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Law
to modernise postal law
(Postal Law Modernization Act — PostModG)*

From 15 July 2024

The Bundestag, with the consent of the Bundesrat, has passed the following law:

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Postal Act
(PostG)

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Article 1 of this law serves to implement Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of Community postal services and the improvement of quality of service, as amended by Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the completion of the internal market of Community postal services.

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§ 1

scope

(1) This law applies to all companies and persons who provide domestic or cross-border postal services within the scope of this law, as well as to other persons entitled and obliged under this law. This law applies to cross-border postal services unless international treaties and the laws and regulations issued for their implementation provide otherwise.

(2) The provisions of the Act against Restraints of Competition remain applicable. The tasks and powers of the antitrust authorities remain unaffected.

§ 2

Regulatory objectives

(1) The regulation of the postal sector is a sovereign task of the federal government.

(2) The objectives of the regulation are:

1. ensuring a comprehensive basic provision of postal services at affordable prices (universal service),
2. ensuring fair and effective competition in the postal sector markets, particularly in rural areas,
3. safeguarding the interests of customers, particularly consumers, in the postal sector,
4. the ecologically sustainable provision of postal services,
5. promoting fair and safe working conditions in the postal sector,
6. the protection of the interests of public security and postal secrecy and
7. Ensuring the supply of postal services in the event of crises and disasters.

§ 3

Definitions

1For the purposes of this Act:

1. 'persons involved in postal traffic' means natural or legal persons,
 - a) who conclude or have concluded a contract for postal services with a provider or
 - b) who use postal services, including recipients and substitute recipients,
2. "Provider" means natural or legal persons or partnerships with legal capacity who transport postal items commercially, unless they exclusively
 - a) transport their own consignments; Article 2(3) of Regulation (EU) 2018/644 of the European Parliament and of the Council of 18 April 2018 on cross-border parcel delivery services (OJ L 112, 2.5.2018, p. 19) shall apply accordingly;

- b) transport postal items and hold a permit pursuant to Section 3(2) of the Road Haulage Act or a Community licence pursuant to Article 4(1) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300 of 14.11.2009, p. 72), as last amended by Regulation (EU) 2020/1055 (OJ L 249 of 31.7.2020, p. 17), issued by a domestic authority,
3. "automated stations" means non-personnel-operated stationary facilities where postal items can be picked up or delivered,
 4. "transport" means the collection, sorting, forwarding or delivery of postal items to recipients,
 5. "area of delivery" means the processing steps from the last processing in a fixed facility of a provider to the delivery in accordance with Sections 12 and 13,
 6. "Letters" means addressed written communications, whereby books, catalogues and periodicals such as newspapers and magazines are not considered written communications, as are communications which do not identify the recipient by name but are merely provided with a collective designation of residence or place of business,
 7. 'Service provider' means any natural or legal person who commercially provides postal services or participate in the provision of such services,
 8. "Registered mail" means an addressed mail item which is insured against loss, theft or damage and which is delivered against confirmation of receipt,
 9. "Substitute recipient" means a person present in the premises of the recipient of a postal item and an immediate neighbour of the recipient of a postal item,
 10. "Branches" means personally operated stationary establishments in which contracts for postal services can be concluded or processed,
 11. "commercial provision of postal services" means the planned and permanent operation of the transport of postal items with or without the intention of making a profit,
 12. "dominant" means any undertaking which is to be regarded as dominant in the market pursuant to Section 18 of the Act against Restraints of Competition,
 13. 'Network access points' means branches, automated stations and postal mailboxes operated by providers,
 14. "Parcels" means addressed consignments weighing up to 31.5 kilograms, containing goods with or without commercial value,
 15. "Postal services" means the commercial transport of
 - a) Letters,
 - b) packages,
 - c) Consignments of goods or
 - d) Books, catalogues, newspapers or magazines, insofar as they are transported by providers who provide postal services for items referred to in points (a), (b) or (c),
 16. "Postal item" means an item within the meaning of number 15, even if it is transported commercially,
 17. 'universal service provider' means a provider who is obliged to provide all or part of the universal service pursuant to Section 15(2),
 18. 'Universal service branches' means branches within the meaning of point 10 in which contracts for universal services can be concluded or carried out,
 19. "Company" means the company itself or companies associated with it within the meaning of Section 36 Paragraph 2 of the Act against Restraints of Competition and companies merged with it within the meaning of Section 37 Paragraph 1 of the Act against Restraints of Competition,
 20. "Consignments of goods" means addressed consignments containing goods with or without commercial value, the weight of which does not exceed 2 kilograms, the length and width of which does not exceed DIN C4 format and the height of which does not exceed 5 centimeters,
 21. "Insured item" means an addressed item whose contents are insured against loss, theft or damage up to the value stated by the sender,
 22. "Newspapers and periodicals" means periodicals published to inform the public about current events, current affairs or technical issues through press reporting.

Chapter 2

Market access, market supervision

§ 4

Provider directory

(1) The Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railways (Federal Network Agency) maintains a digital directory of providers of postal services (provider directory). Postal services may only be provided by providers who are entered in the provider directory. A provider may only commission another provider to provide postal services if the commissioned provider is entered in the provider directory. The Federal Network Agency publishes the provider directory and updates it continuously.

(2) Anyone who intends to provide postal services must apply to the Federal Network Agency for entry in the provider directory before commencing their activity. The application is made using a digital procedure provided by the Federal Network Agency. The application is complete when all information and documents in accordance with Section 6 (1) to (3) have been received by the Federal Network Agency. The Federal Network Agency will confirm receipt of a complete application.

(3) Within four weeks of receipt of a complete application, the Federal Network Agency shall check whether there are grounds for refusing registration in accordance with paragraph 4. If there are no grounds for refusing registration, the Federal Network Agency shall enter the applicant in the list of providers. The provider shall be informed of the entry. If there are grounds for refusing registration, the Federal Network Agency shall refuse registration. If the deadline pursuant to sentence 1 has expired without an entry or refusal being made, the applicant shall be deemed to have been entered in the list of providers; the Federal Network Agency shall arrange for the entry immediately.

(4) Entry in the list of providers shall be refused if facts justify the assumption that

1. the applicant or a person entrusted with the management of the establishment or a branch does not possess the reliability required to carry out the activity of a postal service provider, in particular with regard to compliance with the rules on working conditions laid down in laws or regulations,
2. the applicant does not have the necessary skills or expertise to work as a postal service provider or
3. commencing the activity would endanger public safety or order.

(5) The registration shall be withdrawn if it subsequently becomes known that the registration should have been refused. The registration shall be revoked if reasons under paragraph 4 subsequently arise which would have led to the refusal of the registration. Paragraph 6, sentence 2 shall apply accordingly in the cases of sentences 1 and 2.

(6) If a provider terminates its activity as a provider of postal services, it shall immediately inform the Federal Network Agency. The Federal Network Agency shall delete the provider from the list of providers. Sentence 2 shall also apply if the entry pursuant to paragraph 5 has been withdrawn or revoked or if the termination of a provider's activity has been established without the provider having made a notification pursuant to sentence 1.

§ 5

Reliability, performance, expertise

(1) The reliability required under Section 4 paragraph 4 number 1 is generally not present if

1. the applicant or a person entrusted with the management of the business or a branch has been sentenced to a term of imprisonment for attempting or completing a crime within the meaning of Section 12 Paragraph 1 of the Criminal Code or one of the crimes listed below within the last five years before submitting the application under Section 4 Paragraph 2, a youth sentence, even if its imposition has been suspended, a fine of at least 90 daily rates or at least twice to a lower fine, if five years have not yet elapsed since the last first-instance conviction became final and ten years have not yet elapsed since the penultimate first-instance conviction became final:
 - a) Sections 15 or 15a of the Temporary Employment Act,
 - b) Section 23 of the Working Hours Act,
 - c) §§ 10, 10a or 11 of the Act to Combat Illegal Employment,
 - d) Sections 202, 206, 263, 266a or 267 of the Criminal Code.

2. against the applicant or a person entrusted with the management of the business or a branch in the last five years prior to the submission of the application under Section 4 Paragraph 2, at least two for applicants with up to ten employees, at least ten for applicants with up to 250 employees, at least 20 for applicants with up to 500 employees and at least 25 for applicants with more than 500 employees, unappealable fine decisions have been made for one of the following:

listed administrative offences in –e of at least 1 500 euros each:

- a) Section 23 of the Posted Workers Act,
- b) Section 16 of the Temporary Employment Act,
- c) Section 25 of the Occupational Safety and Health Act,
- d) Section 22 paragraph 1 numbers 1 to 7, 9 or 10 of the Working Hours Act,
- e) Section 21 of the Minimum Wage Act,
- f) Section 8 paragraph 1 number 2, paragraphs 2 to 4 of the Act to Combat Illegal Employment,
- g) Section 404 paragraph 1 or paragraph 2 number 4 of the Third Book of the Social Code,
- h) Section 209 paragraph 1 numbers 1 to 7, 8, 9 or paragraph 2 of the Seventh Book of the Social Code,
- i) Section 111 of this Act,

3. the applicant or a person entrusted with the management of the establishment or a branch in seriously or repeatedly violated the provisions of this Act in the last five years prior to the submission of the application under Section 4 Paragraph 2

and the violations have been confirmed by final decisions of the

Federal Network Agency.

In individual cases, an overall assessment of circumstances not mentioned in sentence 1 and which in their a comparable weight to that given to the circumstances referred to in sentence 1, the assumption justify that the applicant does not have the necessary reliability.

(2) The performance capacity required under Section 4 Paragraph 4 Number 2 is possessed by anyone who has the financial and production resources required to provide the respective postal services and the personnel required for this purpose.

permanently and offers the guarantee of a provision of the respective postal services in accordance with postal law. In addition to the financial resources sufficient for the respective business model, the operating premises and vehicles required for the postal transport as well as a A sufficient number of employees must be available, in particular to ensure the legal transport of packages weighing more than 20 kilograms in the case of Section 73 Paragraph 2.

(3) The professional qualification required under Section 4 Paragraph 4 Number 2 is possessed by anyone who has the necessary knowledge, Has experience and skills in the provision of postal services, and is particularly familiar with the practical procedures and legal bases, including with regard to postal secrecy and postal data protection.

§ 6

Application

(1) When submitting an application pursuant to Section 4(2), the following information must be submitted:

1. Information on natural persons, including persons charged with managing the business or a branch office. persons; if the application is made for a legal entity, details of the identity of each legal Representative, in the case of partnerships, details of each partner appointed to manage the business:

- a) Surname, birth name, previous names, first names,
- b) Date of birth, place of birth, country of birth.
- c) Nationalities,
- d) Registration address consisting of street, house number, zip code, city, state,
- e) telephone number, email address,
- f) Company address as well as address of branches and dependent branches, each consisting of street, house number, postal code, town, state,

2. Information on legal entities:

- a) Name and legal form of the company,
- b) after giving the number 1, the personal data of the person or persons appointed to represent,
- c) Entry in the commercial, company, cooperative or association register, registration court and number the registration,
- d) Address of the head office and other business premises, stating street, house number, Zip code, city, state,
- e) telephone number, email address,

3. Information on the type and area of activity,
4. Information about persons or companies on whose behalf the activity is carried out.

Any changes to the information referred to in sentence 1 must be communicated to the Federal Network Agency immediately.

(2) In addition to the information referred to in paragraph 1, the following information and evidence shall be submitted with the application referred to in Section 4 paragraph 2:

1. the receipt of the business registration according to Section 15 paragraph 1 of the Trade Regulation Act,
2. a current statement from the debtors' register,
3. a certificate in tax matters from the tax office and the municipal tax office, in the case of legal entities from the legal representative, in the case of partnerships from each partner appointed to manage the business, and
4. a declaration regarding pending criminal and investigative proceedings, in the case of legal entities, of all legal representatives, in the case of partnerships, of each partner appointed to manage the business.

In addition, the applicant must provide information with the application pursuant to Section 4 Paragraph 2,

1. Production equipment, especially vehicles, and
2. the number of employees and the essential contractual conditions of the employment relationships, in particular remuneration and working hours.

(3) In addition, a certificate of good conduct for the natural person or, in the case of legal persons, for all legal representatives or shareholders appointed to manage the business, or a corresponding document from abroad, must be submitted to the Federal Network Agency for submission to an authority in accordance with Section 30(5) of the Federal Central Register Act.

(4) Paragraphs 2 and 3 shall not apply to applicants who provide evidence to the Federal Network Agency that they have one of the following entitlements:

1. a permit pursuant to Section 3 Paragraph 2 of the Road Haulage Act or
2. a Community licence pursuant to Article 4(1) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72), as last amended by Regulation (EU) 2020/1055 (OJ L 249, 31.7.2020, p. 17), and which has been issued by a domestic authority.

Paragraph 2, sentence 1 and paragraph 3 shall not apply to applicants who provide evidence to the Federal Network Agency that they have a certificate of reliability from an accredited body pursuant to Section 9, paragraph 1, which is not older than twelve months.

(5) Applicants who are not domiciled in Germany must submit to the Federal Network Agency documents and information corresponding to those listed in paragraph 2, sentence 1, numbers 1 to 5. Paragraph 4 remains unaffected.

§ 7

Verification of registered providers

(1) After entry in the provider directory, the Federal Network Agency will check providers if it becomes aware of facts that justify the assumption that the provider meets the requirements for refusal of entry under Section 4 Paragraph 4 or that the provider violates the provisions of this law. For checks pursuant to sentence 1, the Federal Network Agency also uses the information it obtains as a complaints office pursuant to Section 74.

(2) The Federal Network Agency carries out random checks on providers, even if there are no facts within the meaning of paragraph 1 sentence 1. It can restrict the checks pursuant to sentence 1 to certain geographical areas, certain activities or certain providers on the basis of the findings obtained.

(3) If the Federal Network Agency finds that there is a violation of the provisions of this Act, it will proceed in accordance with Section 89.

(4) The Federal Network Agency may carry out inspections pursuant to paragraph 1 or 2 in cooperation with other authorities, in particular with the customs authorities. If, during inspections pursuant to paragraph 1 or 2, the Federal Network Agency becomes aware of facts which justify the assumption that criminal offences or administrative offences within the meaning of Section 5 paragraph 1 numbers 1 or 2 are being or have been committed, it shall inform the authorities responsible for prosecuting these criminal offences or administrative offences.

(5) In the activity report pursuant to Section 84 Paragraph 1, the Federal Network Agency reports in anonymised form on the main results of its audits pursuant to Paragraphs 1 and 2.

§ 8

Consequences of deletion and refusal of registration

(1) If a provider has been refused entry in the provider directory pursuant to Section 4 Paragraph 4 Number 1 or has been deleted from the provider directory due to a decision pursuant to Section 4 Paragraph 5 due to unreliability pursuant to Section 4 Paragraph 4 Number 1, the Federal Network Agency shall inform the registration authority pursuant to Section 149 Paragraph 3 Sentence 1 of the Trade Regulations.

(2) In the cases referred to in paragraph 1, a new application for entry in the provider directory can only be granted if the reason for the deletion or refusal of entry no longer applies. Within one year of deletion or refusal of entry, a new application for entry can only be granted for special reasons.

§ 9

Responsibility of clients, regulatory authority

(1) A provider who, as the client, commissions another provider to provide parcel services must, for the first time within three months of the start of the contract, inspect the commissioned provider with regard to compliance with the requirements for the required reliability pursuant to Section 4 Paragraph 4 Number 1 or have it inspected by a conformity assessment body in accordance with **DIN EN ISO/IEC 17065**, January 2013 edition, which has been accredited for the technical scope of this law by the national accreditation body in accordance with Section 1 Paragraph 1 of the *AkkStelleG-Beleihungsverordnung* of 21 December 2009 (BGBl. I p. 3962), which was last amended by Article 273 of the Ordinance of 19 June 2020 (BGBl. I p. 1328). From the completion of the initial review, the provider pursuant to sentence 1 must review the commissioned provider pursuant to sentence 1 or have it reviewed again pursuant to sentence 1 within twelve months during the period of the assignment.

(2) The obligation under paragraph 1 also applies to a commissioned provider if he in turn commissions another provider to fulfil the contract. At the time of the inspection of a commissioned provider under paragraph 1, obligated parties under paragraph 1 must have proof of the inspection under sentence 1 presented to them for all providers commissioned directly or indirectly by that provider who are used to fulfil the contract.

(3) Authorised suppliers are obliged to provide or have provided to the ordering supplier or the conformity assessment body appointed by the latter the information and documents required for the verification pursuant to paragraphs 1 and 2 in conjunction with the legal order pursuant to paragraph 4.

(4) Without prejudice to the checks pursuant to paragraph 1, providers pursuant to paragraph 1 must ensure through ongoing checks that commissioned providers in the area of delivery comply with the statutory requirements regarding working hours, payment of wages and payment of social security contributions. Commissioned providers must for this purpose provide the obligated parties pursuant to sentence 1 or the conformity assessment bodies commissioned by them pursuant to paragraph 1 with the necessary information upon their request. For the check pursuant to sentence 1, it is generally sufficient for the obligated party pursuant to sentence 1 or the conformity assessment body commissioned by it pursuant to paragraph 1 to carry out a plausibility check of the data submitted pursuant to sentence 2 using data and information available to the obligated party that was recorded in their own systems, in particular data and information related to the planning and implementation of journeys and routes as well as data on the delivery of parcels.

(5) The Federal Ministry for Economic Affairs and Climate Protection is empowered to issue a legal order, which does not require the approval of the Federal Council, in agreement with the Federal Ministry of Labour and Social Affairs and the Federal Ministry of Finance, each limited to their respective areas of expertise, to determine details of the verification procedures pursuant to paragraphs 1, 2 and 4 and the conformity assessment procedure in accordance with **DIN EN ISO/IEC 17065**, January 2013 edition, pursuant to paragraph 1. In particular, it stipulates:

1. which of the provisions listed in Section 5 Paragraph 1 Sentence 1 Numbers 1 and 2 and punishable by fine or penalty are to be checked for compliance by commissioned providers within the framework of the inspection pursuant to Paragraphs 1 and 2,
2. what requirements are to be met for the checks pursuant to paragraphs 1 and 2 and the evidence that the contracted provider must submit to the contracting provider or the conformity assessment body pursuant to paragraph 3 and
3. what requirements are to be imposed on the controls pursuant to paragraph 4, in particular with regard to their frequency, the evidence to be provided by the commissioned provider and the plausibility checks to be carried out by the commissioning provider.

It must be ensured that the requirements laid down in the legal regulation are consistent with the requirements of other laws that provide for the verification of commissioned providers.

(6) At the request of the Federal Network Agency, those obliged under paragraphs 1 and 2 must submit evidence of the implementation and results of the checks.

(7) The standard DIN EN ISO/IEC 17065, January 2013 edition, was published by Beuth-Verlag GmbH, Berlin and Cologne, and can be obtained from there. It is archived at the German Patent and Trademark Office in Munich.

§ 10

Branches and automated stations

(1) If providers operate branches or automated stations, they shall submit the following information on these facilities electronically to the Federal Network Agency by 1 January and 1 July of each year:

1. the address of the facility consisting of street, house number, postal code, town,
2. the operator of the facility in the form of the information specified in Section 6 Paragraph 1 Number 1 Letters a, d and e; in the case of legal persons in the form of the information specified in Section 6 Paragraph 1 Number 2 Letters a, b, d and e, whereby Section 6 Paragraph 1 Number 2 Letter b applies with the proviso that only the information specified in Section 6 Paragraph 1 Number 1 Letters a, d and e is referred to,
3. the type of facility.

