, the Postal Regulatory Office is required to lodge an application for change of registration before he starts providing this service; the provision of § 20 paragraph 7 shall apply equally.

(4) The registration and changes of registered data are subject to an administrative charge according to a special regulation.<sup>14)</sup>

## § 23

### Register of postal companies

(1) Register of postal companies is a public register into which are entered:

- a) identification data of the postal company and bodies of the postal company within the scope in which they are contained in the application for registration or application for the postal license;
- b) type of postal services provided by the postal company, structured as follows: universal service, interchangeable postal services, clearance and delivery of official items, other postal services and postal payment service,
- c) method of postal item marking,
- d) date of registration of the postal company or effective date of the postal license,
- e) period of validity of the postal license in case of a universal service provider, and
- f) date of expiration or revocation of the registration or the postal license.

(2) The register of postal companies is kept by the Postal Regulatory Office and made available free of charge on its website.

(3) The Postal Regulatory Office shall mark in the register of postal companies every change in entered data, as soon as he learns about it or upon entry into force of the decision of the Postal Regulatory Office giving rise to the change.

## § 24

### Regulation of Postal Charges

(1) The Postal Regulatory Office is a pricing body for regulation of postal charges for providing the universal service to the extent of the granted postal license and for providing the postal payment service. The Postal Regulatory Office shall perform state regulation of postal charges according to a special regulation.<sup>15)</sup>

(2) In the regulation of postal charges it is necessary to take into account economically justified expenses incurred by:

- a) the universal service provider, also in connection with the scope and quality of the universal service and perspective and qualitative requirements for the universal service, resulting from granted postal license; or

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<sup>14)</sup> Act of the National Council of the Slovak Republic No. 145/1995 Coll. on Administrative Charges, as amended.

<sup>15)</sup> § 4a of Act of the National Council of the Slovak Republic No. 18/1996 Coll. on Prices, as amended by Act No. 382/2008 Coll.

b) the postal company providing the postal payment service, and an appropriate profit.

(3) The regulation of postal charges also applies to the universal service and postal payment service also if they are provided instead of the universal service provider or the postal company by other person stated in § 7 paragraph 3, on a contractual basis.

## **PART THREE PROVISION POSTAL SERVICES**

### **TITLE ONE**

#### **Basic provisions**

#### **§ 25**

#### **License**

The postal company has:

a) the right and the duty to provide the universal service and postal payment service, if it represents provision of postal payment service by the universal service provider, from the effective date of the postal license;

b) the right for clearance and delivery of official items or for postal payment service from the date of registration of the postal company for their provision; and

c) the right to provide postal services other than the universal service or clearance and delivery of official items from the date of delivery of complete application for registration to the Postal Regulatory Office, or if the application for registration specifies a later date of the commencement of provision of postal services, from such later date.

#### **§ 26**

#### **Postal agreement**

(1) The postal company undertakes by the postal agreement to deliver a cleared postal item to the sender or a remitted payment to the addressee in the manner set forth in the postal terms and conditions, unless the postal agreement specifies other extent or method of providing postal services, and the sender undertakes to pay to the postal company a postal charge according to the tariff, unless other amount of remuneration is individually agreed in the postal agreement. The parties to the postal agreement are the sender and the postal company that has cleared the postal item to which the postal agreement relates.

(2) Essentials of the postal agreement are the type of postal service or information that it applies to the postal payment service and postal charge. The rights and duties of the parties to the postal agreement are regulated by this Act, but the postal agreement may contain a wider regulation of the rights and duties of the parties. The postal agreement may contain provisions in relation to other activities that the postal company provides to the user of postal services in direct relation to provision of postal services, especially activities related to clearance of postal items and creation of postal items.

(3) The content of the postal agreement or its part may also be specified by a reference to the postal terms and conditions. The postal terms and conditions in the part that contains the regulation of contract relations and their details, form part of the postal agreement, unless the postal agreement provides otherwise. If the postal agreement contains provisions different from the postal terms and conditions, the provisions of the postal agreement take precedence.

(4) The postal agreement originates by clearance of the postal item, unless the postal agreement specifies an earlier date of its origin.

(5) The rights of the sender from the postal agreement lapse within one year of the date when the postal item is cleared; if the postal item was stored, then within one year of the date of expiration of the storage period pursuant to § 34 paragraph 6.

#### **§ 27**

#### **Postal terms and conditions**

- (1) Within the limits of this Act, the postal terms and conditions shall primarily include:
- a) the extent of the provided postal services;
  - b) conditions for providing postal payment service, if the postal company provides postal payment service;
  - c) details of the terms and conditions of concluding the postal agreement, especially the methods of clearance (collection) and delivery of postal items and the types of postal items and their weight and size limits, which are subject to the postal services, as well as items excluded from clearance (collection) and distribution;
  - d) details of the mutual rights and duties of the parties to the postal agreement;
  - e) a detailed regulation of the extent of the postal company's liability for the failure to meet the conditions of this Act and of the agreement, and the methods of making claims relating to the liability for damage,
  - f) the regulations on complaints; and
  - g) method of postal item marking.

(2) The postal company submits in writing to the Postal Regulatory Office for acknowledgement a proposal for change of the postal terms and conditions not later than 15 working days before the effective date of the respective change; it does not apply to the universal service provider, if the postal license specifies other method and other periods for submission of changes in his postal terms and conditions.

(3) To be valid, the change in the postal terms and conditions of the universal service provider, concerning the universal service or postal payment service, must be first approved by the Postal Regulatory Office.

## § 28

### Regulations on Complaints

(1) The user of postal services has the right to file a complaint about provided postal services or postal payment service with the postal company in a manner and within time limits specified in the Regulations on Complaints.

(2) The postal company is required to issue the complaints order. The Regulations on Complaints of the postal company within the scope of this Act regulate:

- a) details of the extent of the postal service user's right to complain about the quality of the provision of these services or postal payment service;
- b) the method of making complaints,
- c) the time limit for making and handling complaints. The time limit for handling a complaint must be no longer than 30 days from making the complaint; the provision of paragraph 4 remains unaffected; and
- d) other details of the procedure for complaints.

(3) The postal service user's right to make a complaint may not be limited in the regulations on complaints if this right has been exercised within the time limit specified in the regulations on complaints. The postal company is required to inform the postal service user on the result of the examination of his complaint within the time limit specified in the Regulations on Complaints or within an extended time limit according to paragraph 4. The complaint shall be considered acknowledged even if the postal company fails to inform the user on the result of the examination of his complaint within the time limit specified in the Regulations on Complaints or within an extended time limit under paragraph 4.

(4) The postal company has the right to extend the time limit for handling a complaint by no more than 90 days, if the complaint filed by the postal service user relates to a large number of postal items or other facts concerning the provided postal service or postal payment service and for objective reasons cannot be fully handled within the time limit specified in the Regulations on Complaints. The postal company is required to specify the number of postal items or other facts in the Regulations on Complaints. The postal company

is required to inform in writing the postal service user about the extension of the time limit during the period specified in paragraph 2 (c), with indication of the reasons for extension of the time limit.

(5) The special regulation<sup>16)</sup> does not apply to time limits and method of handling complaints according to this Act.

(6) The postal company is required to keep records of the filed complaints, their contents and method of handling; it shall annually, not later than on 31 March for the previous calendar year, prepare a report on the results of the examination of complaints and publish it on its website or in other suitable manner. The postal company shall send to the Postal Regulatory Office the report on the results of the examination of complaints, together with a quantification and evaluation of the filed complaints and information about the date and method of publication of the report, within 10 working days of the date of publication.

(7) A postal company providing international postal services is required to stipulate in the Regulations on Complaints the procedure for handling complaints about provided international postal services in accordance with the international treaty by which the Slovak Republic is bound.<sup>3)</sup>

## § 29 Tariff

(1) The tariff shall regulate postal charges for all postal services and for the postal payment service provided by the postal company, and the conditions of their application. The tariff of the universal service provider can also contain unit prices calculated to two decimal places.

(2) Unless the postal terms and conditions, the postal agreement or the tariff provides otherwise, the postal charge shall be due when the postal item is cleared.

## § 30 Marking of postal items

(1) The postal company is required to mark a cleared postal item in such a manner that the marking shows the name of postal company that has cleared the postal item.

(2) The postal company may fulfil the duty of postal item marking by indicating the business name or name of the postal company, or by applying the graphic or textual symbols used in the postal network, that unambiguously specify that it is an element of the postal network and distinguish the postal company from other postal companies. The universal service provider may also fulfil the duty of postal item marking with use of postage stamp or graphic or textual symbols used in the public postal network, that unambiguously specify that it is an element of the postal network and distinguish the universal service provider from other postal companies.

## TITLE TWO Rights and duties of the postal company and of users of postal services § 31

### Rights and Duties of the Sender

(1) The sender shall have the following rights:

a) the cleared postal item or remitted payment to be delivered to addressee according to the postal terms and conditions and for the postal charge according to the tariff, unless other remuneration for the delivery of a cleared postal item or remitted payment pursuant to § 26 paragraph 1 is individually agreed in the postal agreement,

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<sup>16)</sup> § 18 paragraphs 4 to 10 of Act No. 250/2007 Coll. on Consumer Protection and on Amendments to the Act of the Slovak National Council No. 372/1990 Coll. on Offences, as amended by Act No. 397/2008 Coll.

- b) that deficiencies of the postal service or postal payment service be removed free of charge and expeditiously according to the postal terms and conditions,
- c) to be returned the postal item or remitted payment that cannot be delivered to the addressee and
- d) to receive timely, accessible, and intelligible information on his rights and duties and postal charges.

(2) The sender is required:

- a) to indicate the address on the postal item according to the postal terms and conditions,
- b) to only use such wrapping for the postal item that complies with the postal terms and conditions, and
- c) to pay postal charges according to the tariff.

(3) The sender is the owner of a cleared postal item and remitted payment until the delivery of the postal item to the addressee, unless otherwise agreed in the postal agreement.

## § 32

### **Rights and Duties** of the postal company

(1) The postal company has the right:

- a) to be paid the postal charge according to the tariff, unless other remuneration is individually agreed in the postal agreement,
- b) to refuse to conclude the postal agreement, if the conditions pursuant to § 26 are not fulfilled,
- c) to request from the addressee:
  1. specification of the place where postal items should be delivered and cash payments should be remitted, if it is not clear from the arrangement of the addressee's place of residence, registered office or place of business, where they should be delivered,
  2. specification of the person or persons authorised to receive on behalf of the addressee the delivered postal items and remitted cash payments,
  3. proof of identity and personal data recording and processing, if the official item or other recorded postal item is to be delivered,
- d) to refuse the delivery of postal item or remitted payment, if the delivery to the addressee is impossible due to the failure to fulfil the requirements for the addressee according to c) and there is a danger that the postal item or remitted payment will be lost, stolen, or damaged.

(2) The postal company is required:

- a) to refuse to conclude the postal agreement, if it concerns postal or other items excluded from clearance (collection) and distribution, except for postal or other items under paragraph 4, if the content of the postal item is known to the postal company;
- b) at all access points of the postal network to ensure timely and intelligible information on the content and conditions of providing postal services or postal payment service, with special emphasis to information about the general conditions of access to postal services or postal payment service and on postal rates, and to ensure that it is also made public in full in another appropriate manner that guarantees its accessibility to the public;
- c) to issue to the sender the confirmation on clearance of a recorded postal item and on remittance of payment;
- d) to issue to the addressee at his request the confirmation on delivery of a recorded postal item and remitted payment;
- e) to issue to the sender the confirmation on paid postal charge;
- f) to deliver postal items and remitted payments with Professional care and within the time limit corresponding to the type of postal item and method of its delivery according to the postal terms and conditions;
- g) to protect postal items and remitted payments against loss, alienation and damage;
- h) to enable the public authority to exercise its right with respect to ensuring the state defence and protection, the internal rules, and state security, or with respect to an inquiry into, investigation, and prosecution of a criminal act; and

i) to keep documents and transparent and systematic records containing data on provided postal service or postal payment service three years from the date when it was provided and documents and data on postal item three years from a date of its clearance (collection) and if an item was stored documents and data shall be kept two years after the expiration a period of storage; this also relates to documents and data containing the personal data of sender addressee and person authorised by them.

