

Postal services: common rules for the development of the services and improvement of quality of service

1995/0221(COD) - 29/04/1997 - Council position

In general, the common position of the Council accepts the objective and scope proposed by the Commission for the Directive. As far as the central provisions concerning the development of the reserved sector are concerned, the Council, largely following the line of the European Parliament, opts for a more cautious stance than that proposed by the Commission. The Council has made a number of amendments to the proposal which, in conjunction with the amendments by the European Parliament which it has accepted (23 altogether), improve the Directive with regard to the following points: - Definitions: on the basis of the proceedings of the European Committee on Postal Regulation (CERP), which in turn were based on the definitions used by the Universal Postal Union, a number of definitions are amended to bring them into line with best practice. Other definitions, such as those of 'essential requirements' and 'authorizations', are added; - Scope of the universal service: the common position takes account of differing national situations by introducing greater flexibility in comparison with the Commission proposal, particularly in the following respects: .granting national regulatory authorities (NRA) discretion to decide on exceptions to frequency and to door-to-door deliveries; .the fixing of a weight limit of 10 kg for postal packages, but allowing Member States to increase it to 20 kg on the understanding that the delivery of such packages should also be provided for in intra-Community dealings; .the requirement for Member States to ensure that universal service provision meets certain essential requirements, and the right of Member States to take measures with regard to questions of public interest recognized by the Treaty; - Harmonization of services which may be reserved, and timetable for liberalization: the common position provides for: in so far as necessary in order to maintain the universal service, the option to reserve cross-border mail and direct mail. The European Parliament and the Council are to decide by 01/01/2000 (on the basis of a Commission proposal to be submitted before the end of 1998) on the further gradual and controlled liberalization of the postal market, particularly to liberalize direct mail and cross-border mail and to review prices and weight limits with effect from 01/01/2003. The common position indicates that price and weight limits for services which may be reserved must also apply to express mail, but that document exchange may not be reserved. It further stipulates that Member States may organize the registered mail service used in the course of judicial or administrative procedures; - Conditions concerning the provision of non-reserved services: the common position stipulates that only general authorizations may be used for non-reserved services which do not form part of the universal service, while authorizations taking the form of individual licences may be used for non-reserved services which fall within the scope of the universal service; - Tariff principles and transparency of accounts: the common position goes further than the Commission proposal, particularly with regard to the principles with which agreements on terminal dues concluded by universal service providers must comply. It also includes more detailed provisions on cost accounting with the aim of monitoring the development of the various postal services provided by the universal service provider. It does not require separation of the balance-sheet and profit-and-loss account for reserved and non-reserved services respectively (as proposed by the Commission); - Quality of services: the common position does not set specific minimum quality standards for national mail. It sets the following minimum quality standards for intra-Community cross-border services: D+3 for 85% of items and D+5 for 97% of items. These objectives are to be reviewed under the regulatory committee procedure. National regulatory authorities may grant exceptions from the quality standards, after informing the Commission. They are required to take corrective measures if monitoring of performance levels shows that quality standards are not respected, in the case either of national or of intra-Community cross-border services. With regard to the introduction of a system of reimbursement and/or compensation to settle disputes, the common position allows the Member States a measure of flexibility, calling on them to provide for such a system where warranted. The amendments accepted by the

Commission but not incorporated in the common position particularly included: - the issuing of stamps denominated in euro; - derogation from universal service requirements in exceptional geographical conditions; - the initial minimum service quality requirement for domestic mail; - the reference to a monitoring centre to assist the Commission and the requirement that the Commission include in its report on the application of the Directive the opinions delivered by the parties concerned.