Internal market of postal services

2006/0196(COD) - 18/06/2007

The Committee on Transport and Tourism adopted the report by Markus FERBER (EPP- ED, D) amending, at first reading of the codecision procedure, the proposal for a directive concerning the full accomplishment of the internal market of Community postal services. The main amendments adopted by committee are as follows:

- in view of the situation in Member States it is appropriate to establish the end of 2010 as the final date for the removal of exclusive rights in the postal sector (as opposed to 2009 which as the date proposed by the Commission). The total opening up of the market means that national operators will no longer have the monopoly on mail weighing less than 50g which was until now their “reserved area”;

- to the extent that it is necessary for ensuring the maintenance of universal service, new Member States or Member States with a particularly difficult topography, especially those with a huge number of islands, may continue, until 31 December 2012, to reserve services to universal service providers(s) within the following limits and conditions: (a) Those services shall be limited to the clearance, sorting, transport and delivery of items of domestic correspondence and incoming cross-border correspondence, whether by accelerated delivery or not, within both of the following weight and price limits. The weight limit shall be 50 grams. This weight limit shall not apply, if the price is equal to, or more than, two and a half times the public tariff for an item of correspondence in the first weight step of the fastest category;

- those Member States that intend to use this exceptional transition facility shall notify the Commission of their intention to do so at the latest three months before the date of implementation of this Directive. Member States that abolish their reserved areas after the entry into force of this Directive and before 31 December 2012 may, during that transitional period, refuse to grant the authorisation provided for in Article 9 (2) for services within the abolished reserved area in question to postal operators providing services within the scope of universal service (as well as companies controlled by them) which are granted a reserved area in another Member State ;

- Member States should be allowed to (i) incorporate special provisions into their national legislation applicable to universal service providers, according to objective, proportionate and non-discriminatory criteria, as necessary for the operation of the universal service; (ii) organise, in accordance with their national legislation, the siting of letter boxes on the public highway, the issue of postage stamps and the registered mail service used in the course of judicial or administrative procedures, as necessary for the provision of the universal service;

- the provisions of the directive shall be without prejudice to relevant national provisions on the protection of personal data;

- prices must be affordable and must be such that all users, independent of geographical location, and, in light of specific national conditions, have access to the services provided. Member States shall publish the rules and criteria for ensuring affordability at national level. National regulatory

authorities shall monitor all price changes and shall publish regular reports. Member States shall ensure the provision of a free postal service for the use of blind and partially sighted persons. In addition, the most vulnerable customers (individuals and SMEs) should be highlighted;

- in order to protect the interests of postal users in the event of theft or loss of, or damage to postal items, Member States should introduce a system of reimbursement and/or compensation;

- the question of accounting (new version of Article 14) is of crucial importance, since imprecise accounting can easily lead to distortions of the market. An amendment has been tabled seeking to define more precisely the allocation of common costs (costs which cannot be allocated directly to a particular service or product). A further amendment seeks to guarantee the application of Article 14 even when no other universal service providers have been appointed, since even where there is only one provider, distorted accounting by this provider could effectively act as a barrier to market access;

- further complex of issues related to accounting is that of cross-subsidy. On this topic, two amendments have been tabled to recitals. The first seeks to make clear that the monitoring of cross-subsidy falls within the Commission's sphere of competence and the other seeks to achieve a clear allocation of common costs on the basis of their origin in order to avoid cross-subsidy;

- clear rules on competition law and state aids are another important element in an operational postal market. Two amendments have been tabled which urge the Commission to provide interpretative communications on these matters;

- every four years, on the first occasion no later than 31 December 2011, 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 patterns and technological aspects, as well as about quality of service;

- the Commission shall provide assistance to the Member States on the implementation of this Directive, including guidance on the calculation of any net cost before 1 January 2009. Member States shall present to the Commission their financing plans and may present studies;

- another important complex of issues relates to the status and rights of workers in the postal sector. To that end, a new has been included clarifying the Member States' options for regulating the conditions of employment;

- it is important that rural and remote areas will not be negatively affected by significant changes brought by an open postal market. Mail must be collected and delivered to these areas without Interruption ;

- in order to meet competition, cope with new consumer requirements and secure new sources of funding, postal service providers may diversify their activities by providing electronic business services or other information society services;

- the committee states that this Directive does not affect the terms and conditions of employment, including maximum work periods and minimum rest periods, minimum paid annual holidays, minimum rates of pay as well as health, safety and hygiene at work, which Member States apply in compliance with Community law, nor does it affect relations between social partners, including the right to negotiate and conclude collective agreements, the right to strike and to take industrial action in accordance with national law and practices which respect Community law, nor does it apply to services provided by temporary work agencies. If appropriate, Member States may reflect working conditions in their authorisation procedures.