(3) The following items shall be excluded from clearance (collection) and distribution:

- a) intoxicants and psychotropic substances, poisons and precursors, nuclear materials, radioactive substances, high-risk chemical substances and high-risk biological agents and toxins or other similarly dangerous items or substances,
- b) postal items containing live animals,
- c) postal items whose
  1. content or layout may endanger people's lives or health, damage the environment, and destroy or damage other postal items or transportation means,
  2. layout or visible content are offensive or abusive,
- d) valid and invalid bank notes and coins, revenue, postage and other stamps, jewels, precious stones, precious metals, or securities with a marked nominal value in other than insured items,
- e) specimens of endangered species of free-living animals and of standard plants, unless a special regulation<sup>17)</sup> provides otherwise, and
- f) items or goods, the circulation of which is limited or prohibited.<sup>18)</sup>

(4) In the postal terms and conditions the postal company may define the conditions under which he will make an exception and clear (collect) or distribute postal items specified in paragraph 3 (b), paragraph 3 (c) first subparagraph, and paragraph 3 (d).

(5) The provision of paragraph 2 (i) shall also apply to a person who transports postal items pursuant to § 2 paragraph 9 (a) and (b).

## § 33

### Rights and Duties of the Addressee

(1) The addressee shall have the following rights:

- a) to receive delivered postal items and if he is unable personally to take over delivered postal item, to appoint a person who is authorised to take over it for the addressee;
- b) to receive the cash payment remitted for payment in cash, or mediate its putting on the bank account according to the postal money order, and if he is unable personally to take over cash payments remitted for payment in cash, to appoint a person who is authorised to take over it for the addressee;
- c) to receive a postal item at the counter according to the postal term and conditions ,
- d) to receive a stored postal item,
- e) to refuse to accept a postal item,
- f) to have the postal item redirected to the announced address, within the scope and in the manner specified in the postal terms and conditions, and
- g) to receive timely and intelligible information on his rights and duties.

(2) The addressee is obliged:

- a) to prove his identity and allow personal data recording and processing in case of the reception of a delivered recorded item, or in case of the reception of cash payment delivered

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<sup>17)</sup> § 15 paragraph 5 (d) of Act No. 15/2005 Coll. on Protection of Species of Wild Fauna and Flora by Regulating Trade Therein and on Amendments and Supplements to Certain Acts, as amended.

<sup>18)</sup> For example Act No. 140/1998 Coll. on Medicines and Medical Devices, on Amendment of Act No. 455/1991 Coll. on Small Trades (Trade Licensing Act), as amended, and on Amendments and Supplements to the Act of the National Council of the Slovak Republic No. 220/1996 Coll. on Advertising, as amended, Act No. 106/2004 Coll. on Excise Duty on Tobacco Products, as amended.

according to the postal money order under paragraph 1 (a) and (b); it also applies to the authorised person; and

b) to reimburse postal charges that are, according to the tariff, belonging to the delivered postal item.

(3) Those addressees who receive postal items and remitted cash payments at the place where they are domiciled, established, or where they have the place of business, are required to adopt technical and organisational measures allowing delivery of postal items and remitted cash payments to them; they are primarily required:

a) to mark the building to which postal items and remitted cash payments are to be delivered with information necessary for delivery,

b) to provide the postal company unrestricted access to in-house mail box within a sufficient scope to ensure at every moment free and safe access for delivery of postal items or remitted payments. The in-house mail boxes must be situated in apartment blocks near the entrance or in the first floor, in other rooms near the entrance to these rooms, and in family houses on the boundary of enclosed plot;

c) to use a functional in-house mail box for delivery of letters and mark the house letter box and the entrance to the apartment with data required for the delivery, and

d) to give the postal company at its request the name and surname of the authorised recipient the remitted cash payments, as well as the exact place of delivery if it is not clear from the construction or organisational arrangement of the addressee's domicile, registered office or place of business, where they should be delivered.

## § 34

### Storage of Postal Items

(1) If it is not possible to deliver the postal item to the addressee, the postal company shall return it to the sender with indication of reason to the impossibility of its delivery.

(2) If it is not possible to return the postal item to the sender pursuant to paragraph 1, the postal company shall store it for a period of storage specified in paragraph 6. The period of storage shall start on the day following the day on which the period of retention has expired, if the postal item is recorded; otherwise on the day following the day when it is established that it cannot be returned to the sender. In case of provision of postal services other than the universal service, the postal company may stipulate in the postal terms and conditions a different procedure if the postal item cannot be returned to the addressee pursuant to paragraph 1.

(3) The postal item cannot be delivered to the addressee if

a) the addressee has refused to accept the postal item,

b) the addressee has not taken delivery of the postal item within the period of retention,

c) the address of addressee on the postal item is incomplete, inaccurate, or illegible so that the place of delivery cannot be identified, or

d) the addressee cannot be found at the address indicated on the postal item and it is impossible to send the postal item to another known address, if the addressee has the right to be sent the postal item to another known address.

(4) The postal item cannot be returned to the sender if

a) he is unknown,

b) the sender has refused to accept the postal item or has not taken the delivery of the postal item within the period for acceptance,

c) the sender's address on the postal item is incomplete, inaccurate, or illegible so that it cannot be returned,

d) the sender cannot be found at the address stated on the postal item and it is impossible to send the postal item to another known address, if sending of postal items to another known address has been agreed in the postal agreement, or

e) the sender stated when posting the postal item that it should not be returned.

(5) The following shall be regarded as the refusal to accept the postal item:

- a) taking delivery of the postal item is refused,
- b) confirmation of taking delivery of the postal items or prove of identity is refused,
- c) refusal to pay the sum to be collected on delivery, the postage due to be cashed, the missing franking, the storage charge or other claim attributable to the postal item according to the tariff before taking delivery of the postal item; or
- d) insistence that the postal item be opened before taking delivery.

(6) The period of storage shall be:

- a) three months in the case of a postal item that has not been recorded,
- b) one year in the case of recorded postal items, or
- c) three years in the case of postal money orders.

(7) During the period of storage the postal company shall deliver the stored postal item to the addressee or sender any time if the reason for storage the postal item has lapsed.

(8) The postal company is entitled to retain the postal item until the sum to be collected on delivery, the remaining sum to be cashed, the missing franking, the storage charge or other claim attributable to the postal item according to the approved tariff is paid.

(9) If the content of the postal item deteriorated during the period of storage or if it is necessary for the protection of human health, the universal service provider may destroy the postal item; the postal company shall write down a record on destroying the postal item and deliver it to the sender, if known.

(10) After the expiration of the period of storage the postal company may dispose of a postal item other than postal money order, as follows:

- a) to sell the postal item at a public auction according to the procedure specified in the postal terms and conditions, if its content is not subject to letters secrecy according to § 10 paragraph 1 (b), or
- b) to destroy the postal item if its content is worthless or subject to letters secrecy.

(11) The sender is entitled to receive proceeds from the sale of the postal item according to paragraph 10 (a), reduced by fees for storage and public auction, as well as by the claims attributable to the postal item. The postal company shall deliver the proceeds to the sender within 30 days of the sale of the postal item. If the proceeds cannot be delivered to the sender because the sender is unknown or refuses to accept them, the postal company shall storage the proceeds; the period of storage shall be two years of the date of sale of the postal item. If the proceeds cannot be delivered to the sender within the period of storage according to the second sentence, they shall become revenue for the postal company upon expiration of the period of storage.

(12) A stored postal money order cannot be sold or destroyed. The postal company shall return remitted cash payment, represented by the postal money order, to the sender anytime during the period of storage if the obstacle preventing its delivery or return has ceased to exist. If it cannot be returned because the addressee or sender is unknown or refuses to accept it, it shall become revenue for the postal company after the expiration of the period of storage.

## § 35

### Opening of Postal Items

(1) Persons other than the sender or the addressee are prohibited from:

- a) copying and storing information and data on open postal items and personal data on senders, addressees and persons authorised by them, and
- b) opening postal items and examining their content and purpose, unless this Act provides otherwise.

(2) The postal company is entitled to open the postal item if

- a) it cannot be delivered or returned, or is not to be returned according to the postal agreement;
- b) there is a justified suspicion that it contains items excluded from clearance (collection) and distribution;
- c) there is a justified concern that it has damaged or might damage the health, things or other postal items before its delivery, or
- d) it is necessary for the fulfilment of an obligation imposed on the postal company by the Criminal Code or a special regulation.<sup>19)</sup>

(3) An opened postal item may be examined only in the extent necessary for examination of the facts specified in paragraph 2. Upon opening of the postal item it is necessary to ensure protection of information that is protected according to a special regulation,<sup>20)</sup> as well as protection of postal secrecy.

(4) The postal company is required to inform about opening of the postal item the addressee in case of delivery or the sender in case of return of the postal item. If it is established after the postal item is opened, that it can be delivered, the postal company shall pack and deliver it at his own expense.

(5) If the sender is not present when the postal item is opened, it is necessary to ensure presence of another person who is not the postal company's employee, or presence of at least three employees of the postal company, and to prepare a report on the opening. If the sender is known, the report shall be delivered to him, the postal company is required to deliver the report to him.

(6) The provision of paragraph 2 shall not be applied in the case of a postal item that must not be opened or withheld according to international treaties by which the Slovak Republic is bound.<sup>21)</sup>

## § 36

### Special provisions for bookkeeping

(1) The postal company that provides an interchangeable postal service or postal payment service is required to keep separate accounts of costs and revenues from provision of interchangeable postal services and from provision of the postal payment service and separate accounts of costs and revenues from provision of other services. It is required to provide information and data on costs and revenues from provision of interchangeable postal services and from postal payment service to the Postal Regulatory Office at its request. The postal company must not benefit or disadvantage any of the postal services by reallocation of costs and revenues between interchangeable postal services and postal payment service on one hand, and the other services on the other hand.

(2) The annual financial statements of the postal company according to paragraph 1 must be audited, and by 31 May each year the postal company shall submit them to the Postal Regulatory Office for the previous calendar year or previous reporting period. If the reporting period of the postal company is not identical with the calendar year, the postal company shall prepare interim financial statements as at 31 December of the calendar year and submit them by 31 May each year, together with the annual financial statements, to the Postal Regulatory Office for the previous calendar year. The annual financial statements and the interim

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<sup>19)</sup> § 15 paragraph 1 of Act of the National Council of the Slovak Republic No. 46/1993 Coll. on the Slovak Information Services, as amended.

<sup>20)</sup> For example §§ 89 through 93b of Act No. 483/2001 Coll. on Banks and on Amendments to Certain Acts, as amended, Act No. 215/2004 Coll. on Protection of Classified Information and on Amendments to Certain Acts, as amended.

<sup>21)</sup> For example Article 27 paragraph 3 of the Vienna Convention on Diplomatic Relations (Regulation of the Minister of Foreign Affairs No. 157/1964 Coll. on the Vienna Convention on Diplomatic Relations ), Art. 35 paragraph 3 of the Vienna Convention on Consular Relations (Regulation of the Minister of Foreign Affairs No. 32/1969 Coll. on the Vienna Convention on Consular Relations).

financial statements of the postal company under paragraph 1 must show information about separate accounts of costs and revenues specified in paragraph 1.

