Ministério das Obras Públicas, Transportes e Comunicações (Ministry for Public Works, Transports and Communications)

Decree-Law

The public postal service is governed by a Regulation of 1902, a complex law which considers the operating details, changed and added along the course of the years by several other laws that the evolution of the service has demanded.

Hence, it is a fact that the prevailing Regulation for Postal Services is a pile up of scattered legislation, inarticulated, unadequated to the present time and without possibilities for future adaptation.

For all these reasons it has become necessary to update and bring together in one single law the legislative provisions and regulations behind the public postal service, ensuring that it has a reasonably permanent nature and the opening to new services advised by the technological development and justified by the management of the company.

Hence:

The Government decrees the following under the terms of section a), article 201 of the Constitution:

Article 1

The Regulation for Public Postal Service is hereby approved, being annexed to the present law and forming part of the same.

Article 2

Prior regulations which, in the context of the public postal service operated under an exclusive regime, has proved necessary, shall take the form of a Regulatory Decree.

Article 3

1. The creation, suspension and extinction of postal services included in the exclusive regime are acts of the competence of the member of the Government responsible for communications.

2. It is incumbent upon the operating company:
   a) To create, suspend and extinguish services not included in the exclusive regime;
   b) To create and close postal establishments as well as to define the services provided by each of them pursuant to the social and economic requirements of the served population;
   c) To determine the working hours of the postal establishments, bearing in mind the service requirements and demand levels.

3. The operating company shall guarantee the announcement of any alterations occurred in the exploitation of the postal service.

Article 4

1. Without prejudice to what is laid down in nr. 2 all previous diplomas and legal provisions applicable to the postal service are revoked, namely the following:

   a) Regulation for Postal Service approved by the Law of 14 June 1902;
   b) Regulation for Parcel Service approved by the Law of 22 August 1911;
   c) Law nr. 5786 of 10 May 1919 as regards everything respecting the postal services;
d) Law nr. 20 793 of 30 December 1931;
  e) Law nr. 29 708 of 19 June 1939;
  f) Law nr. 31 472 of 21 August 1941;
  g) Law nr. 37 279 of 14 January 1949;
  h) Law nr. 37 927 of 1 August 1950;
  i) Law nr. 38 479 of 29 October 1951;
  j) Law nr. 39 432 of 14 November 1953;
  l) Law nr. 40 375 of 11 November 1953;
  m) Administrative rule nr. 240/80 of 9 May;
  n) Administrative rule nr. 157/82 of 3 February;
  o) Administrative rule nr. 320/84 of 26 May;
  p) Administrative rule nr. 618/85 of 19 August.

2. The diplomas referred to in the preceding number shall remain in force until their replacement by regulations to be issued under the terms of the present law.

Article 5

1. As of 1 January 1990 all exemptions and reductions of fees applicable to the official services which are still in force shall cease but maintaining the facilities granted concerning the presentation forms of the objects corresponding to them and as regards the carrying out of the respective services, without prejudice to what is laid down in the following number.

2. The special norms concerning the carrying out of the services mentioned in the preceding number shall be determined by an Administrative rule to be issued by the member of the Government responsible for communications within six months as of the publication date of the present law.

REGULATION FOR PUBLIC POSTAL SERVICE

PART I
Of the public postal service

CHAPTER I
General provisions

Article 1
Content

1. The present Regulation contains the general norms regulating the establishment, exploitation and public use of the public post office or postal service.

2. As regards to all that is not foreseen by the present Regulation and additional Regulations, the provisions of the Universal Postal Union Acts, ratified on a regular basis by the Portuguese State are applicable.

Article 2
Object of post office services

1. The public post office services include:

   a) The acceptance, transport, distribution and delivery of mail;
   b) The issue and sale of stamps and other postal values;
   c) The public telefax service.

2. In addition to what is referred to in the preceding number other activities may be included in the public post office network which are additional or subsidiary to it and that the tradition and the nature of the operation or technical procedure advise, as well as those suitable for the respective exploitation, namely:
a) The acceptance, transport, distribution and deliver of parcel posts;  
b) Financial postal services.

Article 3
Regime of exploitation

1. The following is exploited in exclusive regime:

a) The acceptance, transport, distribution and delivery of all sealed mail, postcards and other
messages, even if open, whenever their content is personal and current;  
b) The issue and sale of stamps and other postal values;  
c) The public telefax service.

2. The exclusive regime referred to in nr. 1 does not cover:

a) The private mail transportation as a non-lucrative activity or subsidiary to another main
activity, provided that this transportation is carried out by the sender himself within the
confines of the location where he has his headquarters, agency or branch;  
b) The mail transportation between several establishments, agencies or delegations of the
same freight company provided that this is carried out by the company itself and that the
mail is exclusively related with matters of their own service.

Article 4
Availability of postal objects

1. Until the postal objects have not been delivered to their addressees they shall remain the
property of the sender who may dispose of them himself or through a duly authorised
person.

