

Article 57

Right to Use Postal Services and Right to an Appeal

(1) Each user shall have the right to use the postal services pursuant to the General Conditions referred to in Article 48, paragraphs (1) and (2) of this Law and the prices referred to in Article 50 of this Law.

(2) Each user of the postal services shall have the right to an appeal against a decision or a procedure undertaken by the postal service provider concerning the access to services and provision of services. The user can file an appeal to the relevant postal service provider within 30 days from the day it acknowledges a decision or procedure by the postal service provider.

(3) If the postal service provider does not approve the appeal or does not reach a decision regarding the same within 30 days from its receipt, the postal service user may file an appeal to initiate a procedure with the Agency within 15 days from the expiry of this period, pursuant to the provisions referred to in Chapter XII of this law.

(4) The postal service providers shall be bound to publish the appeal procedure initiated by the postal service users within the General conditions referred to in article 48, paragraphs (1) and (2) of this law.

(5) The Agency shall regulate the procedure for protecting the interests of the postal service users by stipulating dispute settlement procedures, pursuant to this law.

Article 63

Complaint

(1) Postal service users shall be entitled to file a complaint.

(2) The sender shall be entitled to file a written complaint to the postal services provider within three months from the day the item was sent.

(3) Postal service users may also file a complaint for ordinary postal items, but without reimbursement.

(4) The addressee may file a complaint immediately if,

- the damage is visible from the outside;
- within 24 hours from the receipt of the postal item, if the damage is not visible from the outside, provided that the addressee proves that the damage or the reduction of the contents of the postal item occurred prior to its delivery.

(5) In case where the postal service user has not filed a complaint within the deadline prescribed, they shall forfeit their right for reimbursement.

(6) The postal service provider shall be bound to receive a complaint and to respond to the claim submitted:

- within 30 days for postal items in domestic postal traffic;
- within two months for postal items in international postal traffic.

(7) In cases where the postal service user will not receive a reply on the complaint from the postal service provider, will not be given the opportunity to file a complaint or is not satisfied with the reply, s/he shall be entitled to file a complaint for initiating procedure in accordance to provisions of Chapter XII of this law to the Agency, within 15 days after the deadline referred to in paragraph (6) of this article has expired.

Article 65

Amicable Settlement of Disputes

(1) The Agency shall settle disputes in cases stipulated with this Law and the regulations adopted on the basis of this Law between the universal service provider and the postal service providers regarding access to the postal network, and also between the postal service providers and the postal service users.

(2) In cases referred to in paragraph (1) of this article, the Agency shall initiate a procedure for amicable settlement of the dispute upon request by one of the parties in the dispute or in cases when the parties have written agreement to settle amicably the dispute in a procedure before the Agency.

(3) Amicable settlement of disputes between parties referred to in paragraph 2 of this Article shall be voluntary, efficient, fast and cheap procedure before the Agency whereby the parties seek to settle the dispute in an amicable manner with the help of the Agency that is assisting the parties to reach a mutually acceptable solution, in an unbiased and impartial manner. .

(4) The amicable settlement of dispute shall be voluntarily initiated, participated and renounced by any of the parties in any time.

(5) The amicable settlement of dispute shall finalise within a deadline of 42 days from the day the request for the same was received, regardless of its outcome.

(6) The final deadline for settling the dispute referred to in paragraph (5) of this article may be extended if this is needed due to the scope of the procedure, but it can not be longer than four months. The approval for such extension shall be provided by both parties, in written.

(7) In the amicable settlement of dispute, the Agency shall be bound to take into account the purposes of providing efficient competition and protection of users' interests on the market, pursuant to this law.

(8) When stipulated by law, as well as when determined or found that considering the current factual situation, an administrative procedure needs to be initiated for the purpose of protecting public interest, the Agency shall initiate a procedure ex officio, whereby taking in consideration the findings given in the request referred to in paragraph (2) of this article.

