Administrative Order No 42/2026, Bundesnetzagentur Official Gazette 8/2026 of 29 April 2026

29. April 2026

Amendment and extension of the provisional order pursuant to section 96 of the Postal Act (PostG) on the temporary authorisation to provide postal services pending a final decision on the application for entry in the provider register pursuant to section 4 PostG

1. Administrative Order No 87/2024 of the Bundesnetzagentur of 18 September 2024 (Official Gazette 18/2024, page 1359), as last amended by Administrative Order No 73/2025 of the Bundesnetzagentur of 23 July 2025 (Official Gazette 14/2025, page 1392), is amended as follows:

   a) Point 1 is amended as follows:

      Anyone who, in accordance with section 4(2) sentence 2 PostG, has used the online application form (available at https://www.bundesnetzagentur.de/post-anbieterverzeichnis) to submit an application for entry in the register of postal service providers (provider register) that has been accepted by the Bundesnetzagentur for further processing may provisionally, pending the final decision on the application, provide postal services without being listed in the provider register. Within four weeks of receipt of an application, the Bundesnetzagentur will write to the applicant either to confirm acceptance of the application for further processing, with the reference number allocated to the application, or to refuse the application because of missing documents.

   b) In point 5 the date “18 August 2026” is replaced with the date “31 March 2027”.

2. Point 1 of this administrative order will become effective at midnight on 18 August 2026.

3. In accordance with section 97 sentence 3 PostG this general administrative order is deemed to have been made public two weeks following its publication in the Bundesnetzagentur Official Gazette.

Reasoning

I.

The Postal Act (PostG) was published on 18 July 2024 and entered into force one day later. It contains major changes for providers of postal services. The previous licence and notification requirements were replaced by the provider register. Providers must be entered in the provider register to be allowed to provide postal services. Providers who only operate postal outlets or self-service kiosks are exempt from this requirement.

By Administrative Order No 87/2024 of 18 September 2024 (Official Gazette 18/2024, page 1359) the Bundesnetzagentur gave postal service providers a temporary authorisation to provide postal services pending a final decision on their applications for entry in the provider register pursuant to section 4 PostG. The above-mentioned administrative order initially applied until 30 September 2025 and was extended by Administrative Order No 73/2025 (Bundesnetzagentur Official Gazette 14/2025 of 23 July 2025) until 18 August 2026. It is now being extended again in amended form. As from 19 August 2026 the extension will only benefit those providers whose application for entry in the provider register has been accepted by the Bundesnetzagentur for further processing.

In the period from 19 July 2024 to 15 April 2026 the Bundesnetzagentur received a total of about 7,500 applications for entry in the provider register and completed the processing of approximately 2,800 of these applications.

II.

Point 1(a) amends the scope of the temporary authorisation to provide postal services pending a final decision on an application for entry in the provider register pursuant to section 4 PostG. Specifically, as from 19 August 20206 only those applicants whose application has been accepted by the Bundesnetzagentur for further processing will be able to make use of the temporary authorisation to provide postal services.

The provisional order is being amended on the basis of section 96 PostG following due assessment of the circumstances. The authorisation to issue provisional orders includes the authorisation to amend provisional orders, provided an existing rule is not withdrawn or revoked. As, in accordance with point 2, the (restrictive) amendment will not become effective until the current (more extensive) rule would expire, the amendment does not constitute either a withdrawal or a revocation. The amendment does not create an additional burden because the current rules (Administrative Order No 73/2025 of 23 July 2025) continue to apply until the envisaged expiry date of 18 August 2026.

The new rules aim to further optimise the application processes for entry in the provider register in that applicants may only provisionally carry out activities in the market for postal services pending a decision on their application if their application meets the quality requirements of the online portal. This enables the Bundesnetzagentur to process the outstanding mass of applications even more swiftly and efficiently but does not place an unreasonable burden on applicants with respect to their activities in the market. The aim is also to prevent applicants who submit obviously incomplete and thus obviously ineligible applications from being allowed to provisionally provide postal services. In addition, the extension creates legal and planning certainty for all players, including any entities contracting providers with an interest in their contractors having the right to – provisionally – provide postal services to customers without being listed in the provider register.

The rule in point 1(b) provides for the expiry date of the newly amended provisional order to be extended to 31 March 2027. The legal basis for this is section 36(2) para 1 of the Administrative Procedure Act (VwVfG) (Bund).