2. For the purposes of the preceding number, the following shall be considered as being
authorised upon presentation of the document serving as proof:

a) As to the bankrupts or insolvents, the bankrupt or insolvent property managers;  
b) As to the deceased, the head-of-the-household or any heir after the inheritance's share;  
c) As to mentally or physically incapable, their legal representative;  
d) In the remaining cases, any representative with powers for that effect.

3. What is laid down in nr. 1 is understood without prejudice to the norms regarding the
rendering unusable, seizure or retention of the postal objects, fixed by the penal legislation,
in the present Regulation and additional regulations.

4. The operating company can print or affix advertisements on the package of the postal
objects, as well postcards and on those printed in a postcard form.

5. Senders may print or affix on their mail their own advertising and also third party
advertising under conditions to be determined by the operating company.

Article 5
Identification of users and authentication of documents

1. The use of the public post office service may depend on the identification of the user and
the authentication of the documents to be used.

2. It is incumbent upon the operating company to define the ways of identification and
authentication of documents as well as those cases where such formalities may be
demanded in addition to those determined by the applicable legislation.

Article 6
Issue of documents
At the request of the parties concerned, documents serving as proof of the services provided shall be issued under the terms of the present regulation and other applicable legislation by way of the payment of postal and fiscal fees established for this effect.

**Article 7**

**Service forms**

1. The public service forms are issued by the operating company and it is possible to charge its supply to the users by the respective cost price.

2. The operating company may authorise the issuing of service forms for their exclusive use to certain users since they obey to the fixed requirements.

**Article 8**

**Inviolability and secrecy of mail**

1. Mail is inviolable and is protected by the obligation to maintain its secrecy, the sole limits and exceptions being fixed by the penal law and other applicable legislation.

2. The infringement of the norms concerning the obligation to maintain the secrecy of mail and its inviolability is punished under the terms of the penal law.

3. Any information regarding the existence or delivery of mail should only be given to the addressees, senders or their representatives duly identified.

**Article 9**

**Waste material**

1. Postal objects which it is not possible to send, deliver to addressees or return to the senders in those cases foreseen by the present Regulation and additional regulations constitute waste material.

2. Waste mail may be opened without reading its content in order to find out if there any indications which allow them to be forwarded to the addressee or return back to the senders.

3. Postal objects considered as waste material shall serve as guaranty for the payment of any fees, fines, duties or taxes with which they have been charged.

4. The remaining part of the sales revenue of postal objects considered as waste material after payment of the costs which are due upon them is considered as an operating company revenue if it has been claimed by the sender within the fixed deadline.

**Article 10**

**Stamps and franks**

1. Those provisions related to the issue, sale and use of stamps, stamped postcards and other forms of stamps are contained in the postage stamp statutes.

2. Norms relating to the franking of postal objects by mechanical means shall be fixed by their own regulations.

**Article 11**

**Subjecting to norms and codes**

1. The operating company may establish rules as regards about postal objects standards as well as to the indication of the postal code.
2. The postal objects that do not comply with the rules foreseen in the preceding number shall be dealt with in the way determined by additional norms, these being established by the operating company.

**Article 12**

**Prohibitions**

1. The acceptance, sending or distribution of any postal objects is forbidden should they:

   a) Use obscene or immoral pictures, terms or expressions, or ones whose content constitute an insult or offence to the law;
   b) Aim to deliberately disturb the respective addressee or aid the perpetration of crimes, infringements or offences;
   c) Prejudice national defence or public security;
   d) Aim to impede the action of the forces of law and order when investigating crimes or pursuing criminals;
   e) Contain articles which, by their very nature, fragility or manner of packaging may represent a danger to staff, damage the facilities and other material used by the operating company or soil and wear other postal object;
   f) Contain live animals, narcotics, hazardous substances, explosive or inflammable material or any other material deemed hazardous, with the exception of those cases foreseen by law or by the Acts of the Universal Postal Union;
   g) May, in general, cause damage to the State, to the operating company and its agents, to the addressees or to third parties;
   h) Contain bank notes, other securities or objects which have a saleable value, save when the value of the content is declared;
   i) Do not comply, for whatever motive, with the legal and regulatory provisions.

2. Those operations relating to objects which infringe what is laid down in the preceding number shall be suspended as soon as an infringement has been detected regardless of whether civil and criminal responsibility lies with the offenders or not.

3. In those cases where the infringement of what is laid down in nr. 1 constitutes a crime, the postal objects shall be seized for suitable action.

4. In the remainder cases where, what is laid down in nr. 1, has been violated the postal objects shall be subject to the procedure foreseen by the applicable legislation.

**CHAPTER II**

**Of the mail**

**SECTION I**

**General provisions applicable to mail**

**Article 13**

**Categories**

1. Mail covers the following categories: letters, postcards, forms, and parcel posts.

2. Additional norms define each of the categories mentioned in the preceding number as well as the respective characteristics and general conditions for the provision of the service concerning everything which is not foreseen by the present law.

3. New mail categories may be created, the existing ones being altered or abolished, pursuant to user requirements and the possibilities of the production system.

**Article 14**

**Franking and its types**
1. Mail shall only be sent when it has been fully franked by the sender, without prejudice to what is laid down in the following article.