### TITLE THREE

#### Liability for damage and compensation for damage

##### § 37

##### Basic provision

No person is allowed to use, without the consent of the postal company, its marking of postal items and no person is allowed to use postal stationery without approval of the universal service provider; otherwise such person is liable for damage caused to the postal company, the universal service provider or persons who he has misled by such action. The provision of the first sentence shall not affect the rights specified in the Commercial Code and special regulations.<sup>22)</sup>

##### § 38

##### Postal company's liability for damage

(1) The postal company shall be liable to the sender for damage incurred by the sender as the result of:

- a) failure to deliver, loss, damage, destruction or alienation of a registered postal item, insured postal item, official postal item or parcel, or a part thereof,
- b) the failure to deliver a postal item with a guaranteed delivery period within the term of delivery according to the postal terms and conditions, or
- c) the failure to deliver remitted cash payment according to data stated on the postal money order.

(2) The sender must exercise the right for damages, for which the postal company is liable pursuant to paragraph 1, within six months of the date of clearance (collection) the postal item or remitting cash payment; otherwise this right shall lapse.

(3) The addressee is entitled to compensation from the postal company for damage resulting from a damage to the postal item which was not evident when it was delivered, if it is proven that the damage was caused during the distribution of this postal item, and the addressee files a complaint and delivers the damaged postal item including its content to the postal company not later than on the working day following the date of delivery of the postal item. The addressee must exercise the right for damages pursuant to the first sentence within 6 months of the date when the postal item is cleared; otherwise this right shall lapse. The addressee is entitled to compensation in the extent set forth in § 39, decreased by compensation for damage caused to the same postal item, awarded to the sender.

(4) The postal company shall be relieved of the liability for damage pursuant to paragraph 1 or paragraph 3, if it proves that:

- a) the damage has been caused by the sender, by the addressee, or by the person posting the postal item,
- b) the damage has resulted from a defect in the postal item or from its special character,
- c) the damage has been caused by an event that occurred outside the postal company's control and prevented it from fulfilling its duties, the violation of which resulted in the damage, unless it can be reasonably assumed that the postal company would have averted or overcome this event or its consequences, and that it would have foreseen this event at the time when the duty had arisen;
- d) the postal item has been withheld or confiscated according to the Criminal Code, or
- e) the postal item contained things that are excluded from clearance and distribution pursuant to § 32 paragraph 3.

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<sup>22)</sup> For example Act No. 506/2009 Coll. on Trademarks, Act No. 444/2002 Coll. on Designs, as amended.

(5) The postal company shall not be liable for any leak of information and personal data on postal items and on their content, if it is possible to read them directly, make copies, or otherwise obtain in an unprotected manner before they are cleared (collected) from the sender or after they are delivered to the addressee. Neither is the postal company liable for customs declarations and decisions of the customs authorities clearing the postal items submitted for customs inspection.

(6) When assessing the damage to the postal item, the extent of the damage to the postal item, the extent to which its content has reduced, and the lost or limitation to the functionality or applicability of its content shall be taken into consideration. The damage shall be calculated as the difference between the initial price of the content and the price of the content after the damage.

(7) If the sender, the person posting the item in the name and on behalf of the sender, or the addressee contributes to the damage, the postal company's liability shall be reduced accordingly.

## § 39

### Extent of the Compensation for Damage

(1) The sender is entitled to a compensation for damage, for which the postal company is liable according to § 38, to the following extent:

- a) twenty times the postal charge for the service "registered" according to the tariff in the case of failure to deliver a registered item or destruction of its content;
- b) the actual damage, up to the double the lowest postal charge according to the tariff per 500 g of the content in the case of failure to deliver an uninsured parcel, its damage or reduction of its content;
- c) the actual damage, up to the specified value, in the case of failure to deliver an insured item, its destruction or damage or reduction of its content;
- d) three times the postal charge paid in the case of a postal item with a guaranteed delivery period, which has not been delivered within the delivery period according to the postal terms and conditions;
- e) the actual damage in the amount stated in the postal money order in the case of failure to deliver or return a payment remitted within the system of postal payment service; or
- f) the paid postal charge in case of postal items other than those specified in (a) through e).

(2) Apart from the compensation for damage, the sender is also entitled to be returned the postal charge paid in the case of postal items specified in paragraph 1 (b) and (c).

(3) The sender is not entitled to the following:

- a) compensation for a damage in the case of non-delivery, loss, theft, destruction, and damage accompanied by a reduction of the content of an ordinary postal item and a postal item exempt from postal charges according to the postal terms and conditions;
- b) compensation for a damage in the case of delayed delivery of a postal item without a guaranteed delivery period, and
- c) lost profit or compensation for other damage.

(4) Compensation for damage shall be paid in cash. Postal charges shall be used according to the tariff applicable at the time when the postal item is cleared. In the postal terms and conditions, the postal company may also define a larger compensation for damage than that specified in paragraph 1 or award compensation in the cases specified in paragraph 3.

(5) Compensation for damage arising from the international postal service is subject to the rules applicable to the international postal service.<sup>3)</sup>

## § 40

### The Sender's Liability for Damage

(1) The sender shall be liable for damage caused to the postal company by the postal item after it is cleared. A damage is deemed to be caused by the sender if the sender or the person posting the postal item, acting in the name or on behalf of the sender, has concealed the actual content of the postal item or misinformed the postal company and the damage has been caused by the content of the postal item, its special character or defective layout. The sender's liability shall not lapse when the postal item is cleared.

(2) The sender shall not be liable for a damage caused by the postal item during its distribution if the damage has been caused by unprofessional handling or an event occurring outside the sender's control and prevented him from fulfilling his duty, the violation of which resulted in the damage, unless it can be reasonably assumed that the sender would have averted or overcome this event or its consequences, and that he would have foreseen this event at the time when the duty had arisen.

(3) If the postal company ascertains after clearance of (collection) of a postal item that it actually contains items excluded from clearance (collection) and if it is possible, he shall notify the sender of the reason for non-delivery. If it is possible, he shall notify the sender of the reason for non-delivery.

(4) If the postal item contains items, excluded from clearance (collection) distribution pursuant to § 32 paragraph 3 (a) and (c) first subparagraph, the postal company shall ensure their safe destruction on account of the sender.

(5) If the postal item contains items, excluded from clearance (collection) and distribution specified in § 32 paragraph 3 (b) and (c) second subparagraph, the postal company shall ensure their storage. The period of storage shall be seven days. The provisions of § 34 paragraph 9 and § 34 paragraph 11 shall be applied accordingly.

(6) If the postal item contains items, excluded from clearance (collection) and distribution specified in § 32 paragraph 3 (d), the postal company shall store these items. The period of storage shall be one year. The provisions of § 34 paragraph 9 and § 34 paragraph 11 shall be applied accordingly.

## **PART FOUR PROVISION AND FINANCING OF THE UNIVERSAL SERVICE**

### **TITLE ONE**

#### **Basic provisions**

#### **Quality requirements for the universal service**

##### **§ 41**

(1) The Postal Regulatory Office shall define the quality requirements for the universal service (hereinafter referred to as "quality requirements"), in particular as regards the regularity, reliability and availability of the universal service and the terms for delivery of postal items as a part of the universal service.

(2) In the quality requirements, the Postal Regulatory Office may grant exemptions from the obligation to ensure one clearance and one delivery on every working day, if such exemption is justifiable by the exceptional geographical conditions or other exceptional circumstances that objectively make the fulfilment of this obligation impossible, as well as to provide for an exemption from the obligation of one delivery on every working day by making a delivery to the respective access or contact points of the public postal network. The Postal Regulatory Office is required to notify each exemption provided for in the first sentence to the European Commission and to all national regulatory authorities of other EU Member States.

(3) The Postal Regulatory Office publishes the quality requirements and each amendment thereof in the Bulletin and on its website.

##### **§ 42**

(1) The Postal Regulatory Office is required to monitor whether the universal service and the postal payment service are provided within the scope specified in this Act and in the

quality requirements and to publish a report on the state of provision of the universal service and postal payment service for the previous calendar year every year before 1 June on its website.

(2) The Postal Regulatory Office is required to notify the European Commission of the publication of the quality requirements, of the issue of the postal licence and of the postal company that is the universal service provider, as well as of other measures that have been taken for the purpose of providing the universal service within the scope specified in this Act and in the quality requirements.

#### § 43

##### Approval of Postage Stamps and Postal Stationery

(1) The approval of the plan of issuing postage stamps and postal stationery, their beginning and the end of the validity shall be performed by the Ministry on request of the universal service provider. The universal service provider, who is authorised to issue postage stamps and postal stationery, shall be designated by the Ministry.

(2) The approved plan of issuing postage stamps and postal stationery and approved thematic and art design of postage stamps and postal stationery shall be published in the Ministry's bulletin.

(3) Documents, art designs and printed forms specified in § 53 paragraph 1 (f) may not be subject to a distraint procedure or form part of assets subject to bankruptcy. If the universal service provider is dissolved by liquidation, the Ministry shall decide on their further safeguarding.

## TITLE TWO

### Postal license

#### § 44

##### Conditions of the issue and imposition of the postal license

(1) The postal license is a decision issued by the Postal Regulatory Office:

- a) giving the right or imposing the duty to provide the universal service,
- b) stating the conditions and the scope of providing the universal service and
- c) imposing the duty to execute postal payment service, if the request specified in § 45 paragraph 1 provides so.

(2) The postal license may be issued or imposed on a person who has its seat or place of business in the Slovak Republic, if such person:

- a) proves full legal capacity, integrity and qualifications to the postal company's body;
- b) proves financial capacities, and
- c) has technical and organisation prerequisites for operating the public postal network and performing the universal service according to this Act.

(3) Those who have not been sentenced for a criminal act against property, criminal act committed in performance of a managerial function, a premeditated criminal act or for a criminal act by negligence related to postal service shall be considered integrious persons with no criminal record. Integrity shall be proven by means of an extract from the criminal register that must not be older than three months, and in case of a foreigner by a similar confirmation issued by the competent body of the State of his usual residence that must not be older than three months.

(4) Those who have at least the secondary general or vocational school education and at least five year experience in the area of providing postal services, in financial sector or in other area, if they performed a managerial function in such other area, shall be considered

qualified persons according to paragraph 2 (a). The qualification is proven by certificates of acquired qualifications and experience.

(5) The following persons are regarded as persons with financial capacities:

- a) If the postal license imposes the duty to provide the postal payment service, persons who are obliged to create the registered capital and who have created and fully paid up the registered capital at least in amount of EUR 15,000,000 or who have concluded the insurance of liability for damage caused by provision of postal payment service with insurance coverage corresponding to the scope of planned provision of postal payment service, and
- b) persons who are able to ensure funds for the operation of the public postal network and the provision of the universal service according to this Act for at least three months, exclusive of revenue from the provision of other postal services.

(6) Financial capacities shall be proved by:

- a) in case of the fulfilment of the condition specified in paragraph 5 (a) by means of an extract from the commercial register that must not be older than three months, or by means of a document proving valid insurance and the amount of insurance coverage, and
- b) in case of the fulfilment of the condition specified in paragraph 5 (b)
  1. the amount of assets classified according to the individual types of assets as of the date when the application is filed, with respect to the planned investment,
  2. the amount of funds including bank accounts balance and the amount of bank loans or other funds received, which allow for providing the universal service,
  3. ordinary financial statements for the previous accounting period proved by an auditor, and
  4. the business plan for at least five years.

(7) Technical and organisational prerequisites mean the postal company's adequate equipment and preparedness to take measures protecting the postal network against unauthorised access to this network and to postal items and limiting the clearance and distribution of items that are excluded from clearance and distribution, and to operate the public postal network and provide the universal service according to this Act. Technical and organisational prerequisites shall be proved by documents prescribed by the Postal Regulatory Office in the call for submission of requests for granting the postal license;

(8) The conditions specified in paragraph 2 must be fulfilled during the whole period of validity of the postal license.