If providers operate branches or automated stations on behalf of another provider, the information pursuant to sentence 1 shall be transmitted exclusively by the provider on whose behalf the branch or automated station is operated.

(2) The Federal Network Agency shall determine by general order the form and technical format in which the information is to be transmitted.

(3) The provisions of Sections 4 to 9 shall not apply to providers who operate exclusively branches or automated stations. Without prejudice to sentence 1, the Federal Network Agency may publish the information reported under paragraph 1 in the provider directory.

Chapter 3

Quality of care and universal service

Section 1

General guidelines on the quality of care

§ 11

Digital Atlas of Postal Services, Regulatory Authorization

(1) The Federal Network Agency maintains a digital atlas on postal services. The digital atlas serves to provide transparency for users with regard to the available acceptance and delivery structures, including the respective product range and the collection, processing and publication of postal infrastructure data by the Federal Network Agency. The Federal Network Agency makes the digital atlas available on the Internet free of charge.

(2) The digital atlas contains information on

1. the network access points available to users, including information on the respective product range, operating and emptying times and accessibility, and
2. the delivery areas served by the respective providers.

(3) Providers are obliged to provide the Federal Network Agency with the information pursuant to paragraph 2 upon request. The Federal Network Agency may issue a general decree specifying the form, technical format and level of detail in which the information pursuant to paragraph 2 is to be provided and the time intervals at which the information is to be updated. As far as possible, the Federal Network Agency will use the data provided to it pursuant to Section 10 paragraph 1.

(4) After issuing the legal order pursuant to paragraph 5, the Federal Network Agency shall be empowered to pass on the data collected for the purposes of paragraph 2 electronically to providers of information services for consumers and other users. When publishing or passing on this data, the providers of information services must comply with the requirements set out in the legal order pursuant to paragraph 5. The Federal Network Agency shall be empowered to refrain from passing on the data if these requirements are not complied with.

(5) The Federal Ministry for Economic Affairs and Climate Protection shall be empowered to issue, by means of a legal order which does not require the approval of the Bundesrat, specifications on the obligation to transmit data pursuant to paragraph 3 and on the forwarding of data pursuant to paragraph 4, in particular on

1. further information that is processed in the context of the digital atlas beyond the requirements of Section 10 paragraph 1 and passed on in accordance with paragraph 4,
2. the requirements for providers of information services to consumers and other users referred to in paragraph 4.
3. Content, type, form and extent of the transfer of data by the Federal Network Agency to the providers pursuant to paragraph 4 and
4. Content, type, form and extent of publication or dissemination of data to consumers and other users by the providers of information services pursuant to paragraph 4.

The Federal Ministry for Economic Affairs and Climate Protection may transfer the authorization pursuant to sentence 1 to the Federal Network Agency by means of a legal order.

§ 1 2

Delivery of letters

(1) Providers must deliver letters to the address stated in the address by placing them in a device intended for the recipient and with sufficient capacity for receiving letters or by handing them over to the recipient. If delivery according to sentence 1 is not possible, the mail item should be handed over to a substitute recipient if possible, unless the sender or recipient has instructed otherwise.

(2) If a letter cannot be delivered or handed over in accordance with paragraph 1 and no further delivery attempt is made, the provider must inform the recipient of the unsuccessful delivery attempt and request that the letter be picked up at the nearest deposit location. The provider must keep the letter available for collection at the deposit location for at least seven working days. Letters that are not picked up within seven working days of being deposited must be returned to the sender, unless the sender has agreed otherwise with the provider. Sentence 3 also applies to letters that are ultimately undeliverable.

(3) Paragraphs 1 and 2 do not apply if the recipient has agreed with the provider that he will collect the mail. A provider who provides formal deliveries in accordance with Section 61 may only agree with the recipient to collect mail if the recipient has provided evidence of a deliverable address in the event of formal delivery.

(4) As long as the recipient's address can only be reached with disproportionate difficulty or there is no suitable and accessible facility for receiving mail, the recipient may be excluded from delivery. The recipient concerned must be informed of the intended exclusion.

(5) Paragraphs 1 to 4 shall apply accordingly to consignments of goods, books, catalogues, newspapers and magazines, provided that they are postal services.

§ 1 3

Delivery of parcels

(1) Providers must deliver packages to the address stated in the address by handing them over to the recipient, unless it has been agreed that the provider will make the shipment available for collection by the recipient at a facility operated by them or on their behalf. If delivery according to sentence 1 is not possible, the shipment should be handed over to a substitute recipient if possible, unless the sender or recipient has instructed otherwise.

(2) By way of derogation from paragraph 1 sentence 1, service

1. at the address indicated in the address by placing it in a device for receiving parcels provided by the recipient or available to the recipient and with sufficient capacity,
2. to a provider-neutral automated station for receiving packages, for the use of which the provider incurs no additional costs, or
3. in any other way, such as by depositing it in a particular place or by handing it over to a particular person,

to be carried out if, in the cases of numbers 1 and 2, there are corresponding instructions from the recipient or, in the case of number 3, a corresponding agreement has been made between the recipient and the provider. If delivery according to sentence 1 cannot be made for reasons beyond the control of the provider, the package can be delivered according to paragraph 1.

(3) If a parcel cannot be delivered or made available for collection in accordance with paragraph 1 or 2 and no further delivery attempt is made, the provider must inform the recipient of the unsuccessful delivery attempt and request that the parcel be collected from the nearest deposit location. The provider must keep the shipment available for collection at the deposit location for at least seven working days. The provider must give the recipient the opportunity to object to the deposit in an automated station that can only be used with the recipient's own technical equipment, either for this individual case or permanently; the information pursuant to sentence 1 must inform the recipient of the right of objection and contain the contact details of the provider for exercising this right. Parcels that were made available for collection and not collected must be returned to the sender, unless the sender has agreed otherwise with the provider. Sentence 4 also applies to parcels that are ultimately undeliverable.

§ 1 4

Reporting defects

(1) Anyone is entitled to report deficiencies to the Federal Network Agency that affect the quality of postal services and the guarantee of nationwide provision of postal services. The Federal Network Agency provides a digital platform for this purpose.

(2) The Federal Network Agency regularly publishes information on the volume of complaints and the main reasons for complaints.

Section 2

Ensuring comprehensive coverage

§ 1 5

Universal service

(1) The universal service shall ensure an adequate and sufficient provision of postal services at affordable prices throughout the Community.

(2) In order to provide the universal service in accordance with the provisions of this Section, providers shall be required to:

1. who have previously provided universal services in accordance with the Postal Universal Services Ordinance of 15 December 1999 (BGBl. I p. 2418) without notification in accordance with Section 56 of the Postal Services Act of 22 December 1997 (BGBl. I p. 3294),
2. who have made a corresponding declaration of commitment to the Federal Network Agency,
3. who have made a declaration in accordance with Section 26 Paragraph 1 Sentence 2,
4. to which universal services have been awarded in a tendering procedure pursuant to Section 27 paragraph 2 or
5. who have been obliged pursuant to Section 26 Paragraph 2 or 3.

The obligation under sentence 1 numbers 2 to 5 may be limited to individual areas of the universal service specified in section 16 paragraph 1 sentence 1 numbers 1 to 4.

(3) If a universal service provider intends to no longer provide universal services which it is obliged to provide under paragraph 2 sentence 1 numbers 1 to 3, to no longer provide them in full or to provide them under less favourable conditions than those provided for in this Section, it shall notify the Federal Network Agency of this six months before the start of the service restriction.

(4) Customers have a right to the provision of universal services from a universal service provider within the framework of the law and the general terms and conditions. Universal service providers must make universal services available to all users on the same terms unless different terms are objectively justified.

§ 1 6

Universal services

(1) Universal services shall mean the following postal services, regardless of the type of franking:

1. the carriage of letter items weighing up to 2 000 grams, the weight of which does not exceed the weight laid down in the Universal Postal Convention and the corresponding implementing regulations, including partial services within the meaning of Section 54 paragraph 1, which are offered nationwide under standardised conditions due to legal obligation,

2. the transport of addressed parcels whose individual weight does not exceed 20 kilograms and whose dimensions do not exceed the dimensions laid down in the Universal Postal Convention and the corresponding implementing regulations,
3. the transport of goods, books, newspapers and magazines as well as
4. the formal service of documents in accordance with the provisions of the procedural rules and the laws governing administrative service.

Universal services pursuant to sentence 1 numbers 1 and 2 also include registered mail and insured mail. Universal service providers must provide users with information on tracking shipments, provided that the universal service provider has this information.

(2) The transport of

1. Letters that are transported at the individual postage rate to higher quality specifications than the standard service, with the exception of letters pursuant to Section 18 Paragraph 4,
2. Parcel shipments that are transported at rates that differ from the individual shipment rate for certain customer groups, in particular for business customers and bulk senders. and
3. broadcasts,
 - a) which are transported under individually agreed conditions,
 - b) which serve advertising purposes and are promoted for a special fee,
 - c) which require special operational treatment due to their content or size,
 - d) whose content or external characteristics may cause injury to persons or damage to property,
 - e) whose content, external design or promotion violates criminal law provisions or
 - f) whose external design is racist or discriminates based on gender, ethnic origin, nationality, religion or belief, disability, age or sexual orientation.

(3) Universal service providers providing universal services in accordance with paragraph 1(1) shall

1. at the request of the recipient for a period of up to six months,
2. to be stored for a period of up to four weeks at the request of the recipient,
3. which are marked with the collection indication "Poste restante" must be kept available for collection for a period of at least seven working days.

(4) The universal service shall include both domestic and cross-border services. The provisions of the Designated Operator Licensing Ordinance remain unaffected.

§ 17

Infrastructure requirements

(1) There must be at least 12,000 universal service branches nationwide. They must be open every working day, depending on demand. In all municipalities and in contiguous residential areas with more than 2,000 inhabitants, a universal service provider must operate at least one universal service branch. Sentence 3 also generally applies to municipalities that have a central function according to regional planning regulations. In contiguous residential areas with more than 4,000 inhabitants, it must be guaranteed that a universal service branch can be reached within a maximum of 2,000 meters. In all rural districts, a universal service provider must operate at least one universal service branch for every 80 square kilometers. All other locations must be served by a mobile postal service. In the event of changes to the number of universal service branches, the universal service provider must consult the relevant local authority at least ten weeks before the measure is taken.

(2) By way of derogation from paragraph 1, the Federal Network Agency may, in consultation with the relevant local authority, authorize automated stations instead of universal service branches if these are barrier-free and allow use without the need for technical equipment. In doing so, it shall take particular account of

1. local demand for postal services,
2. the possibility of establishing a universal service branch within the meaning of paragraph 1, and
3. the adequate and sufficient availability of universal service branches across the country, particularly in rural areas.

After two years have passed since the approval of an automated station in an individual case, the Federal Network Agency will review the approval decision if the local authority concerned requests this and makes it credible in the application that the requirements of sentences 1 and 2 no longer apply. By general order, the Federal Network Agency can, after consulting the parties concerned, in particular the municipal associations, specify the more detailed conditions under which it will approve automated stations in accordance with sentence 1. In particular, it can specify the requirements of sentences 1 and 2.

(3) There must be sufficient post boxes so that customers in built-up residential areas do not normally have to walk more than 1,000 metres to reach a post box. They must be emptied every working day and, as required, every Sunday and public holiday. The emptying times must be geared to the needs of the economy, in particular of consumers. The emptying times must be indicated on the post boxes.

(4) The Federal Network Agency may use the indefinite terms

1. in line with demand within the meaning of paragraph 1 sentence 2,
2. needs-based within the meaning of paragraph 3 sentence 2 and
3. Needs of economic life, in particular of consumers, within the meaning of paragraph 3 sentence 3

after consulting the parties concerned and in consultation with the Federal Ministry for Economic Affairs and Climate Protection and the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection, by means of a general decree. In doing so, it takes into account the interests of various user groups.

(5) In agreement with the local authority concerned, the requirements of paragraph 1 sentences 3 to 5 and paragraph 3 sentence 1 may be deviated from in individual cases if this corresponds to the needs of the local users.

(6) After five years from 19 July 2024, the Federal Network Agency shall evaluate the requirements of paragraph 2. In doing so, it shall take into account the state of technical development of automated stations and the development of customer needs over the past five years. On the basis of the evaluation, the Federal Network Agency shall submit a report to the Federal Ministry for Economic Affairs and Climate Protection, which shall also comment on the question of adapting the requirements of paragraph 2. Section 24 shall remain unaffected.

§ 18

Runtime specifications

(1) Universal service providers shall be required to collect data on the

1. domestic mail and
2. domestic packages

On average over the year, at least 95 percent of the items will be delivered on the third working day following the day of posting and 99 percent on the fourth working day following the day of posting.

(2) For cross-border letter and parcel traffic with Member States of the European Union, the quality criteria laid down in Annex II to Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ L 15, 21.1.1998, p. 14), as last amended by Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 (OJ L 52, 27.2.2008, p. 3), shall apply. If Annex II to Directive 97/67/EC is amended, the quality criteria in the amended version shall apply from the first day of the third month following publication of the amendment.

(3) Consignments of goods, books, newspapers and magazines shall be transported as required within the limits of what is operationally reasonable. Newspapers and magazines published daily and weekly shall, as a rule, be delivered on the day of publication if they are made available to the universal service provider in good time in accordance with its operational procedures.

(4) Official election and voting documents marked as such which are sent for the purpose of conducting state and local elections and votes shall be delivered by the second working day following the day on which they are posted.

§ 19

Delivery frequency

Delivery must take place on working days.

§ 20

Reporting obligation, runtime measurement

(1) Universal service providers shall report annually on compliance with the requirements of this Section. The report must be submitted to the Federal Network Agency in electronic form by 31 March of the following year.

(2) The Federal Network Agency shall check the delivery time specification for letter mail pursuant to Section 18 Paragraph 1 Number 1 by means of regular delivery time measurements taking into account generally accepted standards. It may check the delivery time specification for parcels pursuant to Section 18 Paragraph 1 Number 2 by means of delivery time measurements if it becomes aware of facts which indicate that the specification is not being complied with. Universal service providers are obliged to provide the Federal Network Agency with the information required for delivery time measurements upon request and to make data and results of their own delivery time measurements available for plausibility checks.

§ 21

Affordability of universal services

(1) The prices for universal services pursuant to Section 16(1)(1) in the single-item tariff shall be deemed to be affordable if the average expenditure per private household for these universal services does not exceed the real average expenditure per household in 2023 for these universal services.

(2) Fees for universal services that do not fall under paragraph 1 are deemed to be affordable if they have been approved by the Federal Network Agency on the basis of the costs of efficient service provision. If the fees are not subject to the fee approval requirement, Section 49 shall apply accordingly.

(3) To the extent that this is necessary for reasons of public interest, in particular to ensure equivalent supply, especially in rural areas, the Federal Network Agency may, within the framework of tariff decisions pursuant to Chapter 5 Section 2 for universal services, order that a uniform tariff be applied.

§ 22

Ensuring universal service

(1) If the Federal Network Agency finds that a universal service provider is continuously, repeatedly or seriously failing to fulfil its obligations under this section, the Federal Network Agency can, after consultation, order the necessary measures to ensure compliance with the requirements of this chapter. In particular, in the cases of Section 17 Paragraph 1 Sentences 3 to 6, it can order the operation of a universal service branch or an automated station unless the universal service provider proves that the requirements of Section 17 Paragraph 1 Sentences 3 to 5 have been deviated from in agreement with the local authority. The provider concerned must be given a reasonable deadline to implement the order. When issuing measures under Sentence 1, the Federal Network Agency must take into account the respective supply situation and the demand for universal services.

(2) To enforce orders pursuant to paragraph 1 sentence 1, a penalty of up to 10 million euros can be imposed in accordance with the Administrative Enforcement Act. The penalty can be imposed multiple times.

§ 23

Testing new models of postal service

(1) The Federal Network Agency shall permit deviations from the requirements of this section and of Section 1 in order to test new models for the provision of postal services, in particular barrier-free, sustainable, digital, automated or mobile models, provided that these are compatible with the objectives of Section 2 Paragraph 2 and do not conflict with other public interests. The initial testing shall be limited to a period of up to three years. If the original approval conditions continue to apply and models have proven successful in testing, the Federal Network Agency may permit their retention for a further period of two years under the conditions of Section 17 Paragraph 5.

(2) A universal service provider must apply to the Federal Network Agency for the testing of a new model. The Federal Network Agency shall determine, at its sole discretion and on a case-by-case basis, what information and documents the universal service provider must provide in order to enable a decision to be made in accordance with paragraph 1.

(3) The universal service provider must report to the Federal Network Agency at regular intervals on the status and experience as well as the achievement of the objectives of the trial. Without prejudice to Section 24, the Federal Network Agency shall send the Federal Ministry for Economic Affairs and Climate Protection a report at regular intervals on the main results of the trials, in particular with regard to any possible need to adapt this law with the aim of appropriately taking into account and making use of new models of postal service.

(4) The requirements of Section 18 Paragraph 1 cannot be deviated from when testing new models pursuant to Paragraph 1. The possibility of deviating from the requirements of Section 17 Paragraph 1 Sentences 3 to 5 and Section 17 Paragraph 3 Sentence 1 pursuant to Section 17 Paragraph 5 remains unaffected.

(5) Under the conditions laid down in paragraphs 1 to 3, the Federal Network Agency may also permit providers who are not universal service providers to deviate from the requirements of sections 12 and 13.

§ 24

Evaluation of the universal service

(1) Three years after the entry into force of this Act and every three years thereafter, the Federal Ministry for Economic Affairs and Climate Protection shall submit a report on the situation regarding the provision and the need for further development of the universal service. The report shall contain in particular:

1. an examination of the costs of universal service provision, allocating specific costs to individual universal service objectives and taking into account the material and intangible benefits associated with the fulfilment of the universal service objectives,
2. an investigation into the general demand for universal services, including an analysis of the specific needs and willingness to pay of users,
3. an assessment of the applicable universal service requirements, taking into account the findings from the investigations under numbers 1 and 2 and the knowledge gained in the application of Section 23 and the current state of technical and social development, and
4. concrete proposals for adapting the legal requirements of this section and section 3 as required.

Providers of universal services are obliged to prepare the cost data relevant for the investigation under number 1 for the Federal Ministry for Economic Affairs and Climate Protection and the Federal Network Agency; the provisions of Section 52 paragraphs 1 and 3 apply accordingly.

(2) On the basis of the report of the Federal Ministry for Economic Affairs and Climate Protection pursuant to the first sentence of paragraph 1, the Federal Government shall submit to the legislative bodies, within six months of its submission, concrete proposals for adapting the statutory requirements of this Section and Section 3 to meet their needs.

§ 25

Harmonization of technical standards

Universal service providers must apply the standards published in the Official Journal of the European Communities pursuant to Article 20 of Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service ([OJ EC](#) 1998 No. L 15 p. 14). The Federal Network Agency may allow exceptions to this.

Section 3

Restoration of universal service

§ 26

Imposition of universal service obligations

(1) If it is established or there are concerns that a universal service is not being provided sufficiently or appropriately, the Federal Network Agency shall publish a corresponding determination. It shall announce that it will proceed in accordance with paragraphs 2 and 3 and sections 27 and 28 unless a company declares its willingness to provide the universal service without compensation in accordance with section 28 within one month of publication.

(2) After expiry of the period specified in paragraph 1 sentence 2, the Federal Network Agency may oblige a company to provide the universal service. The obligation may only be imposed on a company that provides postal services on the relevant or adjacent market and has a market share of more than 15 percent on this market.

