

# Application of the Postal Directive (Directive 97/67/EC as amended by Directive 2002/39/EC)

2005/2086(INI) - 02/02/2006 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drawn up by Markus **FERBER** (EPP-ED, D) in response to the Commission report on the application of the Postal Directive. The resolution was adopted by 554 votes to 64. Parliament pointed out that postal services are of major economic importance and generated income in 2002 of some EUR 88 billion, or around 0.9% of the GDP of the EU. It is estimated that more than 5 million jobs are directly dependent on or linked to the postal sector.

Parliament noted that the transposition of the Postal Directive into national law had made good progress overall. However, the effects of the reforms on quality, efficiency and customer-orientation in the postal sector have yet to be analysed in detail and the opening up of postal services to competition has not always resulted in maintained employment levels in the postal sector. Furthermore, the implementation of the Postal Directive is seriously late in a number of Member States, particularly as regards opening up of the market, entailing a risk of imbalance in the European postal market and the potential disadvantaging of market entrants. Parliament called on the Commission, in its report, to state what action it proposes to take in consequence.

Parliament went on to state that, considering the fundamental transformation postal markets are undergoing, the definition of 'universal service' must be reassessed in the light of altered communications behaviour. It noted, however, that universal services are qualitatively high-value, labour-intensive services focussing on the protection of consumers' interests. It called on the Commission to take account of this fact in the research framework for its prospective study. The Commission must explore how best to guarantee the involvement of postal customers and consult the social partners affected, businesses active in the market and local interest organisations.

On the question of funding, Parliament noted that the funding models for universal service used so far in the Member States have not been very successful and that the tried and tested funding instrument for universal services in the past has been the reserved sector. The Commission is asked to look in detail, in its prospective study, at whether the development of the universal service, the retention of which remains relevant in economic and social terms, and greater flexibility in the regulatory framework can have a positive influence on resolving the problem of funding universal services.

Parliament also asked the Commission to do the following:

- in view of the sometimes perceptibly divergent developments in universal service obligations in the Member States, to concentrate in particular, when drawing up its prospective study, on the quality of provision of the universal service and on its future funding and to propose, in the context of this study, a definition, the scope and appropriate financing of the universal service;
- to determine whether it is possible to keep to the 2009 deadline for completion of the internal market in postal services or whether other stages should be defined in the light of the conclusions of the study;
- to pay particular attention in future studies to the impact on geographic coverage and development of networks resulting from future stages in the opening-up of postal services to competition, particularly as regards conditions of access for the EU's most disadvantaged or isolated populations;

- since the adoption of service standards developed by CEN is essential to guaranteeing transparency, reliability and quality in the postal market, to give priority to progress in this area;
- to evaluate the impact of business models where competitors have successfully entered the market without the need for regulated network access, and to assess the appropriateness of a European framework for network access conditions in order to ensure equality of access;
- to promote dialogue with and among the regulatory authorities and the Member States and encourage benchmarking, so that the task of the authorities can be confined to checking the transposition of the regulations;
- to study authorisation procedures, with particular reference to clarifying the operational scope, the approval process and the mandatory conditions;
- to investigate the question of how the pension liabilities of the public postal operators are being dealt with in order to avoid a disturbance of the market in a liberalised environment;
- on the matter of differences in VAT treatment on the postal market, to submit proposals on how to achieve the necessary legal certainty and non-discrimination among operators when it is revising Directive 77/388/EEC as regards value added tax on services provided in the postal sector;
- to ensure that penalties under administrative law for breaches of national postal laws are not disproportionately severe and do not jeopardise the operation of the postal market; calls therefore on the Commission, in drafting its prospective study, to collect data on current or planned national penalties in all Member States.