

National Post and Telecom Agency

POSTAL SERVICES ACT (1993:1684)

Universal postal services

Section 1

There shall be a nationwide postal service with the possibility for everybody to receive letters and other kinds of addressed mail items weighing less than 20 kg. Postal services shall be of good quality and it shall be possible for everybody to have such mail items delivered at reasonable prices. Furthermore, single letters shall be delivered at uniform prices. It shall be possible to insure mail and to receive a receipt from the addressee confirming the reception of the item. Act (1998:483).

Section 2

The Government or an authority appointed by the Government shall continuously observe developments in the postal sector and monitor that postal services fulfil the needs of the community. Act (2001:1277).

Definitions

Section 3

In this Act, postal operations refer to regular delivery of letters for a charge. Letters refer to addressed mail items enclosed in envelopes or other kind of wrapping weighing less than 2 kg. Postcards and similar mail items shall be considered as letters when applying this Act. Act (1998:483).

Section 3 a

In this Act, the postcode system refers to a system of digit series relating to the subdivision of the country into postcode areas expedient for mail delivery. The postcode system shall be elaborated in order to enable an effective sorting and distribution of mail items over the entire country. Ordinance (1999:571)

Postal operations

Section 4

A licence under this Act is required for the right to conduct postal operations. Act (1996:1132).

Section 4 a

Matters concerning licences are tried by the authority appointed by the Government (the licensing authority). Act (1996:1132).

Section 4 b

The licensing authority shall, upon application, issue a preliminary decision on whether a licence is required under Section 4 for a particular operation. A preliminary decision applies for the period and is as for the rest subject to the conditions stated in the answer. Act (1998:483).

Section 5

Postal operations shall be conducted under conditions which satisfy reasonable demands for dependability and so that the protection of the personal integrity of senders and recipients is maintained.

A licence under Section 4 shall be granted only if the applicant is capable of conducting postal operations in the manner stated in the first paragraph. Act (1998:483).

Section 5 a

If a licence holder does not comply with the regulations under this Act or regulations or conditions issued by virtue of this Act, the licence may be revoked. If it is adequate, the licensing authority may issue a warning instead of revoking the licence.

The licence shall be revoked on request by the licence holder.

If the licence is revoked, the licensing authority may decide on how to liquidate operations.

A decision on revocation may be combined with a prohibition of continuing operations. Act (1998:483).

Licence conditions, etc.

Section 5 b

A licence to conduct postal operations under Section 4 may be issued with provisions concerning the licence holder's obligation to

1. provide a universal postal service under Section 1 and to fulfil in a certain manner what is laid down in Section 7 a,
2. fulfil in a certain manner what is prescribed in Section 5, first paragraph,
3. heed the needs of disabled people for special postal services when conducting operations
4. heed the needs of Sweden's Total Defence for postal services during state of alert.

The Government or, if authorised by the Government, the licensing authority may issue more detailed regulations concerning licence terms and conditions. Act (1998:483).

Section 5 c

Terms and conditions shall apply for a fixed term and may be issued in connection with the granting of a licence or at the expiry of the period of validity for previously issued terms and conditions or when other reasons exist.

Terms and conditions may only be altered during current term according to proviso in the conditions issued or after consent by the licence holder and after other licence holders conducting operations directly affected by the alteration have had the possibility to give their opinion. Act (1998:483)

Section 5 d

A licence holder is obliged to enable mail items conveyed by other licence holders to reach the mail delivery facilities for the addressees that the licence holder is in possession of. The pertinent conditions shall be fair and impartial

as regards competition and non-discriminatory in relation to the professional activities of the licence holder. Ordinance (1999:571).

Section 6

Demand for compensation from the mail delivery undertaking due to loss of letters, damage or delay of letters can only be claimed if there is an agreement between the undertaking and the sender.

Section 7

The Government or, if the Government so decides, the licensing authority may issue regulations concerning whether and to which extent mail items shall indicate the operator conveying them. Act (1996:1132).

Provision of universal postal services etc.

Section 7 a

An operator providing universal postal services under Section 1 shall

1. provide the service at prices that are geared to costs,
2. report annually on the activities to the licensing authority in accordance with the 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 services,
3. keep the conditions for the service available to the public,
4. establish procedures for dealing with complaints which are efficient and inexpensive, and
5. publish information annually about the number of complaints and how complaints have been dealt with.

The Government shall appoint the licence holder providing a universal service to also operate and administer the postcode system.

The Government or, if authorised by the Government, the licensing authority may issue more detailed regulations concerning the requirements under the first and second paragraph. Ordinance (1999:571).

Section 7 b

The Government may prescribe that prices for services included in postal operations may not exceed specified levels. Act (1998:483).

Section 7 c

The operator providing the postcode system is on request from other licence holders obliged to allot them postcodes for postbox facilities within requested postcode areas.

