Basic information

2016/0149(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Cross-border parcel delivery services **Subject** 3.20.11 Trans-European transport networks 3.30.09 Postal services, parcel delivery services 4.60.06 Consumers' economic and legal interests	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	ANDERSON Lucy (S&D)	06/09/2016
	Shadow rapporteur FERBER Markus (PPE) ZŁOTOWSKI Kosma (ECR) TELIČKA Pavel (ALDE) GONZÁLEZ PEÑAS Tania (GUE/NGL) EVANS Jill (Verts/ALE) AIUTO Daniela (EFDD) ARNAUTU Marie-Christine (ENF)	

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
IMCO Internal Market and Consumer Protection (Associated committee)	BORZAN Biljana (S&D)	17/06/2016

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3611	2018-04-12
Transport, Telecommunications and Energy	3545	2017-06-09
Transport, Telecommunications and Energy	3505	2016-12-01

European Commission	**Commission DG**	**Commissioner**
	Internal Market, Industry, Entrepreneurship and SMEs	BIEŃKOWSKA Elżbieta
European Economic and Social Committee		

Key events

Date	Event	Reference	Summary
25/05/2016	Legislative proposal published	COM(2016)0285	Summary
09/06/2016	Committee referral announced in Parliament, 1st reading		
01/12/2016	Debate in Council		
19/01/2017	Referral to associated committees announced in Parliament		
12/10/2017	Vote in committee, 1st reading		
12/10/2017	Committee decision to open interinstitutional negotiations with report adopted in committee		
23/10/2017	Committee report tabled for plenary, 1st reading	A8-0315/2017	Summary
23/10/2017	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
25/10/2017	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
23/01/2018	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2018)000408 PE623.848	
12/03/2018	Debate in Parliament		
13/03/2018	Decision by Parliament, 1st reading	T8-0064/2018	Summary
13/03/2018	Results of vote in Parliament		
12/04/2018	Act adopted by Council after Parliament's 1st reading		
18/04/2018	Final act signed		
18/04/2018	End of procedure in Parliament		
02/05/2018	Final act published in Official Journal		

Technical information

Procedure reference	2016/0149(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 114
Other legal basis	Rules of Procedure EP 165

Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/8/06776

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE602.930	26/04/2017	
Amendments tabled in committee		PE604.748	16/05/2017	
Committee opinion	IMCO	PE600.949	30/05/2017	
Committee report tabled for plenary, 1st reading/single reading		A8-0315/2017	23/10/2017	Summary
Text agreed during interinstitutional negotiations		PE623.848	20/12/2017	
Text adopted by Parliament, 1st reading/single reading		T8-0064/2018	13/03/2018	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2018)000408	20/12/2017	
Draft final act	00069/2017/LEX	18/04/2018	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2016)0285	25/05/2016	Summary
Document attached to the procedure	SWD(2016)0166	26/05/2016	
Document attached to the procedure	SWD(2016)0167	26/05/2016	
Commission response to text adopted in plenary	SP(2018)242	24/05/2018	
Commission document (COM)	COM(2018)0838	12/12/2018	
Follow-up document	COM(2021)0675	08/11/2021	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	LU_CHAMBER	COM(2016)0285	19/07/2016	

Contribution	RO_SENATE	COM(2016)0285	25/07/2016	
Contribution	PT_PARLIAMENT	COM(2016)0285	26/07/2016	
Contribution	CY_PARLIAMENT	COM(2016)0285	30/11/2016	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES4454/2016	19/10/2016	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Regulation 2018/0644 OJ L 112 02.05.2018, p. 0019	Summary

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.

Cross-border parcel delivery services

2016/0149(COD) - 25/05/2016 - Legislative proposal

PURPOSE: to establish the rules necessary to improve regulatory oversight, to improve transparency of prices and establish certain principles as regards cross-border parcel delivery services.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: EU consumers and e-retailers do not take full advantage of the single market. In 2014, only 15 % of consumers bought online from other EU countries, although 44 % did so in their own country. A European Parliament study estimated that the potential contribution to European GDP of achieving a fully functioning Digital Single Market could be in the range of **EUR 415 billion**. The benefits from cross-border e-commerce are estimated at 0.27% of GDP.

The Commission's 2012 Communication on e-commerce identified improving the physical delivery of goods ordered online as one of the key elements for e-commerce growth. Subsequently, its 2013 Parcel Roadmap set out actions to achieve three sets of objectives:

- increasing transparency and information for all actors along the e-commerce value chain;
- improving availability, quality and affordability of delivery solutions;
- enhancing complaint handling and redress mechanisms for consumers.

Although there have been some improvements, the Commission stated that complementary measures are needed in the areas of price transparency and enhanced regulatory oversight given that the **prices for some cross-border services are still high** and not all national regulatory authorities have the ability to collect the data needed to monitor the evolution of the parcel markets due to differences in their competences and in the definition of the parcel services.