(3) If several companies meet the requirements for an obligation under paragraph 2, the Federal Network Agency may, after consulting the companies in question, oblige one or more of these companies to provide the universal service. In making the decision under sentence 1, the Federal Network Agency shall take into account

1. the market position and financial performance of the companies,
2. the type and scope of postal services previously offered by the companies on the market and
3. the nature and extent of the infrastructure facilities operated by the companies.

Such an obligation must not unfairly disadvantage the obligated undertakings in relation to other undertakings.

(4) Undertakings called upon to provide universal services in accordance with paragraph 2 or 3 or Section 27 paragraph 2, as well as other universal service providers in accordance with Section 15 paragraph 2, may be obliged to cooperate by the Federal Network Agency to the extent that this is necessary to ensure a comprehensive, appropriate and sufficient provision of postal services at affordable prices in accordance with Section 16 paragraph 1. Section 57 shall apply accordingly. The Federal Network Agency may stipulate the terms of cooperation in accordance with Section 57 paragraph 3 and make them legally binding even if the obliged undertakings do not enter into negotiations or refrain from doing so in the event of a failure to reach agreement. to call on the Federal Network Agency.

§ 27

Tendering of universal services

(1) If a company that is to be obliged to provide a universal service in accordance with Section 26 Paragraph 2 or 3 makes it credible that the obligation is associated with net costs within the meaning of Section 28 Paragraph 2 that represent a disproportionate financial burden for it, for which it could demand compensation in accordance with Section 28, the Federal Network Agency must put the service causing the disadvantage out to tender. A tender in accordance with sentence 1 must also be carried out if an obligation in accordance with Section 26 Paragraphs 2 and 3 is not possible. The Federal Network Agency can refrain from issuing a tender if, after completion of an expression of interest procedure, holding a tender does not appear appropriate.

(2) The service put out to tender shall be awarded to the candidate who proves to be suitable and who requests the least financial compensation for providing the universal service in accordance with the provisions of Section 2.

(3) Before issuing a tender for a universal service in accordance with paragraph 1, the Federal Network Agency must specify in detail which universal service is to be provided in which area or at which location and the criteria according to which the required suitability of the provider is to be assessed. The suitability of the company should be determined on the basis of reliability, performance and expertise as well as the specific infrastructure and business plans. It must also specify the rules for conducting the tendering process in detail; these must be objective, comprehensible and non-discriminatory.

(4) If no suitable applicant can be identified through the tendering procedure, the Federal Network Agency shall require the undertakings identified pursuant to Section 26 Paragraph 2 or the undertakings identified pursuant to Section 26 Paragraph 3 to provide the universal service in accordance with the provisions of Section 2.

§ 28

Compensation for universal services

(1) An undertaking which has been subject to an obligation pursuant to Section 26(2) or (3) or Section 27(4) shall, upon application to the Federal Network Agency, receive financial compensation if the obligation entails net costs within the meaning of paragraph 2 which represent a disproportionate financial burden for the universal service provider.

(2) The Federal Network Agency calculates the net costs as the difference between the costs of the obligated company for operation without a universal service obligation and the costs of operation in compliance with the universal service obligation. In doing so, the benefits and income of the company as a result of the provision of universal services, including intangible benefits, must be taken into account.

(3) In order to calculate the net costs, the Federal Network Agency can request the necessary documents from companies obliged to provide the universal service. On the basis of the documents submitted, the Federal Network Agency checks in particular the necessity of the costs claimed for the provision of the service.

(4) In the case of a tender pursuant to Section 27, the Federal Network Agency shall grant compensation in the amount of the compensation amount claimed in the tender procedure.

(5) If the compensation payment has to be notified in accordance with Article 108(3) of the Treaty on the Functioning of the European Union, the compensation will only be granted after approval under state aid law by the European Commission.

(6) Compensation shall be granted after the end of the calendar year in which a deficit in the provision of the universal service occurs.

§ 29

Compensation levy

(1) If the Federal Network Agency grants compensation in accordance with Section 28, every postal service provider whose turnover from postal services in the calendar year for which compensation is granted was more than EUR 500,000 is obliged to contribute to the compensation to be paid by the Federal Network Agency by means of a compensation levy. The amount of the levy is determined according to the ratio of the postal service provider's turnover to the total turnover of all postal service providers obliged under sentence 1. Turnover within the meaning of sentences 1 and 2 is exclusively the turnover generated from postal services in Germany.

(2) After the end of the calendar year for which compensation is granted in accordance with Section 28, the Federal Network Agency shall determine the compensation to be granted and the shares of the companies contributing to this compensation and shall inform the companies affected thereof. The total of the compensation obligations shall correspond to the deficit to be compensated in accordance with Section 28 Paragraph 1 plus a standard market interest rate. Interest shall begin to accrue on the day after the end of the calendar year referred to in sentence 1.

(3) The amounts to be paid by the companies liable to pay compensation must be paid to the Federal Network Agency within one month of receipt of the assessment notice.

(4) If a company obliged to make the compensation is more than three months behind on the payment of the levy, the Federal Network Agency will issue a notice of assessment of the outstanding amounts of the levy and will collect the amount.

§ 30

Sales notifications

If an obligation to provide a universal service has been made pursuant to Section 26 Paragraph 2 or 3, pursuant to Section 27 Paragraph 4, or if a successful tender has been issued pursuant to Section 27 Paragraph 2, the providers pursuant to Section 29 Paragraph 1 Sentence 1 must inform the Federal Network Agency of their annual turnover within the meaning of Section 29 Paragraph 1 Sentence 3 for the last completed calendar year upon request. If the notification is not made, the Federal Network Agency can estimate the respective turnover.

Chapter 4

Protecting customers

§ 31

Information obligations

(1) Providers who offer postal services to end customers under generally applicable conditions and fees are obliged to provide customers with essential product information in a transparent, understandable, easily accessible and complete form. The essential product information pursuant to sentence 1 must include:

1. the nature of the product, including any special product features,
2. the permissible weight and format limits,
3. the applicable liability regulations,
4. the agreed term or, in the absence of an agreed term, the regular term and
5. the price of the product.

Information obligations arising from other laws or other legal provisions enacted on the basis of laws remain unaffected.

(2) The Federal Network Agency may issue a general order laying down requirements for the fulfilment of the information obligation under paragraph 1.

§ 32

Research

Providers who offer postal services to end customers are obliged to carry out investigations into the whereabouts of postal items at the request of the sender or recipient if the agreed delivery time or, in the absence of an agreed delivery time, the regular delivery time of the item has been significantly exceeded. The provider must process investigation requests in accordance with sentence 1 immediately and inform the sender or recipient of the

The Federal Network Agency can issue a general decree laying down guidelines for the handling of investigation requests.

§ 33

Complaints procedure

(1) Providers of postal services to end customers are obliged to set up procedures for handling complaints from senders and recipients in the event of loss, theft or damage to postal items, as well as in the event of quality defects in postal services. The procedures must be transparent, easily accessible and simple to use, and as barrier-free as possible.

(2) Providers must publish statistics on complaints received and processed by consumers as senders or recipients of postal items during the previous year, no later than 31 January of the following year. The proportion of complaints in relation to the total volume of the respective service and the main reasons for the complaint must be stated. The statistics must include at least complaints about significant disruptions in the provision of postal services caused by the provider, in particular about loss, theft and damage to items and about exceeding the agreed delivery time or, in the absence of an agreed delivery time, a significant exceedance of the regular delivery time.

(3) By general decree, the Federal Network Agency can issue specifications for the design of the complaint procedures pursuant to paragraph 1 and the complaint statistics pursuant to paragraph 2. In doing so, it shall ensure that the complaint statistics pursuant to paragraph 2 are consistent with complaint statistics customary in the industry, can be implemented with reasonable effort and are prepared according to uniform standards that do not unfairly disadvantage any provider.

§ 34

Arbitration, regulatory power

(1) Customers can contact the Federal Network Agency as an arbitration body to settle disputes with the provider about rights and obligations in the event of loss, theft or damage to postal items, as well as in the event of violations of the right to the provision of universal services in accordance with Section 15 Paragraph 4 Sentence 1 and the prohibition of discrimination in Section 15 Paragraph 4 Sentence 2, unless special conditions have been agreed for the postal item. Customers within the meaning of Sentence 1 are senders who contractually use postal services and recipients of postal items.

(2) The prerequisite for appealing to the arbitration board is that a previous dispute settlement with the provider has been unsuccessful in accordance with a legal regulation pursuant to paragraph 8. If a consumer appeals to the arbitration board, providers are obliged to participate in the arbitration procedure.

(3) The arbitration board must ensure that disputes are dealt with appropriately and promptly within the framework of the arbitration procedure. The arbitration procedure should not exceed a duration of 90 days from the receipt of the complete complaint documents by the arbitration board.

(4) The arbitration board shall conduct the arbitration proceedings after consulting the parties involved with the aim of reaching an amicable settlement in accordance with a legal regulation pursuant to paragraph 8. The proceedings shall end with an agreement between the parties or with the arbitration board determining that the parties have not reached an agreement. The result shall be communicated to the parties in writing.

(5) No fees or expenses will be charged for the arbitration procedure. Each party shall bear its own costs incurred in participating in the arbitration procedure.

(6) The arbitration board must publish statistics on the arbitration proceedings conducted once a year in an appropriate form.

(7) The out-of-court settlement of disputes between a consumer and a provider must comply with the requirements of the Consumer Dispute Settlement Act. The Federal Ministry for Economic Affairs and Climate Protection sends the notification to the Central Contact Point for Consumer Arbitration in accordance with Section 32 Paragraphs 3 and 4 of the Consumer Dispute Settlement Act.

(8) The Federal Ministry for Economic Affairs and Climate Protection is empowered to regulate the details of the out-of-court dispute settlement procedure by means of a legal order, which does not require the approval of the Federal Council. The Federal Ministry for Economic Affairs and Climate Protection can transfer the power pursuant to sentence 1 to the Federal Network Agency by means of a legal order.

Chapter 5

Market regulation

Section 1

Market definition and analysis procedures

§ 35

Market regulation

Companies whose dominant position in a postal market requiring regulation has been determined by the Federal Network Agency on the basis of market definition and analysis are subject to the requirements of Sections 2 and 3 of this Chapter.

§ 36

Market definition

Taking into account the objectives of Section 2 Paragraph 2 Numbers 1 and 2 and the principles of general competition law, the Federal Network Agency shall determine the relevant postal markets in terms of content and location that may be considered for regulation in accordance with the provisions of this Chapter.

§ 37

Market analysis

(1) As part of a market analysis, the Federal Network Agency shall examine

1. whether the postal markets established under Section 36 are eligible for regulation under this Chapter and
2. which company or companies have a dominant position on these postal markets.

In its market analysis, it takes into account the influence of services provided in neighbouring markets, in particular in the areas of communication, transport and logistics, on the postal markets defined in accordance with Section 36.

(2) Postal markets defined in accordance with Section 36 shall be eligible for regulation under this Chapter, unless the Federal Network Agency determines that

1. the market is not or is no longer characterised by significant and persistent structural or legal barriers to entry,
2. the market tends towards viable competition in view of the level of competition achieved within the relevant period, or
3. the application of general competition law alone is sufficient to adequately counteract the identified market failure.

(3) If a postal market pursuant to paragraph 2 is considered for regulation under this Chapter, the Federal Network Agency shall examine whether one or more undertakings have a dominant position on that market.

(4) The Federal Network Agency concludes the market analysis with the conclusion that

1. a company has a dominant position on the defined postal market and is subject to the provisions of Sections 2 and 3 and Section 62 Sentence 3,
2. several companies have a dominant position on the defined postal market and are subject to the provisions of Sections 2 and 3 and Section 62 Sentence 3 or
3. There is no need for regulation in the established postal market.

(5) The market analysis may only be challenged in conjunction with a decision under Sections 2 and 3, which is taken on the basis of the findings made in the market analysis.

§ 38

Review of market definition and analysis

Unless the Federal Network Agency becomes aware of facts beforehand that justify the assumption that the results of the market definition or market analysis no longer correspond to the actual market conditions, it shall review the market definition and market analysis after three years at the latest. It may take the measures referred to in sentence

may extend that period once by two years if it finds that market conditions have not changed significantly since the last market review.

Section 2

Fee regulation

Subsection 1

Mallstäbe and fee regulation procedures

§ 39

Abusive conduct by a market-dominant company in demanding and agreeing remuneration

(1) An undertaking which is dominant on a market for postal services may not abuse this position in demanding and agreeing on charges. Abuse shall occur in particular if the undertaking demands charges which

1. deviate from those that would most likely arise under effective competition,
2. significantly affect the competitive opportunities of other undertakings on a postal services market or
3. grant individual customers advantages over other customers of comparable postal services.

By way of derogation from sentence 2, there shall be no abuse if an objectively justified reason can be demonstrated for the underlying circumstances.

(2) In assessing charges pursuant to paragraph 1, sentence 2, number 1, particular attention shall be paid to

1. the costs of complying with essential working conditions in the postal sector,
2. the costs of ensuring nationwide provision of postal services pursuant to Chapter 3, Section 2 and
3. the costs of assuming pension obligations for employees arising from the legal succession of the Deutsche Bundespost,

to be taken into account appropriately.

(3) Abuse within the meaning of paragraph 1, sentence 2, number 2 shall be presumed if

1. the remuneration for the service in question does not cover its long-term additional costs plus an appropriate surcharge for overheads that are not dependent on the quantity of service provided, in each case including an appropriate profit margin, or
2. the margin between the fee for an access service pursuant to Section 54 and the fee for an end-customer service which includes further value creation stages is not sufficient to enable an efficient company to achieve an appropriate profit margin on its own share of the value creation (price-cost gap).

(4) When regulating charges, the Federal Network Agency shall ensure consistency between charges for access services pursuant to Section 54 and charges for end-user services (consistency requirement). In particular, it shall ensure that changes in cost components relating both to the provision of access services pursuant to Section 54 and to the provision of other postal services are appropriately taken into account in the charges for the services concerned. In doing so, it shall ensure that

1. that the competitiveness of the services concerned is not impaired and
2. that charges for end-user services can be replicated by efficient infrastructure-based competitors.

(5) The Federal Network Agency may recognise fee reductions or fee exemptions for social reasons as justified within the meaning of paragraph 1 sentence 3.

§ 40

Regulation of fees of market-dominant postal service providers

(1) Charges which an undertaking which is dominant on a market for postal services charges for universal services pursuant to Section 16 Paragraph 1 Sentence 1 Numbers 1 and 2 and access services pursuant to Section 54 shall require approval by the Federal Network Agency pursuant to Sections 42 to 48. Sentence 1 shall not apply to

Access services that are provided under individually agreed conditions or that are used exclusively for broadcasts that serve advertising purposes.

(2) Fees charged by a market-dominant undertaking for postal services not covered by paragraph 1 shall be subject to subsequent fee control pursuant to Section 49.

(3) Paragraph 1 shall apply regardless of whether the market-dominant undertaking is obliged to provide the universal service pursuant to Section 15 paragraph 2.

§ 41

Transfer of market power

(1) If a company which has a dominant position on a neighbouring market, a postal market within the meaning of Section 36 or another market provides postal services within the meaning of Section 3 number 15 to other companies, the Federal Network Agency can decide that the company is subject to the requirements of Section 39 paragraphs 1 and 3 in conjunction with Section 49 paragraphs 1 to 3 and the requirements of Section 51 paragraphs 1, 2, 4 and 6 as well as Section 52 on a market defined in accordance with Section 36 if there is a risk that it will transfer its market power to the postal market defined in accordance with Section 36 in a way that distorts competition and the regulatory measures are suitable to prevent this. Decisions pursuant to sentence 1 shall only be made if it is determined that the application of general competition law is not sufficient to counteract any risks to competition on the postal market concerned.

(2) Whether an undertaking has a dominant position within the meaning of paragraph 1 on a market which is not a postal market within the meaning of Section 36 can only be determined from existing current findings of market dominance in a legally binding decision of the Federal Cartel Office or the European Commission.

(3) In the cases referred to in paragraph 1, the procedure under Section 37 shall not apply to the postal market to which market power may be transferred; nevertheless, the postal market concerned shall be examined with regard to its market conditions.

Title 1

Fee approval

§ 42

Milestone of fee approval

(1) Fees requiring approval may not exceed the costs of efficient service provision pursuant to Section 44.

(2) The Federal Network Agency shall approve charges

1. on the basis of the costs of efficient service provision for each individual service in accordance with Sections 43 and 44 or
2. on the basis of the benchmarks it specifies for the average rates of change in the charges for a basket of combined services (price cap method) in accordance with Sections 45 and 46.

(3) The procedure under paragraph 2(1) shall only be applicable if the service cannot be grouped together with a number of services in a basket under paragraph 2(2).

§ 43

Individual fee approval

(1) In the procedure pursuant to Section 42 Paragraph 2 Number 1, the Federal Network Agency checks for each individual fee whether the requirements of Sections 39 and 42 Paragraph 1 are complied with. In particular, it checks whether the determination, calculation and allocation of the applicant company's costs are based on generally accepted business principles. When checking the efficiency of the service provision, the company's decisions regarding its range of services are taken into account.

(2) The approval of the charges must be applied for electronically. If a temporary approval expires, the application for a subsequent approval must be submitted at least ten weeks before the current approval expires. The Federal Network Agency can request that companies submit applications for approval of charges. If the company does not comply with the request within one month of receipt, the Federal Network Agency will initiate proceedings ex officio.

(3) When submitting a fee application pursuant to Section 42(2) No. 1, the applicant company must submit the documents required to examine the application pursuant to Section 51(1). In the case of fee applications of minor economic importance and in the context of a regionally limited trial of new services limited to a maximum of one year, the Federal Network Agency may reduce the amount of cost evidence to be submitted to an appropriate level and, in individual cases, permit deviations from the standard set out in Section 42(1).

(4) The Federal Network Agency shall decide on a tariff approval in the procedure pursuant to section 42 paragraph 2 number 1 within ten weeks of the application being submitted or the procedure being initiated.

(5) Authorisation shall be granted in whole or in part, provided that the charges

1. meet the requirements of Section 42 Paragraph 1 and
2. do not manifestly violate the requirements of Section 39 Paragraph 1 Sentence 2 Numbers 2 and 3.

The Federal Network Agency may reject a fee application if the company does not submit the documents required under paragraph 3 sentence 1 or does not submit them in full and the missing information cannot be obtained from other sources of information available to the Federal Network Agency. Documents not already submitted with the application will only be taken into account if this does not jeopardise compliance with the procedural deadline. If the Federal Network Agency requests additional documents and information during the procedure, these only have to be taken into account if they are submitted within the deadline set by the Federal Network Agency.

(6) The authorisation may be subject to the ancillary conditions set out in Section 36(2) of the Administrative Procedure Act. The Federal Network Agency shall set a time limit for the authorisation.

(7) Where fee approvals include the full or partial approval of a fee already contractually agreed, they shall have retroactive effect to the date on which the service was first provided by the dominant undertaking.

§ 44

Costs of efficient service provision

(1) The costs of efficient service provision result from the long-term additional costs of service provision and an appropriate surcharge for overheads that are neutral to the volume of service, in each case including an appropriate profit surcharge, insofar as these costs are necessary for the provision of the service. With regard to such costs that arise only because an ecologically sustainable provision of postal services within the meaning of Section 2 Paragraph 2 Number 4 is made possible, it is presumed that these are costs of efficient service provision within the meaning of sentence 1.

(2) The appropriate profit premium is determined from the risk-adjusted average of the returns on sales of the companies included in a representative European stock index at the time of the decision. Financial service providers are not taken into account in the average analysis. In order to stabilize the profit premium, the period under review covers the last ten years. For each calendar year, the average return on sales is to be calculated from the company-specific returns on sales. The specific risk of the regulated company is taken into account by means of a correction factor that appropriately takes into account the lower risk of the business activity subject to regulation compared to the business activities of other companies included in the stock index.

