

# EUROPEAN PARLIAMENT

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*Committee on Industry, Research and Energy*

**2006/0196(COD)**

8.5.2007

## **OPINION**

of the Committee on Industry, Research and Energy

for the Committee on Transport and Tourism

on the proposal for a directive of the European Parliament and of the Council  
amending Directive 97/67/EC concerning the full accomplishment of the  
internal market of Community postal services  
(COM(2006)0594 – C6-0354/2006 – 2006/0196(COD))

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## SHORT JUSTIFICATION

1. The present legal situation with exclusive and special rights in the postal services is for many citizens and SME's an appropriate solution for postal services of high quality. If another step in liberalisation is taken it must be taken with care and only after thorough preparation on the national level and under guidance by the EU-Commission. In the opinion of the draftsman it is necessary to keep postal services standards at the same level without negative changes that could affect individual consumers. High standards of postal services are essential to all economic and social activities within internal market. The draftsman supports securing the maintenance and positive evolution of the universal postal service on the one hand and the improvement of the quality of the service on the other, including speed and reliability. It is necessary to ensure the best and most cost effective postal services for citizens and business throughout the European Union.

2. Nevertheless, our draftsman is of the opinion that some Members States especially some who joined the EU recently are not yet fully prepared to totally open up of their postal markets in 2009 due to the complexity of the issue, i.e. the involvement of market, social, cohesion and employment aspects, as well as substantial geographic, market, consumer-related differences among. Therefore, the target date (2009) envisaged in the original directive is not appropriate. The draftsman proposes to defer total postal market liberalisation until 1 January 2011. It is more appropriate to postpone the implementation of the directive for the period of two years rather than keep the very tight timetable which could raise the risk that some Member States will not be able to comply with it and guarantee a viable universal service. Delaying the process will give more time to adapt better to the proposed changes and consumers' and users' needs.

In order to maintain the universal service provisions at the high level and to ensure that it is consistent with the required standards, the draftsman proposes that each Member State should establish by 31 December 2008 with a detailed study fully describing financing of the universal service. The detailed plan presented by each Member State should be a precondition of fully opening up the postal market. It should include adequate measures which each Member State plans to take, how the Member State will secure the continuity of the universal service by maintaining the quality of services and how the universal service obligations will be financed. Each Member state should also present restructuring measures affecting employment in traditional postal operators following full liberalisation.

The Commission proposal gives Member States a choice regarding the means to finance universal service obligations. Member States should decide which model best suits their needs among: state aid, public procurement, compensation fund and cost sharing. In the study to be delivered by each Member State the choices among those proposed by the Commission and other financing measures in compliance with EC law should be presented and explained in details.

Based on the national plans and taken into account the situation of the postal market in Member State where the market is already open, the Commission shall carry out a study which will assess the impact of the full accomplishment of the postal internal market in 2011. The Commission should also submit a report to the European Parliament and to the Council if the 2011 is appropriate date for a full accomplishment of the postal internal market. If the date

is not appropriate, the Commission should submit, together with the report, the relevant legislative proposal.

3. Individual consumers and SMEs are the most vulnerable segment to market forces; therefore it is important to include a safeguard clause for them and one of them could be the maintenance of the uniform tariff system. It is necessary that Member States ensure the affordability of postal costs guaranteed by the universal services obligations. It is also necessary that Member States maintain the single tariff which is equal irrespective of distance of the addressee for items of particular importance for individual consumers' interest. The maintenance of the single tariffs contributes to social and economical cohesion. 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.

4. Universal service is an obligation and might be a burden for universal service providers; therefore it is necessary to apply adequate measures to ensure high level universal service to citizens. It is also important for Member States to choose the best way of financing which is most appropriate for them including the ones proposed by the Commission proposal as well as other ways of financing in compliance with EC law.

## AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission<sup>1</sup>

Amendments by Parliament

### Amendment 1 RECITAL 3 A (NEW)

***(3a) The positive role of services of general economic interest is emphasised by Special Eurobarometer 219 of October 2005, which indicates that postal services are the services of general economic interest that are the most appreciated by users throughout the European Union, with 77% of people questioned responding positively .***

### *Justification*

*It is necessary to put the stress on the high degree of satisfaction of postal users in the*

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<sup>1</sup> Not yet published in OJ.