The licensing authority may under certain circumstances accord an exception to the obligation under the first paragraph if allotment of a requested postcode would considerably hamper an effective use of the postcode system. Ordinance (1999:571).

Section 7 d

The approval of the licensing authority is requested for alterations of the postcode system if the alteration is not merely restricted to individual addressees. The licensing authority shall in this matter consult other licence

holders, authorities responsible for national registration, the real estate directory and local authorities concerned.

An alteration may be effected six months at the earliest following the approval of the licensing authority. If particular reasons exist, the authority may decide that the alteration shall be effected earlier. Ordinance (1999:571).

Non-deliverable letters

Section 8

A letter shall be considered as non-deliverable if

1. it cannot be distributed to the addressee,
2. it is unfranked, or insufficiently franked and the addressee does not collect it,
3. it has been returned by a foreign postal administration or delivery undertaking to the mail delivery undertaking that conveyed the letter from Sweden.

Section 9

A non-deliverable letter shall be returned, if possible, to the sender. If the sender's address is not known, the letter shall be sent to the licensing authority. This does not apply to postcards or similar items that are not enclosed in an envelope or other wrapping. Act (1996:1132).

Section 10

A non-deliverable letter enclosed in an envelope or other wrapping may only be opened by the licensing authority on condition that the wrapping does not provide any information about the sender which makes it possible to return the letter to the sender. Act (1996:1132).

Section 11

An opened letter may not be examined more thoroughly than necessary in order to make it possible to return it to the sender or, as regards letters referred to in Section 8 item 1, be distributed to the recipient.

Section 12

Opened letters which are still non-deliverable shall be stored at the licensing authority.

The length of the period of storage is decided by the authority. Contents that are subject to deterioration or consisting of printed matter, advertisement sheets or the like which may be assumed to be of no value may be destroyed immediately. Act (1996:1132).

Section 13

An opened letter that can not be delivered becomes State property on the expiry of the period of storage. Written messages should then be destroyed immediately. Contents other than money should if proper be sold if it can be assumed that it will not imply a violation of the personal integrity of anyone. If not, the property should be destroyed.

Conveyance of packets

Section 14

Repealed. Act (1998:483)

Supervision

Section 15

The licensing authority shall supervise compliance with this Act and the regulations and conditions that have been issued under the Act. Act (1998:483).

Section 16

The licensing authority is entitled at its request to obtain the information and documents necessary for conducting supervision.

The licensing authority is also entitled to obtain access to areas, premises and other spaces, though not to residents, where operations subject to supervision are conducted.

The licensing authority is entitled to have decisions relating to measures of supervision under the first and second paragraphs enforced through the enforcement service. The provisions of the Enforcement Code applicable to such enforcement as is referred to in Chapter 16, Section 10 of the Code shall then apply. Act (1996:1132).

Section 16 a

The licensing authority shall when conducting supervision, devote particular attention to the fact that agreements are reached stipulating that mail items conveyed by a licence holder reach other licence holders' facilities for mail delivery to addressees.

In case of dispute about such agreement, the licensing authority shall without delay examine the conditions and if nothing indicates otherwise, also mediate between parties concerned. The authority may in such dispute give its opinion if requested by party.

Section 17

The licensing authority may issue injunctions necessary for compliance with this Act or with regulations or licence terms and conditions having been issued by virtue of this Act. Act (1998:483).

Section 17a

The licensing authority shall order a party conducting postal operations without licence, as defined by this Act, to discontinue the operations. The licensing authority may decide how the operations shall be liquidated. If it is doubtful whether a particular activity constitutes postal operations according to this Act, the licensing authority may order the party to provide information about the activity necessary in order to assess whether it constitutes postal operations.

The provisions of Section 16, second and third paragraphs, shall also apply with regard to matters of decisions on measures under this section. Act (1996:1132).

Section 17 b

Orders and prohibitions under this Act may be issued subject to a default fine. Act (1996:1132).

Section 17 c

Has a party been charged to pay a fee for competition infringements under section 26 of the Competition Act (1993:20) or has he been sentenced to pay a fine under section 59 of the said Act; a fine under section 17 b in this Act may not be imposed for the same action. Ordinance (1999:571).

Charges

Section 18

The Government or, if the Government so decides, the licensing authority may enjoin someone conducting postal operations or applies for a licence to conduct such operations or applies for a preliminary decision under Section 4 b, to pay charges for the operations of the licensing authority under this Act. Act (1998:483).

Professional secrecy.

Section 19

A person engaged in postal activities who has gained knowledge of or access to information concerning following items, may not without authorisation reveal or exploit what he knows about

1. information relating to special letter items delivered within the operation,
2. other information affecting an individual person's links with the operation as regards delivery of letters, or
3. information having reference to proceedings for detaining or seizing mail under the provisions of Chapter 27 of the Swedish Code of Judicial Procedure.