(3) The profit mark-up for regulated letter and universal services may exceed the profit rate determined in accordance with paragraph 2 in individual segments by up to 2.5 percentage points, provided that the profit rate determined in accordance with paragraph 2 is not exceeded on average across all letter and universal services.

(4) Proven costs that exceed the costs of efficient service provision shall be taken into account in the fee approval process if there is a legal obligation to do so or if the company applying for the approval can demonstrate another objective justification. In particular,

1. the costs of complying with essential working conditions in the postal sector,
2. the costs of ensuring nationwide provision of postal services pursuant to Chapter 3, Section 2 and
3. the costs of assuming pension obligations for employees arising from the legal succession of the Deutsche Bundespost,

to be taken into account appropriately.

(5) Expenses pursuant to paragraph 4 shall be allocated to the services in accordance with the principle of causation. If the expenses cannot be borne in the case of an allocation in accordance with the principle of causation due to market conditions without the competitiveness of the services being impaired, they may be allocated to other services in deviation from sentence 1, provided that the other services bear these expenses in addition to the expenses pursuant to sentence 1 (capacity). In this case, expenses pursuant to paragraph 4, sentence 2, number 2 may only be allocated to other universal services within the meaning of Section 16. Other expenses pursuant to paragraph 4 may only be allocated to other services in accordance with sentence 2 if there is a specific connection between the expenses and the services.

A connection of attribution exists in particular when facilities or personnel are used jointly in the transport of the consignments.

(6) When allocating expenses pursuant to paragraph 4 on the basis of the requirements of paragraph 5, services that are not subject to the fee approval requirement under Section 40 paragraph 1 must also be taken into account. For the allocation of expenses pursuant to paragraph 4 to these services, the costs of efficient service provision pursuant to paragraphs 1 to 3 must be used as a basis, with the proviso that paragraph 3 does not apply to parcel services that are not subject to the fee approval requirement under Section 40 paragraph 1.

(7) For parcel services that are not subject to the authorisation requirement under Section 40 Paragraph 1, Paragraph 5 Sentence 1 applies with the proviso that revenues that exceed the costs of efficient service provision and are available to cover causal-based expenses under Paragraph 4 are only used to cover 80 percent of these expenses; the remaining 20 percent remain with the company and are not used to cover expenses in other areas under Paragraph 5 Sentences 2 to 5. Sentence 1 only applies to revenues that are required to fully cover the causal-based expenses under Paragraph 4 under Paragraph 5 Sentence 1. For revenues exceeding this threshold, the provisions of paragraph 5, sentences 2 to 5 shall apply, with the proviso that the viability of the services within the meaning of paragraph 5, sentence 2, when allocating expenses in accordance with paragraph 5, sentences 4 and 5, shall be determined solely on the basis of the portion of the service for which the established attribution link exists, but not more than on the basis of a portion of 50 percent of the service.

§ 45

Price cap method — Mall size decision

(1) In the procedure pursuant to Section 42(2) No. 2, the Federal Network Agency shall determine the contents of the baskets. Services shall be grouped together in a basket if the expected strength of competition for these services does not differ significantly.

(2) The Federal Network Agency shall determine the initial tariff level for the services included in a basket.

(3) The criteria to be laid down for the authorisation pursuant to Section 42 paragraph 2 number 2 shall include

1. an overall economic rate of price increase,
2. the expected productivity growth rate of the regulated company and
3. Additional provisions designed to prevent abuse within the meaning of Section 39.

(4) When specifying targets, in particular when determining the rate of productivity improvement, the relationship between the initial level of remuneration and the costs of efficient service provision pursuant to Section 44 shall be taken into account.

(5) The Federal Network Agency shall determine

1. for what period the MaRgrbRen remain unchanged,
2. which reference periods in the past are used to check compliance with the MalgrbRs and
3. under which conditions the contents of baskets may be changed or price differentiations may be made within a basket.

(6) The Federal Network Agency shall publish intended regulatory decisions and give the regulated undertaking and third parties the opportunity to comment on the draft decision.

§ 46

Price cap procedure — fee approval

(1) The approval of the fees in the procedure according to Section 42 Paragraph 2 Number 2 must be applied for electronically. With the fee application, the regulated company must submit the documents that enable the Federal Network Agency to verify compliance with the limits specified in Section 45. These documents must contain information on the pro rata turnover of each fee item for the period specified by the Federal Network Agency in accordance with Section 45 Paragraph 5 Number 1.

(2) In the case of approval pursuant to Section 42 Paragraph 2 Number 2, the requirements of Section 42 Paragraph 1 shall be deemed to be met if the specified times are complied with.

(3) The Federal Network Agency shall decide within four weeks on fee applications submitted as part of the procedure pursuant to Section 42 Paragraph 2 Number 2 if the MaRgrbRs specified in Section 45 are complied with. The Federal Network Agency shall set a time limit for the approval.

(4) The Federal Network Agency may reject a fee application if the company does not submit the documents referred to in paragraph 1 or does not submit them in full.

(5) Section 43 paragraphs 6 and 7 apply accordingly.

§ 47

Investments in ecologically sustainable postal services

(1) In order to ensure that investments are made in an ecologically sustainable postal service, the amount of the profit surcharge pursuant to Section 44 Paragraph 1 Sentence 1 and Paragraph 2 in the procedure pursuant to Section 42 Paragraph 2 Number 2 will be linked to the level of investments made by the regulated company until 31 December 2033.

(2) At the end of each calendar year, a comparison is made between the regulated company's adjusted operating cash flow and the investments made in ecologically sustainable postal services in Germany. The balance between the investments made and the adjusted operating cash flow is determined for each calendar year.

(3) The adjusted operating cash flow and the investments made are determined on the basis of the accounting principles underlying the respective annual financial statements or, if consolidated financial statements are prepared in accordance with Section 290 of the German Commercial Code, the respective consolidated financial statements. If the regulated company prepares consolidated financial statements that include non-regulated business areas in addition to the regulated business area, the adjusted operating cash flow and the investments made are to be determined exclusively for the regulated business area. Capitalizable additions to property, plant and equipment and intangible assets are considered investments made.

(4) In the procedure pursuant to Section 42 Paragraph 2 Number 2, the Federal Network Agency examines the existing balances from previous years, with the number of years corresponding to the duration of the price cap period preceding the procedure. If the average of the balances to be examined is negative, the profit rate determined in the procedure pursuant to Section 42 Paragraph 2 Number 2 in accordance with Section 44 Paragraph 1 Sentence 1 and Paragraph 2 is reduced. The amount of the reduction corresponds to the percentage value of the average balance in relation to the total adjusted operating cash flow in the assessment period. The reduction is made up to a maximum of the amount of the regulated company's capital costs.

(5) At the request of the regulated company, a negative balance determined in accordance with paragraph 4 sentence 2 can be carried over once to the following regulatory period. In this case, the negative balance in the immediately upcoming regulatory period will not be taken into account in any reduction of the profit rate in accordance with paragraph 4 sentences 2 and 3. In the following regulatory period, a balance carried over in accordance with sentence 1 must be included in the consideration in accordance with paragraph 4 sentence 1. If a negative balance remains in accordance with paragraph 4 sentence 2, this can only be carried over in accordance with sentence 1 to the extent that it has not already been carried over from the previous regulatory period.

§ 48

Deviation from approved fees

(1) Market-dominant companies may only charge fees approved by the Federal Network Agency.

(2) Contracts for services containing fees other than those approved shall become effective provided that the approved fee replaces the agreed fee.

(3) If there is no approved fee, although the fee requires approval according to Section 40 Paragraph 1, a contractual or statutory obligation to transport remains in place; the fee agreement is provisionally ineffective until the fee is approved.

Title 2

Subsequent fee adjustment

§ 49

Subsequent fee adjustment

(1) If the Federal Network Agency becomes aware of facts that justify the assumption that charges that do not require approval do not meet the standards of Section 39, the Federal Network Agency will initiate a review of the charges. It will inform the company concerned of the initiation of the review.

(2) In order to verify the charges, the Federal Network Agency may order the company concerned to submit the evidence referred to in Section 51(1).

(3) The Federal Network Agency must decide within four months of initiating the review. If the Federal Network Agency determines that the charges do not meet the requirements of Section 39, it will declare the disputed charges invalid. In individual cases, the Federal Network Agency can declare contracts invalid if this is necessary to protect competition.

(4) Paragraphs 1 to 3 shall apply accordingly if the Federal Network Agency becomes aware of facts which justify the assumption that approved charges do not comply with the standards of Section 39 or Section 42 Paragraph 1. Before making a decision pursuant to Paragraph 3 Sentence 2, it shall request the company to immediately adjust the charges to the standards mentioned. If no adjustment is made pursuant to Sentence 2, the Federal Network Agency shall, at the same time as making a decision pursuant to Paragraph 3 Sentence 2, order charges which comply with the standards of Section 39 and Section 42 Paragraph 1. Section 48 shall apply accordingly.

(5) Paragraphs 1 to 4 shall apply accordingly if general terms and conditions or other service descriptions are changed and, as a result, a different fee than the previously applicable fee is applied for a specific service without the amounts specified as fees being changed.

(6) Upon reasoned application from a provider who considers that his competitive position is being impaired by charges of a market-dominant company that do not require approval, the Federal Network Agency shall decide within two months whether to initiate a procedure for retrospective charge regulation in accordance with paragraph 1. The applicant provider shall be informed of the result of the examination in accordance with sentence 1.

§ 50

Notice of remuneration, obligation to submit

(1) A dominant undertaking may notify the Federal Network Agency of charges which are not subject to the authorisation requirement under Section 40(1) two months before the planned entry into force if

1. the fees are to be applied to a large number of customers or
2. a special interest is asserted in the prior review of the fees.

The notification shall be accompanied by documents and information justifying the fee which would enable a competent third party to carry out an inspection within the meaning of paragraph 2.

(2) The Federal Network Agency shall prohibit the charging of fees within four weeks of receipt of the notification until its examinations have been completed if it appears predominantly likely that the planned charging measure is not compatible with Section 39.

(3) Fees and fee increases of a market-dominant undertaking which have not been notified in accordance with paragraph 1 shall be notified to the Federal Network Agency immediately after the conclusion of the contract.

(4) Section 49 remains unaffected.

Subsection 2

General provisions

§ 51

Orders within the framework of remuneration regulation

(1) For the preparation or implementation of tariff regulation procedures, the Federal Network Agency may order the market-dominant undertaking to submit the necessary documents and information to it, in particular:

1. Information on current and expected turnover, current and expected sales volumes, the amount of the individual costs pursuant to paragraph 2 and the contribution margins for the previous five years as well as for the application year and the following four years,
2. the last three annual financial statements according to the German Commercial Code,
3. detailed service descriptions, including information on the quality of the service and the general terms and conditions provided,
4. Information on the financial impact on customers, particularly with regard to the demand structure of private and business customers as well as competitors who purchase the service as an advance payment,
5. in the case of fee differentiation, information on the effects on the customer groups affected by the differentiation, as well as the objective justification for the intended differentiation, and
6. other documents and information that the Federal Network Agency considers necessary for the proper preparation or implementation of tariff regulation procedures.

(2) The cost evidence pursuant to paragraph 1 number 1 includes in particular the cost accounting and booking documents prepared taking into account the determination pursuant to Section 52 paragraph 1, including all related information and documents. If the company concerned has not been obliged to do so pursuant to Section 52 paragraph 1, it must provide evidence of the costs that can be directly allocated to the service. Section 52 paragraph 2 sentence 3 applies accordingly. In terms of their transparency and the preparation of the data, the cost evidence must enable an examination by the Federal Network Agency, a quantification of the costs of efficient service provision and a decision within the statutory deadline.

(3) The Federal Network Agency may also request information pursuant to paragraph 1 from undertakings active in postal markets which do not have a dominant position if this is absolutely necessary for the proper implementation of tariff regulation.

(4) Companies must make the documents and information referred to in paragraph 1 available in electronic form.

(5) The Federal Network Agency may order that fees or changes to fees, including the respective service description, be published in a specific form.

(6) To enforce orders pursuant to paragraphs 1, 3 and 5, a penalty payment of up to EUR 1 million may be imposed in accordance with the Administrative Enforcement Act.

§ 52

Accounting

(1) The Federal Network Agency should require a company that is dominant in a postal services market to prepare accounts for the postal services it offers for the purposes of tariff regulation. In particular, it specifies the form, type, content and extent of the cost accounting documents to be prepared by the provider, including all related information and documents.

(2) If the Federal Network Agency makes use of the power under paragraph 1, it must take into account the cost accounting system used by the company concerned. The company must submit all relevant documents relating to its cost accounting system to the Federal Network Agency within one month of notification of the decision under paragraph 1 sentence 1. A description of the cost accounting system must be enclosed which is understandable to a knowledgeable third party and which explains in particular the cost type and cost centre accounting, including the distribution of costs to the cost bearers, and contains overviews of cost centres and business processes.

(3) The cost accounting documents prepared in accordance with the requirements of paragraph 1 sentence 2, including all related information and documents, must be submitted to the Federal Network Agency on a regular basis by 30 June of the year following the completed financial year. The Federal Network Agency will check the conformity of the submitted data with the requirements of paragraph 1 and of the cost accounting system with generally accepted business principles and will publish the test results.

§ 53

Publications

The Federal Network Agency publishes requested, approved and ordered fees.

Section 3

Access regulation

§ 54

Access obligations

(1) An undertaking which is dominant on a market for letter services must offer parts of the transport services it provides separately on that market, provided that this is economically reasonable. The obligation under sentence 1 only applies to other providers of postal services if the requesting undertaking is not dominant and if competition on the same or another market would otherwise be disproportionately hindered. The dominant provider may only refuse to provide partial service if it can prove that it would endanger the functionality of its facilities or operational safety, or in the individual case if the existing capacity for the requested service is exhausted.

(2) An undertaking which is dominant on a market for letter services shall not allow other suppliers of letter services

1. to allow the delivery of postal items to the post office box facilities operated by it and
2. To grant access to the information held by him on changes of address, unless this is not objectively justified.

(3) An undertaking which is dominant on a market for letter services must, in the area of the transport of consignments of goods within the meaning of Section 3 No. 20, offer parts of the transport services it provides separately, insofar as this is economically reasonable for it. The right of access only exists in relation to other providers of letter services and only if

1. the requesting company is not market dominant,
2. the requesting company provides postal services pursuant to Section 3 No. 15(a) at least partly via its own delivery infrastructure and
3. without the right of access, competition on the same or another market would be disproportionately impeded.

The market-dominant provider may only refuse partial performance if it can prove that this would endanger the functionality of its facilities or operational safety, or if, in the individual case, the existing capacities for the requested service are exhausted. If the market-dominant provider sees a risk that the requirements of sentence 2 could be circumvented by a request for access from a provider, it is entitled to refuse to conclude an access agreement. Section 57 remains unaffected.

(4) An undertaking which is dominant on a market for postal services must, in the area of the transport of newspapers and magazines within the meaning of Section 3, Number 15, Letter d, offer parts of the transport services it provides separately, insofar as this is economically reasonable for it. Paragraph 1, Sentences 2 and 3 shall apply accordingly.

(5) Fees charged by market-dominant undertakings for access services offered under standardised conditions shall be subject to fee regulation in accordance with Section 40, even if the undertaking offers access services without being obliged to do so.

§ 55

Access agreements

(1) A company obliged under Section 54 must submit an offer for an access agreement to other providers of postal services who request services under Section 54 without delay, but no later than four weeks after the request for access has been made.

(2) Agreements on access services pursuant to Section 54 must be based on objective criteria, be comprehensible, guarantee equivalent access and satisfy the requirements of equal opportunity and fairness. The company obliged under Section 54 must in particular offer other providers who provide equivalent postal services equivalent conditions under the same circumstances and provide services and information under the same conditions and in the same quality as for its own products or for its subsidiaries or partner companies.

(3) A company obliged under Section 54 must provide providers entitled to access with all information required for the use of access services, in particular the terms of provision and use as well as the fees to be paid. Requesters of access lines must be informed in good time of any changes to the terms and fees in accordance with sentence 1.

(4) Concluded access agreements and changes to concluded access agreements must be submitted to the Federal Network Agency without delay.

(5) The Federal Network Agency shall determine by general decree

1. to what extent and in what form information pursuant to paragraph 3 sentence 1,
2. to what extent, in what form and at what time information pursuant to paragraph 3 sentence 2 and
3. to what extent, in what form and at what time access agreements pursuant to paragraph 4 are to be made available or submitted.

§ 56

Arbitration by the Federal Network Agency

If an agreement pursuant to Section 55 Paragraph 1 is not reached within three months after a request for access has been made, the parties shall jointly refer the matter to the Federal Network Agency as an arbitration body.

§ 57

Order by the Federal Network Agency

(1) If an agreement pursuant to Section 55 Paragraph 1 is not reached within three months after a request for access has been made, a party may appeal to the Federal Network Agency with the aim of ordering an access agreement. The Federal Network Agency may be appealed to before the expiry of the period specified in Sentence 1 if the request for access has been definitively rejected.

(2) The provider requesting access must explain to what extent and for what reasons an access agreement has not been concluded. The company obliged under Section 54 must be given the opportunity to comment before a decision is made under paragraph 3.

(3) The Federal Network Agency may, within ten weeks of being called upon, determine the terms of an access agreement and order its application if the conditions for the access claimed are met.

(4) To enforce the order pursuant to paragraph 3, the Federal Network Agency may, in accordance with the Administrative Enforcement Act, impose a penalty of up to EUR 1 million.

Chapter 6

Special abuse supervision

§ 58

Abuse supervision

(1) A company that is dominant on a market for postal services may not abuse its position. Abuse occurs in particular when a company that is dominant on the market directly or indirectly unfairly hinders other companies or impairs their ability to compete without an objectively justified reason.

(2) If the Federal Network Agency becomes aware of or is informed of facts that justify the assumption that abuse pursuant to paragraph 1 has occurred, the Federal Network Agency shall initiate abuse proceedings. It shall inform the company concerned of the initiation of the proceedings.

(3) The Federal Network Agency usually makes a decision within four months of the initiation of proceedings. If it finds that a market-dominant company is abusing its position, it prohibits the abusive behavior or requires the company to behave in a certain way. It can declare contracts invalid in whole or in part.

(4) Upon reasoned application from a provider who considers that his competitive position is being impaired by the conduct of a market-dominant provider, the Federal Network Agency shall decide within two months whether to initiate proceedings pursuant to paragraph 2. The applicant provider shall be informed of the result of the examination pursuant to sentence 1.

§ 59

Liability for damages

(1) Anyone who intentionally or negligently violates this Act, a legal regulation issued on the basis of this Act or a decision or order of the Federal Network Agency is obliged to compensate another person for the damage caused by the violation, provided that the legal regulation, decision or order is intended to protect that person.

(2) The limitation period for a claim for damages pursuant to paragraph 1 shall be suspended if the Federal Network Agency initiates proceedings due to an offense within the meaning of paragraph 1. Section 204 paragraph 2 of the German Civil Code shall apply accordingly.

§ 60

Abatement

(1) If an undertaking has violated an order of the Federal Network Agency pursuant to Section 58(3) or has intentionally or negligently violated another order or a provision of Chapter 5 and has thereby obtained an economic advantage, the Federal Network Agency may order the confiscation of the economic advantage and require the undertaking to pay a corresponding amount of money.