2. The franking may be carried out in any of the following ways:

   a) Postage stamps which are printed or glued on the mail;
   b) Franking machines prints;
   c) Printed indications or reproduced by rubber stamped, corresponding to the franking payment with or without inscription of the amount, pursuant to the norms to be determined by the operating company.

   **Article 16**
   **Mail using invalid stamps**

   Mail that bears invalid stamps or stamps which are not permitted for franking purposes shall be considered as not bearing a frank or as bearing an incomplete frank under the terms of the postage stamps statutes, pursuant to the preceding article.

   **Article 17**
   **Mail using fake stamps or franks**

   1. Mail bearing fake stamps or franks shall be seized for criminal proceedings.

   2. Should there be no indication of the sender, the mail shall be sent and presented to the addressee, only the part not required for the investigation and proof of the infringement being delivered to the latter should he identify the sender and pay the due franking, this being duly recorded.

   3. Whenever it is observed that the use of an invalid or non-permitted stamp involves fraud, the procedures referred to in the preceding numbers shall be followed.

   **SECTION II**
   **Acceptance of mail**

   **Article 18**
   **General rule**

   1. Mail shall be deposited by the users in boxes intended for this purpose and installed by the operating company in suitable locations and delivered only in person in the acceptance places for the special cases foreseen by the present Regulation and additional norms.

   2. Mail may be collected from the sender's residences, upon their requests in justified cases and under conditions to be established by the operating company.

   **Article 19**
   **Marking of mail at the origin**

   1. On all mail removed from the mailboxes or accepted in person should be printed the mark of the day for the purpose of:

      a) Obliteration of the franking stamps;
      b) Indication of the date and mail entry location into the post office.

   2. The mark of the day may be foregone in the cases where it proves unnecessary owing to the accepted mail type or to the type of the frank used under terms to be defined by the operating company.

   **SECTION III**
   **Reception, distribution and delivery of mail**
**Article 20**  
Marking of mail upon arrival

1. It must be printed the mark of the day of the reception on the back of the envelopes or other type of mail packaging and on the front of the postcards.

2. What is laid down in the preceding number may be wholly or partly foregone for non-registered mail under conditions to be defined by the operating company.

3. Stamps which are not marked at their point of departure shall be considered invalidated under terms to be established by the operating company.

**Article 21**  
Distribution modes

1. Mail shall be distributed at the address indicated by the sender or at the postal establishment of the final destination depending on whether door-to-door delivery of post is in operation in the said area.

2. What is laid down in the preceding number shall be understood, without prejudice, the specific distribution methods foreseen by the special service and other methods which may be established by the operating company.

**Article 22**  
Commencement of distribution

1. Mail distribution shall commence as early as possible after the arrival of the mail bags at the destination station and within the service conditions.

2. Home distribution of reduced fee mail may be deferred should:
   a) There is an unusual amount of service;
   b) It be difficult to carry due to its weight, volume or form;
   c) There has been a prior arrangement between the user and the operating company.

3. In the case foreseen by section b) of the preceding number the addressees may claim the mail at the establishment after notification.

**Article 23**  
Delivery of mail

1. Mail shall be delivered when there is door-to-door distribution:
   a) To the home mailbox, providing the mail is not subject to special treatment which requires another procedure;
   b) To the address indicated by the sender, in the cases where:
      1st Does not exist and it is not mandatory an adequate home mailbox at the residence;
      2nd It is not be possible to deposit the mail in the said box without risking loss or damage;
      3rd It is necessary to pay a fee;
      4th There will be a special treatment foreseen by this mode of delivery.

2. The delivery of mail to the postal establishments of final destination shall take place:
   a) Should there be no door-to-door delivery;
   b) In those cases where it is not possible to proceed with delivery at the address indicated by the sender should the said delivery have to take place under the terms of section b) of the preceding number;
   c) Should it be subject to special treatment foreseen by this mode of delivery;
d) Should the mail be deposited under the terms of article 25;
e) In any other cases foreseen by the present Regulation and additional norms to be
determined by the operating company.

3. The delivery of mail at postal establishments shall be made through the identification of
the addressee or his representative.

4. Mail which has not been franked or which does not bear a stamp or bears insufficient
postage shall only be delivered once the amount due has been collected.

5. Mail delivered at postal establishments may be subject to the payment of a storage fee.

**Article 24**

**Mail which it is impossible to deliver**

1. Unregistered mail that, for any reason, is impossible to deliver to the addressee shall be
returned immediately to the sender; if the said mail not indicate the name and address of
the sender it shall be kept in storage up to its delivery to the postal waste service.

2. Unregistered printed material, with the exception of books, shall only be returned if the
sender requests it by means of a written note recorded on the object.

3. Returned mail that it is impossible to return to the sender shall be sent to the postal waste
service.

4. Registered mail which it is impossible to deliver to the addressee shall be returned to the
sender; should the said mail not indicate the name and address of the sender it shall be sent
to the office of origin which, being unable to deliver it to the sender, shall keep it in storage
until it is sent on to the waste service.