Amendment 2  
RECITAL 6

(6) The European Parliament Resolution of 2 February 2006 highlighted the social and economic importance of efficient postal services and their important role in the framework of the Lisbon Strategy, indicating that reform measures undertaken so far have brought about significant positive developments in the postal sector, along with increased quality, more efficiency and better customer-orientation.

(6) The European Parliament Resolution of 2 February 2006 highlighted the social and economic importance of efficient postal services and their important role in the framework of the Lisbon Strategy, indicating that reform measures undertaken so far have brought about significant positive developments in the postal sector, along with increased quality, more efficiency and better customer-orientation.

***In view of the sometimes very divergent development of universal service obligations in the Member States, the European Parliament has requested the Commission to concentrate its efforts, when drawing up its prospective study, on the quality of universal service provision and its future financing, and as part of the study to propose a definition of universal service, its scope and appropriate financing.***

*Justification*

*It is necessary to keep in mind Parliament's very precise requests to the Commission in its resolution of 2 February 2006 on the implementation of the postal directive as the Commission begins work on its prospective study.*

Amendment 3  
RECITAL 7

(7) In accordance with Directive 97/67/EC, a prospective study assessing, for each Member State, the impact on universal service of the full accomplishment of the postal internal market in 2009 has been carried out. The Commission has also undertaken a **thorough** review of the Community postal sector, including the commissioning of studies on the economic, social and technological developments in the sector, and has consulted extensively with interested parties.

(7) In accordance with Directive 97/67/EC, a prospective study assessing, for each Member State, the impact on universal service of the full accomplishment of the postal internal market in 2009 has been carried out. The Commission has also undertaken a review of the Community postal sector, including the commissioning of studies on the economic, social and technological developments in the sector, and has consulted extensively with interested parties.

***However, in order to reach a full understanding of all the consequences of the full accomplishment of the postal internal market for employment and social and territorial cohesion broader consultation of interested parties is needed.***

*Justification*

*Given the implications of the full market opening in the postal sector, the Commission should make a thorough study if the impact of liberalisation on employment and social and territorial cohesion.*

Amendment 4  
RECITAL 8

(8) According to the prospective study the basic aim of safeguarding the sustainable provision of a universal service matching the standard of quality defined by the Member States in accordance with Directive 97/67/EC, ***can*** be secured throughout the Community by 2009 without ***the need for*** a reserved area.

(8) According to the prospective study, ***in particular the developments in alternative financing methods***, the basic aim of safeguarding the sustainable provision of a universal service matching the standard of quality defined by the Member States in accordance with Directive 97/67/EC, ***cannot*** be secured throughout the Community by 2009 without a reserved area ***for those Member States where this financing is still necessary.***

*Justification*

*The reserved area should not be excluded of the financing of the universal service obligations as long as the Commission has not made a complete study in the financing methods.*

Amendment 5  
RECITAL 9

(9) The progressive and gradual opening of postal markets to competition has provided universal service providers with sufficient time to put in place the necessary modernisation and restructuring measures required to ensure their long-term viability under the new market conditions, and enabled Member States to adapt their regulatory systems to a more open environment. ***Member States may furthermore avail themselves of the opportunity offered by the period of transposition, as well as the substantial***

(9) The progressive and gradual opening of postal markets to competition has ***not*** provided all universal service providers with sufficient time to put in place the necessary modernisation and restructuring measures required to ensure their long-term viability under the new market conditions, and ***has not*** enabled all Member States to adapt their regulatory systems to a more open environment. ***Given the*** time necessary for the introduction of ***a level playing field and for proceeding*** with further modernisation and restructuring of the universal service

time necessary for the introduction of ***effective competition, to proceed*** with further modernisation and restructuring of the universal service providers ***as necessary***.

providers, ***Member States may avail themselves of the opportunity offered by a postponement of the date of full accomplishment of the internal market.***

***Due to the complexity of this process, which has market, social, cohesion and employment aspects and must also address substantial geographic, market and consumer-related differences among Member States, the level of preparedness by Member States still varies significantly. It is therefore appropriate to set 1 January 2012 as the final date for completion of the internal market for postal services.***

#### *Justification*

*The reserved area should not be excluded of the financing of the universal service obligations as long as the Commission has not made a complete study in the financing methods.*