(2) Paragraph 1 shall not apply:

1. if the violation occurred due to a decision of the Federal Network Agency binding on the company pursuant to Sections 43 and 46,
2. if the Federal Network Agency has not made use of the option of a provisional prohibition pursuant to Section 50 Paragraph 2 in the cases referred to in Section 50 Paragraph 1 Sentence 1 or
3. to the extent that the economic advantage is offset by compensation, by the imposition of a fine, by the order for the confiscation of proceeds of the crime or by restitution.

To the extent that the company provides services pursuant to sentence 1 number 3 only after the benefit has been disgorged, the amount of money transferred shall be refunded to the company in the amount of the proven payments.

(3) Section 34 paragraphs 3 to 5 of the Act against Restraints of Competition shall apply accordingly; section 34 paragraph 4 of the Act against Restraints of Competition shall apply with the proviso that the presumption in its first sentence refers to infringements under paragraph 1.

Chapter 7

Formal delivery, postal secrecy and data protection

Section 1

Formal delivery

§ 61

Obligation to formal delivery

A provider who

1. is dominant in a market for postal services,
 2. is obliged to provide universal services in accordance with Section 16 Paragraph 1 Sentence 1 Number 4 or
 3. is registered as a provider of formal deliveries in the register pursuant to Section 4 Paragraph 1,
- is obliged to formally deliver documents, regardless of their weight, in accordance with the provisions of the procedural codes and the laws governing administrative delivery. To the extent of this obligation, the provider is vested with sovereign powers (authorized entrepreneur).

§ 62

Fees for formal deliveries

The provider obliged under Section 61 is entitled to a fee. This covers all services provided by the provider, including the official certification and return of the certification documents to the ordering body. The fee requires approval by the Federal Network Agency in accordance with Sections 42 to 48 if the provider is dominant in a letter market.

§ 63

Liability when carrying out formal deliveries

For damages caused by a breach of duty during the execution of the formal delivery, the provider is liable in accordance with the provisions on the liability of a public authority for damages for its employees in the sovereign area.

Section 2

Postal secrecy

§ 64

Postal secrecy

(1) The specific circumstances of the postal traffic of certain natural or legal persons as well as the contents of postal items are subject to postal secrecy.

(2) Anyone who provides postal services or is involved in the provision of such services is obliged to maintain postal secrecy. The obligation to maintain secrecy shall continue even after the end of the activity which gave rise to it.

(3) Those obliged under paragraph 2 are prohibited from obtaining for themselves or others knowledge of the contents of postal items or the specific circumstances of postal traffic beyond what is necessary for the provision of postal services. They may only use knowledge of facts subject to postal secrecy for the purpose stated in sentence 1. The use of this knowledge for other purposes, in particular passing it on to others, is only permissible if this law or another statutory provision provides for this and expressly refers to postal items or postal traffic. The reporting obligation under Section 138 of the Criminal Code takes precedence.

- (4) The prohibitions in paragraph 3 shall not apply to the extent that the acts referred to therein are necessary to
1. to check whether tariff requirements are met for postal items receiving preferential rates,
 2. to secure the contents of damaged mail,
 3. to identify the recipient or sender of an undeliverable postal item who cannot be identified by any other means,
 4. to avert physical dangers to persons and property posed by a postal consignment.

The delivery of postal items to substitute recipients within the framework of the contractual agreement with the sender is permitted.

(5) A person obliged under paragraph 2 shall immediately submit a postal item, the contents of which he has become aware of in accordance with paragraph 4, sentence 1, to the competent law enforcement authority for inspection if there are sufficient factual indications that the postal item is intended to commit a criminal offence under

1. Sections 29 to 30b of the Narcotics Act in the version published on 1 March 1994 (Federal Law Gazette I p. 358), last amended by Article 2 of the Act of 26 July 2023 (Federal Law Gazette 2023 I No. 204),
2. Section 4 of the New Psychoactive Substances Act of 21 November 2016 (BGBl. I p. 2615), last amended by Article 1 of the Ordinance of 14 March 2023 (BGBl. 2023 I No. 69),
3. Section 19 of the Basic Substances Control Act of 11 March 2008 (BGBl. I p. 306), last amended by Article 8z of the Act of 12 December 2023 (BGBl. 2023 I No. 359),
4. Sections 95 and 96 of the Medicines Act in the version published on 12 December 2005 (BGBl. I p. 3394), last amended by Article 1 of the Act of 19 July 2023 (BGBl. 2023 I No. 197),
5. Section 4 of the Anti-Doping Act of 10 December 2015 (BGBl. I p. 2210), last amended by Article 1 of the Ordinance of 10 March 2023 (BGBl. 2023 I No. 67),
6. Sections 51 and 52 of the Weapons Act of 11 October 2002 (BGBl. I p. 3970, 4592; 2003 I p. 1957), last amended by Article 228 of the Ordinance of 19 June 2020 (BGBl. I p. 1328),
7. Sections 40 and 42 of the Explosives Act in the version published on 10 September 2002 (BGBl. I p. 3518), last amended by Article 11 of the Act of 2 March 2023 (BGBl. 2023 I No. 56),
8. Sections 19 to 21 and 22a of the War Weapons Control Act in the version promulgated on 22 November 1990 (BGBl. I p. 2506), last amended by Article 25 of the Act of 19 December 2022 (BGBl. I p. 2606),
9. Section 13 of the Starting Materials Act of 3 December 2020 (BGBl. I p. 2678),
10. Section 34 of the Consumption Cannabis Act of 27 March 2024 (BGBl. 2024 I No. 109) or
11. Section 25 of the Medical Cannabis Act of 27 March 2024 (BGBl. 2024 I No. 109)

in the version currently in force. The postal secrecy according to Article 10 of the Basic Law is restricted to this extent.

(6) Information concerning a person's postal traffic shall be admissible insofar as it is necessary to assert claims against that person in or out of court which have arisen in connection with the provision of a postal service or to enable the prosecution of criminal offences committed in postal traffic to the detriment of a postal undertaking.

§ 65

Notifications to courts and authorities

Companies and persons who provide postal services on a commercial basis or who are involved in the provision of such services shall, at the request of the courts and authorities, inform them of the deliverable address of a participant in postal traffic, insofar as this is necessary for the purposes of the postal traffic of the courts or authorities.

§ 66

Control and enforcement of obligations

(1) The Federal Network Agency can issue orders and take other measures to ensure compliance with the obligations contained in Sections 61, 64 and 65. To this end, it can request the information required for an inspection from the obligated party and check compliance with the regulations in the obligated party's operating and business premises. It can request access from the obligated party to its operating and business premises during normal operating and business hours.

(2) If the Federal Network Agency determines that a company is not complying with the obligations contained in Sections 61, 64 and 65, it can prohibit the further commercial provision of postal services in whole or in part if milder interventions are not sufficient to enforce lawful conduct. The Federal Network Agency also has this power if a company does not comply with its obligations set out in paragraph 1 despite repeated requests. Section 4 paragraph 6 sentence 2 applies accordingly. Section 89 remains unaffected.

(3) To enforce the measures pursuant to paragraphs 1 and 2, a penalty payment of up to EUR 1 million may be imposed in accordance with the Administrative Enforcement Act.

(4) The Federal Network Agency may obtain information and checks on the specific circumstances of the postal traffic of certain persons to the extent that this is necessary for the performance of its supervisory duties. Postal secrecy under Article 10 of the Basic Law is restricted to this extent.

Section 3

Data Protection

§ 67

Data protection

For service providers, the requirements of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119 of 4 May 2016, p. 1; L 314 of 22 November 2016, p. 72; L 127 of 23 May 2018, p. 2) in the currently valid version are supplemented by the provisions of Section 65 and Sections 68 to 71.

§ 68

Addresses, data for the purpose of delivery

(1) Service providers may transmit personal data relating to the temporary or permanent change of address to other service providers insofar as this is necessary for the purposes of the proper delivery of postal items. The address includes the name, the delivery or collection details and the destination with postal routing details. If the data subject has consented, when placing a forwarding order, that the change of address will be communicated to the sender of a postal item containing an incorrect address of the data subject upon request for the purposes of correctly addressing future postal items, the other service providers may also communicate the change of address communicated to them in accordance with sentence 1 to the sender of such a shipment upon request for the purposes of correctly addressing future postal items.

(2) Service providers who operate post office box systems may, upon request, provide the post office box address of the post office box holder to any person. They may transmit to other service providers data that is required in the context of their activity for the delivery of postal items via these post office box systems.

(3) Service providers may process personal data of recipients and substitute recipients of postal items to the extent that this is necessary for the proper delivery of the postal items. In individual cases, they may process personal data about special circumstances to be observed when delivering to an addressee in order to ensure proper delivery of postal items.

(4) Service providers may, at the request of a third party, provide information as to whether the address provided by a party to postal traffic is correct, insofar as the address check is necessary for the purposes of postal traffic. Spelling errors and similar obvious inaccuracies when providing a currently existing address may be corrected by the service provider.

§ 69

ID data

(1) Service providers may require persons involved in postal traffic to identify themselves by presenting a valid identity card or passport or other official identification documents in order to ensure the proper performance of the postal service.

(2) If there is a special interest in securing evidence, the following data from the identity document shall be stored for later proof of the proper performance of the postal service:

1. the type of ID,
2. the issuing authority,
3. the ID number and
4. the date of issue.

(3) Processing of data is permitted in order to provide evidence of the proper performance of the postal service.

(4) The data must be deleted no later than six months after the expiry of statutory or contractual limitation periods.

§ 70

Lost and Found Certificates

Service providers may also process personal data in cases where postal items that were not intended for transport by them have entered their operational processes, insofar as the processing of this data is necessary for the delivery or return of the postal items or for the purpose of billing. Service providers may open these postal items if neither sufficient sender or recipient information is visible on the envelope nor is it possible to hand over the postal item to the service provider selected by the customer.

§ 71

Data protection supervision

(1) To the extent that personal data is processed for the commercial provision of postal services, the companies are supervised by the Federal Commissioner for Data Protection and Freedom of Information instead of the supervision pursuant to Section 40 of the Federal Data Protection Act.

(2) The Federal Commissioner for Data Protection and Freedom of Information may, through information and checks, obtain information about the specific circumstances of the postal traffic of certain persons, insofar as this is necessary for the exercise of his or her supervisory duties. Postal secrecy under Article 10 of the Basic Law is restricted to this extent.

Chapter 8

Postage stamps

§ 72

Postage stamps

(1) The authority to issue postage stamps with the imprint "Germany" and to declare them invalid is reserved to the Federal Ministry of Finance. The pictorial reproduction of such postage stamps is not permitted if it is likely to cause confusion with the postage stamp reproduced.

(2) The reproduction, use and marketing of postage stamps issued by the Federal Ministry of Finance to compensate for postal services requires its permission.

Chapter 9

Sector-specific provisions to protect postal sector workers

§ 73

Specifications for packages with increased weight, regulatory authority

- (1) Suppliers must ensure that
1. Packages whose individual weight exceeds ten kilograms but not 20 kilograms, with a clearly visible and easily understandable indication of the increased weight and
 2. Packages whose individual weight exceeds 20 kilograms, with a clearly visible and easily understandable Reference to the high weight, which differs significantly from the reference under number 1, are marked before they reach the delivery area.
- (2) Suppliers are obliged to have parcels whose individual weight exceeds 20 kilograms delivered by two people, unless a suitable technical aid is available to a single person for delivery. The Federal Government is empowered to determine criteria for the suitability of the aid by means of a legal order that does not require the approval of the Federal Council. The legal order requires the approval of the German Bundestag. The delivery is to take place by 31 December 2024.
- (3) Suppliers shall instruct persons they employ in the delivery of parcels regarding the markings referred to in paragraph 1 and their meaning, as well as the delivery instructions referred to in paragraph 2, and shall document the instruction.

§ 74

Complaints office

- (1) The Federal Network Agency shall set up a complaints office to which natural persons may report, orally or in writing, information obtained in connection with their professional activities or prior to their professional activities (whistleblowers), on violations of the provisions of this Chapter or of general social or labour law provisions in the postal sector. The complaints office may provide whistleblowers with information on suitable advice centres.
- (2) The definitions in Section 3 (2), (3) and (4) of the Whistleblower Protection Act shall apply accordingly. With regard to the confidentiality of the identity of persons, Sections 8, 9 (1) and Section 28 (3) of the Whistleblower Protection Act shall apply accordingly.
- (3) The Complaints Office shall document incoming reports in text form in a permanently accessible manner, taking into account the requirements of paragraph 2, sentence 2. The information transmitted to the Complaints Office shall be
1. taken into account when selecting the companies to be audited in accordance with Section 7 Paragraph 1 Sentence 1 and
 2. in compliance with the requirements of paragraph 2 sentence 2, to other competent authorities, insofar as they are relevant to their activities.
- (4) The Federal Network Agency shall be authorised to process personal data to the extent necessary to fulfil its tasks referred to in paragraph 3.
- (5) The provisions of the Whistleblower Protection Act remain unaffected.

Chapter 10

Sector-specific guidelines for an ecologically sustainable postal sector

§ 75

Ecologically sustainable postal sector

- (1) In order to achieve an ecologically sustainable postal sector within the meaning of Section 2 Paragraph 2 Number 4, the postal sector should make an appropriate contribution to reducing greenhouse gas emissions and thus contribute to achieving the national climate protection targets set out in the Federal Climate Protection Act.
- (2) The Federal Government will regularly review the climate policy progress of the postal sector through the reporting of the Federal Network Agency pursuant to Section 76 Paragraph 1 and the climate dialogue pursuant to Section 77.

§ 76

Transparency on the ecological sustainability of the postal sector, regulatory power

(1) In order to increase transparency regarding the ecological sustainability of the postal sector, the Federal Network Agency shall report to the Federal Government at regular intervals on the greenhouse gas emissions of providers who generated a turnover of more than EUR 50 million in Germany from the transport of letters and parcels in the last financial year, as well as on the development of the sector's total greenhouse gas emissions. The Federal Network Agency shall publish the report in accordance with sentence 1.

(2) From 2026, the Federal Network Agency shall, as part of an annual data collection, record the greenhouse gas emissions of providers within the meaning of paragraph 1 sentence 1 separately for the commercial transport of letters and parcels. Providers pursuant to paragraph 1 may participate voluntarily in the data collection by determining the required emissions data and making them available electronically to the Federal Network Agency. In doing so, providers must also take into account the emissions of those providers whom they commission to provide postal services, unless they are providers within the meaning of sentence 1 who are themselves obliged to record emissions data. The emissions data must be determined on the basis of uniform European or international standards.

(3) The Federal Ministry for Economic Affairs and Climate Protection shall, by means of a legal order which does not require the approval of the Federal Council, determine, after consulting the parties concerned,

1. which emission data are to be determined in accordance with paragraph 2 sentence 2 and in what form and with what level of detail they are to be made available,
2. how emissions data from commissioned providers are to be taken into account in accordance with paragraph 2 sentence 3,
3. which European or international standards are to be applied in accordance with paragraph 2, sentence 4.

When issuing the legal order, the Federal Ministry for Economic Affairs and Climate Protection takes into account the requirements of other national and European regulations that oblige providers to record greenhouse gas emissions. The legal order must ensure that providers can use the data collected on the basis of such regulations for the determination and provision in accordance with paragraph 2 sentence 2, insofar as they meet the requirements in sentence 1. In order to keep the effort for providers to a minimum, the legal order should allow recording in a flat-rate form, insofar as this is possible taking into account the standards to be applied in accordance with paragraph 2 sentence 4 and to be determined in accordance with sentence 1 number 3. The Federal Ministry for Economic Affairs and Climate Protection can transfer the authorization in sentence 1 to the Federal Network Agency by legal order.

(4) Providers of parcel services may use an environmental label in their commercial transactions which classifies the providers on the basis of the data determined pursuant to paragraph 2 for the transport of parcels according to the intensity of their greenhouse gas emissions in relation to the total service provided for the transport of parcels. By means of a legal order which does not require the approval of the Federal Council, the Federal Ministry for Economic Affairs and Climate Protection shall lay down the principles, the procedure and further details for the use of the environmental label pursuant to sentence 1, including effective provisions for fines in the event of misuse of the environmental label.

(5) Providers who do not fall under the first sentence of paragraph 1 may participate voluntarily in the data collection pursuant to paragraph 2.

§ 77

Climate Dialogue

The Federal Network Agency is conducting a climate dialogue with the companies in accordance with Section 76 Paragraph 1 Sentence 1. The function of the dialogue is to exchange information with the companies on the progress of the postal sector in decarbonisation and to contribute to the objective of Section 75. For this purpose, the providers concerned must appoint a company representative for the climate dialogue and name this person to the Federal Network Agency by June 30, 2025. The Federal Network Agency and the company representatives for the climate dialogue should regularly exchange information on the current situation in the postal sector, on possible measures to reduce the postal sector's greenhouse gas emissions and on key issues relating to data collection in accordance with Section 76 Paragraph 2.

§ 78

Cooperation in the postal sector

(1) In order to promote efficient and ecologically sustainable delivery of postal items in both urban and rural areas, the Federal Network Agency supports voluntary cooperation between providers, which is open to all providers on a non-discriminatory basis within the framework of existing capacities.

(2) To support cooperation in the postal sector, the Federal Network Agency may in particular

1. by commissioning scientific studies and reports to investigate the possibilities of cooperation in the postal sector,
2. collect, process and make available in an appropriate form data and information relevant to cooperation,
3. Establish contacts between potential cooperation partners and other stakeholders and
4. inform interested providers about existing cooperation models and funding programs.

To the extent necessary to effectively support cooperation, the Federal Network Agency can work with local authorities, community and industry associations and providers as well as with other economic operators and institutions.

(3) As part of its support under paragraphs 1 and 2, the Federal Network Agency shall inform potential cooperation partners of the applicability of general competition law. The Federal Network Agency shall inform the Federal Ministry for Economic Affairs and Climate Protection at regular intervals about its activities on the basis of this provision.

(4) The Federal Network Agency may provide information, without obligation, on the framework conditions for cooperation models which have proven successful in practical application on the market. In particular, it may make suggestions on procedures, on the conditions applicable within the framework of the cooperation and on the settlement of disputes within the framework of cooperation models.

Chapter 11

Federal Network Agency

Section 1

Organisation

§ 79

Tasks

The Federal Network Agency carries out the tasks and exercises the powers assigned to it under this law. It also carries out the tasks and exercises the powers as a national regulatory authority under Regulation (EU) 2018/644 of the European Parliament and of the Council of 18 April 2018 on cross-border parcel delivery services (OJ L 112 of 2 May 2018, p. 19).

§ 80

Media of publication

Publications and announcements to which the Federal Network Agency is obliged by this Act shall be published in the Official Gazette and on the website of the Federal Network Agency, unless otherwise specified.

§ 81

Publication of instructions

Instructions issued by the Federal Ministry for Economic Affairs and Climate Protection with regard to the issuing or refraining from making decisions under this Act must be published in the Federal Gazette. This does not apply to tasks which the Federal Ministry for Economic Affairs and Climate Protection is responsible for carrying out on its own basis under this Act or other laws and which it has commissioned the Federal Network Agency to carry out.

§ 82

Rights of the Advisory Board

(1) The Advisory Board pursuant to Section 5 of the Act on the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railways shall be entitled to submit to the Federal Network Agency

1. to request measures to implement the regulatory objectives and to ensure universal service or
2. To obtain information and opinions.

(2) The Federal Network Agency is obliged to provide information to the Advisory Board. It is obliged to respond to applications under paragraph 1 number 1 within six weeks.

§ 83

Scientific advice

The Federal Network Agency can set up scientific commissions to prepare its decisions or to assess regulatory issues. Their members must have special economic, business, socio-political, technological or legal experience in the postal sector and proven scientific knowledge.