## § 45

### Granting the postal license

(1) The Postal Regulatory Office shall publish the call in the bulletin, together with the period for submission of requests for the postal license and particulars of such request.

(2) The Postal Regulatory Office shall initiate the proceedings for granting the postal license, if

- a) the universal service is not provided within the scope defined in this Act and in the quality requirements and if the universal service provider is not designated, or it can be reasonably assumed that measures imposed on the universal service provider will not lead to a remedy, or
- b) less than 9 months remain until the expiration of the period of validity of the postal license or the universal service provider has delivered a written notice under § 49 paragraph 1 (c) and it can be reasonably assumed that upon expiration of the postal license the universal service will not be provided within the scope defined in this Act and in the quality requirements.

(3) The Postal Regulatory Office may initiate the proceedings for granting the postal license, if it has initiated proceedings for revocation of the postal license or for amendment of the postal license and it can be reasonably assumed that in case of the cancellation or amendment of the postal license the universal service will not be provided within the scope defined in this Act and in the quality requirements.

(4) A party to the proceedings is only a person who files the request for granting the postal license.

(5) The request shall contain the following:

- a) business name or name of person, address of its registered office or place of business, identification number of organisation, if any, and name and surname of the postal company's body,
- b) information on the capability to operate the public postal network and provide the universal service, including technical and organisational equipment and personnel to ensure its activities,
- c) information on quality assurance, accessibility and speed of the universal service, and
- d) information on the company development and measures to improve the operation of the public postal network and the provision of the universal service.

(6) The request for the postal license shall be accompanied by:

- a) the extract from the Commercial Register, that must not be older than three months, if the person is entered in the Commercial Register;
- b) documents proving the fulfilment of the conditions specified in § 44 paragraph 2 and
- c) the proposal for the postal terms and conditions, stipulating the provision of the universal service and the execution of postal payment service, if postal payment service is to be provided on the basis of the postal license, and the proposal for tariff for their provision and execution.

(7) There is no legal entitlement to be granted the postal license. The Postal Regulatory Office shall grant the postal license to a participant in the proceedings who fulfils the conditions specified in § 44 paragraph 2 and with the best technical, organisational, and personnel prerequisites to operate the public postal network and provide the universal service. Requests of the other parties to the proceedings shall be dismissed by a decision of the postal regulatory office.

(8) The postal license may also be granted to more than one person; in this case the postal license shall specify the scope of postal services and the territory in which the universal service will be provided separately for each universal service provider in order to ensure provision of the universal service within the scope specified in this Act and to avoid duplicate licenses or duties to provide the universal service.

## § 46

### Imposition of the postal license

(1) If, after the issue of public call for submission of requests for granting the postal license, no person has applied for the postal license, or the Postal Regulatory Office has not granted the postal license to any of the parties to the proceedings for granting the postal license and in case of failure to grant the postal license the universal service would not be provided within the scope specified in this Act and in the quality requirements, the Postal Regulatory Office shall initiate the proceedings for imposition of the postal license to one of the postal companies.

(2) The proceedings for imposition of the postal license shall commence on the day when the notice of the Postal Regulation Office of initiation of the proceedings for imposition of the postal license is delivered. In this notice the Postal Regulatory Office shall set to the postal company a time limit for making comments on the subject of the proceedings and may also impose on the postal company the duty to submit documents providing the fulfilment of the conditions specified in § 44 (2) within the set time limit.

(3) A party to the proceedings is the postal company, to which the notice specified in paragraph 2 shall be delivered.

(4) If in the proceedings for imposition of the postal license it is established that the postal company, on which the postal license is to be imposed, fulfils the conditions specified in § 44 paragraph 2 and has the best technical, organisational and personnel prerequisites for operation of the public postal network and for provision of the universal service, the postal license shall be imposed on this postal company.

(5) The postal license may also be imposed on more than one person at once; in this case the postal license shall specify the scope of postal services and the territory in which the universal service will be provided separately for each universal service provider in order to ensure provision of the universal service within the scope specified in this Act and to avoid duplicate licenses or duties to provide the universal service.

#### § 47

#### Particulars of the postal license

(1) Apart from the general particulars of the decision, the postal license shall contain the following information:

- a) qualitative requirements for provision of the universal service, including reference to the quality requirements,
- b) development and qualitative indicators of provision of the universal service and period for their achievement,
- c) conditions of operation of the public postal network, especially the availability and density of access points of the public postal network, length of their operation and distribution time of postal items, that are contained in the universal service, in connection with the quality requirements;
- d) approval of the postal terms and conditions in the part stipulating the provision of the universal service and tariff for their provision,
- e) scope of postal services to be provided and the territory in which the universal service is to be provided,
- f) period of validity of the postal license and
- g) definition of the scope and conditions of execution of the postal payment service according to the postal money orders as well as approval of the postal charges for its execution, if the postal license imposes the duty to provide the postal payment service.

(2) In the postal license the Postal Regulatory Office may change the conditions of operation of the public postal network. These changes are conditional upon the prior written approval of the Postal Regulatory Office.

(3) Setting the requirements for accessibility, quality, and speed of postal services in the postal license shall be based on requirements for providing the universal service, taking into account the objective possibilities of their provision, depending on the territorial and weather conditions and technical capacities of the public postal network.

(4) The postal license may be granted for a maximum of 20 years. When determining the period for which the postal license is granted, the Postal Regulatory Office shall take into account the estimated payback period of investments realised by the postal company in connection with granting of the postal license for the purpose of providing the universal service.

(5) The postal license may not be transferred to another person and it shall not be transferred to the legal successor of the universal service provider.

#### § 48

#### Amendment to the Postal License

(1) In case of the change in identification data of the universal service provider or bodies of the postal company being the universal service provider, that are contained in the request for granting the postal license, change in bodies of the universal service provider, or change in

the conditions specified in § 44 paragraph 2 (a), after the assessment of which the postal license has been issued, the universal service provider is required to report such change to the Postal Regulatory Office within 10 working days of the date of change. The universal service provider is required to report to the Postal Regulatory Office, without delay, any, also a planned, change in the information stated in the postal license or any change in data specified in § 44 paragraph 2 (b) or (c), based on which the license has been granted. The provision of § 47 paragraph 2 remains unaffected.

(2) The report under paragraph 1 must be made in writing, contain identification data of the universal service provider within the same scope as in the request for granting the postal license, and identification of changed data. In case of the change in persons whose integrity or qualification is proved upon granting the postal license, the report shall always be accompanied by a document proving the integrity or qualification of the new persons.

(3) The Postal Regulatory Office shall assess the importance of the reported change, in particular in terms of the fulfilment of the duty specified in § 44 paragraph 2, within 30 days of the date of delivery of the report. For this purpose it has the right to set to the universal service provider a time limit for submission of documents that are required for the assessment of the change, limited to documents that are submitted in the proceedings for granting the postal license. The provisions of § 44 apply equally to the assessment of the change and to the demonstration of fulfilment of the conditions specified in 44 paragraph 2.

(4) If the change in information specified in paragraph 1 does not require an amendment to the postal license, the Postal Regulatory Office shall inform the universal service provider that it has recognised the reported change. If the change of data specified in paragraph 1 requires an amendment to the postal license, the Postal Regulatory Office shall decide on the amendment to the postal license.

(5) If the Postal Regulatory Office in proceedings for amendment to the postal license establishes that the universal service provider does not fulfil the conditions specified in § 44 paragraph 2, and it can be reasonably assumed that the universal service provider would be able to fulfil these conditions within a reasonable time limit, the Postal Regulatory Office may discontinue the proceedings and allow the universal service provider a reasonable time limit for their fulfilment, but not more than 60 days. If the universal service provider does not fulfil the conditions specified in § 44 paragraph 2 within this time limit, or if the Postal Regulatory Office does not allow the universal service provider the time limit under the first sentence, it shall discontinue the proceedings for amendment of the postal license and initiate the proceedings for revocation of the postal license.

(6) The Postal Regulatory Office shall start proceedings concerning an amendment to the postal license on its own initiative, if:

- a) it learns about the change of data pursuant to paragraph 1 otherwise than from the notice under paragraph 1;
- b) the public interest requires changing the extent of postal services or their territorial validity;
- c) it is necessary to change the content of the postal license in order to meet an obligation arising from an international treaty or from the Slovak Republic's membership in an international organization, or
- d) this is necessary for the purpose of the state defence and protection, the internal rules, or state security.

(7) If the Postal Regulatory Office changes the extent of postal services of the universal service or territorial validity of the postal license granted according to paragraph 6 (b) due to the fact that, on a certain territory, the universal service provider is not able to observe all the conditions for its provision or to provide the universal service in full extent, or because the provision of this service is disadvantageous, the Postal Regulatory Office may, at the same time, grant the postal license to another universal service provider postal company that will provide the universal service or part thereof on the specified territory.

## Expiration of the Postal License and Revocation of the Postal License

- (1) The validity of the postal license shall expire on the date:
- a) on which its validity period expires and is not extended,
  - b) on which a decision on revocation of the postal license becomes legally valid, unless a later date of termination of its validity is stated in the decision,
  - c) after expiration of the 12-month period of the date of delivery of a written notification from the universal service provider that he is no longer able to operate the public postal network and provide the universal service according to the postal license, unless a later expiration date is stated in the notification, or
  - d) extinction of the universal service provider.

(2) The Postal Regulatory Office shall initiate proceedings for the revocation of the postal license, except for the case specified in § 48 paragraph 5, also if

- a) the universal service provider ceased to fulfil the conditions stipulated in this Act or failed to fulfil the requirements specified in the postal license, and, has not made his position and activities compliant with these requirements within the time limit set by the Postal Regulatory Office, despite the fact that he has been warned of the possibility of revoking the postal license, or has not applied for an amendment to the postal license,
- b) despite a written warning, the universal service provider repeatedly, during 18 successive calendar months, violates the obligations arising for him from this Act and from the granted postal license and an imposed sanction has not resulted in a remedial measure, or
- c) this is necessary for the purpose of the state defence and protection, the internal rules, or state security.

### § 50

#### Common provisions to the postal license

(1) The time limit for the decision under § 45, § 46, § 48 and § 49 paragraph 2 is 60 days from the date of initiation of the proceedings.

(2) The Postal Regulatory Office shall publish on its website the postal license as well as each change therein in full wording within 5 working days of the day when they enter into force.

(3) The granting of postal license and each change in the postal license on the basis of notice of the universal service provider is subject to an administrative charge according to a special regulation.<sup>14)</sup>

## TITLE THREE

### Rights and duties of the universal service provider and users of the universal service

#### § 51

##### Basic provisions

(1) Everyone has the right to be provided the universal service, and if the universal service provider has been imposed the duty to provide the postal payment service, also to be provided the postal payment service, within the scope and in the manner set forth by this Act. The universal service provider is required to provide them during operating hours of access points and contact points of the postal network to each user according to the postal terms and conditions and the tariff.

(2) The provisions of Title Two, Part Three shall apply to the rights and duties users of the universal service and the universal service provider and to legal relations in providing the universal service, unless this Title provides otherwise.

(3) The rules valid for the international postal service shall be applied to legal relations established in providing the international postal service with the designated postal company.<sup>3)</sup>

## § 52

### Rights of users of the universal service and of the universal service provider

(1) The sender shall have the right to conclude the postal agreement with the universal service provider.

(2) The universal service provider shall have the following rights:

a) to refuse to conclude the agreement if

1. the sender fails to address the postal item according to the postal terms and conditions or to use such wrapping for the postal items that complies with the postal terms and conditions;
2. the postal item exceeds the weight or size limit under this Act and the postal terms and conditions,
3. the postal item is from the sender established in the Slovak Republic and addressed to the addressee established in the Slovak Republic, but it is posted in bulk abroad at a lower postal charge,
4. the sender is delayed with payment of an amount payable to the universal service provider due to the failure to pay a debt from a previous postal agreement, and

b) to use date stamps and postage stamps and postal stationery.