*Due to the complexity of the issue full market opening would pose social, cohesion and employment risk, therefore it should be delayed. Contrary to the Commission proposal it is more appropriate to include the new date into Recital 9 than into Recital 10.*

#### Amendment 6 RECITAL 10

(10) The prospective study shows that the reserved area should no longer be the preferred solution for the financing of the universal service. This assessment takes into account the interest of the Community and its Member States in the *accomplishment* of the internal market and its potential for delivering growth and employment, as well as ensuring the availability of an efficient service of general economic interest for all users. ***It is therefore appropriate to confirm the date of 1 January 2009 as the final step in the accomplishment of the internal market for postal services.***

(10) The prospective study shows that the reserved area should no longer be the preferred solution for the financing of the universal service. This assessment takes into account the interest of the Community and its Member States in the *completion* of the internal market and its potential for delivering growth and employment, as well as ensuring the availability of an efficient service of general economic interest for all users. ***Nevertheless the very sensitive nature of the supply of postal services and the high symbolic value of these services of general economic interest call for careful preparation of the next steps in opening up the market.***

#### *Justification*

*Full market opening should be delayed. It is, however, more appropriate to include the*

*suggested date in Recital 9; Recital 9 is therefore amended accordingly.*

Amendment 7  
RECITAL 12

(12) ***Complete market-opening will*** help to expand the overall size of the postal markets; it ***will*** further contribute to maintaining sustainable and quality employment within universal service providers as well as facilitating the creation of new jobs in other operators, new entrants and associated economic activities. The present Directive is without prejudice to the competence of Member States to regulate employment conditions in the postal services sector.

(12) ***Progressive opening up of the market can, if carefully prepared,*** help to expand the overall size of the postal markets; it ***can*** further contribute, ***under conditions ensuring competitive neutrality,*** to maintaining sustainable and quality employment within universal service providers as well as facilitating the creation of new jobs in other operators, new entrants and associated economic activities. The present Directive is without prejudice to the competence of Member States to regulate employment conditions in the postal services sector ***which should not, however, lead to unfair competition. Social considerations, with particular regard to the staff previously engaged in providing postal services, shall be taken into due account when preparing the opening up of the postal market.***

*Justification*

*Market opening has to be carried out carefully; especially different employment conditions between the postal service providers should not lead to unfair competition.*

Amendment 8  
RECITAL 17

(17) In the light of the studies carried out and with a view to unlocking the full potential of the internal market for postal services, it is appropriate to ***end*** the use of the reserved area and special rights as a way of ensuring the financing of the universal service.

(17) In the light of the studies carried out and with a view to ***ensuring the long-term financing of the universal service while*** unlocking the full potential of the internal market for postal services, it is appropriate to ***maintain*** the use of the reserved area and special rights as a way of ensuring the financing of the universal service ***for those Member States that deem it necessary.***

*Justification*

*The reserved area should not be excluded of the financing of the universal service obligations as long as the Commission has not made a complete study in the financing methods.*



Amendment 9  
RECITAL 18

(18) The external financing of the residual net costs of universal service may still be necessary for some Member States. It is therefore appropriate to explicitly clarify the alternatives available to ensure the financing of the universal service, to the extent that this is needed and is adequately justified, while leaving Member States the choice of the financing mechanisms to be used. These alternatives include the use of public procurement procedures and, whenever universal service obligations entail net costs of universal service and represent an unfair burden for the designated undertaking, public compensation and cost sharing between service providers and/or users in a transparent fashion by means of contributions to a compensation fund. Member States may use other means of financing permitted by Community Law, such as deciding that the profits accruing from other activities of the universal service providers outside the scope of the universal service are to be assigned in whole or in part to the financing of the net costs of the universal service, as long as they are compatible with the present Directive.

(18) The external financing of the residual net costs of universal service may still be necessary for some Member States. It is therefore appropriate to explicitly clarify ***prior to full opening up of the market*** the alternatives available to ensure the financing of the universal service, to the extent that this is needed and is adequately justified, while leaving Member States the choice of the financing mechanisms to be used. These alternatives include the use of public procurement procedures and, whenever universal service obligations entail net costs of universal service and represent an unfair burden for the designated undertaking, public compensation and cost sharing between service providers and/or users in a transparent fashion by means of contributions to a compensation fund. Member States may use other means of financing permitted by Community Law, such as deciding that the profits accruing from other activities of the universal service providers outside the scope of the universal service are to be assigned in whole or in part to the financing of the net costs of the universal service, as long as they are compatible with the present Directive.