§ 84

Activity report of the Federal Network Agency and sector report of the Monopolies Commission

(1) Every two years, the Federal Network Agency submits a report to the federal legislative bodies on its activities and on the situation and developments in the postal sector, including a presentation of the key market data and the development and level of prices.

(2) Every two years, the Monopolies Commission prepares a sector report in which it assesses the status and foreseeable development of competition and the question of whether sustainable competitive postal markets exist in the Federal Republic of Germany, evaluates the application of the provisions of this Act on regulation and competition supervision, and comments on other current competition policy issues. The sector report should be completed in the year in which no report is submitted under Section 44 of the Act against Restraints of Competition. The Monopolies Commission forwards the report to the Federal Government. The Federal Government submits the report to the legislative bodies without delay and comments on the report to the legislative bodies within a reasonable period of time. The report is published by the Monopolies Commission at the time it is submitted by the Federal Government to the legislative bodies.

(3) The Monopolies Commission can inspect the files kept by the Federal Network Agency, including trade and business secrets, to the extent that this is necessary for the proper performance of its duties. As part of the inspection of files, the Monopolies Commission can independently evaluate data held by the Federal Network Agency in electronic form, including trade and business secrets and personal data, to the extent that this is necessary for the proper performance of its duties. Section 46 paragraph 3 of the Act against Restraints of Competition applies accordingly to the confidential handling of the files.

§ 85

Cooperation with other authorities

- (1) The Federal Network Agency shall decide in agreement with the Federal Cartel Office
1. on the definition and analysis of relevant markets in terms of material and geographic scope pursuant to Sections 36 and 37, including the determination of a dominant position,
 2. in the cases of Section 41 paragraph 1 and
 3. on the adoption of measures pursuant to Section 39 paragraphs 1 and 3 in conjunction with Section 49 paragraphs 1 to 3, pursuant to Section 51 paragraphs 1, 2, 4 and 6 and pursuant to Section 52 in the cases of Section 41 paragraph 1 in which the risk of a transfer of market power emanates from a market which is not a postal market within the meaning of Section 36.

In all other cases in which the Federal Network Agency takes decisions pursuant to Chapters 5 or 6 of this Act, it shall give the Federal Cartel Office the opportunity to comment in good time before the conclusion of the procedure.

(2) If the Federal Cartel Office conducts proceedings in the postal sector relating to the postal sector pursuant to Sections 19, 19a(2) and 20(1) and (2) of the Act against Restraints of Competition, pursuant to Article 102 of the Treaty on the Functioning of the European Union or pursuant to Section 40(2) of the Act against Restraints of Competition, it shall give the Federal Network Agency the opportunity to comment in good time before the conclusion of the proceedings.

(3) The Federal Network Agency and the Federal Cartel Office shall work towards a consistent interpretation of the Act against Restraints of Competition, including when issuing administrative regulations, which preserves its connection with the Act against Restraints of Competition. They shall inform each other of activities, observations and findings which may be of importance for the performance of their respective tasks.

(4) In exercising their powers under Sections 66 and 71, the Federal Network Agency and the Federal Commissioner for Data Protection and Freedom of Information shall work towards a uniform interpretation of this Act. They shall inform each other of observations and findings that are relevant to the performance of their respective duties.

(5) The Federal Network Agency shall inform the authorities responsible for occupational safety if, in the performance of its duties under this Act, there are indications of violations of occupational safety regulations, in particular of the requirements of Section 73. If, in the course of carrying out its duties, the Federal Network Agency becomes aware of circumstances which justify the assumption that providers of postal services are violating other statutory provisions outside the area of responsibility of the Federal Network Agency, it shall inform the authorities responsible for compliance with the respective provisions.

§ 86

Cooperation with authorities of other countries

To the extent necessary for the performance of the tasks of the Federal Network Agency under this Act, it shall cooperate with the competent authorities of other states in the case of cross-border information or audits.

§ 87

Provision of information to the European Commission

The Federal Network Agency shall provide the European Commission, upon reasoned request from the latter or, where provided for, without a request, with the information that the European Commission requires to carry out its tasks under Directive 97/67/EC and Regulation (EU) 2018/644. Providers must provide the Federal Network Agency, upon request, with the information that the Agency, as the national regulatory authority, requires to fulfil its reporting obligation to the European Commission pursuant to sentence 1.

§ 88

International tasks

(1) In the European and international postal sector, particularly in its cooperation with European and international institutions and organizations, the Federal Network Agency acts on behalf of the Federal Ministry for Economic Affairs and Climate Protection. This does not apply to tasks that the Federal Network Agency carries out on its own authority on the basis of this law or other laws or on the basis of binding legal acts of the European Union.

(2) The Federal Network Agency informs the Federal Ministry for Economic Affairs and Climate Protection in advance of the main content of planned meetings in European and international bodies. It summarises the main results and conclusions of the meetings and transmits them immediately to the Federal Ministry for Economic Affairs and Climate Protection. Sentences 1 and 2 do not apply to tasks which the Federal Network Agency carries out under its own responsibility in accordance with paragraph 1 sentence 2.

Section 2

Powers

§ 89

Enforcement of obligations, prohibition

(1) If the Federal Network Agency finds that a provider does not fulfil its obligations under this Act, pursuant to this Act or under Regulation (EU) 2018/644, it may order the necessary measures to ensure compliance with the obligations.

(2) If the provider seriously or repeatedly violates its obligations or fails to comply with a measure ordered by the Federal Network Agency pursuant to paragraph 1, the Federal Network Agency may prohibit it from operating as a provider. Section 4 paragraph 6 sentence 2 applies accordingly.

(3) If the breach of obligations directly and significantly endangers public safety and order or if the breach of duty leads to significant economic or operational problems for other postal service providers, the Federal Network Agency can take provisional measures. The Federal Network Agency decides, after giving the affected provider the opportunity to

opinion within a reasonable period of time as to whether the provisional measure should be confirmed, revoked or amended.

(4) To enforce the orders under paragraphs 1 and 3, a penalty payment of up to 10 million euros may be imposed in accordance with the Administrative Enforcement Act.

§ 90

Request for information

(1) To the extent necessary to fulfil the tasks under this Act, pursuant to this Act and the tasks assigned to it pursuant to Regulation (EU) 2018/644, the Federal Network Agency may require providers to provide information, in particular on their economic circumstances, and to hand over documents. This applies in particular to information and documents that are required for

1. the systematic or case-by-case review of the obligations arising from this Act, pursuant to this Act or pursuant to Regulation (EU) 2018/644,
2. precisely specified statistical purposes,
3. the review of providers according to § 7,
4. the provision and evaluation of the universal service pursuant to Sections 22 and 24,
5. the provision of data to be published within the framework of the digital atlas pursuant to Section 11,
6. Market definition and market analysis procedures pursuant to Sections 36 and 37,
7. the implementation of subsequent fee adjustments pursuant to Section 49 and fee notification pursuant to Section 50 as well as abuse proceedings pursuant to Section 58 and disgorgement of benefits pursuant to Section 60,
8. monitoring the quality of postal services and carrying out price comparisons for services for the benefit of end customers,
9. the observation and assessment of market and competitive developments and
10. monitoring the fulfilment of emergency preparedness obligations under Chapter 12.

The right to information pursuant to sentence 1 for the purposes set out in sentence 2 numbers 1 and 2 also applies to those involved in postal traffic. The right to information pursuant to sentence 1 for the purposes set out in sentence 2 numbers 6, 7 and 9 also applies to those involved in postal traffic and to companies that provide services pursuant to Section 37 paragraph 1 sentence 2. The rights to information pursuant to sentences 3 and 4 for those involved in postal traffic do not apply to consumers within the meaning of Section 13 of the German Civil Code.

(2) The Federal Network Agency shall issue an order ordering the measures pursuant to paragraph 1. The order shall specify the legal basis, the subject matter and the purpose of the request for information or the examination. A request for information may have several purposes. A reasonable period of time shall be set for the provision of the information. The requested information shall be transmitted electronically and in a format that can be further processed and which shall be specified by the Federal Network Agency.

§ 91

Provision of information

(1) The owners of the companies or the persons representing them are obliged

1. to provide the information requested under Section 90(1),
2. to submit the business documents in accordance with Section 90 paragraph 1 and
3. to tolerate the inspection of these business documents and entry into business premises and property during normal operating or business hours.

In the case of legal persons, companies or associations without legal capacity, the obligations under sentence 1 apply to the persons appointed by law or the statutes.

(2) Officials of the Federal Network Agency may enter the offices and business premises of undertakings and associations of undertakings during normal operating or business hours for the purpose of carrying out inspections.

(3) Searches may only be carried out on the order of the local court in whose district the search is to be carried out. Sections 306 to 310 and 311a of the Code of Criminal Procedure shall apply *mutatis mutandis* to any appeal against this order. In the event of imminent danger, the persons referred to in paragraph 2 may carry out the necessary searches during business hours without a court order. A record of the search and its main results shall be made on the spot, which, if no court order has been issued, shall also include the facts which led to the assumption of imminent danger.

(4) Objects or business documents may be taken into custody to the extent necessary or, if they are not surrendered voluntarily, seized. Paragraph 3 shall apply mutatis mutandis to seizure.

(5) Persons obliged to provide information pursuant to paragraph 1 may refuse to answer questions the answers to which would expose them or relatives referred to in Section 383 paragraph 1 numbers 1 to 3 of the Code of Civil Procedure to the risk of criminal prosecution or proceedings under the Act on Administrative Offences. The knowledge and documents obtained through information or measures pursuant to Section 90 paragraph 1 may not be used for taxation proceedings or fine proceedings for a tax offence or a foreign exchange offence or for proceedings for a tax crime or a foreign exchange crime; Sections 93, 97, 105 paragraph 1, Section 111 paragraph 5 in conjunction with Section 105 paragraph 1 and Section 116 paragraph 1 of the Fiscal Code do not apply in this respect. Sentence 2 shall not apply to proceedings relating to a tax offence or a related taxation procedure if there is a compelling public interest in their conduct or if the persons obliged to provide information or the persons acting on their behalf have provided intentionally false information.

(6) If audits reveal a violation of the requirements, orders or instructions of the Federal Network Agency, the company must reimburse the Federal Network Agency for the costs of these audits, including its expenses for experts.

(7) To enforce the orders pursuant to Section 90 Paragraph 1, a penalty payment of up to EUR 1 million can be imposed in accordance with the Administrative Enforcement Act.

§ 92

Procedure for transmitting information

(1) To the extent that this law requires natural or legal persons to transmit information to the Federal Network Agency, the transmission shall be carried out exclusively electronically, unless the law expressly provides for another form of transmission. For this purpose, the Federal Network Agency provides appropriate electronic procedures that ensure the secure transmission and use of information. The Federal Network Agency guarantees in particular the protection of personal data and the protection of trade and business secrets.

(2) Where information is to be transmitted on a regular basis, the Federal Network Agency should, where possible, request various pieces of information in a bundled manner in order to keep the burden on those affected to a minimum.

(3) To the extent that the Federal Network Agency comes into contact with natural or legal persons on the basis of this Act, this shall be done exclusively electronically, as far as possible using the address for electronic communication reported in accordance with Section 6 Paragraph 1 Number 1 Letter e and Number 2 Letter e, in each case also in conjunction with Section 10 Paragraph 1 Number 2, unless the Act expressly provides for another form.

§ 93

Data usage

(1) Without prejudice to special statutory provisions, the Federal Network Agency is entitled to evaluate and use data collected on the basis of a special authorization to fulfil other statutory tasks. This is not contrary to the purpose specified in Section 90 Paragraph 2 Sentences 2 and 3.

(2) The Federal Network Agency may make available to third parties or the public the data it has in its possession relating to the postal sector, in particular the data received as a result of a request for information pursuant to Section 90, insofar as the data may be of interest to the public. Sentence 1 does not apply to data for which there is no or only a limited right of access, in particular pursuant to Section 3 of the Freedom of Information Act, nor to personal data and trade or business secrets identified as such.

(3) Where necessary, this data will be aggregated or company-related information will be obscured in some other way. Public provision can take place in particular on the website of the Federal Network Agency.

§ 94

Investigations

(1) The Federal Network Agency may conduct other investigations and collect other evidence that is necessary to carry out its duties.

(2) For evidence by visual inspection, witnesses and experts, § 372 paragraph 1, §§ 376, 377, 380 to 387, 390, 395 to 397, 398 paragraph 1 and §§ 401, 402, 404, 406 to 409 and 411 to 414 of the

The Code of Civil Procedure shall apply accordingly; detention may not be imposed. The Higher Regional Court shall be responsible for deciding on the appeal.

(3) A record should be drawn up of the statements of witnesses. The record must be signed by the investigating employee of the Federal Network Agency and, if a notary is called in, also by that person. The record should contain the place and date of the hearing as well as the names of those involved and those involved.

(4) The minutes must be read out to the witnesses for approval or presented to them for their own review. The approval granted must be noted and signed by the persons concerned. If no signature is given, the reason for this must be stated.

(5) When hearing experts, paragraphs 3 and 4 shall apply accordingly.

(6) The Federal Network Agency can request the local court to swear in witnesses if it considers the swearing in necessary to ensure that they give truthful testimony. The court decides on the swearing in.

§ 95

seizure

(1) The Federal Network Agency may confiscate items that may be of importance as evidence for the investigation. The persons affected must be informed of the confiscation immediately.

(2) The Federal Network Agency must apply for judicial confirmation from the local court in whose district the seizure took place within three days of the seizure if neither the person affected nor an adult relative was present at the time of the seizure or if the person affected and, in his absence, an adult relative of the person affected have expressly objected to the seizure.

(3) The person concerned may apply for a court decision at any time. He must be informed of this. The court competent under paragraph 2 will decide on the application.

(4) An appeal against the court decision is admissible. Sections 306 to 310 and 311a of the Code of Criminal Procedure apply accordingly.

§ 96

Provisional arrangements

The Federal Network Agency may issue provisional orders until a final decision is made.

Section 3

Procedure

Subsection 1

Completion of the administrative procedure

§ 97

Announcement of general orders

Decisions of the Federal Network Agency that are made by general decree must be made public. Public announcement is achieved by

1. the full decision is published on the website of the Federal Network Agency and
2. The following will be published in the Official Journal of the Federal Network Agency:
 - a) the operative part of the general decree,
 - b) the legal remedy instructions and
 - c) a reference to the publication of the complete decision on the website of the Federal Network Agency.

The general decree is deemed to have been published two weeks after publication in the Official Gazette of the Federal Network Agency; this must be indicated in the publication. Section 41 paragraph 4 sentence 4 of the Administrative Procedure Act applies accordingly.

Subsection 2**Proceedings before the Decision Chamber****§ 98****Ruling Chamber decisions**

(1) In the cases of Section 21 in conjunction with Section 49, Section 62, Chapter 5 Sections 2 and 3 and Chapter 6 with the exception of Section 59, the Federal Network Agency decides through decision chambers. The decision is made by administrative act. With the exception of the decision chamber according to paragraph 3, the decision chambers are formed according to the determination of the Federal Ministry for Economic Affairs and Climate Protection.

(2) The decision-making chambers are composed of a chairperson and two associate members. The chairperson and the associate members must have acquired the qualifications for a career in the higher service. At least one member of the decision-making chamber must have the qualifications for judicial office.

(3) In the cases of Chapter 3, Section 3 and Chapter 5, Section 1, the decision-making chamber shall be composed of the President as chairperson and the two Vice-Presidents as associate members; paragraph 2, sentences 2 and 3 shall not apply in this respect. The decision in the cases of Chapter 3, Section 3 shall be made in consultation with the Advisory Board.

(4) Representation in cases of impediment is regulated in the rules of procedure pursuant to Section 3 Paragraph 3 of the Act on the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railways.

§ 99**Initiation of proceedings, parties to proceedings**

(1) The Ruling Chamber initiates proceedings ex officio or upon application.

(2) The proceedings before the Chamber involve

1. the applicant,
2. the providers against whom the proceedings are directed,
3. the persons and associations of persons whose interests are affected by the decision and who the Federal Network Agency has summoned to the proceedings at their request.

§ 100**Hearing, oral hearing**

(1) The ruling chamber shall give the parties the opportunity to comment.

(2) The Ruling Chamber may, in appropriate cases, give persons representing economic circles affected by the proceedings the opportunity to comment.

(3) In cases under Section 98 (1), the ruling chamber shall decide on the basis of a public hearing. At the request of a party or ex officio, the hearing or part of it shall be closed to the public if it gives rise to concerns about a threat to public order, in particular to state security, or a threat to an important trade or business secret. The ruling chamber may decide without a public hearing if

1. the parties declare their consent,
2. after appropriate announcement by the Chamber, none of the parties requests the holding of the oral hearing on a justifiable basis or
3. the case does not present any particular difficulties of a factual or legal nature, the facts have been clarified and the parties have been heard.

(4) Without prejudice to Section 43 (5), sentences 2 to 4, and Section 46 (4), the Ruling Chamber may reject statements and evidence submitted after the expiry of a set time limit and decide without further investigation if

1. their admission would, in the free opinion of the Chamber, delay the completion of the proceedings,
2. the party involved does not sufficiently excuse the delay and
3. the person concerned has been informed of the consequences of missing the deadline.

The reason for the excuse must be made credible upon request of the decision-making chamber.

§ 101**Trade and business secrets**

Immediately after the submission of documents in the context of the ruling chamber proceedings, all parties must mark those parts that contain trade or business secrets. In this case, they must also submit a version that they believe can be viewed without disclosing trade and/or business secrets. If the ruling chamber considers the marking of the documents as trade or business secrets to be unjustified, it must hear the persons submitting the documents before deciding whether to grant third parties access to them.

§ 102**Conclusion of the ruling chamber proceedings**

(1) Decisions of the ruling chamber are to be served on the parties in accordance with the provisions of the Administrative Service of Process Act. Decisions of the ruling chamber that are made against a company based abroad are served by the Federal Network Agency to those whom the company has named to the Federal Network Agency as their authorised agent for service in Germany. If the company has not named an authorised agent for service in Germany, the Federal Network Agency will serve the decision abroad in accordance with Section 9 of the Administrative Service of Process Act.

(2) In addition to service on the parties pursuant to paragraph 1, decisions of the ruling chamber pursuant to sections 43 and 46 must be made public. Section 97 sentences 2 to 4 apply accordingly.

(3) Where proceedings are not concluded with a decision served on the parties in accordance with paragraph 1, the parties shall be notified of their termination.

Subsection 3**Legal proceedings****§ 103****Legal remedies, obligation to submit documents and provide information**

(1) There shall be no preliminary proceedings in the cases referred to in Section 98.

(2) Objections and actions for annulment against administrative acts of the Federal Network Agency under this Act or a legal order issued under this Act shall have no suspensive effect.

(3) In the case of Section 98, an appeal against a judgment and a complaint under the Administrative Court Act or the Courts Constitution Act against a decision of the Administrative Court are excluded. This does not apply to

1. the appeal against the non-admission of the appeal under Section 135 in conjunction with Section 133 of the Administrative Court Code and
2. the appeal against the decisions through the legal process pursuant to Section 17a paragraphs 2 and 3 of the Courts Constitution Act.

Section 17a paragraph 4 sentences 4 to 6 of the Courts Constitution Act shall apply accordingly to appeals against decisions on the legal process.

(4) Section 99 of the Administrative Court Act shall apply with the proviso that the Federal Network Agency shall replace the supreme supervisory authority.