**Article 25**

**Mail in storage**

1. Mail in storage shall be considered as that:
   a) By impossibility to deliver or return it, shall be kept at the office until the expiration date
      for its delivery to the waste services expires;
   b) can not be possible to put it in the home mailbox because this is broken, the legal
deadline determined for the user to repair it having expired.

2. The delivery of the said mail to the office implies the collection of the fee established and
this is not added to the fee foreseen for storage in nr. 5 of article 23.

**Article 26**

**Mail entrusted to the post office after its delivery**

1. Mail that, after normal delivery, is returned back to the post office to forwarded to another
destination, whatever this may be, shall be refranked.

2. However, unregistered mail addressed to:
   a) Individuals who live in hotels, boarding houses or military barracks;
   b) The interned in hospitals, prisons, asylums or colleges;
   c) The care of a consul or a navigation or tourist agency;

may be entrusted to the post office to return or forward to a new destination without
payment of any more postage within the established deadline.
Article 27
Opening of closed mail by a person other than the addressee

1. Should closed mail have been unduly opened as a result of an erroneous delivery, it shall be returned to the postal distributor or establishment by the person who opened it after having written on the back of the envelope a declaration of what happened, with the apposition of date and signature.

2. Should the person who proceeded with the opening does not know or is not be able to write, the declaration shall be made by the agent to whom the mail has been presented, indicating who was responsible and, if possible, any witnesses who can attest to this.

3. Whichever case, the mail shall be reclosed, being endeavoured to deliver it to its true addressee.

SECTION IV
Mail with special treatment

Article 28
Registered mail

1. All categories of mail may be sent as registered mail.

2. The mail to be registered shall be presented in person, a receipt being signed:

a) At postal establishments within the normal and additional working hours established for this service;

b) To the postmen during their rounds, in non-urban areas.

3. Mail may be registered at the senders residences upon request.

4. The delivery of registered mail shall always be proven by means of a receipt and takes place:

a) At the addressee's residence provided that there is door-to-door delivery;

b) At postal establishments of the area of destination in those cases where:

1st There is no door-to-door delivery;

2nd It has not been possible to make the delivery at the addressee's residence;

3rd Mail is subject to special treatment foreseen by this mode of delivery;

4th Should acceptance have been refused under the terms of the following number.

5. Registered mail which has been refused by the addressee owing to suspected tampering with the same shall be delivered to the destination office and a verification record of this must be made.

Article 29
Letters containing a declared value

1. The registered letters containing papers, documents and objects of value, its content can be insured for the amount declared by the sender.

2. Bank notes and other securities, coins, jewels, metals, stones or other precious objects may only circulate through the post under the terms of the preceding number.

3. The amount declared may not exceed the real or replacement value of the content of the letters.
4. The acceptance of letters containing a declared value and the signing of the corresponding receipt may only be made by the addressee or his empowered representative.

5. It is incumbent upon the operating company to define the maximum amount of the value declared.

**Article 30
Receipt of acknowledgement**

1. The sender of any registered mail, in the act of registration, may require that the receipt of acknowledgement be returned back to him.

2. In the mail with a receipt of acknowledgement service is mandatory to write the name and address of the sender.

**Article 31
Hand carried mail**

1. At sender's request, the registered mail with receipt of acknowledgement may be hand carried to the addressee.

2. Should the said mail be intended for important people, namely holders of governmental positions, the receipt of delivery may be signed by the heads of department, secretaries, field assistants or other collaborators invested with functions which include this capacity.

**Article 32
"Last minute" mail**

1. In the space of time from the last opening of the postal establishment mailbox, or the last acceptance of registers, up to the limit before the fixed bag closing time or the beginning of the distribution, unregistered or registered mail, respectively, may be accepted in person on the condition that is sent in the same post.

2. The periods referred to by the preceding number shall be determined by the operating company for each postal establishment pursuant to its category or other restrictions and shall include a notification on display to the users.

**Article 33
Acceptance of registration outside the working hours for this service**

Objects registered with or without a declared value may be accepted outside the working hours determined for this service and what is laid down in the preceding article is applied, should this be necessary.

**Article 34
Air mail**

1. Mail can be transported by air in the cases where it is instituted in the internal postal service and in the relations with other postal administrations.

2. It is incumbent upon the operating company to define those cases wherein air transport is to be effected without there being any need to make the respective additional fee.

**Article 35
Mail delivered by a special messenger**

1. At the request of the sender, postal mail may be delivered to the address of the addressee by special delivery agent as soon as possible after receipt by the postal service.
2. Distribution by special delivery agent may be carried out at the request of the addressee provided that the latter takes the responsibility for the payment of the fee corresponding to this service.

**Article 36**

**Poste Restante**

1. The following mail shall be treated as poste restante and delivered as such to the postal establishment of destination:
   
   a) Mail which presents this indication;
   
   b) Mail which contains the addressee's and is retained as poste restante by his written request;
   
   c) Mail which display the indication "in transit", "care of the post office manager" or a similar indication, whereby it can be surmised that it is desired that the delivery be made at the postal establishment of destination.

2. Mail which is addressed as poste restante shall indicate the addressee's name, and is not allowed the use of initials, letters, proper names or assumed names or any other conventional signs for this effect.

