

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

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This report is to meet the requirement of the 97/67/EC Directive ("Postal Directive") that the Commission shall submit a report to the European Parliament and the Council on the application of this Directive, including the appropriate information about developments in the sector, particularly concerning economic, social, employment and technological aspects, as well as about quality of service. In this context, the Commission has undertaken its own review of the transposition of the Postal Directive in the Member States and has launched a number of studies to look more deeply into several aspects of the transposition and application of the Postal Directive. The first conclusion of the report is that all Member States have modified their primary legislation, and secondary legislation and detailed regulations are well under way for completion. Overall, apart from some conformity issues identified in some Member States, the regulatory framework set by the Postal Directive can be considered as implemented in the Member States. Member States have largely adapted the Community framework to national requirements and this has had a number of positive impacts : a significant regulatory impact; enhanced Community harmonisation; improved quality of service; increased the pace of postal reform; provided incentives for greater efficiency and customer focus by postal operators; allowed for a move towards the internal market in postal services; established Independent National Regulators in Member States. However, there are some areas where the Postal Directive had little or no impact. For example: the Postal Directive implementation by Member States has not so much increased the universal service obligations as entrenched existing obligations, and the existing regulatory framework and provisions for consumer protection were often in accordance with the principles of the Postal Directive. Further, the Postal Directive may not have moved as quickly towards the internal market as could have been safely achieved and this may have had a number of negative impacts. For example, the Postal Directive did not foster efficiency improvements e.g. by benchmarking or competitive tendering and the EU is still relatively inefficient compared to the USA. The Postal Directive only introduced limited competition and it did not prevent competition issues from developing. A regulatory framework that did not allow appropriate market development would not only distort the sector, and provide perverse incentives for players, but it would also spread this distortion to other sectors. In this context the Postal Directive was indispensable to unlock the barriers to market development. Its achievements, a basic harmonisation of the Community regulatory framework and a limited market opening, were essential pre-requisites to existing and future market developments. Further, the clear direction set by the Postal Directive towards the full accomplishment of the internal market provided the signal for organisational change in the postal sector. Given the current situation- the safeguarding of the provision of a universal service across Member States in the short term, and the new measures in the new Postal Directive 2002/39 extending this safeguarding- there are no recommendations for a further update of the Community regulatory framework at this stage. However, this is not to say that the Postal Directive has set in place a regulatory framework fully in tune with the needs of the developing market. Distortions remain, where reservation and dominant position is abused. Instances which have led to a number of competition cases. Further, there remain issues of regulatory independence in some Member States, and it could be argued that a varied national regulation has not encouraged all the USPs to become efficient. In any case, it is clear that efficiency in postal service provision remains variable. The Commission calls for the Member States to "ensure effective independence, adequate capacity and effectiveness of the (competition and) regulatory authorities", in particular in the postal sector. Finally, the Commission calls for the Member States to prepare the implementation of the European standards currently being developed by the CEN, particularly with regard to quality of service measurement methods, which will help to ensure that quality of service monitoring and performance are further improved for the benefit of all customers.

