



Romanian Parliament
Senate

Bucharest, June 27, 2016

OPINION

Regarding the *Proposal for a Regulation of the European Parliament and of the Council on cross-border parcel delivery services*

COM (2016) 285 final

The Romanian Senate examined the **Proposal for a Regulation of the European Parliament and of the Council on cross-border parcel delivery services – COM (2016) 285 final** – according to the provisions of the Treaty of Lisbon (Protocol no. 2).

Taking into account the report of June 22, 2016 of our permanent Committee on European Affairs, **the Plenum of the Senate**, during its session of June 27, 2016, decided as follows:

- 1. This Regulation does not violate principles of subsidiarity and proportionality.**
- 2. In the context of cross-border parcel delivery services the following are noted:**

The benefits from implementing this proposal for a Regulation, consisting of:

- Improve the functioning of markets through regulatory oversight parcel markets, more effective and coherent and stimulate competition;
 - Improving the transparency of tariffs, in order to reduce unjustified tariff differences and reduce the rates paid by individuals and small businesses, particularly in remote areas;
- 3. It is considered insufficiently explained in the context of the permanent nature of the mechanism:**
 - The definition not only of cross-border parcel delivery, postal itself but that is the subject of such services or parcel post. Currently, all by Directive 97/67/EC distinguishes between postal items consisting of books, catalogs, newspapers, periodicals, on the one hand and parcels, on the other hand. The application of the draft Regulation would be hampered by these ambiguities;

b) The proposed Regulation does not define “letter” – neither the standard nor recommended, – as neither Directive 97/67/ EC does not. From this perspective, we believe that the text is not sufficiently clear to exclude the difficulties of understanding by recipients of its obligations under the draft Regulation. In this regard, we believe that, in accordance with the regulatory intent is appropriate to use the notion of small packets, as this concept is stated in the Universal Postal Union documents. Some inaccuracies of the used terminology sphere may have implications for price regulation proposed by the draft regulation terminals, risking undue extension of this obligation to services not covered by the proposed Regulation;

c) According to art. 3 pt. 6 of the draft Regulation, the postal service providers that have less than 50 employees and work in more than one Member State will not be required to report information determined by regulation. In connection with establishing this threshold only by reference to the number of employees, we believe that the proposed normative form do not cover the situation where postal service providers resort to other legal forms of contracting labor other than a contract of employment, for example by concluding service contracts. In this respect, the proposed rule should be clarified;

4. The following are considered necessary and mandatory:

a) Although, according to the proposed Regulation, the services provided in the Annex includes only non-express postal services or, the Annex itself includes references to the track and trace. For Romania, the universal service provider deliver track and trace service for the express references and other services included in the universal service. Therefore, taking into account that according to art. 5 of proposed legislation, the regulatory authority should assess the availability of tariffs, we believe that the list of services proposed in Annex exceed the scope of universal service, for services not included in this sphere no longer relevant provider of the universal service;

b) According to art. 5 pt. 1 of the proposed Regulation, national regulatory authorities should consider the tariffs availability for cross-border parcel delivery within 3 months of receipt of the information set out in art. 4 point 1 and the deadline for submitting information is January 31 of each year. In these circumstances, the deadline for regulators to achieve accessibility analysis is 30 April each year. According to the art. 5 pt. 4 of the proposed Regulation, the regulatory authorities should submit the results of the accessibility analysis to the institutions, no later than 31 March each year. We believe that establishing these dates should be reviewed to eliminate any inaccuracies;

5. It is strongly recommended to pursue:

a) This Regulation requires national postal operators to annually communicate a vast amount of confidential business data (particularly terminals rates). Based on this information, the regulator should conduct an annual assessment of affordability, according to certain criteria – including terminals rates. Tariffs, rates and assessments terminals must then be sent to the Commission, the other NRA and national competition authorities. On this subject, we express our doubts as to opportunity or necessity to transmit such data and by the national competition authorities, given competences in this area thereof, imposing the need to define a minimum set of information required to be submitted and the guarantee to ensure confidentiality and to revise the provisions on compulsory sharing of terminals rates;

b) The Regulation obliges the universal services providers to deliver full access of their distribution networks to private operators, under a very few conditions imposed on the latter. Thus, the Regulation provides that: “*When universal service providers multilateral contracts [...] shall meet all reasonable requirements on all network elements and associated facilities, as well as relevant information systems and services necessary to provide [...]*”. These last two measures (paragraphs f and g) are considered by PostEurop disproportionate to the overall objective of the Commission, leading to price regulation and failed to reflect market conditions.

p. Preşedintele Senatului

Ioan CHELARU

