Cross-border parcel delivery services

2016/0149(COD) - 23/10/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Lucy ANDERSON (S&D, UK) on the proposal for a regulation of the European Parliament and of the Council on cross-border parcel delivery services.

The Committee on the Internal Market and Consumer Protection, exercising its prerogative as an associated committee in accordance with Article 54 of the Rules of Procedure, also gave its opinion on the report.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal as follows.

Objectives: this Regulation establishes specific provisions to foster better accessibility for users to cross-border parcel delivery services, in addition to the provisions set out in Directive 97/67/EC, concerning:

- **transparency of tariffs** and assessment of tariffs for certain unreasonably high cross-border parcel delivery services;
- **information for users** of cross-border parcel delivery services.

Members defined the "**package**" as a postal item or shipment, with or without commercial value, other than an item of correspondence with **a weight not exceeding 31.5 kg**.

Level of harmonisation: it is stipulated that the requirements laid down in this Regulation are **minimum requirements** and shall not prevent any Member State from maintaining or introducing additional measures, in order to achieve better accessibility for users to efficient and affordable cross-border parcel delivery services.

Disclosure of information: Members pointed out that all parcel delivery service providers shall submit the following information to the national regulatory authority of the Member State in which they are established unless the national regulatory authority has already requested and received such information:

- where possible, a **detailed description of the parcel delivery services offered by the parcel delivery service provider**, including the nature of the services offered and precise information on payment and other options for users;
- the parcel delivery service provider's **general terms and conditions** for parcel delivery services, including details of complaints procedures for users and any potential limitations of liability that may apply;
- the **number of persons** working for the parcel delivery services provider, including breakdowns by reference to employment status;
- the **names of the subcontractors** working for them and involved in the provision of parcel delivery services.

Those provisions shall not apply to any parcel delivery service provider, which employed over the previous calendar year on average **fewer than 50 persons**, unless that provider is established in more than one Member State.

Assessment of single piece tariffs: if the national regulatory authority deems it necessary, it may objectively assess, in line with the principles set out in Directive 97/67/EC, cross-border tariffs in respect

of the categories of single piece parcels listed in the Annex I which fall under its Member State's universal service obligation, in order to identify the cross-border tariffs for parcel delivery services originating in its Member State that it considers unreasonably high.

The assessment shall take into account:

- **the likely impact of the applicable cross-border tariffs on individual and small and medium-sized enterprise** users including those situated in remote or sparsely populated areas, and on individual users who are disabled or with reduced mobility;
- whether tariffs are subject to price regulation under national legislation or whether similar services are offered by another parcel delivery service provider;
- the potential abuses of dominant market position.

If the national regulatory authority deems it to be necessary, it shall request from the parcel delivery service provider or providers concerned any further relevant evidence in relation to those tariffs that may be required for the assessment to be made. Such evidence may include specific transportation or handling costs, terminal rates and bilateral volumes between different cross-border parcel delivery service providers.

Members deleted Article 6 on transparent and non-discriminatory cross-border access from the proposal.

Information and quality standards: all traders concluding sales contracts with users that include the sending of cross-border parcels shall make available to users at the pre-contractual stage, the following information:

- **prices** charged by them to users for cross-border parcel delivery including any relevant alternative or discounted rates;
- **cross-border delivery options** offered, including any choice of providers, track and trace, and mechanisms allowing the user to intervene throughout the delivery process, including to opt-out of non-attended delivery and to arrange redelivery or collection times or locations, where applicable;
- **details of their own and relevant parcel service provider complaints processes** and of the European Consumer Centre network for cross-border complaints.

Confidentiality: Members stated that where, in accordance with Union and national business confidentiality rules, a national regulatory authority considers certain information to be confidential in nature, the national regulatory authorities concerned shall respect that confidentiality.

Report: Members considered that the Commission's evaluation report on the application of the Regulation should be produced following consultation with all relevant stakeholders, and be presented **every three years**, especially given the dynamic and rapidly changing nature of e-commerce markets.