Application of the Postal Services Directive

2016/2010(INI) - 15/09/2016 - Text adopted by Parliament, single reading

The European Parliament adopted by 514 votes to 103 with 37 abstentions a resolution on the application of the Postal Services Directive.

Prospects for growth and increased competition: although the number of letters has declined across the EU and between 2012 and 2013 and the average rate of decline across the EU 28 was 4.85%, Members recalled that the **postal market is still an area of the economy with strong prospects for growth and increasing competition**.

The implementation of the Postal Services Directive helped to open up domestic markets for competition in letter markets, but **development has been slow** and did not lead to the accomplishment of the internal market for postal services, the sector in Member States still being dominated by the universal service providers (USPs).

Universal service: enhancing the independence of national regulatory authorities: Members noted that the minimum standards associated with the universal service obligation (postal items up to 2 kg, postal packages up to 10-20 kg, registered and insured items, and other services of general economic interest such as newspapers and periodicals), regulated in the EU generally meet customers' demands. However, certain detailed requirements, which are not subject to regulation at EU level, are rightly set by the national regulatory authorities (NRAs) entrusted with this task.

In this context, Parliament called on the Member States to support the role and independence of NRAs through **high professional qualification criteria for staff**, with fair and non-discriminatory access to in-service training guaranteed, fixed terms of office and legal protection against dismissal without cause.

Obligations of independence can only be fulfilled if NRAs' regulatory functions are **structurally and functionally separated** from activities associated with ownership or control of a postal operator. Senior NRA officials should not be permitted to work for the public postal operator or other interested parties for at least six months after leaving the NRA, with a view to preventing conflicts of interest.

Access, quality of service and user needs: Parliament encouraged the promotion of consumer choice in order to define the delivery of **letters** within the range of the Universal Service Obligation. It stressed the importance of providing a high-quality universal service under affordable conditions, comprising at least five delivery and five collection days a week for every citizen. While the Directive allows some flexibility, this should not be exceeded by national regulations.

The resolution also called for the need to:

- improve geographical coverage and accessibility to universal services for parcel deliveries, especially for **citizens with disabilities and reduced mobility** and those in remote areas;
- **monitor** the provision of postal services as a public service in order to ensure that public service compensation is implemented in a manner that is proportionate, transparent and fair;
- **define affordability** for an item of correspondence and that Member States may maintain or introduce free postal services for blind and partially sighted persons.

Member States were called upon to:

- **maintain territorial and social cohesion** and the associated quality requirements: Member States should use State aid tools only in exceptional cases, in accordance with EU competition policy, and in a transparent, non-discriminatory and appropriate manner, and to ensure that customers continue to have access to postal services, by guaranteeing, where appropriate, a **minimum number of services** at the same access point;
- ensure that market opening continues to benefit all users, in particular consumers and small and medium-sized enterprises, by closely monitoring the market developments.

The Commission was called upon to:

- **improve the present definition of universal service** in order to stipulate a minimum guaranteed level of service for consumers, to make the universal service obligation fit for evolving markets; however, given that each market has its own specific constraints, that operators should be allowed a **measure of flexibility** in organising the universal service;
- ensure a **common level playing field** among providers, both for traditional mail and the fast-expanding field of parcel delivery and between postal incumbents and new entrants.

The VAT exemption for postal services has to be applied in a way that minimises distortions of competition between former monopolies and market entrants.

The cross-border dimension and e-commerce: Parliament stressed the importance of affordable and reliable parcel delivery services in realising the Digital Single Market, recalling that opening this sector up to competition has boosted the development of value-added services, such as track-and-trace, pick-up /drop-off locations, flexible delivery time, suitable return procedures and access to easy recourse procedures.

The Commission was called upon to:

- develop market oversight of parcel delivery where necessary, and encourage **affordability of cross-border tariffs** and identify unfair anticompetitive and monopolistic practices;
- improve transparency as regards public pricing conditions and service performance (delivery options, final delivery, reliability), especially when it comes to e-commerce;
- promote the strategy on e-commerce and cross-border parcel delivery.

Improving the quality of the service and the protection of consumers' rights: in order to restore an adequate level of consumer confidence, Members called for: (i) greater transparency as regards prices, delivery options, modalities and quality/performance (speed, geographical coverage, delays and the handling of damaged or lost items); (ii) trust labels; (iii) simple, efficient cross border mechanisms for adequate consumer redress.

The resolution encouraged the establishment of open tools and service quality indicators so that consumers can compare offers from different service providers.

Social dimension: Parliament called on the Member States to guarantee all workers in the postal services sector **decent working conditions**, including the required level of health and safety protection at work.

Noting that the number of part-time workers, agency workers and self-employed people in the sector has increased and that the general trend is towards more flexible employment contracts, Members stressed the importance for checks on **working and rest times** to be stepped up as well as working times in the postal sector.

They were concerned about attempts to circumvent existing minimum wage regulations by increasing the workload to an extent that cannot be managed during paid working hours.