*Justification*

*Before full market opening the available alternatives regarding the financing of the Universal Services have to be clear.*

Amendment 10  
RECITAL 24 A (NEW)

***(24a) On the other hand, it is necessary for the provision by universal service providers of services for businesses, bulk mailers and consolidators of mail from different customers to enjoy more flexible tariff conditions.***

### *Justification*

*It is necessary to adapt the tariff principles applicable to universal service provider to the growing liberalisation of the sector.*

*This progressive liberalisation must go hand in hand with the necessary tariff flexibility for the universal service provider, so that it can face competition and adapt to market needs.*

### Amendment 11 RECITAL 27

(27) In line with existing rules in other service areas and in order to enhance consumer protection, it is appropriate to extend the application of minimum principles concerning complaint procedures beyond universal service providers. With a view to increase the effectiveness of complaint handling procedures, it is appropriate that the Directive encourages the use of out-of-court settlement procedures as set out in Commission Recommendation 98/257/EC of 30 March 1998 on the principles applicable to the bodies responsible for out-of court settlement of consumer disputes and Commission Recommendation of 4 April 2001 on the principle for out-of-court bodies involved in the consensual resolution of consumer disputes . Consumer interests would also be furthered through the enhanced interoperability between operators resulting from access to certain elements of infrastructure and services, and the requirement for cooperation between national regulatory authorities and consumer protection bodies.

(27) In line with existing rules in other service areas and in order to enhance consumer protection, it is appropriate to extend the application of minimum principles concerning complaint procedures beyond universal service providers. With a view to increase the effectiveness of complaint handling procedures, it is appropriate that the Directive encourages the use of out-of-court settlement procedures as set out in Commission Recommendation 98/257/EC of 30 March 1998 on the principles applicable to the bodies responsible for out-of court settlement of consumer disputes and Commission Recommendation of 4 April 2001 on the principle for out-of-court bodies involved in the consensual resolution of consumer disputes. Consumer interests would also be furthered through the enhanced interoperability between operators resulting from access to certain elements of infrastructure and services, and the requirement for cooperation between national regulatory authorities and consumer protection bodies.

***In order to protect the interests of postal users in the event of the theft or loss of or damage to postal items, Member States shall introduce a system of reimbursement and/or compensation.***

### *Justification*

*In a multi-operator environment, the operators could blame each other in case of loss of late delivery. The best way nevertheless to guarantee consumers satisfaction in the postal sector is to protect consumers' interests in case of theft, loss or damage of post items. The best protection is to introduce a system of reimbursement and/or compensation for all postal items.*

Amendment 12  
ARTICLE 1, POINT 2, POINT (-A) (new)  
Article 2, point 2 (Directive 97/67/EC)

***(-a) point 2 is replaced by the following:***

***'2. universal service providers' postal network: the system of organisation and resources of all kinds provided by the universal service provider(s) for the purposes in particular of:***

***- the clearance of postal items covered by a universal service obligation from access points located in the territory for which the universal service provider(s) has/have been designated,***

***- the routing and handling of those items from the postal network access point to the distribution centre,***

***- distribution to all addressees shown on items;'***

*Justification*

*If the provision of different elements of the universal service can be entrusted to one or more universal service providers (see article 4 as modified by the proposal), whose public or private status is indifferent, it is not coherent to keep referring to the "public" postal network. It is best suited to refer to the universal service provider's network.*

*The possibility of designating one or more universal service providers for different parts of the territory must be taken into account in this definition.*

Amendment 13  
ARTICLE 1, POINT 2, POINT (-A A) (new)  
Article 2, point 3 (Directive 97/67/EC)

***(-aa) point 3 is amended as follows:***

***'3. access points: physical facilities, including letter boxes provided for the public either on the public highway or at the premises of the universal service provider, where postal items may be deposited with the universal service providers' postal network by customers;'***

*Justification*

*If the provision of different elements of the universal service can be entrusted to one or more*