In the Digital Single Market Strategy, the Commission committed to launch measures to improve the price transparency and regulatory oversight of cross-border parcel delivery in the first half of 2016.

In its resolution entitled 'Towards a Digital Single Market Act', the European Parliament stressed that accessible, affordable, efficient and high-quality delivery services are an **essential prerequisite for cross-border e-commerce to thrive**. It also supported measures to improve price transparency and regulatory oversight directed at the smooth functioning of cross-border parcel delivery markets.

IMPACT ASSESSMENT: the impact assessment recommended a package of measures to **improve the transparency of tariffs of universal service providers and strengthen the regulatory oversight** of all parcel service delivery providers.

The preferred options would have no direct or indirect negative social impacts. There will be no direct impact on the environmental or fundamental rights.

CONTENT: the general objective of this Regulation is to address specific issues relating to **cross-border parcel delivery services**. It also builds on and complements the rules on cross-border parcel delivery services provided by Directive 97/67/EC as amended by Directive 2002/39/EC and Directive 2008/6/EC.

The specific objectives of this proposal are to:

- make markets work more effectively by making the regulatory oversight of the parcels markets more effective and consistent and encouraging competition;
- increase the transparency of tariffs in order to reduce unjustifiable tariff differences and lower the tariffs paid by individuals and small businesses, especially in remote areas.

The main elements of the proposal are as follows:

Scope and definitions: the definitions complement those contained in Directive 97/67/EC as far as parcels are concerned; they are fully consistent with those established in the Directive. As laid down in the relevant provisions adopted by the Universal Postal Union (UPU) the term terminal rates is used so to encompass both terminal dues (that are applicable for letter mail items) and inward land rates (that apply to parcels).

In line with relevant practice of parcel service providers and Member States parcels considered for the scope of this Regulation are those with a maximum weight of **31.5 kg**. Therefore, this Regulation will not apply to logistics; it will also not apply to transport alone, that is when it is not undertaken in conjunction with clearance, sorting or distribution.

Provision of information: the proposal obliges all parcel delivery providers with **over 50 employees** to annually submit a limited set of information. The aim is to unify and clarify the currently fragmented regulatory competences and build on existing best practice. Only larger operators in addition to those established in more than one Member State would be included so to ensure that national regulatory authorities have the core data on the range of parcels that are used for e-commerce.

Transparency of tariffs and terminal rates: the proposal contains a targeted obligation only for universal service providers to annually submit (on 31 January at the latest) to the national regulatory authority the **public list of tariffs applicable on 1 January of each calendar year** for a specific set of services contained in the Annex. The 15 postal items provided by universal service providers contained in the Annex are the most relevant and used ones for individual customers and small businesses.

This obligation is limited to public list of tariffs and does therefore not include any discounted tariffs or individually negotiated tariffs.

The Commission shall **publish tariffs** by 30 April of each calendar year on a dedicated section on the Commission's EUROPA website.

Furthermore, the universal service providers should submit to the national regulatory authorities – and in turn to the Commission - annually their terminal rates (i.e. the payments from the originating universal service provider to the destination universal service provider for the costs of transport, sorting and distribution of cross-border items in the destination Member State).

Assessing affordability of tariffs: national regulatory authorities are obliged to assess the affordability of the tariffs of universal service providers obtained on the basis of objective elements. The most common and important input elements for this assessment are subject of a non-exhaustive list in the proposal.

The assessment together with the justification, if applicable, are to be communicated not only to the Commission but also to the other national regulatory authorities. Furthermore, the assessment should also be communicated to the relevant authorities entrusted with the implementation of competition law, who are equally bound by confidentiality obligations.

Transparency and non-discriminatory cross-border access: the proposal is largely a codification of the principles that have been analysed in the so called REIMS decisions (relating to the multilateral cross-border agreements on terminal dues that universal service providers have established on letters/parcels), and is inspired by the procedural elements established in Regulation 531/2012 relating to wholesale roaming access. It should provide legal certainty for universal service providers and other parcel delivery services providers that might want to access cross-border services.

Penalties: a standard provision aims at providing the national regulatory authorities with effective, proportionate and dissuasive penalties for breaches of EU law.

Cross-border parcel delivery services

2016/0149(COD) - 13/03/2018 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 604 to 80 with 12 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on cross-border parcel delivery services.

Parliament's position adopted in first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Improving cross-border parcel delivery services: the Regulation aims to improve access to **public lists of tariffs for a limited set of cross-border parcel delivery services** for individuals and micro and small businesses, particularly in remote or sparsely populated areas, and for people with disabilities or reduced mobility.

To that end, certain provisions of the Regulation relate to:

- **regulatory oversight** of parcel delivery services;
- **transparency of tariffs**, and assessment of tariffs for certain cross-border parcel delivery services for the purpose of identifying those that are unreasonably high ;
- **information for consumers** made available by traders concerning cross-border parcel delivery services.