**Article 37**

**Unaddressed mail**

Unaddressed mail may be accepted for delivery:

a) To all residences or PO boxes;

b) To residences covered by one or more complete rounds or part of a round;

c) To residences or PO boxes of people belonging to the same activity or profession.

**Article 38**

**Forwarding service without franking**

1. Any category of mail may be authorised for circulation without being franked provided that the party concerned undertakes to pay the corresponding franking upon receipt.

2. It is incumbent upon the operating company to define the types of forwarding service without franking.

**Article 39**

**Returning, modification or correction of address**

1. At the request of the sender any mail may be returned, or any indications related with the addressee's be modified or corrected, provided that it has not been delivered, invalidated or seized.

2. Stamps affixed to mail that will be returned are always considered as having been invalidated.

**Article 40**

**Reshipping of mail**

At addressee's request, the mail may be reshipped, unless the sender has forbidden this in a written form recorded next to the original address.

**Article 41**

**Retaining of mail**
1. At addressee's request, mail may be retained at the postal establishment of destination for later delivery.

2. Mail which has failed to be delivered within the established deadline shall be returned to the sender or, should this not be possible, disposed of.

**Article 42**
**PO boxes**

1. At addressee's request, mail placed in PO Boxes at postal establishments.

2. The validity term for each concession terminates on 31 December of the year to which it relates, being automatically renewed if, by the said date, the party concerned has paid the fee corresponding to the following year.

**Article 43**
**Private mailboxes for the mail to be forwarded**

1. At the request of the parties concerned, and when this proves justified by the number of potential users, the operating company may install receptacles for the collection of the mail to be forwarded in buildings of trade, academic, hospital or social welfare, hotel, industrial, military or prison or other establishments, provided that the easy access to staff charged with the opening of the said receptacles is ensured.

2. The regime established by nr. 2 of the preceding article is applicable to the term of validity of the concession.

**Article 44**
**Fees for special services and operating norms**

1. The fee foreseen by the tariff corresponds to each of the special services.

2. The rules of operation for the special services foreseen by this section are determined by additional norms to be issued by the operating company.

**CHAPTER III**
**Regarding the public telefax service**

**Article 45**
**Object of the service**

The public telefax service involves the reproduction at distance of hand-written or printed documents, presented by the sender for the transmission by electric signals in a public communications service, or received, through the same system, at a public communications service for a hand carried physical support to the addressee.

**Article 46**
**National network**

1. The public telefax service is ensured by the postal establishments, to be indicated by the operating company, with adequate equipment installed for the reproduction of the documents referred to in the preceding article using the public telecommunications network.

2. Any user who has compatible equipment with the operating company one shall have access to the national network for the depositing of the documents to be transmitted or to receive the copies addressed to him.
Article 47
Acceptance and distribution

1. The documents to be transmitted, namely as to the paper form, quality and colour and other necessary requirements for a good quality copy, shall comply with the conditions to be defined by the operating company.

2. Documents to be transmitted may be accepted:

   a) At the postal establishments referred to in nr. 1 of article 46;
   b) At any other postal establishment to be sent by the quickest postal method to one of the establishments mentioned in the preceding section.

3. According to sender's option and pursuant to the norms to be established by the operating company, the copies may be distributed:

   a) At postal establishments;
   b) At the addressee's residences.

PART II
Of additional postal network services

CHAPTER I
Regarding parcel posts

SECTION I
Preliminary provisions

Article 48
Object of the service

Volumes that meet the conditions regarding weight, size, content, packaging and address - to be established by the operating company - may be accepted, sent, distributed and delivered by the post office under the designation of parcel posts.

Article 49
Categories of parcel posts and special services

1. Parcel post categories as well as special services related with them and their respective operating conditions are established by the operating company, taking into account what is laid down in the present Regulation.

2. As regards everything not covered by specific regulations in the present chapter, the provisions relating to mail shall be applicable.

Article 50
Prohibitions

In addition to what is laid down by article 12 it is forbidden to send the following objects by parcel posts:

a. Closed mail or any open messages of current and personal nature including postcards;
   b. Remittances forbidden by law.

SECTION II
Acceptance, distribution and delivery

Article 51
Acceptance
Parcel posts are accepted in person at postal establishments and the operating company is authorised to establish special conditions for acceptance.

**Article 52**

**Distribution and delivery**

1. The parcel posts to be distributed are object of an acknowledgement of arrival.

2. The distribution of parcel posts is made at the postal establishments within the period established for this purpose, being possible to distribute them at the residences upon the sender’s or addressee’s request in conditions to be established by the operating company.

3. The delivery is made to the addressee against a signed receipt of it, any conditions made regarding a parcel post in the act of delivery which may involve the responsibility of the operating company shall be recorded.

4. The conditions established in the preceding numbers may be foregone by agreement of those parties in the form of a contract.

**Article 53**

**Failure to deliver**

1. Should it not be possible to deliver the parcel post to the addressee, the instructions given by the sender in the act of acceptance shall be complied with. Should no instructions have been given, a notification of the failure to deliver shall be sent to the sender within the deadline determined by the operating company.