(3) The addressee shall have the right to be sent a postal item to another address specified by him.

## § 53

### Duties of the universal service provider

(1) The universal service provider is required:

a) to conclude the postal agreement with all senders, unless there is a reason for refusal pursuant to § 52 paragraph 2 (a),

b) to issue upon request receipt to the sender of the postal charges paid;

c) at all access points of the public postal network and in another usual manner, to ensure timely and intelligible information on the content and conditions of providing the universal service and postal payment service, with special emphasis to the general conditions of access to postal services and postal payment service, and on the quality requirements and postal charges;

d) to suggest the beginning and the expiration of postage stamps and postal stationery; to state them in the Ministry's bulletin after approval by the Ministry and to publish them on all posts, eventually also by any other usual form;

e) to ensure at the access points of the public postal network upon request exchange of those postage stamps and postal stationery which expired for valid postage stamps and postal stationery at least six months after their expiration, or to notify the expiration of postage stamps and postal stationery at least 12 months before their expiration, and

f) to keep documents related to thematic design of postage stamps and postal stationery, as well as their art design and printed forms.

(2) If the universal service provider clears or distributes, under the conditions specified in § 32 paragraph 4, postal and other items that are excluded from clearance and distribution, their clearance or distribution by the universal service provider shall not be included in the universal service.

(3) If the universal service provider receives a found postal item from the scope of the universal service pursuant to § 3 paragraph 2, that he has not been obliged to clear or distribute, the universal service provider shall be required to return such postal item to the sender; the provision of § 34 paragraph 2 shall be applied equally.

(4) Unless the public interest or other important obstacle prevent him from doing so, the road owner and the land or building owner shall be requested to allow the free installation of a publicly accessible facility pursuant to § 8 paragraph 5 (b), first point or second point, on a publicly accessible place to make it permanently accessible to everyone, as well as to allow its maintenance and daily clearance or delivery of postal items.

§ 54

Special provisions for bookkeeping of the universal service provider

(1) The universal service provider shall keep separate accounts of costs and revenues from provision of each service and product included in the universal service and separate accounts of costs and revenues from provision of other services and products, for the purposes of calculation of net costs of the universal service, monitoring of the prohibition of cross-financing and regulation of postal charges of the universal service provider. The accounting of the universal service provider must be based on objectively justifiable principles of cost accounting.

(2) In accounting of the universal service provider costs are categorised and allocated as follows:

a) direct costs that are directly attributable to a specific postal service or product shall be allocated to such service or product, and

b) shared costs that are not directly attributable to a specific postal service or product shall be categorised and allocated as follows:

1. if possible, they shall be allocated on the basis of a direct analysis of their origin,  
2. if the direct analysis pursuant to the first point is not possible, categories of shared costs shall be allocated on the basis of their indirect relation to categories of costs under the first subparagraph or (a), for which the direct allocation is possible; the indirect relation is based on the comparable structure of costs;

3. if costs cannot be allocated according to the procedure under the first or second subparagraph, the category of costs shall be allocated on the basis of a general allocation factor, determined using the ratio of all costs based on the direct analysis or indirect analysis, categorised or allocated to each postal service from the scope of the universal service and costs of other services.

(3) Shared costs that are required for provision of the universal service and other services, shall be allocated in the same manner, and the same cost factors shall be applied to the universal service and other services.

(4) Other cost accounting schemes than those specified in paragraph 1 may be used by the universal service provider, only if they are in accordance with the conditions under paragraph 1, and with prior approval of the Postal Regulatory Office; the Postal Regulatory Office shall inform the European Commission about each such accounting scheme before its approbation.

(5) The Postal Regulatory Office shall have the right to verify or have verified compliance of bookkeeping of the universal service provider with this Act through a qualified and independent person, and to examine books of accounts and records of the universal service provider for this purpose.

(6) The annual financial statements of the universal service provider must be audited, and by 31 May each year the universal service provider shall submit them to the Postal Regulatory Office for the previous calendar year or previous reporting period. If the reporting period of the universal service provider is not identical with the calendar year, the universal service provider shall prepare interim financial statements as at 31 December of the calendar year and submit them, by 31 May each year, together with the annual financial statements, to the Postal Regulatory Office for the previous calendar year. The annual financial statements and the interim financial statements of the postal company under paragraph 1 must show information about separate accounts of costs and revenues specified in paragraph 1. The annual financial statements and the interim financial statements of the universal service provider must show information about separate accounts of costs and revenues pursuant to paragraph 1.

TITLE FOUR

Financing of the universal service

§ 55

## Basic provisions

(1) Financing of the universal service shall be executed in the manner and within the scope according to this Act through a separate account in the Treasury<sup>23)</sup> (hereinafter referred to as "compensation fund") that shall be opened and kept for this purpose by the Postal Regulatory Office.

(2) Income of the compensation fund shall be the contribution to the compensation fund pursuant to § 58 and the amounts compensated pursuant to § 57 paragraph 8. Expenditures reimbursable from the compensation fund shall be a compensation for net costs of the universal service, including the contribution under § 58 paragraph 7, and expenditures linked to administration of the compensation fund.

(3) The Postal Regulatory Office shall be required to publish every year, not later than by 1 July, in the bulletin income and expenditures of the compensation fund for the previous calendar year in a structure showing at least the amount of contribution paid to the compensation fund by the individual persons and the amount provided as a compensation for net costs of the universal service and for keeping of the compensation fund.

### § 56

#### Net costs of the universal service

(1) Net costs of the universal service shall mean all costs that are related to, or required for the provision of the universal service.

(2) Net costs of the universal service shall be calculated as the difference between net costs of the universal service provider and net costs that the same universal service provider would incur if he had not provided the universal service. The calculation of net costs of the universal service also takes into account the cost effectiveness of provision of the universal service and revenues and the market advantage that the universal service provider would not have gained if he had not provided the universal service.

### § 57

#### Compensation for net costs of the universal service

(1) If the universal service provider incurs net costs of the universal service through provision of the universal service in the calendar year, that represent an excessive financial burden for him, the universal service provider shall be entitled to a compensation for these costs from the compensation fund. The excessiveness of the financial burden shall be assessed by the Postal Regulatory Office in proceedings for determination of preliminary net costs of the universal service and net costs of the universal service. A situation, where net costs of the universal service achieve such a level that the universal service provider cannot be reasonably expected, due to his economic situation, to bear these costs, shall be regarded as excessive financial burden.

(2) By 31 August each year, the universal service provider shall submit to the Postal Regulatory Office the quantification of net costs of the universal service and the quantification of total costs for the period of the first six months of this calendar year using a form provided for by the Postal Regulatory Office in the generally binding legal regulations, together with documents that are required for calculation of net costs of the universal service.

(3) Within 90 days of the date of delivery of the quantification under paragraph 2, the Postal Regulatory Office shall determine preliminary net costs of the universal service for the

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<sup>23)</sup> § 2a paragraph 1 (a) of Act No. 291/2002 Coll. on the Treasury and on Amendments to Certain Acts, as amended by Act No. 659/2005 Coll.

calendar year, for the first six months of which the quantification under paragraph 2 has been submitted, and publish them in the bulletin.

(4) The Postal Regulatory Office shall have the right, for the purposes of assessment and determination of preliminary net costs of the universal service, to verify and review data that have been used as the basis for calculation of preliminary net costs of the universal service, whether himself or through a qualified and independent person designated by him, and to consult books of accounts and records of the universal service provider. The Postal Regulatory Office shall also have the right to request the universal service provider in writing for submission of data for the purposes of determination of preliminary net costs of the universal service within a set time limit that must not be shorter than 15 days from the date of delivery.

(5) By 31 August of the calendar year following the calendar year, for which it determines preliminary net costs of the universal service pursuant to paragraph 3, the Postal Regulatory Office shall decide on net costs of the universal service for the previous calendar year and publish them in the bulletin; for this purpose the provisions of paragraph 4 shall be applied equally.

(6) Together with determination of net costs of the universal service pursuant to paragraph 5, the Postal Regulatory Office shall issue a decision on provision of a compensation for net costs of the universal service. The decision shall be made in writing and contain the name of body issuing the decision and the name of person who has acted on its behalf, identification of the universal service provider concerned, the operative part of the decision, including the amount of compensation for net costs of the universal service, reasons for the decision, date and place of its issue and signature of the acting person. The decision shall be delivered to the universal service provider and open to an appeal within a period of 15 days. The appeal has a suspensive effect and is reviewable by the court according to the Civil Procedure Code.<sup>8)</sup>

(7) During the calendar year following the calendar year, for which it determines preliminary net costs of the universal service pursuant to paragraph 3, the Postal Regulatory Office shall reimburse to the universal service net costs of the universal service as follows:

- a) an amount equal to the difference between preliminary net costs of the universal service and the sum of contributions paid by the postal companies pursuant to § 58 paragraph 1 by 15 February,
- b) an amount equal to one quarter of the sum of contributions paid by the postal companies pursuant to § 58 paragraph 1 by 30 April and by 31 July,
- c) an amount equal to one quarter of the sum of contributions paid by the postal companies pursuant to § 58 paragraph 1 by 31 October, if this sum is lower or equal to the difference between net costs of the universal service determined in the decision under paragraph 6 and the sum of amounts paid pursuant to (a) and (b); otherwise an amount equal to this difference, and
- d) an amount equal to the difference between net costs of the universal service determined in the decision under paragraph 6 and the sum of amounts paid pursuant to (a), (b) and c) by 31 January of the following calendar year.

(8) If the difference between the sum of amounts paid pursuant to paragraph 7 (a) and (b) and net costs of the universal service is positive, the universal service provider shall refund an amount corresponding to this difference to the compensation fund by 31 October of the calendar year following the calendar year, for which the Postal Regulatory Office determines preliminary net costs of the universal service pursuant to paragraph 3.

#### § 58

#### Contribution to the compensation fund

(1) Together with publication of preliminary net costs of the universal service pursuant to § 57 paragraph 3, the Postal Regulatory Office shall impose the obligation to pay

a contribution to the compensation fund for each postal company that was providing interchangeable postal services in this calendar year. The contribution to the compensation fund shall be determined by the Postal Regulatory Office in an amount corresponding to the percentage of preliminary net costs of the universal service, representing the market share of this postal company, but not more than 3% of turnover of the postal company from provision of interchangeable postal services (hereinafter referred to as "turnover"). The market share of the postal company shall be determined as the ratio of the turnover to a total turnover of all postal companies, that are obliged to pay contributions to the compensation fund, and turnover of the universal service provider from provision of the universal service, always for the previous calendar year.

(2) For the purposes of determination of the amount of contribution to the compensation fund postal company, that was providing interchangeable postal services in this calendar year, and the universal service provider is required to submit to the Postal Regulatory Office, by 31 August, information about their total turnover from provision of services pursuant to paragraph 1 for the period of the first six months of this calendar year.

(3) The contribution to the compensation fund shall be paid during the calendar year following the calendar year for which the Postal Regulatory Office determines net costs of the universal service pursuant to § 57 paragraph 3, always one quarter of the contribution by the last day of the first to third calendar quarters, and the rest by the last day of the fourth calendar quarter.