A "parcel" is defined a postal item containing goods with or without commercial value, other than an item of correspondence, with a weight not exceeding **31.5 kg.**

The Regulation lays down **minimum requirements** and does not prevent Member States from applying or introducing additional measures, provided that such measures are compatible with Union law.

Provision of information: all parcel delivery service providers should communicate to the national regulatory authority of the Member State in which they are established:

- the characteristics and, if possible, a **detailed description** of the package delivery services they offer;
- their **general terms and conditions** for parcel delivery services, including details of complaints procedures for users and any potential limitations of liability.

By 30 June of each calendar year, they must submit:

- the annual turnover in parcel delivery services, broken down into domestic , incoming and outgoing cross-border parcel delivery services ;
- the number of persons working involved in the provision of parcel delivery services, including breakdowns showing the number of persons by employment status, and in particular, those working full-time and part-time, those who are temporary employees and those who are self-employed;
- the names of their subcontractors;
- where available, any publicly accessible price list applicable on 1 January of each calendar year for parcel delivery services.

Parcel delivery service providers with **fewer than 50 employees** and operating in one country will be exempt.

Assessment of cross-border single- piece parcel tariffs: the rules empower national authorities to objectively assess the prices of cross-border parcel delivery services that are **subject to the universal service obligation but appear unreasonably high**.

In that assessment, the national regulatory authority shall in particular take into account the following elements:

- the domestic and any other relevant tariffs of the comparable parcel delivery services in the originating Member State and in the destination Member State;
- any application of a uniform tariff to two or more Member States;
- bilateral volumes, specific transportation or handling costs, other relevant costs and service quality standards; and
- 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 with disabilities or with reduced mobility, where possible without imposing a disproportionate burden.

Information to consumers: for contracts falling within the scope of Directive 2011/83/EU, all traders concluding sales contracts with consumers that include the sending of cross-border parcels shall, where possible and applicable, make available, at the pre-contractual stage, information about the cross-border delivery options in relation to the specific sales contract and charges payable by consumers for the cross-border parcel delivery, as well as, where applicable their own complaints handling policies.

Cross-border parcel delivery services

2016/0149(COD) - 18/04/2018 - Final act

PURPOSE: to improve cross-border parcel delivery services for users and increase consumer confidence in cross-border e-commerce.

LEGISLATIVE ACT: Regulation (EU) 2018/644 of the European Parliament and of the Council on cross-border parcel delivery services.

CONTENT: **the market for cross-border parcel delivery services is varied, complex and competitive**: multiple providers offer different services and prices depending on the weight, size and format of the packages sent as well as the destination, added value features such as traceability systems and

the number of packages sent. This diversity makes it difficult for consumers and users to compare parcel delivery services offered by different providers, both in terms of quality and price.

This Regulation lays down specific provisions to improve cross-border parcel delivery services in addition to those laid down in Directive 97/67/EC on postal services as regards:

- regulatory oversight of parcel delivery services;
- transparency of tariffs, and assessment of tariffs for certain cross-border parcel delivery services for the purpose of identifying those that are unreasonably high;
- information for consumers made available by traders concerning cross-border parcel delivery services.

A 'parcel' is defined a postal item containing goods with or without commercial value, other than an item of correspondence, with a **weight not exceeding 31.5 kg**. The term 'parcel delivery services' means services involving the clearance, sorting, transport and distribution of parcels.

This Regulation lays down **minimum requirements** and shall not prevent any Member State from maintaining or introducing additional necessary and proportionate measures.

Provision of information: in order to improve regulatory oversight, all parcel delivery service providers shall submit to the national regulatory authority of the Member State in which they are established the following information, unless that national regulatory authority has already requested and received it: the characteristics, and, where possible, a detailed description, of the parcel delivery services they offer and their general terms and conditions for parcel delivery services, including details of complaints procedures for users and any potential limitations of liability.

Each year, they shall be required to submit information on the annual turnover broken down into domestic, incoming and outgoing cross-border parcel delivery services, the number of persons working for them and the names of sub-contractors. Operators with fewer than 50 employees operating in a single country shall be exempt.

Assessment of cross-border single-piece parcel tariffs: price transparency measures shall apply to parcel service providers for a limited set of services most used by individual consumers and SMEs. National regulatory authorities shall assess the prices of cross-border parcel delivery services that are subject to the universal service obligation but appear **unreasonably high**.

Consumer information: according to Directive 2011/83/EU on consumer rights, traders shall have to provide consumers with clear information on cross-border delivery options related to the specific sales contract, charges payable by consumers for cross-border parcel delivery as well as customer complaint procedures.

Member States shall take all necessary measures to ensure the implementation of **penalties** applicable to infringements of the provisions of the Regulation.

No later than 23 May 2020, and every three years thereafter, the Commission shall present an evaluation **report** on the application of the Regulation accompanied, where necessary, by a legislative proposal for its review.

ENTRY INTO FORCE: 22.5.2018.