2. Any parcel post awaiting the reply of the sender to a notification of the failure to deliver may in the meantime be delivered to the addressee should the latter claim it.

**Article 54**

**Storage**

Any parcel post not picked up within the established period shall be subject to storage regime with the exception of those cases where it has been retained for legal proceedings.

**Article 55**

**Reshipping**

At the request of the addressee or of the sender, and unless there should be a declaration on the contrary by the latter in the act of presentation, parcel posts may be reshipped to any other postal establishment which carries out the service.

**CHAPTER II**

**Of the financial postal services**

**SECTION I**

**Postal orders**

**Article 56**

**Postal orders**

1. The operating company guarantees a fund exchange service through the issue of special payment orders, named postal orders.

2. The provisions related with the postal order service are incorporated in their own regulation approved by joint order of the Ministers responsible for the finance and communications sectors.
SECTION II
Collection

SUBSECTION I
Collectable objects

Article 57
Accepted objects

Mail subject to registration and parcel posts are accepted as collectable postal objects.

Article 58
Conditions

1. Collectable postal objects are accepted under the conditions to be determined by the operating company and they are required to contain the amount to be collected, the name and address of the sender.

2. The amount to be collected must be within the maximum and minimum limits set by the operating company.

3. The sender of a collectable postal object may proceed with the annulment, reduction or increase in the amount to be collected under the terms of article 39.

Article 59
Payment by the addressee

The amount of the collection shall be paid by the addressee:

a) Should it be mail, within the deadline set by the operating company;
b) Should they be parcel posts, during the current period in which they are located at the postal establishment of destination.

Article 60
Application of provisions related with mail and parcel posts

Provisions related with mail and parcel posts shall be applicable, if required, as regards to everything not covered by this subsection.

SUBSECTION II
Collectable titles

Article 61
Accepted collectable titles

1. Documents representing an entitlement to credit, namely receipts, payment orders, bills, promissory notes, invoices or invoice extracts, interest coupons and dividends, or repayment certificates may be accepted as collectable titles under conditions to be established by the operating company or also any other document, whether it has been signed by the debtor or not, provided that it complies with the requirements established for this purpose.

2. The following are not accepted as collectable:

a) Titles whose payment is dependent upon the presentation of books or documents which have to be returned to the creditor after payment;
b) Titles payable over a period of time or subject to refusal or acceptance diligence’s.

Article 62
Complying conditions of collectable titles
Each title shall meet the following conditions:

a) Clearly display the amount to collect, in full or in figures, which shall be within the maximum and minimum limits set by the operating company;
b) Indicate the name and address of the debtor and, eventually, the location of payment;
c) Meet the specific requirements determined by the law for the issue of each type of title;
d) Meet the prescriptions of the stamp duty law;
e) Have at least the normal letters size.

Article 63
Acceptance of titles for remittance

The collectable titles are included in a closed envelope to be sent by the sender to the collector postal establishment as a registered letter, with payment of the corresponding tariff.

Article 64
Prohibitions

The sender is prohibited from:

a) Recording indications on the titles not related with the nature of the payment;
b) Attaching letters or notes to the titles with the nature of mail between the creditor and the debtor;
c) Recording on the packages any other indications other than the ones included in the text.

Article 65
Opening and checking of title remittances

Title remittances are checked at the destination postal establishment in the opening act, giving to those that do not meet the established conditions the treatment determined by the operating company.

Article 66
Return of documents

The sender may request the restitution of the title remittances under the terms and conditions established by article 39, providing that the collection has not been commenced.

Article 67
Reshipment of title remittances

When all addressees of the collecting documents contained in a remittance are served by another collecting postal establishment, the reshipment of the titles remittance shall be made at no extra fee.

Article 68
Presentation, collection and time periods

1. The titles are presented at the locations indicated for collection in the areas with door-to-door delivery.

2. If the collection is not made for any reason other than refusal or impossibility to do so, the collecting agent shall leave a note advising that the payment can be made at the postal establishment serving the debtor within the fixed deadline.

3. For the areas without door-to-door delivery, notifications shall be sent to the debtors advising that the payment must be made at the postal establishments serving the said areas.
4. The presentation of the titles and the sending of the referred notification in the preceding number shall be made in as soon as possible after the reception of the remittances.

**Article 69**  
**Liquidation periods**

1. Any remittance of collectable titles shall be deemed ready for liquidation as soon as there has been a definite solution for all the titles involved in it.

2. Only in duly justified cases, shall liquidation not be made on the working day immediately after the one that the collectable titles remittance became in liquidation conditions.

**Article 70**  
**Deductions**

1. The following amounts shall be deducted from the collected titles:
   a) The presentation fee for each one, whether they have been collected or not;  
   b) The fee that is established for the liquidation.

2. The titles that have not been presented or notified due to irregularities or wrong addresses shall not be liable to the presentation fee.

**Article 71**  
**Payment to the sender**

1. The amount to be sent or delivered to the sender consists of the difference between the collected amounts and the deducted fees.

2. Remittances related to liquidation are considered as mail service and, should they include titles not collected, they shall be sent by registered post.