*universal service providers (see article 4 as modified by the proposal), whose public or private status is indifferent, it is not coherent to keep referring to the “public” postal network. It is best suited to refer to the universal service provider’s network.*

*The possibility of designating one or more universal service providers for different parts of the territory must be taken into account in this definition.*

Amendment 14

ARTICLE 1, POINT 2, POINT (A)  
Article 2, point 6 (Directive 97/67/EC)

'6. postal item: an item addressed in the final form in which it is to be carried by a postal service provider. In addition to items of correspondence, such items also include **for instance** books, catalogues, newspapers, periodicals and postal packages containing merchandise with or without commercial value;'

'6. postal item: an item addressed in the final form in which it is to be carried by a postal service provider. In addition to items of correspondence, such items also include **direct mail**, books, catalogues, newspapers, periodicals and postal packages containing merchandise with or without commercial value;'

*Justification*

*It is appropriate to maintain the reference and definition of direct mail, as it acknowledges the specificity of this particular mail market.*

Amendment 15

ARTICLE 1, POINT 2, POINT (B)  
Article 2, point 8 (Directive 97/67/EC)

**(b) point 8 is deleted**

**deleted**

*Justification*

*The definition of direct mail is still useful if the reserved area is maintained.*

*In addition, maintaining the definition of direct mail reflects thoroughly the acknowledgment of the specificities of this particular postal market. Indeed, direct mail constitutes a distinct mail market, with its particular characteristics, actors and price flexibility.*

Amendment 16

ARTICLE 1, POINT 2, POINT (C)  
Article 2, point 20 (Directive 97/67/EC)

'20. services provided at single piece tariff: postal services for which the tariff is set in the general terms and conditions of universal service providers **for the transport of individual postal items**.'

'20. services provided at single piece tariff: postal services **for individual postal items** for which the tariff is set in the general terms and conditions of universal service providers.'

### *Justification*

*Amendment consisting in clarifying which are the postal services provided for single piece items in exchange of the single piece tariff. Indeed, the single piece tariff pays for the provision of the whole postal chain: clearance, sorting, transport and delivery.*

#### Amendment 17 ARTICLE 1, POINT 4 Article 4 (Directive 97/67/EC)

1. Each Member State shall ensure that the provision of the universal service is guaranteed and shall notify the Commission of the steps it has taken to fulfil this obligation. The Committee established under Article 21 shall be informed and monitor the evolution of the measures established by Member States to ensure the provision of the universal service.

2. Member States may choose to designate one or more undertakings as universal service providers for a part or all of the national territory and for different elements of universal service. When they do so, they shall determine in accordance with Community law the obligations and rights assigned to them and shall publish these obligations and rights. In particular Member States shall take measures to ensure that the conditions under which universal services are entrusted are based on objective, non-discriminatory, proportionate and least market distortion principles, and that the designation of undertakings as universal service providers is limited in time. Member States shall notify the identity of the universal service provider(s) they designate to the Commission.

1. Each Member State shall ensure that the provision of the universal service is guaranteed and shall notify the Commission of the steps it has taken to fulfil this obligation. The Committee established under Article 21 shall be informed and monitor the evolution of the measures established by Member States to ensure the provision of the universal service.

***1a. Without prejudice to Article 3, each Member State shall in cooperation with the national regulatory authority and interested parties, including consumer organisations and businesses especially dependent on the quality of postal services, define delivery times, collection and delivery frequency and the security and reliability of the universal service.***

2. Member States may choose to designate one or more undertakings as universal service providers for a part or all of the national territory and for different elements of universal service. When they do so, they shall determine in accordance with Community law the obligations and rights assigned to them and shall publish these obligations and rights. In particular Member States shall take measures to ensure that the conditions under which universal services are entrusted are based on objective, non-discriminatory, proportionate and least market distortion principles, and that the designation of undertakings as universal service providers is limited in time. Member States shall notify the identity of the universal service provider(s) they designate to the Commission.