(4) The decision pursuant to paragraph 1 shall contain the name of the issuing body and the name of the person who acted on its behalf, the identification of the postal company concerned by it, the amount of the contribution to the compensation fund and the time limit for its payment, the method of payment and determination of the contribution, the date and place of issue of the decision and signature of the acting person. The decision pursuant to paragraph 1 shall be delivered to the postal company concerned by it and shall be open for an appeal within 15 days. The appeal has a suspensive effect and is reviewable by the court according to the Civil Procedure Code.<sup>8)</sup>

(5) If the difference between preliminary net costs of the universal service fixed according to § 57 paragraph 3 and the sum of funds in the compensation fund, that are not required for payment of compensation for net costs of the universal service in the respective year, and contributions paid by the postal companies pursuant to paragraph 1 is positive, a contribution corresponding to this difference shall be paid to the compensation fund from the state budget by 31 January; if the procedure according to paragraph 6 is applied, then the amount by which the contribution from the state budget has been increased, shall be paid by 31 December of the calendar year following the calendar year, in which preliminary net costs of the universal service were determined.

(6) If the difference between the compensation paid for net costs of the universal service determined by the decision pursuant to § 57 paragraph 6 and preliminary net costs of the universal service determined pursuant to § 57 paragraph 3 is positive, with the decision on provision of a compensation for net costs of the universal service the Postal Regulatory Office shall issue, in the extent of this difference, a decision on the increase of the contribution to the compensation fund; the provisions of paragraphs 1, 2, 4 and 5 shall be applied equally.

(7) If the difference between preliminary net costs of the universal service fixed according to § 57 paragraph 3 and the compensation paid for net costs of the universal service fixed by the decision pursuant to § 57 paragraph 6 is positive, the Postal Regulatory Office shall refund, in the extent of this difference, contributions paid to the compensation fund to the postal companies on the pro rata basis using of the method of determination of the amount of these contributions.

(8) If the postal company has paid to the compensation fund in the calendar year a contribution in an amount exceeding 3% of its turnover in this calendar year, the Postal Regulatory Office in the decision on determination of the obligation to pay contributions to

the compensation fund, issued in the following calendar year, shall decrease the contribution of such postal company by an amount corresponding to the positive difference between the contribution to the compensation fund paid in the previous calendar year and the amount equal to 3% of turnover of the postal company in the previous calendar year. If the postal company is not obliged to pay a contribution to the compensation fund in the following year, the Postal Regulatory Office shall refund this amount to it within 30 days of the day when the decision enters into force.

**PART FIVE**  
**STATE SUPERVISION AND ADMINISTRATIVE OFFENCES**  
**TITLE ONE**  
State supervision  
§ 59  
Basic provisions

(1) The state supervision over the provision of postal services shall be performed by the Postal Regulatory Office through its authorised employees, from its own initiative or at proposal of a third party. Where it is justified by the special nature of state supervision, the Postal Regulatory Office may invite employees of other state administration body, self-governing body and legal person, or individuals with their approval (hereinafter referred to as "invited person") to participate in its performance. The invited person performing state supervision has the same status as authorised employees of the Postal Regulatory Office. The participation of the invited person in the performance of state supervision is other act in the general interest.<sup>24)</sup> The invited person shall not be other postal company, its employee, or a body of the postal company.

(2) State supervision includes the following:

- a) controlling the fulfilment of duties of the postal company and of the conditions for providing postal services and postal payment service under this Act, the issued general authorization, or the registration;
- b) controlling the fulfilment of duties of the universal service provider and of the conditions for providing the universal service and postal payment service, particularly the control of the observance of qualitative and development conditions, stipulated for the universal service in the postal license;
- c) price control relating to postal charges,
- d) ordering that ascertained deficiencies be removed and activities contrary to this Act, the general authorisation, the registration or the postal license, and verifying the implementation of the imposed measures to remedy the ascertained deficiencies, and
- e) dealing with administrative offences and imposing penalties for these offences.

(3) The performance of price control pursuant to paragraph 2 (c) shall be governed by a special regulation.<sup>25)</sup>

(4) The authorised employee performing state supervision shall be entitled to:

- a) To enter buildings, facilities and plants, land and other premises, in which the controlled person carries out its activity and that are directly related to the subject of control; the inviolability of dwelling must not be affected by the exercise of this right;
- b) To require that the control person and its employees or persons who carry out an activity for the controlled person on a contractual or other basis should immediately provide or hand over to them:

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<sup>24)</sup> § 137 paragraph 5 of the Labour Code, as amended by Act No. 210/2003 Coll..

<sup>25)</sup> §§ 16 to 19 of the Act of the National Council of the Slovak Republic No. 18/1996 Coll., as amended.

1. necessary information and data from the postal company's employees, the postal terms and conditions, the tariff, and other documents relating to the provision of postal services, including their counterparts,
  2. originals of documents and other materials, items and information that are required for the performance of state supervision, including those that are saved in the electronic form;
  3. explanations, statements, oral and written information to the subject of the state supervision and to ascertained deficiencies;
- c) check whether the postal company has fulfilled the registration duty,
  - d) check the operation of the postal network and of the public postal network,
  - e) check the fulfilling of the conditions for providing postal services or postal payment service on the basis of the general authorisation, the registration, or the postal license, and
  - f) To impose on the controlled person the duty to remove the ascertained deficiencies within the time limit set in the report on state supervision and its result and to submit the report on their removal;

(5) The controlled person is required to allow the performance of state supervision and to provide the Postal Regulatory Office, at its request or at request of the authorised employee, with support necessary to perform state supervision.

#### § 60

#### Performance of state supervision

(1) The performance of state supervision starts from the day when the authorised employees submit to the controlled person a written authorisation for the performance of state supervision, containing the following data:

- a) name of the state supervision body
- b) name of the controlled person
- c) title, name and surname of authorised employees and invited persons
- d) subject of state supervision
- e) controlled period
- f) date of commencement of state supervision
- g) date and place of issue of the authorisation and
- h) stamp of the Postal Regulatory Office and name, surname, function and signature of the chairman or his authorised representative.

(2) The authorised employees performing state supervision is required:

- a) to notify the controlled person of the subject, purpose and period of the performance of state supervision and to produce a document authorising them for the performance of state supervision and a service card; if the notification before the commencement of state supervision might lead to a frustration of its purpose, they must do so on the day when they start performing state supervision, at the latest;
- b) to draw up a report on state supervision and its result, to deliver one copy thereof to the controlled person before its discussion and to request the controlled person to provide written comments to all ascertained deficiencies within the set reasonable time limit; written comments disputing the control findings shall constitute objections;
- c) to examine the justification of the controlled person's objections against ascertained deficiencies, if they have been submitted within the time limit specified in (b), to take into account justified objections in an amendment to the report on state supervision and its result and to inform the controlled person about these objections and that they are not justified not later than on the day when a discussion on the report on state supervision and its result takes place;
- d) to discuss the report on state supervision and its result with the manager of the controlled person and to specify in the record from discussion of this report measures that have been imposed for the removal of ascertained deficiencies and the time limit for their

implementation, as well as the time limit for submission of a written report on the implementation of imposed measures;

e) to deliver to the controlled person a written confirmation on a withdrawal of originals of documents and other materials and items and to protect them against loss, destruction, damage and abuse, and

f) to maintain confidentiality of information, that they have learnt during or in relation to the performance of state supervisor, in relation to third parties.

(3) The controlled person shall:

a) be obliged to allow the authorised employees the execution of all their powers that have been entrusted to them by this Act for the performance of state supervision, and not to hinder the performance of state supervision or the execution of powers of the authorised employees; this duty shall apply to each employee of the controlled person or to a person who carries out an activity for the controlled person on a contractual or other basis;

b) have the right to familiarise themselves with control findings contained in the report on state supervision and its result and to make comments on the ascertained deficiencies within a time limit set by the Postal Regulatory Office and

c) be obliged to remove the ascertained deficiencies or to implement all required measures for their removal within the time limit set in the record from discussion of the report on state supervision and its result and to inform the Postal Regulatory Office about their removal within the time limit specified in this record.

(4) The authorised employees shall draw up a record on state supervision and its result, containing the following information:

a) name of the state supervision body

b) name of the controlled person

c) title, name and surname of the authorised employees

d) place, date and time of the performance of state supervision

e) subject of state supervision

f) controlled period

g) established ascertained deficiencies

h) date of report on state supervision and its result

i) signatures of authorised employees

j) signature of the person who is authorised to act on behalf of the controlled person and the day when he has familiarised himself with the report on state supervision and its result; if this person refuses to sign the report on state supervision and its result, then also information about such refusal;

k) comments of the controlled person or information about the refusal to make comments, and

l) list of enclosures to the report on state supervision and its result.

(5) The report on state supervision and its result shall have annexes to it, in particular the comments of the controlled person under paragraph 2 (b), the amendment under paragraph 2 (c) and the record under paragraph 2 (d); the annexes to the report on state supervision and its result shall form an integral part of this report.

(6) The report on discussion of the report on state supervision and its result shall be enclosed to the report on state supervision and its result and contain particularly:

a) the date of submission of the report on state supervision and its result to the manager of the controlled person

b) the day when the report on state supervision and its result was discussed

c) the names and surnames of persons attending the discussion on the report on state supervision and its result and their signatures, or the information about the refusal of the controlled person to discuss the report on state supervision and its result or to sign the report

d) the duty of the controlled person to implement measures for the removal of ascertained deficiencies and the time limit for their implementation, and

e) the duty of the controlled person to submit a written report on the implementation of imposed measures within the set time limit.

(7) If no deficiencies are ascertained during the performance of state supervision the authorised employees shall draw up a report on state supervision to which paragraph 4 shall apply *mutatis mutandis*.

(8) State supervision shall be terminated by a discussion on the report on state supervision and its result, or on the day when the report under paragraph 7 is delivered to the controlled person. The report on state supervision and its result shall be regarded as having been discussed also if the manager of the controlled person does not attend the discussion on the report on state supervision and its result without indication of reason or refuses to sign the record from discussion of the report on state supervision and its result; these facts shall be indicated directly in the report.

(9) If cooperation of the sender, the person posting the postal item, or the addressee of postal items that have been the subject of postal services provided by the controlled person, or cooperation of other persons who dispose of items and information relevant for the performance of state supervision, is important for the achievement of the objective of state supervision, these persons are required to immediately provide the Postal Regulatory Office at its written request with information, documents, statements and other items relevant for the performance of state supervision according to this Act.

(10) The Postal Regulatory Office may impose a disciplinary fine up to EUR 165, also repeatedly, to a person who renders the performance of state supervision difficult, especially by refusing to provide cooperation that he is required to provide according to this Act, without serious reasons.

## TITLE TWO

### Administrative offences

#### § 61

#### Offences

(1) An offence is deemed to be committed in the area of postal activities by those who have:

- a) violated the duty under § 10 paragraph 2 or makes available the subject of postal secrecy in contradiction with § 10 paragraph 3;
- b) provided information and data, to which the protection of personal data applies, in contradiction with § 11 paragraph 2;
- c) illegally intervened into the public postal network or the public postal network;
- d) violated the postal terms and conditions by posting a postal item containing items excluded from clearance (collection) and distribution;
- e) illegally used or forged the date stamp,
- f) illegally used the date stamp, postage stamp or postal stationery, textual or graphic mark used in the public postal network without the universal service provider's consent; OR
- g) violated the provisions of § 35 paragraph 1.

(2) A penalty up to EUR 400 shall be imposed for an offence under paragraph 1. Apart from this fine, a ban of activity may be imposed for offences under paragraph 1 (c) or (f) and forfeiture of an asset may be imposed for offences under paragraph 1 (d) to (f).

(3) The administrative body competent for dealing with offences under paragraph 1 shall be the Postal Regulatory Office; offences and dealing therewith shall be subject to general legislation concerning offences<sup>26)</sup>.

#### § 62

#### Other administrative offences

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<sup>26)</sup> Act of the Slovak National Council No. 372/1990 Coll., as amended.

