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# Administrative Order No 73/2025, Bundesnetzagentur Official Gazette 14/2025 of 23 July 2025

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July 2025

## **Extension of the provisional order pursuant to section 96 of the Postal Act (PostG) on the temporary authorisation to pro- vide 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) is amended as follows:  
  
In point 5 the date “30 September 2025” is replaced with the date “18 August 2026”
2. 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 Legislation Modernisation Act (PostModG) 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 is now being extended until 18 August 2026.

In the period from 19 July 2024 to 15 July 2025 the Bundesnetzagentur received a total of about 5,000 applications for entry in the provider register and completed the processing of just under 600 of these applications.

## **II.**

Point 1 extends 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 until 18 August 2026.

The authorisation is being extended on the basis of section 36(2) para 1 of the Administrative Procedure Act (VwVfG) in conjunction with section 96 PostG following due assessment of the circumstances. Under section 36(2) para 1 VwVfG an administrative act can be issued with a provision that limits a benefit to a certain period of time, following due assessment of the circumstances. This includes the possibility to extend an existing time limit. Administrative Order No 87/2024 of 18 September 2024, for which the time limit is being extended, was issued as a provisional order on the basis of section 96 PostG.

In the period up to 15 July 2025 the Bundesnetzagentur had already received about 5,000 applications for entry in the provider register pursuant to section 4 PostG. These applications include a large number from applicants not covered by any of the transitional rules in section 112(1) PostG. The large number of applications received, 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. The assumption of approval under section 4(3) sentence 5 PostG does not provide a remedy either, since the Bundesnetzagentur is currently not able to make the lengthy individual checks needed to verify that applications are complete within a short period of time. In the last six months alone (15 January 2025 to 15 July 2025) the Bundesnetzagentur received an average of 230 applications per month but was only able to make a final decision on 60 applications per month, despite deploying all available staff. The number of applications received is therefore still significantly higher than the number of applications for which processing has been completed.

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 30 September 2025. The extension 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 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.

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 now ends on 18 August 2026. This is also the date on which the transitional period ends for the entry of those providers that had been notified to the Bundesnetzagentur up until 18 July 2024 under section 36 PostG of 22 December 1997 (section 112(1) sentence 2 PostG). Reference is also made to the reasoning for [Administrative Order No 87/2024 of 18 September 2024](#).

## **III.**

In accordance with section 97 sentence 3 PostG this general administrative order is deemed to have been made public on 6 August 2025, 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.