***2a. Member States may require a designated universal service provider to offer to staff previously engaged in providing the services the rights that they would have enjoyed if a transfer had occurred within the meaning of Directive 77/187/EEC. The national regulatory authority shall list the staff and give details of their contractual rights. Member States shall notify the identity of the universal service provider(s) they designate to the Commission.***

***2b. Where A Member State has already designated an undertaking as universal service provider, in compliance with Community law in force at the time of the designation, the obligations set out in paragraphs 1 and 2 shall be deemed fulfilled, provided that the Member State in question has notified the identity of the universal service provider to the Commission.***

Amendment 18  
ARTICLE 1, POINT 8  
Article 7 (Directive 97/67/EC)

1. ***With*** effect from ***1 January 2009*** Member States shall not grant or maintain in force exclusive or special rights for the establishment and the provision of postal services. Member States may finance the provision of universal services in accordance with one or more of the means provided for in paragraphs 2, 3 and 4, or in accordance with any other means compatible with the EC Treaty.

1. ***Subject to the Commission's confirmation, as provided for in the second subparagraph, with*** effect from ***1 January 2012*** Member States shall not grant or maintain in force exclusive or special rights for the establishment and the provision of postal services. Member States may finance the provision of universal services in accordance with one or more of the means provided for in paragraphs 2, 3 and 4, or in accordance with any other means compatible with the EC Treaty.

***Member States shall submit a detailed national plan to the Commission by 31 December 2009 covering (i) the measures they intend to take or have already taken in order to guarantee the universal service (ii) the methods they intend to use to finance***

*the universal service obligation. On the basis of the national plans and taking into account the situation of the postal market in Member States where the market is already open, the Commission shall carry out a study to assess the impact of completing the internal market for postal services in 2012. On the basis of its conclusions, the Commission shall by 1 July 2010 submit a report to the European Parliament and the Council confirming the date of 2012 for completion of the internal market for postal services or setting out the further steps that must first be taken. Should the Commission conclude that 2012 is not an appropriate date for completion of the internal market for postal services, it shall submit, together with its report, a legislative proposal.*

*1a. For the purpose of this Article the net cost of the universal service obligation is to be calculated, under the responsibility of the national regulatory authorities, as the difference between the net costs for a given undertaking operating with the universal service obligation and without it. The difference in costs shall include all other relevant elements, including any market benefits which accrue to an undertaking designated to provide a universal service, entitlement to a reasonable profit and incentives for cost efficiency.*

2. Member States may ensure the provision of universal services by procuring such services in accordance with applicable public procurement rules.

3. Where a Member State determines that the universal service obligations, as provided for by this Directive, entail a net cost and represent an unfair financial burden for the universal service provider(s), it may:

(a) Introduce a mechanism to compensate the undertaking(s) concerned from public funds;

(b) Share the net cost of universal service obligations between providers of services

and/or users.

4. Where the net cost is shared under paragraph 3(b), Member States may establish a compensation fund which may be funded by service providers' and/or users' fees, and is administered for this purpose by a body independent of the beneficiary or beneficiaries. Member States may make the granting of authorisations to service providers under Article 9(2) subject to an obligation to make a financial contribution to that fund or to comply with universal service obligations. Only those services set out in Article 3 may be financed in this way.

***4a. Member States may use other means of financing permitted by Community Law.***

5. Member States shall ensure that the principles of transparency, non-discrimination and proportionality are respected in establishing the compensation fund and when fixing the level of the financial contributions referred to in paragraphs 3 and 4. Decisions taken under paragraphs 3 and 4 shall be based on objective and verifiable criteria and be made public.'

***5a. As a provisional measure, until the full opening up of the postal market in a given Member State takes place, where that Member State considers that none of the abovementioned means ensures on durable and viable basis the financing of the net costs entailed by the provision of the universal service, it may continue to maintain the reserved area with the current conditions and weight limits.***

Amendment 19  
ARTICLE 1, POINT 8 A (new)  
Article 8 (Directive 97/67/EC)

***(8a) Article 8 is replaced by the following:***

***'Article 8***

***The provisions of Article 7 shall be without prejudice to Member States' right to:***



***- enact specific provisions based on objective, proportionate and non-discriminatory criteria, applicable to universal service providers that are necessary for providing the universal service.***

***- organise 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 in accordance with their national legislation in order to provide universal service.'***