Professional secrecy under the first paragraph items 1 and 2 does not apply in relation to sender and recipient of a mail item.

For information concerning an individual's address, professional secrecy only applies if it may be assumed that revelation of an address would jeopardize someone's physical integrity or entail other serious harm.

Section 20

A person engaged in postal activities and who has gained knowledge of or has had access to information as detailed in Section 19, first paragraph, shall on request provide

1. information concerning the address, telephone number and workplace of an individual to an authority which, in a specific case, needs such information for serving under the Service Act (1970:428), if the authority considers that it may be assumed that the person sought for service is in hiding or if there are other exceptional reasons for doing so,
2. information concerning a suspected criminal act to prosecution

authority, police authority or some other authority that is bound to intervene against criminal acts, provided that a sanction exceeding two years imprisonment is prescribed for the offence,

3. information concerning the address of an individual to an enforcement service that needs the information for operations concerning execution, provided the authority considers that the information is of material importance for dealing with a matter,
4. information concerning the address of an individual to the tax authority that needs the information in operations concerning checking taxes or fees or in investigations concerning the correct population registration district under the Population Registration Act (1991:481), if the authority considers that the information is of material importance for dealing with a matter,
5. information concerning the address of an individual to a social insurance office that needs the information to check entitlement to payments, if the social insurance office considers that the information is of material importance for dealing with a matter. Act (1997:287).

Section 20 a

A party conducting postal operations under this Act shall, notwithstanding Section 19, assist a customs authority in checks concerning postal items under the Customs Act (1994:1550), or the Board of Customs authority at Swedish-EU Borders Act (1996:701). However, this only applies to checks concerning suspicion of narcotics offences. Act (1996:705).

Section 21

In public operations, the provisions of the Secrecy Act (1980:100) apply instead of Sections 19-20.

The provisions in the Personal Information Act (1998:204) apply to the provision of other personal information in postal operations than that referred to in Section 19, first and second paragraphs. Act (1998:729).

Section 22

The Swedish Penal Code contains provisions concerning the liability of a person breaching the duty of confidentiality under this Act.

International postal operations

Section 23

A requirement for a mail delivery undertaking to participate in international postal operations within the framework of the universal postal treaties, is that the undertaking conducts operations and has a organisation warranting its capability to conduct international conveyance of mail in acceptable way and in this connection apply the provisions of the treaties and also that the Government approves of the undertaking for such participation.

Section 24

For cross-border conveyance of mail carried out within the framework of the universal postal treaties, only postage stamps may be used which have the postage value stated in Arabic figures and the designation Sverige [Sweden].

Such postage stamps may only be distributed by a mail delivery undertaking which, in accordance with Section 23, may participate in the international postal co-operation. Other postage designations in cross-border conveyance of mail within the framework of the universal postal treaties shall be stamped by, or with the permission of, such an undertaking.

Appeals

Section 25

A decision by the licensing authority under section 7 d may not be appealed against. Other rulings by the licensing authority under this Act or under regulations issued by virtue of this Act may be contested by appeal to the Administrative Court of Appeal.

Postal operations during war, etc.

Section 26

If Sweden is at war or exposed to danger of war, or if extreme conditions prevail as a result of war waged at the borders of Sweden or if Sweden has been at war or exposed to danger of war, the Government may issue regulations concerning postal operations which are necessary as regards national defence or national security in general.

The Government or, if the Government so decides, the licensing authority may issue regulations concerning planning and other measures that are necessary in peacetime in order to satisfy the needs of Sweden's Total Defence for postal communications under such circumstances as are mentioned in the first paragraph. Act (1996:1132).

Transitional provisions

1993:1684

1. This Act enter into force on 1 March 1994 when the Act (1990:291) on Non-Deliverable Postal Items shall cease to apply.
2. ...
3. ...

1996:1132

1. This Act enters into force on 1 January 1997.
2. Application for licence by a party who at the time the Act entered into force conducts postal operations must have been received by the licensing authority by 28 February 1997 at the latest. The operation may continue after the Act has entered into force until such application for a licence has been considered.
3. The rules in Section 25 on requirements for leave to appeal are not applied in those cases where the first decision in the matter was made before entry into force.

1998:483

1. This Act enters into force on 1 July 1998.
2. In matters concerning applications for licences, Section 5 applies

with its former wording when considering applications received by the licensing authority before the entry into force.

3. Licences issued before the entry into force may before the expiry of the year 1998 be issued subject to conditions for a fixed term under Section 5 b, notwithstanding the regulations under Section 5 c, first paragraph.

1998:729

This Act enters into force on 24 October 1998. However, if the Data Act (1973:289) is applicable to certain processing of personal information after this date, Section 21 applies in accordance with its former wording for such processing.

1999:571

This Act enters into force on 1 July 199.