(9) The administrative procedure ex officio referred to in paragraph (8) of this article, shall be initiated and regulated according to the Law on General Administrative Procedure, unless otherwise stipulated with this Law.

(10) The Agency shall publish on its website the agreed settlements between parties i.e. the decisions in relation with the amicable settlement of disputes, taking into consideration the regulations for protection and access to personal data and classified information.

(11) The Agency shall prescribe the manner of acting in settling disputes.

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Article 66

Arbitration

The universal service provider and the postal service providers as users of the postal network, as well as the postal service providers and postal service users may agree in written form that the dispute may be settled with arbitration in a manner and procedure laid down by this Law.

Article 67

Arbitrary Procedure

(1) The arbitrary procedure shall be administered by an Arbitrary Council, elected from a list of arbitrators.

(2) The arbitrary procedure shall begin by submission of a written proposition to the Agency by one or both parties of the dispute, which forwards it to the Arbitrary Council.

Article 68

List of Arbitrators

(1) The list of arbitrators shall be composed of at least ten competent and professional persons from the field of postal services, engineering, law, economy and other fields important for exercise the competences of the Agency and the same shall be managed by the Agency.

(2) The arbitrators shall be appointed by the Commission, the state administrative body competent for postal services affairs and other interested parties.

(3) The arbitrator's term of office shall be five years, with possibility for re-appointment.

(4) The appointed arbitrators should be impartial and independent from the parties in the procedure.

Article 69

Establishing Arbitrary Councils

- (1) The Arbitrary Councils shall be established in the following manner:
 - each party of the dispute shall choose one arbitrator from the list of arbitrators within seven days from the day of submission of proposal for arbitrary procedure, and
 - both arbitrators selected from the parties of the dispute shall select a third arbitrator contractually within seven days from their selection, who shall be the chairman of the Arbitrary Council.
- (2) If the selection of the chairman or any other arbitrator is not carried out within the deadline referred to in paragraph 1 of this Article, the Agency's Director shall be bound to carry out the selection of these persons within five days following the expiry of the prescribed deadline.
- (3) The deadline for selection of arbitrators may be extended by an agreement between the parties in the dispute and the Agency should be informed thereof.

Article 70 Rules of the Procedure

- 1) The parties in the dispute may select the rules of the procedure for the Arbitrary Council by agreement.
- 2) If such agreement does not exist, the Arbitrary Council shall decide independently upon the manner for conducting the procedure.
- 3) The Arbitrary Council shall hear the parties, review the appeals and objections and give proposals to the parties for contractual settlement of the dispute.
- 4) If a contractual dispute settlement cannot be reached, the Arbitrary Council shall settle the dispute by personal belief.
- 5) The arbitrary decision shall be accessible for the public, but the record of the arbitrary procedure shall remain confidential.

Article 71 Location and Costs of the Arbitration

- 1) Unless otherwise agreed with the parties of the dispute, the Arbitrary Council shall select the location of the arbitrary procedure.
- 2) The costs of the arbitration shall be settled equally by the parties of the dispute, unless otherwise agreed.

Article 72 Arbitrary Decision

- (1) The arbitrations shall terminate when the Arbitrary Council adopts a decision.
- 2) The arbitrators shall take decisions by majority.
- 3) The arbitrary decision shall be submitted to the parties in the dispute and deposited with the Agency.

- 4) The arbitrary decision, along with the established conclusions related to the facts or the legal issues shall be binding for the parties in the dispute and executed through the courts.
- 5) The decision of the Arbitrary Council shall not be subjected to an appeal.

Article 79
Right to Legal Protection

(1)The decision of the Agency's Director regarding the administrative procedure shall be final.

(2)Against the decision referred to in paragraph (1) of this article, an appeal may be filed for initiating an administrative dispute before a competent court.

(3)The appeal for initiating an administrative dispute shall be filed within 30 days from the day the decision has been received and the same shall not postpone the execution of the decision.