



STATUTORY INSTRUMENTS.

S.I. No. 280 of 2012

COMMUNICATIONS REGULATION (UNIVERSAL POSTAL SERVICE)
REGULATIONS 2012

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The Commission for Communications Regulation, in exercise of the powers conferred on it by section 16(9) of the Communications Regulation (Postal Services) Act 2011 (No. 21 of 2011) hereby makes the following regulations:

Citation and Commencement

1. (1) These Regulations may be cited as the Communications Regulation (Universal Postal Service) Regulations 2012.

(2) These Regulations shall come into operation on 1 November 2012.

Interpretation

2. (1) In these Regulations except where the context otherwise requires:

“Act of 2011” means Communications Regulation (Postal Services) Act 2011 (No. 21 of 2011);

“certificate of posting” means a receipt issued in respect of a postal packet deposited at an access point for transmission by universal postal service;

“D + n” is a formula in relation to the transit time of postal packets, where “D” represents the “day of posting” of a postal packet and “n” represents the number of working days after the “day of posting” after which the postal packet will be delivered to the addressee in due course of post, and in respect of delivery to addresses within the State “n” is to be replaced by “one”, in respect of delivery to other addresses within the European Union “n” is to be replaced by “three”, and in respect of delivery to all other Foreign addresses “n” is to be replaced by “up to nine”;

“day of posting” means the specific day of the week on which a postal packet is deposited at an access point by a sender for transmission by post;

“deferred delivery” means deposited at a delivery office for delivery within the State one day later than would otherwise be the case using the “D+n” formula;

“delivery office” means an office managed by the universal service provider for the purposes of processing postal packets immediately prior to the activity of delivery to the addressee;

“delivery only” means deposited pre-sorted at a delivery office for delivery within the State using the “D+n” formula;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 31st July, 2012.*

- “designated operator” has the meaning assigned to it by Article 1.8 of the Universal Postal Convention;
- “foreign” refers to any postal packet deposited at an access point in the State for transmission by post to an address outside the State;
- “franking impression” means the postal mark printed upon a postal packet, produced by a postal franking machine and setting out the postage paid and the date and place of posting;
- “girth” means twice the combined depth and width of a postal packet;
- “insurance” means a service insuring a postal packet in the event of loss, theft or damage up to the value declared by the sender of the postal packet;
- “large envelope” means a postal packet other than a letter of minimum dimension 90 millimetre (“mm”) x 140mm x 0.18mm (with a tolerance of 2mm) and maximum dimension 300mm x 400mm x 25mm, and with a maximum weight of 500 grams;
- “letter” means a postal packet of minimum dimension 90mm x 140mm x 0.18mm (with a tolerance of 2 mm) and a maximum dimension of 235mm x 162mm x 5mm, and with a maximum weight of 100 grams, and includes a postcard;
- “Office of Exchange” has the meaning assigned to it by Article 169 of the Letter Post Regulations adopted by the Universal Postal Union;
- “packet” means a postal packet other than a letter or large envelope of minimum dimension 70mm x 100mm x 25mm and a maximum dimension of length, width and depth combined of 900mm, with a tolerance 2 mm, with the greatest dimension not exceeding 600mm and with a tolerance of 2mm with a tolerance of 2 mm and a maximum weight of 2 kilograms except in the case of a packet for transmission by post to an address outside the State containing books and pamphlets where a maximum weight of 5 kilograms will apply; when the packet is in the shape of a roll the length and twice the diameter shall not exceed 1040 mm and the greatest dimension shall not exceed 900 mm;
- “parcel” means a postal packet other than a letter, large envelope or packet of maximum length 1.5 metres provided that the combined length and girth does not exceed 3 metres and the weight does not exceed 20 kilograms;
- “postcard” means a card of minimum dimension 90mm x 140mm x 0.18mm and maximum dimensions of 235mm x 162mm x 5mm, with a tolerance of 2mm provided it is sufficiently stiff to withstand processing without difficulties and the length is at least equal to the width multiplied by $\sqrt{2}$ (approximate value 1.4);
- “postage stamp” includes a label produced at a post office or at a sender’s premises;
- “postal franking machine” means a machine of any type designed and used to denote, by means of a franking impression, the payment of postage or any other

sum payable to a postal service provider, and includes any meter used in a postal franking machine;

“postal packets deposited in bulk” means a substantial number of similar postal packets deposited with a universal postal service provider at the same place and time, to be transported and distributed to the addressees as marked on each of the postal packets;

“postal packets for the blind” means letters, large envelopes, packets and parcels (excluding foreign parcels) weighing no more than 7kg and containing material for the use of blind and partially-sighted persons;

“proof of delivery facility” means a postal service providing the sender with proof of the handing in of the postal packet and/or of its delivery to the addressee, for which an amount determined by the universal postal service provider is payable by the universal postal service provider to the sender or addressee in the event of theft or loss of or damage to the postal packet in the course of its transmission by post;

“re-direction” involves the delivery of a postal packet to its addressee at an address other than that shown on the postal packet;

“single piece service” means a postal service involving the transmission of individual postal packets to addressees where the postage paid by the senders is not subject to any discounts based upon:

- (a) the number of postal packets sent;
- (b) the substance, formatting or positioning of the address;
- (c) the use of markings to facilitate sorting by machines;
- (d) pre-sorting into geographical areas for delivery; or
- (e) an obligation to purchase any other postal service;

“track and trace” means a facility enabling a postal service user to monitor the progress of a postal packet through the postal network; and

“universal postal service provider” has the meaning set out in section 6(1) of the Act of 2011.

(2) A word or expression that is used in these Regulations and in the Act of 2011 has, except where the context otherwise requires, the same meaning in these Regulations as it has in the Act of 2011.