(1) The Postal Regulatory Office shall impose a penalty up to EUR 100 000 on the on the universal service provider if the latter:

- a) fails to provide the universal service or postal payment service in the extent and under the conditions defined by this Act, or under the conditions specified in the postal license;
- b) fails to conduct bookkeeping in accordance with special provisions on bookkeeping according to § 54 or
- c) has failed to provide the Postal Regulatory Office at its request with information and data on costs and revenues from provision of the universal service or does not submit the annual financial statements pursuant to § 54 paragraph 6 to the Postal Regulatory Office in spite of its request.

(2) The Postal Regulatory Office shall impose a penalty up to EUR 100 000 on a legal person or an entrepreneur who:

- a) as a postal company has violated the duty under § 11 paragraph 1 second sentence and the violation of this duty has resulted in an unauthorised provision or disclosure of information on provided postal services or personal data or to their abuse;
- b) as a postal company has opened a postal item in contradiction with § 35 paragraph 2;
- c) as a postal company that is required to conduct bookkeeping in the manner under § 36, has violated this duty or failed to submit the annual financial statements or other data specified in § 36 to the Postal Regulatory Office in spite of its request;
- d) has breached the duty under § 10 paragraph 2, made available the subject of postal secrecy in contradiction with § 10 paragraph 3, or failed to make available the subject of postal secrecy pursuant to § 10 paragraph 3;
- e) has provided information and data, to which the protection of personal data applies, in contradiction with § 11 paragraph 2;
- f) provides postal services or postal payment service without registration;
- g) has issued a postage stamp or postal stationery, or used for provision of postal services postmarks or postal stationery or textual or graphic marking that is used in the public postal network without approval of the universal service provider; or
- h) has not allowed a state authority to execute its powers related to defence and protection of the state, the internal rules and state security, or to inquiry, investigation and prosecution of a criminal act at the request of this authority and in accordance with special regulations.

(3) The Postal Regulatory Office shall impose a penalty up to EUR 20 000 on a postal company that:

- a) provides postal services contrary to the general authorisation;
- b) provides interchangeable postal services or postal payment service contrary to this Act; or
- c) provides postal services or postal payment service contrary to its own postal terms and conditions or the tariff, unless a derogation from the postal terms and conditions or the tariff has been separately agreed in the postal agreement.

(4) The Postal Regulatory Office shall impose a penalty up to EUR 10,000 on a controlled person who:

- (a) has not enabled the Postal Regulatory Office's authorised employees to perform state supervision;
- (b) has not removed the deficiencies ascertained during the performance of state supervision within the set time limit; or
- (c) has not provided the Postal Regulatory Office, at its request, with information or other cooperation required by this Act that is necessary for the performance of state supervision.

(5) The Postal Regulatory Office shall impose a penalty up to EUR 3,000 on a postal company that has violated duties under this Act other than those specified in paragraphs 1 to 4.

(6) When imposing a penalty for other administrative offence, the Postal Regulatory Office shall primarily take into account the severity, manner, duration and consequences of the violation of the duty.

(7) A penalty for other administrative offence may also be imposed repeatedly. If the same duty is repeatedly violated during two years from the previous violation of the duty, the penalty specified in paragraphs 1 to 5 may be doubled.

(8) The Postal Regulatory Office may impose a penalty within one year of the date when the violation of the duty is ascertained, but no later than three years of the date when the duty is violated.

(9) The yields from penalties shall be income of the state budget.

## **PART SIX**

### **PROVISION OF SUBSIDIES IN THE AREA OF POSTAL SERVICES** **§ 63**

(1) At a written request of an individual – entrepreneur or a legal person, the Ministry may provide a subsidy for the purposes of promotion of research and development in the area of postal services, provided the rules on provision of state aid according to a special regulation are not prejudiced.<sup>27)</sup>

(2) A subsidy under paragraph 1 may be provided among others for co-financing of projects implemented under international agreements on scientific and technical cooperation and projects implemented under international programmes and initiatives on the field of research and development of postal services, including costs of their preparation.

(3) There is no entitlement to a subsidy and a subsidy may be provided to an applicant pursuant to § 64 paragraph 1, who, apart from the conditions specified in this Act, fulfils the conditions under a special regulation.<sup>28)</sup>

### **§ 64**

(1) A subsidy for the purposes defined in § 63 may be provided to:

- a) an individual – entrepreneur with a place of business in the territory of the Slovak Republic,
- b) a legal person holding the trade license in the territory of Slovak Republic,
- c) an interest group of legal persons with the status of a legal person,<sup>29)</sup>
- d) a foundation,
- e) a citizen's association,
- f) a non-profit organisation providing public utility services, or
- g) a university.

(2) A subsidy may be provided to the applicant according to paragraph 1 at written request, if

- a) the applicant submits an application, a specimen of which is shown in Annex 2;
- b) the submitted project fulfils the conditions determined in the call for submission of projects; and
- c) the applicant has opened an account in a bank or in a branch of a foreign bank.

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<sup>27)</sup> For example §§ 107 to 109 of the Treaty on Functioning of the European Union; Act No. 231/1999 Coll. on State Aid, as amended.

<sup>28)</sup> § 8a paragraph 4 of Act No. 523/2004 Coll. as amended by Act No. 383/2008 Coll.

<sup>29)</sup> § 20f of the Civil Code.

(3) The application shall be accompanied by documents proving the fulfilment of the conditions for provision of a subsidy, specifically:

- a) draft project in a structure according to the specimen shown in Annex 3,
- b) proposed budget of the project,
- c) extract from the commercial register, the trade register, or a similar register, in which a legal person or an individual holding the license is entered, which must not be older than three months; if the applicant is not entered in the public register, from which the extract is issued, he shall submit a document proving his establishment or foundation, and
- d) document proving that the applicant has opened an account in a bank or in a branch of a foreign bank.

(4) Applications for subsidy shall be submitted by the applicants pursuant to paragraph 1 to the Ministry within the time limit specified in the call for submission of projects, published on the website of the Ministry.

## § 65

(1) A subsidy may be provided up to 100% of economically eligible costs of implementation of the project under § 63 paragraph 1, with the exception of cases specified in § 63 paragraph 2.

(2) A subsidy shall not be provided:

- a) for repayment of debts from previous years,
- b) for reimbursement of costs paid in the previous years.

(3) Applications for subsidy shall be evaluated by a commission composed at least from three members, set up by the Ministry. The commission shall evaluate the applications for subsidy within one month of the expiration of the time limit under § 64 paragraph 4.

## § 66

(1) The Ministry shall conclude with the beneficiary of subsidy the contract on provision of a subsidy.

(2) The contract on provision of a subsidy must contain:

- a) data on the parties within the following scope: name or business name, registered office or place of business, in case of legal persons the statutory body, identification number of organisation, tax identification number,
- b) name of the bank or branch of a foreign bank and the number of bank account of the beneficiary of subsidy,
- c) purpose, type, amount and period of use of the subsidy,
- d) conditions of use of the subsidy,
- e) manner and time of the fulfilment of duties by the parties,
- f) stipulation of rights to the result of the implemented project,
- g) regulation of relations to the rights to movable and immovable assets acquired from the provided subsidy,
- h) method of use of the results of the implemented project,
- i) penalties for the violation of the contractual conditions,
- j) date and method of clearance of the subsidy,
- k) deadline for refund of unused financial resources and number of account to which the unused resources shall be sent,

- l) date of interim audit of use of the subsidy, and
- m) identification data of the project sponsor.

(3) The Ministry shall publish on its website:

- a) all approved applications for a subsidy, specifying the amounts of requested and provided subsidies, including the date of approbation, amount and purpose of the subsidy and the name of final beneficiary of the subsidy, within 30 days of the approbation of the application, and
- b) all dismissed applications, including the date of dismissal and reason for dismissal of the application, within 30 days of the dismissal of the application.

## **PART SEVEN**

### **COMMON, TRANSITIONAL AND FINAL PROVISIONS**

#### Common provisions

#### § 67

#### Proceedings

(1) Proceedings under this Act shall be subject to the general legislation concerning administrative proceedings,<sup>30)</sup> unless paragraph 2 provides otherwise.

(2) General legislation concerning administrative proceedings<sup>29)</sup> shall not apply to the following:

- a) decision-making (§ 9)
- b) issuing general authorisations (§ 17)
- c) regulation of postal charges (§ 24)
- d) issuing the quality requirements (§ 41)
- e) approbation of postage stamps and postal stationery (§ 43)
- f) decision on compensation of net costs of the universal service (§ 57)
- g) decision on contribution to the compensation fund (§ 58 a)
- h) state supervision, with the exception of state supervision pursuant to § 59 paragraph 2 (e).

(3) The chairman of the Postal Regulatory Office shall be responsible for the remedy proceedings and for the ruling on the appeals against decisions of the Postal Regulatory Office.

(4) In proceedings under paragraph 2 (a), (c), (g) and (h) the postal company may submit applications and deliver other documents, also in electronic form, bearing a secured electronic signature.

#### § 68

#### Empowering provisions

(1) The Postal Regulatory Office shall provide by a generally binding legal regulation declared in the Collection of Laws of the Slovak Republic through a publication of its full wording:

- a) formula for the calculation of net costs of the universal service and for the determination of excessive financial burden pursuant to § 57
- b) specimen form for the quantification pursuant to § 57 paragraph 2 and basic data required for the calculation of net costs of the universal service,

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<sup>30)</sup> Act No. 71/1967 Coll. on Administrative Proceedings (Administrative Code), as amended.

c) method of assessment of the cost effectiveness of providing the universal service, revenues and market advantage pursuant to § 56 paragraph 2 and

d) details on the method of calculation of the contribution of a postal company to the compensation fund.

(2) The Postal Regulatory Office may stipulate by a generally binding legal regulation published in the Collection of Laws of the Slovak Republic the details on:

a) keeping and content of records under § 28 paragraph 6 and

b) specific requirements for bookkeeping under § 36 or § 54.

## Transitional provisions

### § 69

Legal relations established before the date of entry into force of this Act as well as resulting claims shall be governed by the existing regulations.

### § 70

(1) A postal company, that provides postal payment service or postal services other than the universal services on the basis of a license under existing regulations, shall be authorised to provide them also after the date of entry into force of this Act. It is required to apply for the registration within 30 days of the date of entry into force of the general authorisation issued after the effective date of this Act.

(2) The license of the postal company for provision of postal payment service or postal services pursuant to paragraph 1 shall expire on the date of delivery of the complete application for registration to the Postal Regulatory Office, or by expiration of the time limit for submission of the application for registration pursuant to paragraph 1.

### § 71

(1) A postal license, that has been granted or imposed according to the existing legislation, shall be a postal license pursuant to this Act; the scope of provision of the universal service shall be governed by the existing legislation.

(2) According to the existing legislation, the universal service provider is a universal service provider pursuant to this Act.

### § 72

(1) The Postal Regulatory Office shall publish a draft general authorisation under § 18 paragraph 1 within 10 working days of the effective date of this Act.

(2) The Postal Regulatory Office shall issue the quality requirements within 90 days of the effective date of this Act.

### § 73

Proceedings, which commenced and were not completed before the effective date of this Act, shall be completed in accordance with the existing legislation.

### § 74

#### Final provision

This Act shall transpose the binding legal acts of the European Union specified in Annex No. 1.

§ 75

Repealing provision

The Act No. 507/2001 Coll. on Postal Services, as amended by the Act No. 15/2004 Coll., by the Act No. 199/2004 Coll., by the Act No. 191/2007 Coll., by the Act No. 659/2007 Coll. and by the Act No. 80/2008 Coll., shall be repealed.