§ 104**Involvement of the Federal Network Agency in civil litigation**

For civil legal disputes arising from this Act, Section 90 Paragraphs 1 and 2 of the Act against Restraints of Competition shall apply accordingly. In these cases, the Federal Cartel Office and its President shall be replaced by the Federal Network Agency and its President.

Chapter 12

Emergency preparedness

§ 105

scope

(1) The provisions of this Chapter shall apply to ensure a minimum provision of postal services

1. in the event of imminent or already existing significant disruptions to the supply of postal services, in particular as a result of natural disasters, particularly serious accidents, acts of sabotage, terrorist attacks or other comparable events or in the event of tension and after special approval under Article 80a of the Basic Law, in cases under Article 80a paragraph 3 of the Basic Law or in the event of a state of defence under Article 115a of the Basic Law and
2. to fulfil international emergency management agreements, cooperation with the United Nations or alliance obligations.

(2) Providers who provide postal services throughout the entire territory of the Federal Republic of Germany are subject to the obligations to ensure postal security under Section 106 and to postal priority under Section 107.

§ 106

Postal security obligation

The parties obliged under Section 105(2) must maintain the following postal services provided by them:

1. the carriage of letter items whose individual weight does not exceed 2 000 grams and whose dimensions comply with the dimensions laid down in the Universal Postal Convention and the associated supplementary letter post regulations, including the types of items "registered mail" and "insured mail",
2. the carriage of parcels whose individual weight does not exceed 20 kilograms and whose dimensions comply with the dimensions laid down in the Universal Postal Convention and the associated supplementary parcel post regulations, including the "valuable item" type of shipment,
3. formal deliveries.

The parties obliged under Section 105 Paragraph 2 must maintain the network access points required for these postal services to an appropriate extent and ensure appropriate transit times and delivery frequencies.

§ 107

Postal priority

(1) Those obliged under Section 105 Paragraph 2 must provide postal services pursuant to Section 106 Sentence 1 for those with priority postal services.

(2) Priority mail recipients are:

1. Constitutional bodies of the Federation and the states,
2. Federal, state, municipal and municipal authorities,
3. Federal and state courts.
4. Bundeswehr agencies and allied forces,
5. Disaster control and civil protection organisations as well as aid organisations pursuant to Section 26 Paragraph 1 Sentence 2 of the Civil Protection and Disaster Assistance Act,
6. Health care providers,
7. Emergency and rescue services,
8. Postal customers who have been issued with a certificate by an authority pursuant to number 2 or an agency of the Federal Armed Forces pursuant to number 4 stating that they have to fulfil vital or defence-critical tasks and are dependent on postal services in accordance with Section 106 Sentence 1 for this purpose.

The certificate pursuant to sentence 1 number 8 shall lose its validity ten years after the date of issue, unless a shorter period of validity is stated on the certificate.

(3) Those with priority postal services must mark items that are to be transported with priority as priority mail in accordance with the specifications of the company used. Proof of priority postal services must be provided when the items are posted; for this purpose, those with priority postal services must present the certificate issued to them in accordance with paragraph 2, sentence 1, number 8.

§ 108

Support of the field post

Those obliged under Section 105 Paragraph 2 must support the Bundeswehr's postal service for its members and units in action (field post) through postal services in accordance with Section 106, Sentence 1. In doing so, they must offer every person the opportunity to post and receive field post. Those obliged under Section 105 Paragraph 2 must transport posted field post and exchange it with the Bundeswehr field post control center indicated on the post. The Bundeswehr can agree with those obliged under Section 105 Paragraph 2 that and to what extent they will support the field post with specialist personnel and post-specific supplies and consumables.

§ 109

Obligations to cooperate and compensation

(1) Those obliged under Section 105 Paragraph 2 must, upon order of the Federal Ministry for Economic Affairs and Climate Protection, cooperate in working groups in the cases of Section 105 Paragraph 1 and within the framework of precautionary planning and exercises and provide the necessary specialist personnel for this purpose.

(2) For staff seconded on the basis of an order pursuant to paragraph 1, postal companies shall be granted compensation per person and per hour commenced from the start of the deployment. For postal companies, this corresponds to number 32 of Annex 1 to the Judicial Remuneration and Compensation Act of 5 May 2004 (BGBl. I p. 718, 776), as last amended by Article 17 of the Act of 25 June 2021 (BGBl. I p. 2154), in the currently applicable version. The compensation pursuant to sentence 1 may not exceed the amount to be paid for an eight-hour deployment per person and day.

§ 110

Control and enforcement of obligations

(1) The Federal Network Agency can issue orders and other measures to ensure compliance with the provisions of this chapter. The party obliged under Section 105 Paragraph 2 must provide the information required for this purpose upon request from the Federal Network Agency. Section 55 of the Code of Criminal Procedure applies accordingly. The Federal Network Agency is authorized to enter and inspect business and operating premises during normal business and operating hours in order to check compliance with the obligations. The party obliged must tolerate the inspection.

(2) To enforce the measures pursuant to paragraph 1 and Section 108, a penalty payment of up to EUR 1 million may be imposed in accordance with the Administrative Enforcement Act.

(3) The powers under Chapter 11, Section 2 remain unaffected.

Chapter 13

Bull money regulations

§ 111

Bufigeld regulations

(1) Any person who intentionally or negligently

1. contrary to Section 4 Paragraph 1 Sentence 2,
2. in violation of Section 4 Paragraph 1 Sentence 3, commissions another provider,
3. in contrast to
 - a) Section 4 paragraph 6 sentence 1 or Section 6 paragraph 1 sentence 2,
 - b) Section 15 paragraph 3 or
 - c) § 30 sentence 1

does not provide a notification, does not provide it correctly, completely or on time,

4. contrary to Section 9 Paragraph 1, also in conjunction with Section 9 Paragraph 2 Sentence 1, in each case also in conjunction with a legal regulation pursuant to Section 9 Paragraph 5 Sentence 1, does not check a commissioned provider, does not check it correctly or does not check it in a timely manner and does not have it checked, does not have it checked correctly or does not have it checked in a timely manner,
 5. contrary to Section 9 Paragraph 2 Sentence 2, does not request proof, does not request it completely or does not request it in a timely manner,
 6. contrary to Section 9 Paragraph 4 Sentence 2, Section 10 Paragraph 1 Sentence 1 or Section 87 Sentence 2, fails to provide information, fails to provide it correctly, fails to provide it completely or fails to provide it in a timely manner,
 7. engages a provider to provide postal services, of whom he knows or negligently does not know that in fulfilling the contract
 - a) does not comply with the legal requirements set out in Section 9 Paragraph 4 or
 - b) employs another provider or allows another provider to operate who violates the legal requirements set out in Section 9 Paragraph 4,
 8. contrary to Section 9 Paragraph 6, fails to submit proof, fails to submit it correctly, fails to submit it completely or fails to submit it on time,
 9. does not deliver letters or parcels or does not deliver them on time, contrary to Section 18 Paragraph 1.
 10. an enforceable order pursuant to
 - a) Section 22 paragraph 1 sentence 2,
 - b) Section 26 paragraph 4 sentence 1, Section 49 paragraph 2 or paragraph 4 sentence 3, each also in conjunction with Section 49 paragraph 5, pursuant to Section 51 paragraph 1, also in conjunction with Section 51 paragraph 3, pursuant to Section 57 paragraph 3, also in conjunction with Section 26 paragraph 4 sentence 3, or pursuant to Section 58 paragraph 3 sentence 2 or
 - c) Section 66 paragraph 1 sentence 2 or sentence 3
 contravenes,
 11. charges a fee without authorisation pursuant to Section 40 Paragraph 1 or Section 62 Sentence 3,
 12. contrary to Section 50 Paragraph 3, fails to disclose remuneration or remuneration measures, fails to disclose them correctly, fails to disclose them completely or fails to disclose them in a timely manner,
 13. contrary to Section 52 Paragraph 3 Sentence 1 or Section 55 Paragraph 4, fails to submit a cost accounting document, an access agreement or an amendment correctly, completely or on time,
 14. contrary to Section 72 paragraph 1 sentence 2, reproduces a postage stamp in a graphic manner,
 15. fails to ensure the correct or timely labelling of a parcel in contravention of Section 73 paragraph 1,
 16. does not have a parcel delivered correctly in contravention of Section 73 Paragraph 2,
 17. contrary to Section 91 Paragraph 1 Sentence 1 Number 3 or Section 110 Paragraph 1 Sentence 5, does not tolerate a measure mentioned therein,
 18. does not maintain a postal service contrary to Section 106 Sentence 1,
 19. contrary to Section 107 paragraph 1, fails to provide a postal service correctly or
 20. contrary to Section 108 Sentence 1, does not support the field post or does not do so properly.
- (2) Any person who violates Regulation (EU) 2018/644 of the European Parliament and of the Council of 18 April 2018 on cross-border parcel delivery services (OJ L 112, 2.5.2018, p. 19) by intentionally or negligently
1. contrary to Article 4(2), fails to inform the regulatory authority, fails to inform it correctly, completely or in a timely manner,
 2. in contravention of Article 4(3) information is not transmitted, is not transmitted correctly, is not transmitted completely or is not transmitted in a timely manner.
 3. contrary to Article 5(1), fails to transmit a list referred to therein, fails to transmit it correctly, completely or within the prescribed time limit, or
 4. contravenes an enforceable order pursuant to Article 6(5) in conjunction with paragraph 6.
- (3) The administrative offence may be punished:
1. in the cases of paragraph 1 number 3 letter b, number 9, 10 letter a with a cash bullion of up to one million euros,
 2. in the cases of paragraph 1 numbers 1, 2, 10 letter b and number 11 with a fine of up to five hundred thousand euros,
 3. in the cases of paragraph 1 number 7 letters a and b, numbers 12, 13 and 17 and in the cases of paragraph 2 with a fine of up to one hundred thousand euros,
 4. in the cases of paragraph 1 number 3 letter a, numbers 4 to 6, 8, 10 letter c, numbers 14 to 16 and 18 to 20 with a fine of up to fifty thousand euros and
 5. in the cases referred to in paragraph 1 number 3 letter c, with a fine of up to ten thousand euros.
- (4) In the case of a legal person or association of persons with an average annual turnover of more than EUR 50 million, by way of derogation from paragraph 3 number 1, an administrative offence in the cases of paragraph 1 number

3 letter b and number 9 may be punished with a fine of up to 2 percent of the average annual turnover achieved by the legal person or association of persons with postal services-

services in Germany in the last three financial years preceding the authority's decision. The average annual turnover pursuant to sentence 1 must include the average annual turnover of old companies that are associated or merged with the legal person or association of persons pursuant to Section 3 Number 19. The average annual turnover can be estimated.

(5) The administrative authority within the meaning of Section 36 paragraph 1 number 1 of the Act on Administrative Offences is the Federal Network Agency.

Chapter 14

Transitional and final provisions

§ 112

Transitional provisions; Implementation provisions

(1) Providers who have a valid license under Section 2 of the Postal Services Act of December 22, 1997 on July 18, 2024 must be entered in the provider directory under Section 4 Paragraph 1 Sentence 1. Providers who have notified the Federal Network Agency of the provision of postal services under Section 36 of the Postal Services Act of December 22, 1997 by July 18, 2024 may continue their activities until August 18, 2026 without being entered in the provider directory under Section 4 Paragraph 1 Sentence 1. The right to continue activities under Sentence 2 ends three months after the Federal Network Agency has requested a provider to submit an application under Section 4 Paragraph 2 within one month. Providers who have not been requested by the Federal Network Agency to submit an application in accordance with Section 4 Paragraph 2 by 18 February 2026 must submit an application in accordance with Section 4 Paragraph 2 within a period of five months after the aforementioned date. If the provider does not submit an application within this period, the further provision of postal services is not permitted. Providers who exclusively operate branches or automated stations and for whom another provider transmits information to the Federal Network Agency in accordance with Section 10 Paragraph 1 Sentence 2 must be informed by the Federal Network Agency of the provisions of Chapter 2, in particular Section 10 Paragraph 3, by 18 August 2025. Until 18 August 2026, Section 4 Paragraph 1 Sentence 3 shall apply with the proviso that an order may also be placed if the commissioned provider has a licence in accordance with Section 6 of the Postal Services Act of 22 December 1997 or is registered in accordance with Section 36 of the Postal Services Act of 22 December 1997.

(2) Documents issued concerning the granting of a licence pursuant to Section 2 of the Postal Services Act of 22 December 1997 must be reclaimed by the Federal Network Agency pursuant to Section 52 of the Administrative Procedure Act if the licensee was entered in the provider directory pursuant to paragraph 1 sentence 1.

(3) Section 9 shall apply for the first time from the date on which a regulation pursuant to Section 9(5) comes into force.

(4) For universal services pursuant to Section 16 Paragraph 1 Sentence 1 Numbers 1 and 4 and Sentence 2, in derogation from Section 18 Paragraph 1, the requirements in Section 2 Number 3 Sentence 1 of the Postal Universal Services Ordinance of 15 December 1999 (Federal Law Gazette I p. 2418), last amended by Article 3 Paragraph 26 of the Act of 7 July 2005 (Federal Law Gazette I p. 1970), in the version valid on 18 July 2024, shall continue to apply until the end of 31 December 2024. Section 111 Paragraph 1 Number 7 shall not apply until the date specified in Sentence 1.

(5) In the first procedure pursuant to Section 40 Paragraph 1 in conjunction with Section 42 Paragraph 2 Number 2 after 18 July 2024, the provision of Section 21 Paragraph 1 shall additionally be applied on a product-specific basis to the most popular letter product in the single-item tariff.

(6) The determinations of a dominant position made by the Federal Network Agency before July 19, 2024 remain valid until they are replaced by decisions under Chapter 5. Sentence 1 also applies if the determination of a dominant position is merely part of the justification of an administrative act. Rate approvals issued on the basis of Section 5 of the Postal Services Act of December 22, 1997 remain valid until their period of validity expires, unless they are replaced by decisions under Chapter 5 of this Act before their period of validity expires. To the extent that determinations of a dominant position or rate approvals under this paragraph remain valid, they shall be deemed to be determinations of a dominant position and rate approvals within the meaning of Chapter 5.

(7) For services whose fees were previously not subject to the fee approval requirement and which have been subject to the fee approval requirement pursuant to Section 40 Paragraph 1 since July 19, 2024, the requirement of Section 48 shall only apply from the first issuance of a corresponding fee approval, but no later than July 1, 2025. Fees contractually agreed up to the end of July 18, 2024, which complied with the postal law requirements at the time the contract was concluded, but which contradict the requirements of this law due to the approval of fees previously not subject to the fee approval requirement, shall continue to apply for a period of two years from July 19, 2024 at the latest.

(8) After 18 July 2024, the Federal Network Agency shall initiate proceedings ex officio pursuant to Section 40 Paragraph 1 in conjunction with Section 42 Paragraph 2 Number 2 in order to issue rate approvals on the basis of Chapter 5. If, in the procedure pursuant to sentence 1, the Federal Network Agency cannot rely on a market power determination that continues to apply pursuant to Paragraph 6 for one or more markets, it can determine a market-dominant position of one or more companies pursuant to Section 18 of the Act against Restraints of Competition for the affected market or markets until a market analysis is issued pursuant to Chapter 5, even without a market analysis.

(9) Section 47 shall apply for the first time to the second decision based on Section 40(1) in conjunction with Section 42(2) No. 2 after 18 July 2024.

(10) The requirement of Section 73 Paragraph 1 shall apply from 1 January 2025. The requirement of Section 73 Paragraph 2 Sentence 1 shall apply for the first time six months after the entry into force of a regulation pursuant to Section 73 Paragraph 2 Sentence 2.

(11) Section 76 paragraph 4 sentence 1 shall apply for the first time from the date on which a regulation pursuant to section 76 paragraph 4 sentence 2 comes into force. A later date may be specified in the legal regulation pursuant to section 76 paragraph 4 sentence 2.

(12) The provision of Section 84(3) shall only apply to files kept on proceedings initiated after July 18, 2024 on the basis of this Act. Files of proceedings that have led to decisions that remain valid under paragraph 6 are not files within the meaning of sentence 1.

(13) In derogation from Section 103(3), the admissibility of an appeal against a court decision shall be governed by the provisions previously in force if the court decision was announced before July 19, 2024 or was served ex officio instead of being announced.

(14) Certificates issued up to July 18, 2024 in accordance with Section 2 Paragraph 2 Sentence 1 Number 6 of the Postal Security Act of May 24, 2011 (Federal Law Gazette I p. 506; 941), as last amended by Article 48 of the Act of June 23, 2021 (Federal Law Gazette I p. 1858), shall remain valid until the expiry of the ten-year period of validity provided for in Section 107 Paragraph 2 Sentence 2 or the noted shorter period of validity.

Article 2

Amendment to the Administrative Procedure Act

The Administrative Procedure Act in the version published on 23 January 2003 (BGBl. I p. 102), last amended by Article 1 of the Act of 4 December 2023 (BGBl. 2023 I No. 344), is amended as follows:

1. In § 15, sentence 2, the words "on the third day" are replaced by the words "on the fourth day".
2. In Section 41 Paragraph 2 Sentences 1 and 2, the words "on the third day" are replaced by the words "on the fourth day".

Article 3

Amendment to the Administrative Service Act

The Administrative Service Act of 12 August 2005 (BGBl. I p. 2354), last amended by Article 34 paragraph 5 of the Act of 22 December 2023 (BGBl. 2023 I No. 411), is amended as follows:

1. In Section 4, Paragraph 2, Sentence 2, the words "on the third day" are replaced by the words "on the fourth day".
2. In Section 5 Paragraph 7 Sentence 2 and Section 5a Paragraph 4 Sentence 1, the words "on the third day" are replaced by the words "on the fourth day".

Article 4

Amendment of the Asylum Act

In Section 10 Paragraph 4 Sentence 4 of the Asylum Act in the version published on 2 September 2008 (BGBl. I p. 1798), which was last amended by Article 9 of the Act of 8 May 2024 (BGBl. 2024 I No. 152), the words "on the third day" are replaced by the words "on the fourth day".

Article 5

Amendment to the Code of Civil Procedure

The Code of Civil Procedure in the version published on 5 December 2005 (BGBl. I p. 3202; 2006 I p. 431; 2007 I p. 1781), last amended by Article 13 of the Act of 12 July 2024 (BGBl. 2024 I No. 234) has been amended as follows:

1. In Section 168 Paragraph 1 Sentence 2, the reference "Section 33 Paragraph 1" is replaced by the reference "Section 61".
2. In Section 173 Paragraph 4, Sentence 4, the word "third" is replaced by the word "fourth".
3. Section 270 sentence 2 is worded as follows:
If sent by post, the notice shall be deemed to have been given on the fourth day after it was posted, unless the party can prove that the notice was not received or was received at a later date."
4. In Section 321a Paragraph 2 Sentence 3, the words "third day" are replaced by the words "fourth day".
5. Section 357 paragraph 2 sentence 2 is worded as follows:
"If sent by post, the notification shall be deemed to have been made on the fourth day after it was posted, provided that
the party does not make it credible that it did not receive the notification or that it only received it at a later date."

Article 6

Amendment to the insolvency law

In Section 8 Paragraph 1 Sentence 3 of the Insolvency Code of 5 October 1994 (BGBl. I p. 2866), last amended by Article 36 of the Act of 12 July 2024 (BGBl. 2024 I No. 234), the words "three days" are replaced by the words "on the fourth day".

Article 7

Amendment to the Corporate Stabilisation and Restructuring Act

In Section 41 Paragraph 1 Sentence 3 of the Corporate Stabilisation and Restructuring Act of December 22, 2020 (BGBl. I p. 3256), last amended by Article 38 of the Act of July 12, 2024 (BGBl. 2024 I No. 234), the words "three days" are replaced by the words "on the fourth day".