(3) In these Regulations:

- (a) a reference to a Regulation or a Schedule is to a Regulation of or Schedule to these Regulations, unless it is indicated that a reference to some other enactment is intended;

- (b) a reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended.

The Universal Postal Service

3. (1) The Commission, pursuant to section 16(9) of the Act of 2011, hereby specifies the following services to be provided by the universal postal service provider relating to the provision of the universal postal service:

- (a) A single piece service involving the clearance, sorting, transport and distribution of letters which:
- (i) has a transit time objective of $D + n$;
 - (ii) provides for the payment of postage by postage stamp, postal franking machine, or other reasonable methods;
 - (iii) provides for the provision of a certificate of posting on request where the postal packet is deposited at a post office; and
 - (iv) does not include any “value added” feature.
- (b) A single piece service involving the clearance, sorting, transport and distribution of large envelopes which:
- (i) has a transit time objective of $D + n$;
 - (ii) provides for the payment of postage by postage stamp, postal franking machine, or other reasonable methods;
 - (iii) provides for the provision of a certificate of posting on request where the postal packet is deposited at a post office; and
 - (iv) does not include any “value added” feature.
- (c) A single piece service involving the clearance, sorting, transport and distribution of packets which:
- (i) has a transit time objective of $D + n$;
 - (ii) provides for the payment of postage by postage stamp, postal franking machine, or other reasonable methods;
 - (iii) provides for the provision of a certificate of posting on request where the postal packet is deposited at a post office; and
 - (iv) does not include any “value added” feature.
- (d) A single piece service for the clearance, sorting, transport and distribution of parcels which:
- (i) has a transit time objective of $D + n$;

- (ii) provides for the payment of postage by postage stamp, postal franking machine, or other reasonable methods;
 - (iii) provides for the provision of a certificate of posting on request where the postal packet is deposited at a post office; and
 - (iv) does not include any “value added” feature.
- (e) A single piece service providing a “proof of delivery facility” for postal packets tendered to a universal postal service provider for transmission under any of the services listed at 3(1)(a) to 3(1)(d) inclusive, which:
- (i) provides for the payment of postage and proof of delivery by postage stamp, postal franking machine, or other reasonable methods; and
 - (ii) does not include provision of a track and trace facility or any other “value added” feature.
- (f) A single piece service for the insurance of postal packets tendered to a universal postal service provider for transmission under any of the services listed at 3(1)(a) to 3(1)(d) inclusive, provides for the payment of postage and insurance by postage stamp, postal franking machine, or other reasonable methods.
- (g) A single piece service provided free of charge to the postal service user for the transmission of “postal packets for the blind”.
- (h) A service for the clearance, transport and distribution of “postal packets deposited in bulk” for “delivery only”.
- (i) A service for the clearance, transport and distribution of foreign “postal packets deposited in bulk” pre-sorted by country of destination.
- (j) A service for the clearance, transport and distribution of “postal packets deposited in bulk” for “deferred delivery”.
- (k) A service for the sorting, transport and distribution of postal packets deposited with a universal postal service provider at an Office of Exchange within the State by the designated operator of a signatory to the Universal Postal Convention, acting as such, providing that:
- (i) the senders of the postal packets concerned are present in the territory of the relevant signatory to the Universal Postal Convention when the postal packets are deposited at an access point of the Designated Operator for transmission by post; and

(ii) when the signatory to the Universal Postal Convention is also a member State of the EU subject to compliance with section 29(1) of the Act of 2011.

(l) The following special facilities for the delivery of postal packets at the request of the addressee (provided that no abbreviated form of address, such as “PO Box NN”, shall be used without such additional information as to enable the sender to ascertain the location of the premises of the addressee):

(i) Private boxes and bags: providing at specified universal postal service provider premises for the rental of private boxes or bags into which postal packets may be placed, where such private boxes or bags may be called for by the addressee of such postal packets as are contained therein, or his or her agent, and further providing for the delivery of such private bags to addressees by officers of a universal postal service provider;

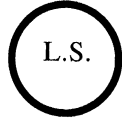
(ii) Redirection: providing, during a specified period of time, that all universal service postal packets bearing a specified address shall be delivered to a specified alternative address (“the redirection address”) at which the addressee is resident;

(iii) Poste restante: providing free of charge a facility for the address of any specified post office in the State to be used as an addressee’s postal address for three months, and for postal packets for that addressee to be held at that post office for three months for collection by the addressee, provided, in relation to any post office, that it is reasonable for the post office concerned to be used to provide the service;

(iv) Mailminder: a facility for the retention of universal service postal packets during the pre-notified absence of the addressee from his home or premises and subsequently the delivery on his return;

(v) Business Reply: the provision of a facility for an addressee to supply pre-printed envelopes or labels of a design specified by a universal postal service provider in its terms and conditions so that senders may deposit postal packets for transmission by services 3(1)(a) to 3(1)(f) inclusive without pre-payment of postage subject to confirmation by the addressee that he will pay the postage due thereon on delivery;

- (vi) Freepost: the provision of a facility for an addressee to authorise the inclusion of the word “FREEPOST” in his address so that senders may deposit postal packets for transmission by services 3(1)(a) to 3(1)(f) inclusive without pre-payment of postage subject to confirmation by the addressee that the addressee will pay the postage due thereon on delivery.



GIVEN under the Official Seal of the Commission for
Communications Regulation,
26 July 2012.

KEVIN O'BRIEN,
Commissioner.

For and on behalf of the Commission for Communications Regulation

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations specify the services that An Post, as the universal postal service provider designated by section 17 of the Communications Regulation (Postal Services) Act 2011 is obliged to provide. The Commission for Communications Regulation is making these Regulations under the powers conferred upon it by section 16(9) of the Communications Regulation (Postal Services) Act 2011.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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