**Art. II**

The Act No. 455/1991 Coll. on Small Trades (Trade Licensing Act), as amended by the Act No. 231/1992 Coll., by the Act No. 600/1992 Coll., by the Act of the National Council of the Slovak Republic No. 132/1994 Coll., by the Act of the National Council of the Slovak Republic No. 200/1995 Coll., by the Act of the National Council of the Slovak Republic No. 216/1995 Coll., by the Act of the National Council of the Slovak Republic No. 233/1995 Coll., by the Act of the National Council of the Slovak Republic No. 123/1996 Coll., by the Act of the National Council of the Slovak Republic No. 164/1996 Coll., by the Act of the National Council of the Slovak Republic No. 222/1996 Coll., by the Act of the National Council of the Slovak Republic No. 289/1996 Coll., by the Act of the National Council of the Slovak Republic No. 290/1996 Coll., by the Act No. 288/1997 Coll., by the Act No. 379/1997 Coll., by the Act No. 70/1998 Coll., by the Act No. 76/1998 Coll., by the Act No. 126/1998 Coll., by the Act No. 129/1998 Coll., by the Act No. 140/1998 Coll., by the Act No. 143/1998 Coll., by the Act No. 144/1998 Coll., by the Act No. 161/1998 Coll., by the Act No. 178/1998 Coll., by the Act No. 179/1998 Coll., by the Act No. 194/1998 Coll., by the Act No. 263/1999 Coll., by the Act No. 264/1999 Coll., by the Act No. 119/2000 Coll., by the Act No. 142/2000 Coll., by the Act No. 236/2000 Coll., by the Act No. 238/2000 Coll., by the Act No. 268/2000 Coll., by the Act No. 338/2000 Coll., by the Act No. 223/2001 Coll., by the Act No. 279/2001 Coll., by the Act No. 488/2001 Coll., by the Act No. 554/2001 Coll., by the Act No. 261/2002 Coll., by the Act No. 284/2002 Coll., by the Act No. 506/2002 Coll., by the Act No. 190/2003 Coll., by the Act No. 219/2003 Coll., by the Act No. 245/2003 Coll., by the Act No. 423/2003 Coll., by the Act No. 515/2003 Coll., by the Act No. 586/2003 Coll., by the Act No. 602/2003 Coll., by the Act No. 347/2004 Coll., by the Act No. 350/2004 Coll., by the Act No. 365/2004 Coll., by the Act No. 420/2004 Coll., by the Act No. 533/2004 Coll., by the Act No. 544/2006 Coll., by the Act No. 578/2004 Coll., by the Act No. 624/2004 Coll., by the Act No. 650/2004 Coll., by the Act No. 656/2004 Coll., by the Act No. 725/2004 Coll., by the Act No. 8/2005 Coll., by the Act No. 93/2005 Coll., by the Act No. 331/2005 Coll., by the Act No. 340/2005 Coll., by the Act No. 351/2005 Coll., by the Act No. 470/2005 Coll., by the Act No. 473/2005 Coll., by the Act No. 491/2005 Coll., by the Act No. 555/2005 Coll., by the Act No. 567/2005 Coll., by the Act No. 124/2006 Coll., by the Act No. 126/2006 Coll., by the Act No. 17/2007 Coll., by the Act No. 99/2007 Coll., by the Act No. 193/2007 Coll., by the Act No. 218/2007 Coll., by the Act No. 358/2007 Coll., by the Act No. 577/2007 Coll., by the Act No. 112/2008 Coll., by the Act No. 445/2008 Coll., by the Act No. 448/2008 Coll., by the Act No. 186/2009 Coll., by the Act No. 492/2009 Coll., by the Act No. 513/2009 Coll., by the Act No. 568/2009 Coll., by the Act No. 129/2010 Coll., by the Act No. 136/2010 Coll. and by the Act No. 556/2010 Coll. shall be amended as follows:

In § 3, paragraph 2 (l) shall read as follows:

“l) provision of postal services and the universal postal service,“.

**Art. III**

The Act of the National Council of the Slovak Republic No. 145/1995 Coll. on Administrative Charges, as amended by the Act of the National Council of the Slovak Republic No. 123/1996 Coll., by the Act of the National Council of the Slovak Republic No.

224/1996 Coll., by the Act No. 70/1997 Coll., by the Act No. 1/1998 Coll., by the Act No. 232/1999 Coll., by the Act No. 3/2000 Coll., by the Act No. 142/2000 Coll., by the Act No. 211/2000 Coll., by the Act No. 468/2000 Coll., by the Act No. 553/2001 Coll., by the Act No. 96/2002 Coll., by the Act No. 118/2002 Coll., by the Act No. 215/2002 Coll., by the Act No. 237/2002 Coll., by the Act No. 418/2002 Coll., by the Act No. 457/2002 Coll., by the Act No. 465/2002 Coll., by the Act No. 477/2002 Coll., by the Act No. 480/2002 Coll., by the Act No. 190/2003 Coll., by the Act No. 217/2003 Coll., by the Act No. 245/2003 Coll., by the Act No. 450/2003 Coll., by the Act No. 469/2003 Coll., by the Act No. 583/2003 Coll., by the Act No. 5/2004 Coll., by the Act No. 199/2004 Coll., by the Act No. 204/2004 Coll., by the Act No. 347/2004 Coll., by the Act No. 382/2004 Coll., by the Act No. 434/2004 Coll., by the Act No. 533/2004 Coll., by the Act No. 541/2004 Coll., by the Act No. 572/2004 Coll., by the Act No. 578/2004 Coll., by the Act No. 581/2004 Coll., by the Act No. 633/2004 Coll., by the Act No. 653/2004 Coll., by the Act No. 656/2004 Coll., by the Act No. 725/2004 Coll., by the Act No. 5/2005 Coll., by the Act No. 8/2005 Coll., by the Act No. 15/2005 Coll., by the Act No. 93/2005 Coll., by the Act No. 171/2005 Coll., by the Act No. 308/2005 Coll., by the Act No. 331/2005 Coll., by the Act No. 341/2005 Coll., by the Act No. 342/2005 Coll., by the Act No. 473/2005 Coll., by the Act No. 491/2005 Coll., by the Act No. 538/2005 Coll., by the Act No. 558/2005 Coll., by the Act No. 572/2005 Coll., by the Act No. 573/2005 Coll., by the Act No. 610/2005 Coll., by the Act No. 14/2006 Coll., by the Act No. 15/2006 Coll., by the Act No. 24/2006 Coll., by the Act No. 117/2006 Coll., by the Act No. 124/2006 Coll., by the Act No. 126/2006 Coll., by the Act No. 224/2006 Coll., by the Act No. 342/2006 Coll., by the Act No. 672/2006 Coll., by the Act No. 693/2006 Coll., by the Act No. 21/2007 Coll., by the Act No. 43/2007 Coll., by the Act No. 95/2007 Coll., by the Act No. 193/2007 Coll., by the Act No. 220/2007 Coll., by the Act No. 279/2007 Coll., by the Act No. 295/2007 Coll., by the Act No. 309/2007 Coll., by the Act No. 342/2007 Coll., by the Act No. 343/2007 Coll., by the Act No. 344/2007 Coll., by the Act No. 355/2007 Coll., by the Act No. 358/2007 Coll., by the Act No. 359/2007 Coll., by the Act No. 460/2007 Coll., by the Act No. 517/2007 Coll., by the Act No. 537/2007 Coll., by the Act No. 548/2007 Coll., by the Act No. 571/2007 Coll., by the Act No. 577/2007 Coll., by the Act No. 647/2007 Coll., by the Act No. 661/2007 Coll., by the Act No. 92/2008 Coll., by the Act No. 112/2008 Coll., by the Act No. 167/2008 Coll., by the Act No. 214/2008 Coll., by the Act No. 264/2008 Coll., by the Act No. 405/2008 Coll., by the Act No. 408/2008 Coll., by the Act No. 451/2008 Coll., by the Act No. 465/2008 Coll., by the Act No. 495/2008 Coll., by the Act No. 514/2008 Coll., by the Act No. 8/2009 Coll., by the Act No. 45/2009 Coll., by the Act No. 188/2009 Coll., by the Act No. 191/2009 Coll., by the Act No. 292/2009 Coll., by the Act No. 304/2009 Coll., by the Act No. 305/2009 Coll., by the Act No. 307/2009 Coll., by the Act No. 274/2009 Coll., by the Act No. 292/2009 Coll., by the Act No. 304/2009 Coll., by the Act No. 305/2009 Coll., by the Act No. 307/2009 Coll., by the Act No. 465/2009 Coll., by the Act No. 478/2009 Coll., by the Act No. 513/2009 Coll., by the Act No. 568/2009 Coll., by the Act No. 570/2009 Coll., by the Act No. 594/2009 Coll., by the Act No. 67/2010 Coll., by the Act No. 92/2010 Coll., by the Act No. 136/2010 Coll., by the Act No. 144/2010 Coll., by the Act No. 514/2010 Coll., by the Act No. 556/2010 Coll., by the Act No. 39/2011 Coll. and by the Act No. 119/2011 Coll., shall be amended as follows:

In the Tariff of Administrative Charges, Part XXII, including the title, shall read as follows:

“PART XXII

POSTAL ACTIVITY

Item 269

- |  |           |
|--|-----------|
| a) Registration of postal company              | EUR 100,- |
| b) Change in registered data of postal company | EUR 33,-  |

Item 270

a) Granting the postal license	EUR 33 193.50
b) Change in postal license based on announcement of the universal service provider	EUR 165.50

#### **Art. IV**

The Act No. 507/2001 Coll. on Postal Services, as amended by the Act No. 15/2004 Coll., by the Act No. 199/2004 Coll., by the Act No. 191/2007 Coll., by the Act No. 659/2007 Coll. and by the Act No. 80/2008 Coll., shall be amended as follows:

§ 7 paragraph 3 shall be supplemented with subparagraph (e) reading as follows:

“e) if the Commission Decision<sup>30)</sup> provides so, or in case of a service with added value.“.

The footnote to reference 30 shall read as follows:

“30) For example the Commission Decision of 7 October 2008 on Slovak legislation relating to hybrid postal services (C(2008) 5912), EU Official Journal, C 322, 17. 12. 2008.“.

#### **Art. V**

This Act shall become effective on the day of its declaration, except for Art. I to Art. III that shall become effective on 1 January 2012.

President of the Slovak Republic

Chairman of the National Council of the Slovak Republic

Deputy Chairman of the National Council of the Slovak Republic

LIST OF TRANSPOSED BINDING LEGAL ACTS OF THE EUROPEAN UNION

The Directive 97/67/ES 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 (Special edition of the EU Official Journal, Chapter 6/Volume 3; EC Official Journal L 15, 21.01. 1998), as amended by the Directive 2002/39/EC of the European Parliament and of the Council of 10 June 2002 (Special edition of the EU Official Journal, Chapter 6/Volume 4), and by the Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 (EU Official Journal L 52, 27. 02. 2008; EC Official Journal L 176, 05. 07. 2002).

**SPECIMEN**

**Application for a subsidy for a project**

Date of delivery of the application:  
(space for official record)

Project name	
Applicant (name and surname or business name)	
Address of permanent residence or registered office of the applicant (street, number, postal code, municipality)	
Legal form of the applicant	
Identification number (legal persons, individuals - entrepreneurs)	
Registration number	
Statutory representative of the applicant (name and surname, function)	
Contact person (telephone, fax, e-mail)	
Bank (account number, name of bank, numeric/swift code)	
Total budget (SKK)	
Co-financing (SKK)	
Amount of required subsidy (SKK)	

I declare that all data in the application are true, correct and complete.

In ....., .....

Stamp of the applicant	Signature of statutory representative of the applicant

**SPECIMEN**

**Description of project**

Project name:	
Period of implementation	
Purpose of project	
Basis	
Schedule of implementation of project	
Required inputs	
Expected outputs (quantitative and qualitative measurement of success of the project)	
Professional sponsor of project (name, surname, title)	
Contact person (telephone, fax, e-mail):	
Total budget (costs) in SKK	
Co-financing (other resources, of which own) in SKK	
Amount of required subsidy (SKK)	

In ....., .....

Stamp of the applicant	Signature of statutory representative of the applicant