Internal market of postal services

2006/0196(COD) - 20/02/2008 - Final act

PURPOSE: to open EU postal markets fully to competition by 2010.

LEGISLATIVE ACT : Directive 2008/6/EC of the European Parliament and of the Council amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services

CONTENT : this Directive **aims** to:

- achieve an internal market for postal services through the removal of exclusive and special rights in the postal sector (the abolition of the reserved area) and the setting of the full market opening timetable;
- safeguard a common level of universal services for users in all EU countries, and offer a list of measures Member States may take to safeguard and finance, if necessary, the universal service;
- set harmonised principles for the regulation of postal services in an open market environment, with the aim of reducing other obstacles to internal market functioning.

Accordingly, the Directive **establishes common rules** concerning:

- the conditions governing the provision of postal services,
- the provision of a universal postal service within the Community,
- the financing of universal services under conditions that guarantee the permanent provision of such services,
- tariff principles and transparency of accounts for universal service provision,
- the setting of quality standards for universal service provision and the setting-up of a system to ensure compliance with those standards,
- the harmonisation of technical standards,
- the creation of independent national regulatory authorities.

The main points are as follows:

Dates for market opening: the deadline for market opening is 31 December 2010. In this way, operators and regulators in countries that are lagging behind in the liberalisation process will have more time to adjust. The 12 Member States that acceded in 2004 or later, as well as Member States with a particularly difficult topography, have an additional two years to open the market (31 December 2012). The Member States concerned are Czech Republic, Greece, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Poland, Romania, and Slovakia.

Reciprocity: in order to avoid market distortion and unfair competition, those Member States having opened their markets should be able to refuse authorisation to operators still being protected by a national monopoly (reserved area) in another Member State.

Guaranteed universal service: the universal service must continue to be provided to the full extent, i.e. comprising at least one delivery and collection five days a week for every EU citizen. Moreover, it is important to maintain well-functioning postal networks with a sufficient number of access points in rural, remote or sparsely populated regions in order to satisfy the universal service obligation.

Social considerations should, in general, be taken into account in the process of market opening. In particular, Member States should be able to reflect working conditions in their authorisation procedures. Member States will have the right to impose conditions on the supply of postal services for non-economic reasons, such as compliance with employment conditions and social security schemes laid down by law and/or by collective agreement negotiated between national social partners.

Financing: where a Member State determines that the universal service obligations entail a net cost, it will draw up a financing plan and notify the Commission. The Commission shall provide assistance to the Member States on the implementation of this Directive, including on the calculation of any net cost of the universal service. The terms are laid down in Annex I to the Directive ("Guidance on calculating the net cost, if any, of universal service").

Role of national regulatory authorities: in accordance with the principle of separation of regulatory and operational functions, Member States must guarantee the independence of the national regulatory authorities, thereby ensuring the impartiality of their decisions. Member States that retain ownership or control of postal service providers shall ensure effective structural separation of the regulatory functions from activities associated with ownership or control. National regulatory authorities must be provided with all necessary resources, in terms of staffing, expertise and financial means, for the performance of their tasks. They have as a particular task ensuring compliance with the obligations arising from the Directive, in particular by establishing procedures to ensure the provision of the universal service. They may also be charged with ensuring compliance with competition rules in the postal sector. They must work in close collaboration.

Report: every four years, on the first occasion no later than 31 December 2013, the Commission shall submit a report on the application of the Directive, including appropriate information on developments in the sector, particularly concerning economic, social, employment patterns and technological aspects, as well as on quality of service.

TRANSPOSITION: 31/12/2010.

ENTRY INTO FORCE: 27/02/2008.