3. Should none of the titles has been collected or if the collected amounts charged were insufficient to cover the total deduction for presentation fees, the sender shall be liable to pay this amount.

**SUBSECTION III**  
**Other collection forms**

**Article 72**  
**Other collection forms**

The operating company can create other collection forms in accordance with norms to be define by itself.

**PART III**  
**Of the guarantees**

**Article 73**  
**Claims**

1. User claims are accepted within the period of one year as of the day after of the acceptance of the objects are accepted, unless another deadline has been established.

2. Claims about the public telefax service are accepted within the deadline of four months as of the day after the acceptance of the documents.
3. Unless the sender paid the fee for acknowledgement of receipt, all claims shall be subject to the fee foreseen in the tariff and this will returned should it be acknowledged that the claim was motivated by a shortcoming attributable to the operating company.

4. Claims related to registered mail shall only be accepted since the sender's name is to be found on the acceptance records.

Article 74
Responsibility of the operating company

The operating company's responsibility regarding the post office service users is governed by the provisions of the present chapter and, and concerning to what is not regulated in this, by other applicable legislation.

Article 75
Exemption of operating company from responsibility

The operating company shall be exempt from responsibility:

a) Should the loss, theft or breakage of the registered postal objects occurred due to the sender's fault;
   b) In cases of contingency or of force majeure;
   c) Should the deadline for making claims have expired;
   d) Should the objects have been seized or destroyed by the competent authority under the terms of the applicable legislation.

Article 76
Sender's Responsibility

1. The senders shall be responsible for any damage caused to other users, within the same limits as the operating company, when sending postal objects without observing the conditions of acceptance, provided that it is not proved to be a responsibility of the operating company or of the forwarders contracted by them, and regardless of the acceptance of the said objects.

2. The operating company shall be accounted solidarily for the damages referred to in the preceding number, being entitled to exert the returning right against the responsible, with recourse to coercive collection, if necessary.

Article 77
Indemnifications

1. The indemnification to which the user is entitled to shall be paid within a maximum period of six months as of the day after the presentation of the claim, observing the procedures and formalities established for this purpose.

2. Once it has been discovered who is responsible, the claiming party is contacted by registered letter so as to indicate, within 60 days, in a suitable statement the amount of the desired indemnification, within the limits of which has been established.

3. Should the statement foreseen in the preceding number not be presented within the set deadline, this shall imply the loss to the right to compensation.

4. The sender or the addressee may assign the right to indemnification to each other or to a third party.

5. Once the indemnification has been paid, the operating company shall be surrogated to the rights of the person who received it up to the respective amount.
6. The user who has received the indemnification due to the loss of an object which was found in a later stage may repossess it or indicate to whom it shall be delivered through the restitution of the indemnification; should no answer be received within the fixed period, the object shall become the property of the operating company.

**Article 78**

**Registered mail**

1. Should the content of registered mail be lost, stolen or completely damaged, the sender is entitled to the amount claimed, not exceeding an amount equivalent to twenty times the registration fee made; this amount may be increased by five times for every special mail bag to the same addressee and to the same destination when registered.

2. Should the mail be stolen or damaged this shall only be considered:

   a) Should it be acknowledged that the packaging was sufficient to safeguard the content effectively against the accidental risk of being stolen or damaged;
   b) Should have been proven before the addressee or the sender, in the case of restitution, has taken possession of the same.

3. The right to indemnification shall be transferred to the addressee once the latter has written a receipt for the stolen or damaged mail, observing what is laid down in the preceding number.

**Article 79**

**Letters containing a declared value**

1. In letters with a declared value the amount of indemnification shall correspond to the real value of the loss, theft or damage and it is not possible under any circumstances for it to exceed the declared value.

2. The right to indemnification shall cease should it be observed that the declared value exceeds the real value of the contents.

3. The right to indemnification is acknowledged to the sender; after the delivery, in cases of theft or damage, this right is transferred to the addressee.

4. Should the indemnification be motivated by loss, total theft or total damage, the applied fees shall be returned with the exception of the insurance fee.

5. Theft or damage shall only be an entitlement to indemnification should:

   a) It have occurred either prior to or in the act of delivery;
   b) The addressee or, the sender, protest in the act of delivery;
   c) The addressee or, in a restitution case, the sender, regardless of whether a receipt has been issued, declare without delay that the damage occurred and proves that the theft or damage took place prior to delivery.

**Article 80**

**Public telefax service**

1. The sender is entitled to indemnification corresponding to the real value of loss or spoilage or damage in the operating company circuits of the document to be sent, the said indemnification not exceeding the legally established limit for the loss of registered mail, the return of the fee paid being due.

2. The sender also has the right to the restitution of the paid fee when the reproduction:
a) Has not reached the addressee for a reason imputable to the operating company;  
b) Has been delivered with a considerable delay, namely when it has arrived later than if it  
had been sent by the quickest air or surface postal means after acceptance's hour;  
c) Has been incorrectly sent or received for a reason imputable to the operating company.