Article 8

Amendment to the Act on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction

In Section 15 Paragraph 2 Sentence 2 of the Act on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction of 17 December 2008 (BGBl. I p. 2586, 2587), last amended by Article 19 of the Act of 12 July 2024 (BGBl. 2024 I No. 234), the words "three days" are replaced by the words "four days".

Article 9

Amendment to the Social Court Act

In Section 178a Paragraph 2 Sentence 3 of the Social Security Court Act in the version published on 23 September 1975 (BGBl. I p. 2535), which was last amended by Article 27 of the Act of 12 July 2024 (BGBl. 2024 I No. 234), the words "third days" are replaced by the words "fourth days".

Article 10

Amendment to the Labour Court Act

In Section 78a Paragraph 2 Sentence 3 of the Labor Court Act in the version published on July 2, 1979 (BGBl. I p. 853, 1036), which was last amended by Article 24 of the Act of July 12, 2024 (BGBl. 2024 I No. 234), the words "third days" are replaced by the words "fourth days".

Article 11

Amendment of the Administrative Court Act

In Section 152a Paragraph 2 Sentence 3 of the Administrative Court Act in the version published on 19 May 1991 (BGBl. I p. 686), which was last amended by Article 30 of the Act of 12 July 2024 (BGBl. 2024 I No. 234), the words "third day" are replaced by the words "fourth day".

Article 12

Amendment of the Fiscal Court Code

In Section 133a Paragraph 2 Sentence 3 of the Fiscal Court Code in the version published on 28 May 2001 (BGBl. I p. 442, 2262; 2002 I p. 679), which was last amended by Article 33 of the Act of 12 July 2024 (BGBl. 2024 I No. 234), the words "third day" are replaced by "fourth day".

Article 13

Amendment to the Court Fees Act

In Section 68 Paragraph 1 Sentence 4 and Section 69a Paragraph 2 Sentence 3 of the Court Costs Act in the version published on February 27, 2014 (BGBl. I p. 154), which was last amended by Article 2 of the Act of December 14, 2023 (BGBl. 2023 I No. 365; 2024 I No. 165), the words "third day" are replaced by the words "fourth day".

Article 14

Amendment to the law on court costs in family cases

The Law on Court Costs in Family Matters of 17 December 2008 (BGBl. 1 p. 2586, 2666), which was last by Article 6 of the Act of 10 August 2021 (BGBl. I p. 3424), is amended as follows:

1. In Section 59 Paragraph 1 Sentence 4, the words "third day" are replaced by the words "fourth day".
2. In section 61 paragraph 2 sentence 3, the words "third day" are replaced by the words "fourth day".

Article 15

Amendment to the Court and Notary Fees Act

In Section 83 Paragraph 1 Sentence 4 and Section 84 Paragraph 2 Sentence 3 of the Court and Notary Fees Act of 23 July 2013 (BGBl. I p. 2586), which was last amended by Article 9 of the Act of 19 June 2024 (BGBl. 2024 I No. 206), the words "third day" are replaced by the words "fourth day".

Article 16

Amendment to the Judicial Remuneration and Compensation Act

In Section 4a, Paragraph 2, Sentence 3 of the Judicial Remuneration and Compensation Act of 5 May 2004 (Federal Law Gazette I p. 718, 776), last amended by Article 10 of the Act of 19 June 2024 (Federal Law Gazette 2024 I No. 206), the words "third day" are replaced by the words "fourth day".

Article 17

Amendment to the Lawyers' Remuneration Act

In Section 12a Paragraph 2 Sentence 3 of the Lawyers' Remuneration Act in the version published on March 15, 2022 (Federal Law Gazette I p. 610), which was last amended by Article 35 of the Act of July 12, 2024 (Federal Law Gazette 2024 I No. 234), the words "third day" are replaced by the words "fourth day".

Article 18

Amendment to the EU Consumer Protection Implementation Act

In Section 28 Paragraph 2 Sentence 3 of the EU Consumer Protection Implementation Act of 21 December 2006 (BGBl. I p. 3367), last amended by Article 21 of the Act of 8 October 2023 (BGBl. 2023 I No. 272), the word "third" is replaced by the word "fourth".

Article 19

Amendment to the Federal Benefits Act

In Section 95 of the Federal Services Act in the revised version published in the Federal Law Gazette Part III, section number 54-1, which was last amended by Article 27 of the Act of June 23, 2021 (BGBl. I p. 1858), the words "Section 1 of the Postal Security Act" are replaced by the words "Chapter 12 of the Postal Services Act".

Article 20

Amendment to the tax code

The Tax Code in the version published on 1 October 2002 (BGBl. I p. 3866; 2003 I p. 61), last amended by Article 14 of the Act of 27 March 2024 (BGBl. 2024 I No. 108), is amended as follows:

1. In Section 122 Paragraph 2 Number 1 and Paragraph 2a, the words "on the third day" are replaced by the words "on the fourth day".
2. Section 122a paragraph 4 is amended as follows:
 - a) In sentence 1, the words "on the third day" are replaced by the words "on the fourth day".
 - b) In sentence 4, the words "three days" are replaced by the words "four days".
3. In Section 123, sentence 2, the words "on the third day" are replaced by the words "on the fourth day".

Article 21

Amendment to the Introductory Act to the Tax Code

The following paragraph 15 is added to Article 97 § 1 of the Introductory Act to the Tax Code of 14 December 1976 (BGBl. I p. 3341; 1977 I p. 667), last amended by Article 16 of the Act of 27 March 2024 (BGBl. 2024 I No. 108):

"(15) Section 122 paragraph 2 numbers 1 and paragraph 2a, section 122a paragraph 4 and section 123 sentence 2 of the Fiscal Code in the version in force on 1 January 2025 shall apply to all administrative acts that are posted, transmitted electronically or made available for electronic retrieval after 31 December 2024."

Article 22

Amendment to the VAT Act

In Section 4 Number 11b Sentence 3 Letter b of the Sales Tax Act in the version published on February 21, 2005 (BGBl. I p. 386), which was last amended by Article 23 of the Act of March 27, 2024 (BGBl. 2024 I No. 108), the words "Section 19 of the Postal Services Act of December 22, 1997 (BGBl. I p. 3294), which was last amended by Article 272 of the Ordinance of October 31, 2006 (BGBl. I p. 2407)" are replaced by the words "Section 40 Paragraph 1 of the Postal Services Act of July 15, 2024 (BGBl. 2024 I No. 236)".

Article 23

Amendment to the Customs Administration Act

In Section 5 Paragraph 1 Sentence 1 of the Customs Administration Act of December 21, 1992 (BGBl. I p. 2125; 1993 I p. 2493), last amended by Article 6 Paragraph 6 of the Act of July 5, 2021 (BGBl. I p. 2274), the reference "Section 4 Number 1" is replaced by the reference "Section 3 Number 15".

Article 24

Amendment to the Equalization of Burdens Act

In Section 332 Paragraph 3 Sentence 5 of the Equalisation of Burdens Act in the version published on 2 June 1993 (BGBl. I p. 845; 1995 I p. 248), which was last amended by Article 34 Paragraph 17 of the Act of 22 December 2023 (BGBl. 2023 I No. 411), the word "third" is replaced by the word "fourth".

Article 25

Amendment to the Act against Restraints of Competition

The Act against Restraints of Competition in the version published on 26 June 2013 (BGBl. I p. 1750, 3245), last amended by Article 3 of the Act of 12 June 2024 (BGBl. 2024 I No. 190), is amended as follows:

1. In Section 32f Paragraph 8 Sentence 2, after the words "Market analysis according to" the words "Section 37 Paragraph 2 Number 3 of the Postal Services Act and" are inserted.
2. In Section 46, Paragraph 2a, Sentence 2 and Paragraph 2b, Sentence 2, the reference "Section 44" is replaced by the reference "Section 84".
3. In Section 69 Paragraph 2 Sentence 3, the word "third" is replaced by the word "fourth".

Article 26

Amendment to the Energy Industry Act

In Section 83a Paragraph 2 Sentence 3 of the Energy Industry Act of 7 July 2005 (BGBl. I p. 1970, 3621), last amended by Article 1 of the Act of 14 May 2024 (BGBl. 2024 I No. 161), the word "third" is replaced by the word "fourth".

Article 27

Amendment to the Mineral Oil Management Ordinance

In Section 9 Paragraph 1 Number 1 Letter b of the Mineral Oil Management Ordinance of 19 April 1988 (BGBl. I p. 530), last amended by Article 10 of the Act of 2 March 2023 (BGBl. 2023 I No. 56), the words "Section 1 of the Postal Security Act" are replaced by the words "Chapter 12 of the Postal Act".

Article 28

Amendment to the Trade Regulations

Section 150a paragraph 2 of the Trade Code in the version published on 22 February 1999 (BGBl. I p. 202), last amended by Article 5 of the Act of 17 January 2024 (BGBl. 2024 I No. 12), is amended as follows:

1. A comma is added to the number 7.
2. After point 7, the following point 8 is inserted:
the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railways to carry out its tasks under Chapter 2 of the Postal Services Act via the entries referred to in Section 149 Paragraph 2 Sentence 1 Number 3".

Article 29

Amendment to the Fuel Supply Restriction Regulation

In Section 14 Paragraph 5 Sentence 1 of the Fuel Delivery Restrictions Ordinance of April 26, 1982 (BGBl. I p. 520), which was last amended by Article 37 of the Act of June 23, 2021 (BGBl. I p. 1858), the words "Section 1 of the Postal Security Act" are replaced by the words "Chapter 12 of the Postal Act".

Article 30

Amendment to the Agricultural Organisations and Supply Chain Act

In Section 41 Paragraph 2 Sentence 3 of the Agricultural Organisations and Supply Chains Act in the version published on 24 August 2021 (BGBl. I p. 4036), which was last amended by Article 2 Paragraph 21 of the Act of 20 December 2022 (BGBl. I p. 2752), the word "third" is replaced by the word "fourth".

Article 31

Amendment to the Employment Security Act

In Section 4 Paragraph 1 Number 8 of the Employment Security Act of July 9, 1968 (BGBl. I p. 787), last amended by Article 41 of the Act of June 23, 2021 (BGBl. I p. 1858), the words "Section 1 of the Postal Security Act" are replaced by the words "Chapter 12 of the Postal Act".

Article 32

Amendment to the Occupational Safety and Health Act

Section 23 paragraph 3 of the Occupational Safety and Health Act of 7 August 1996 (BGBl. I p. 1246), last amended by Article 2 of the Law of 31 May 2023 (BGBl. 2023 I No. 140) is amended as follows:

1. Sentence 1 is amended as follows:
 - a) After point 8, the following point 9 is inserted:

"9. Violations of the provisions for packages with increased weight under the Postal Act."
 - b) In the sentence after number 9, the words "numbers 1 to 8" are replaced by the words "numbers 1 to 9" replaced.
2. In sentence 2, after the words "mentioned authorities", the word "and" is replaced by a comma and after the words "the financial authorities" the words "and the Federal Network Agency for Electricity, Gas, Telecommunications, postal services and railways".

Article 33

Amendment of Book Ten of the Social Code

The Tenth Book of the Social Code - Social Administrative Procedures and Social Data Protection - in the version published on 18 January 2001 (BGBl. I p. 130), last amended by Article 7 paragraph 3 of the Act of 11 April 2024 (BGBl. 2024 I No. 119), is amended as follows:

1. In § 14, sentence 2, the words "on the third day" are replaced by the words "on the fourth day".
2. In Section 37, Paragraph 2, Sentences 1 and 2, and in Paragraph 2a, Sentence 4, the words "on the third day" are replaced by the words "on the fourth day".

Article 34

Amendment to the Postal Act Transfer Regulation

The Postal Services Transfer Ordinance of 16 April 2021 (Federal Law Gazette I p. 816) is amended as follows:

1. In the introductory formula, the words "Section 18a paragraph 8 sentence 2 of the Postal Services Act of December 22, 1997 (BGBl. I p. 3294), which was inserted by Article 1 of the Act of March 9, 2021 (BGBl. I p. 324)," are replaced by the words "Section 34 paragraph 8 sentence 2 of the Postal Services Act of July 15, 2024 (BGBl. 2024 I No. 236)".
2. In Section 1, the words "Section 18a Paragraph 8 Sentence 1" are replaced by the words "Section 34 Paragraph 8 Sentence 1".

Article 35

Amendment to the Postal Arbitration Regulation

The Postal Arbitration Ordinance of 21 June 2022 (BGBl. I p. 980) is amended as follows:

1. In the introductory formula, the words "Section 18a paragraph 8 sentences 1 and 2 of the Postal Services Act of 22 December 1997 (BGBl. I p. 3294), which was inserted by Article 1 of the Act of 9 March 2021 (BGBl. I p. 324)," are replaced by the words "Section 34 paragraph 8 sentences 1 and 2 of the Postal Services Act of 15 July 2024 (BGBl. 2024 I No. 236)".
2. Section 1 is amended as follows:
 - a) In paragraph 1, the words "or about the violation of his own rights to which he is entitled under the Postal Services Regulation" are deleted.
 - b) In paragraph 2, the words "Section 18a paragraph 1 sentence 2" are replaced by the words "Section 34 paragraph 1 sentence 2".
3. In section 5 paragraph 2 number 2, the words "or the violation of his own rights to which he is entitled under the Postal Services Ordinance" are deleted.
4. Section 7 paragraph 1 number 3 is amended as follows:

"3. Claims or legal relationships which are the subject of the dispute settlement procedure have been registered in the collective action register for a model declaratory action or a remedy action and the action is still pending."
5. In Section 17, the word "third" is replaced by the word "fourth".

Article 36

Amendment to the Designated Operator Licensing Ordinance

The Designated Operator Licensing Ordinance of 1 July 2019 (BGBl. I p. 904) is amended as follows:

1. Section 2 is amended as follows:
 - a) In paragraph 3 sentence 1, the Würter "holds a permit according to Section 6 paragraph 1 of the Postal Act" by the Würter "is entered in the register pursuant to Section 4 Paragraph 1 of the Postal Act".
 - b) Paragraph 4 is amended as follows:
 - (aa) In point 2, the full stop at the end is replaced by a comma and the word 'or'.
 - (bb) The following point 3 is added:

"3. the applicant is not entitled to receive a letter of invitation pursuant to Section 15 Paragraph 2 in conjunction with Section 16 Paragraph 1 of the Postal Act. is obliged to provide the universal service."
 - c) In paragraph 5, sentence 1, number 1, sentence 2, the words "the Postal Universal Service Ordinance" are replaced by the words "Chapter 3, Section 2 of the Postal Services Act" and the words "stationary facilities" are replaced by the words "universal service branches".
2. Section 3 paragraph 2 sentence 1 is worded as follows:

„Authorisation can be granted by the Federal Network Agency via the procedures set out in Section 49 of the Administrative Procedure Act
In addition to the reasons mentioned above, the consent may also be revoked in whole or in part if

 1. the authorised company fails to fulfil its obligations under this Ordinance in serious or repeatedly violated,

2. the authorised company complies with the remedial measures ordered by the Federal Network Agency paragraph 1 within a reasonable period of time or
3. reasons pursuant to Section 2 Paragraph 4 subsequently arise which would have led to the refusal of authorisation."

Article 37

Amendment to the Driving Personnel Ordinance

In Section 18 Paragraph 1 Number 4 of the Driving Personnel Ordinance of June 27, 2005 (BGBl. I p. 1882), last amended by Article 13 of the Act of June 28, 2023 (BGBl. 2023 I No. 172), the words "Section 1 Paragraph 1 of the Postal Universal Service Ordinance of December 15, 1999 (BGBl. I p. 2418), last amended by Article 3 Paragraph 26 of the Act of July 7, 2005 (BGBl. I p. 1970)," are replaced by the words "Section 16 Paragraph 1 of the Postal Services Act."

Article 38

Amendment of the Road Traffic Regulations

In Section 35 Paragraph 7a Sentence 1 of the Road Traffic Ordinance of 6 March 2013 (BGBl. I p. 367), which was last amended by Article 2 of the Ordinance of 28 August 2023 (BGBl. 2023 I No. 236), the words "Section 11 of the Postal Services Act in conjunction with Section 1 Number 1 of the Postal Universal Service Ordinance" are replaced by the words "Section 17 Paragraph 1 of the Postal Services Act" and the words "stationary facilities" are replaced by the words "universal service branches according to Section 17 Paragraph 1 of the Postal Services Act or stations replacing them according to Section 17 Paragraph 2 of the Postal Services Act".

Article 39

Amendment to the Road Haulage Act

In Section 2 Paragraph 1 Number 9 of the Road Haulage Act of 22 June 1998 (BGBl. I p. 1485), last amended by Article 1 of the Act of 2 March 2023 (BGBl. 2023 I No. 56), the words "Section 1 Paragraph 1 of the Postal Universal Service Ordinance" are replaced by the words "Section 16 Paragraph 1 of the Postal Services Act".

Article 40

Amendment to the Traffic Safety Act

In Section 30 Paragraph 1 Sentence 1 of the Transport Security Act in the version published on October 8, 1968 (BGBl. I p. 1082), which was last amended by Article 34 Paragraph 10 of the Act of December 22, 2023 (BGBl. 2023 I No. 411), the words "Section 1 of the Postal Security Act" are replaced by the words "Chapter 12 of the Postal Act".

Article 41

Amendment to the Regulation on the Safety of Road Traffic

In Section 2 Paragraph 2 Number 1 of the Ordinance on the Security of Road Traffic of September 23, 1980 (Federal Law Gazette I p. 1795), last amended by Article 56 of the Act of June 23, 2021 (Federal Law Gazette I p. 1858), the words "Section 1 of the Postal Security Act" are replaced by the words "Chapter 12 of the Postal Act".

Article 42

Amendment to the Transport Services Act

In Section 7 Paragraph 1 Sentence 1 Number 4 of the Transport Services Act of 23 July 2004 (BGBl. I p. 1865), last amended by Article 40 of the Act of 2 March 2023 (BGBl. 2023 I No. 56), the words "personnel management" are replaced by the words "infrastructure, environmental protection and services".

Article 43

Entry into force, repeal

(1) This Act shall enter into force on the day following its promulgation, subject to paragraph 2.

(2) Articles 2 to 4, 5 numbers 2 to 5, Articles 6 to 18, 20, 21, 24, 25 number 3, Articles 26, 30, 33, 34 and 36 number 5 shall enter into force on 1 January 2025.

(3) The Postal Act of December 22, 1997 (BGBl. I p. 3294), last amended by Article 1 of the Act of March 9, 2021 (BGBl. I p. 324), the Postal Fees Regulation Ordinance of November 22, 1999 (BGBl. I p. 2386), last amended by Article 2 of the Act of March 9, 2021 (BGBl. I p. 324), the Postal Universal Service Ordinance of December 15, 1999 (BGBl. I p. 2418), last amended by Article 3 paragraph 26 of the Act of July 7, 2005 (BGBl. I p. 1970), the Postal Services Ordinance of August 21, 2001 (BGBl. I p. 2178), which was last amended by Article 3 of the Act of 9 March 2021 (BGBl. I p. 324), and the Postal Security Act of 24 March 2011 (BGBl. I p. 506, 941), which was last amended by Article 48 of the Act of 23 June 2021 (BGBl. I p. 1858), shall cease to apply on the day following the promulgation of this Act.

The above law is hereby enacted. It is to be published in the Federal Law Gazette. Berlin, 15

July 2024

Federal President
Steinmeier

Federal Chancellor
Olaf Scholz

The Federal Minister
for economy and climate protection
Robert Habeck