In the period up to 15 April 2026 the Bundesnetzagentur had already received about 7,500 applications for entry in the provider register pursuant to section 4 PostG and completed the processing of approximately 2,800 applications. Approximately 1,900 applications were declared to be invalid and were deleted by the Bundesnetzagentur on its own initiative because of inactivity on the part of the applicants (the documents required to process the application were not, or not all, submitted).

The large number of applications to be processed (currently about 2,800), the complexity of processing the applications and the fact that the IT infrastructure is still being set up mean that the Bundesnetzagentur is not yet able to process the applications within a reasonable period of time. In the last six months alone (15 October 2025 to 15 April 2026) the Bundesnetzagentur received an average of 270 applications per month but was only able to complete the processing of an average of about 240 applications per month, despite deploying all available staff. The number of applications received is therefore still slightly higher than the number of applications for which processing is completed. In addition, it is expected that a large number of applications will be made in the months preceding the expiry on 18 August 2026 of the transitional period pursuant to section 112(1) sentence 2 PostG.

In order to safeguard the constitutionally guaranteed right of occupational freedom (Article 12(1) of the Basic Law for the Federal Republic of Germany – GG) a temporary authorisation for postal service provision is therefore required beyond 18 August 2026 for those providers who have made an application for entry in the provider register that meets the quality requirements of the online portal, in particular with respect to the completeness of documents.
As from 19 August 2026, however, this temporary authorisation will only apply if an application has been accepted by the Bundesnetzagentur for further processing. The aim of this rule is to make the processing of the mass of applications submitted by then more efficient. The restriction that only applications are accepted for processing that contain certain mandatory documents as listed in section 6(2) sentence 1 PostG (acknowledgement of receipt of the business registration, up-to-date information from the debtor register, certificate from the tax and revenue office and the municipal tax office, declaration on criminal and investigative proceedings) is also suitable to achieve this aim. A less severe yet equally effective means compared with a restriction relating to the acceptance of an application is not apparent. It is therefore also necessary. For an application to be accepted for processing it would not be sufficient for some or all of these documents to be submitted after the application has been submitted, as follow-up requests for such documents by the Bundesnetzagentur have specifically proven to be a significant cause of delays in processing applications. Submission of the above-mentioned mandatory documents together with an application is also reasonable for the applicants. Providers can be expected to find out about (on the Bundesnetzagentur's website, for example) and organise the necessary documents in good time before submitting an application. To create legal certainty for applicants (and, where applicable, contracting entities) as swiftly as possible about the entitlement to provisionally provide postal services, the Bundesnetzagentur has committed, in the period from 19 August 2026 to 31 March 2027, to write to applicants within four weeks of an application being submitted through the online portal to at least either confirm acceptance of the application for further processing or refuse the application.

The amended and extended temporary authorisation to provide postal services pending a final decision on an application for entry in the provider register pursuant to section 4 PostG is suitable, necessary and reasonable to continue safeguarding the occupational freedom of applicants for the duration of the application procedure. No opposing rights of third parties are evident.

Reference is also made to the reasoning for Administrative Order No 87/2024 of 18 September 2024 and Administrative Order No 73/2025 of 23 July 2025 (available at https://www.bundesnetzagentur.de/post-anbieterverzeichnis).

III.

Point 2 states that the amendments set out in point 1 will not become effective until midnight on 18 August 2026. This ensures a smooth transition from the old to the new rules. It also guarantees that existing legal positions continue to apply until the expiry of the old rules and therefore remain untouched. For providers making an application for entry in the provider register through the online portal in compliance with section 112(1) sentence 4 PostG in conjunction with section 31(3) sentence 1 VwVfG by Monday 20 July 2026, it is ensured that their applications will be either accepted for processing or refused because they are incomplete by 18 August 2026. In any case, providers who have not had a response from the Bundesnetzagentur will continue to be entitled to provisionally provide postal services until midnight on 18 August 2026.

IV.

In accordance with section 97 sentence 3 PostG this general administrative order is deemed to have been made public on 13 May 2026, two weeks following its publication in the Official Gazette.

Notification of appellate remedies

An appeal against this administrative order may be lodged within one month of its issue. The appeal must be lodged with the Bundesnetzagentur, Tulpenfeld 4, 53113 Bonn or any other Bundesnetzagentur office. Under section 103(2) PostG the appeal does not have suspensory effect.

Riepe,
Head of Section 314