Article 81  
Parcel posts

1. The sender is entitled to indemnification corresponding to the real value of loss, theft or  
damage of a registered parcel post, the said indemnification not exceeding:

a) The amount of the declared value, for those parcel posts with a declared value;  
b) For registered parcel posts, the amount corresponding to the revenue of the registration  
fee of mail in force at the time of acceptance, by the factor of 20, 30 or 40, for parcel posts  
of up to 5 kg, from 5 kg to 10 kg and of more than 10 kg, respectively.

2. For those parcel posts with a declared value, the right to indemnification shall cease  
should it be observed that the declared value exceeds the value of the content.

3. The right to indemnification shall be transferred to the addressee once the latter has  
signed a receipt for a stolen or damaged parcel, what is laid down in nr. 3 of article 52 being  
complied with.

4. Should indemnification be due to loss, total theft or total breakage, the applied fees shall  
be returned with the exception of the insurance fee.

Article 82  
Collectable Objects

1. Should loss, theft or damage occur to a collectable object before the collection has been  
made, the indemnification shall be what is fixed for mail or a parcel post which has been  
registered normally or with a declared value, whichever should be the case.

2. Should a collectable object have been delivered without the full payment, the  
indemnification shall be equal to the unpaid amount.

3. Should the addressee return a delivered object to him without the amount due without the  
due collection, the sender may receive it within the set deadline by renouncing the payment  
of the amount due or by returning the received indemnification; should the object not have  
been received by the sender, it shall become the property of the operating company.

Article 83  
Collectable titles

1. Indemnification for the loss of collectable titles, after the opening of the envelope  
containing them at the postal establishment intrusted with the collection or at the time when  
the unpaid titles were returned to the sender, shall correspond to the real amount of the  
damage caused, not exceeding the limit referred to in article 78.

2. Without prejudice to what is laid down in the preceding number, the provisions of the  
preceding article are applicable to the said service.

PART IV  
Regarding postal offences

Article 84  
Types of offence
The following constitute offences in the context of the postal service, being punishable by fines:

a) Acceptance, transport, distribution and delivery of the postal objects covered by an exclusive mandate allocated to the operating company by individuals other than the latter;
   b) Unauthorised establishment of mailboxes or deposits for postal objects which are incorporated in the exclusive mandate to send or distribute;
   c) The unauthorised sale of stamps and of other postal values;
   d) The sale, even if by an authorised body, of stamps and other postal values at prices higher than those established;
   e) The declaration of a higher amount than the real one or the replacement of a letter contents or of a parcel post with a declared value;
   f) The reproduction of postage stamps with disrespect for the applicable norms;
   g) The sale, rental, use or manipulation of franking machines without observance of the conditions established by the respective regulations or any other acts which have the intention of obtaining the illicit manipulation of franking machines;
   h) The utilisation of used franks on other postal objects;
   i) The carrying out of the telefax service incorporated in the exclusive mandate by elements other than the operating company;
   j) Non-compliance with the provisions of the applicable legislation related to the installation, repair or replacement of the residential mailboxes, whenever the presence of the latter is mandatory;
   l) Unjustified opposition by landlords, tenants or anybody representing the latter in the building, to the use of lifts and main stairs by the agents of the operating company to proceed with the delivery of postal objects.

**Article 85**

**Value of fines**

The value of the fines to apply to the offences foreseen by the preceding article shall be those determined by article 17 of Decree Law nr. 433/82 of 27 October.

**Article 86**

**Punishment of negligence**

The negligence related to postal offences is always punished.

**Article 87**

**Powers in this area**

1. The handling of postal offences and the application of the respective fines is incumbent upon the Communications Institute of Portugal (ICP), without prejudice to what is laid down in the following number.

2. Until the ICP enters into operation, the operating company shall have competence to handle the postal offences and to apply the respective fines, being attributed all the powers foreseen by the general regime governing the offences for the administrative authorities.

**Article 88**

**Writs of prevention and accessory sanctions**

1. As an accessory sanction against offences, the seizure of objects which served for their exercising or which resulted from them may be ordered.

2. The seizure of objects may only be ordered when:

   a) They belong to the agent at the time;
   b) They represent a danger to the community or contribute to commit a crime or another offence;
c) Having been alienated or being overburden to a third party, the latter knew or should reasonably have known the circumstances which led to their seizure.

3. Should the seriousness of the offence or the frequency with which it is practised so justify, any of the following measures may be applied as an accessory sanction:

   a) Interdiction, for a maximum period of two years, from exercising a profession or an activity related with the offence;
   b) Deprivation, for a maximum period of two years, of the right to subsidies authorised by public bodies or services.

4. The seizure of objects may also be determined as a writ of prevention intended to:

   a) To prevent the disappearance of offences evidence;
   b) To guarantee the payment of the postal tariffs referred to in the following article.

**Article 89**
**Payment of postal tariffs**

Payment of the fine shall not free the infractor from the payment of the postal fees due should the postage still be possible.

**Article 90**
**Destination of fines**

The product of the fines applied for postal offences shall constitute a revenue for the State.


Let the present be published.

The President of the Republic, Mário Soares.

Countersigned on 4 May 1988.

The Prime Minister, Aníbal António Cavaco Silva.

The Minister of Public Works, Transport and Communications, João Maria Leitão de Oliveira Martins.