#### *Justification*

*It is appropriate to allow Member States to enact specific provisions in favour of universal service providers, needed for the effective provision of the universal service. Universal service providers benefit in different national legislations from certain specific provisions (for instance concerning transport legislation, exceptions to rules such as trucks not allowed to roll on Sundays) allowing them to provide the universal service in the terms specified by their member state.*

#### Amendment 20

##### ARTICLE 1, POINT 10

Article 9, paragraph 2, subparagraph 2, introductory part (Directive 97/67/EC)

***The*** granting of authorisations may:

***Whenever Member States designate one or more undertakings as universal service provider(s) in accordance with Article 4(2), the granting of authorisations to such undertakings may:***

#### Amendment 21

##### ARTICLE 1, POINT 10

Article 9, paragraph 2, subparagraph 2, indent 2 (Directive 97/67/EC)

– if necessary, impose requirements concerning the quality, availability and performance of the relevant services,

– if necessary, impose requirements concerning the quality, availability and performance of the relevant services;  
***provided that they are compatible with Community law and are indicated in the notice used as a means of calling for competition or in specifications, these requirements may relate in particular to social and environmental standards,***

### *Justification*

*It is necessary to explicitly allow Member States to introduce particular requirements, such as social or environmental requirements, in conformity with the 2004 Directives on public procurement. Furthermore, it is necessary to insure the protection of workers in case the activities of a universal service operator is transferred to another operator.*

### Amendment 22

#### ARTICLE 1, POINT 10

Article 9, paragraph 2, subparagraph 2, indent 3 a (new) (Directive 97/67/EC)

***– be made subject to an obligation to offer to staff previously engaged in providing the services the rights that they would have enjoyed if a transfer had occurred within the meaning of Directive 77/187/EEC. The authority shall list the staff and give details of their contractual rights.***

### *Justification*

*Member States should be allowed to opt for a licensing system that includes other elements that are national specific. Furthermore, Member States should have the possibility to oblige an operator to offer to staff previously engaged the rights that they would have enjoyed if a transfer had occurred within the meaning of Directive 77/187/EEC.*

### Amendment 23

#### ARTICLE 1, POINT 10

Article 9, paragraph 2, subparagraph 2 a (new) (Directive 97/67/EC)

***The granting of authorisations to service providers other than designated universal service providers may where appropriate, be made subject to an obligation to make a financial contribution to the sharing mechanism referred to in Article 7.***

***Undertakings may choose between an obligation to contribute to the sharing mechanism or to comply with a universal service obligation.***

### Amendment 24

#### ARTICLE 1, POINT 10 A (new)

Article 9 a (new) (Directive 97/67/EC)

***(10a) The following Article 9a is inserted:***

***'Article 9a***

***This Directive does not affect the responsibility of the Member States to regulate working conditions in the postal sector.***

***In particular, Member States may take all necessary steps, in accordance with their national law, to create conditions of fair competition between postal service providers.'***

*Justification*

*Besides ensuring fair competition within the postal service sector of the Member States, one also has to provide for minimum standards in terms of social security for the employees in this sector.*

Amendment 25  
ARTICLE 1, POINT 12  
Article 11 (Directive 97/67/EC)

***(12) In Article 11, 'Articles 57(2), 66 and 100a' is replaced by 'Articles 47(2), 55 and 95'.***

***(12) Article 11 is replaced by the following:***

***'Article 11***

***The European Parliament and the Council, acting on a proposal from the Commission and on the basis of Articles 47(2), 55 and 95 of the Treaty, shall adopt such harmonisation measures as are necessary to ensure that users have access to the universal service providers' postal network under conditions which are transparent and non-discriminatory.'***

*Justification*

*Amendment taking into account the new definition of the postal network (art. 2 point 2 of the 97/67/EC directive).*

Amendment 26  
ARTICLE 1, POINT 13  
Article 11 a (Directive 97/67/EC)

Whenever necessary to protect the interest of users and/or to promote effective competition, and in the light of national conditions, Member States shall ensure that transparent and non-discriminatory access

Whenever necessary to protect the interest of users and/or to promote ***fair and*** effective competition, and in the light of national conditions, Member States shall ensure that transparent and non-discriminatory access

conditions are available to the following elements of postal infrastructure or services: postcode system, address database, post office boxes, collection and delivery boxes, information on change of address, re-direction service, return to sender service.

conditions are available to the following elements of postal infrastructure or services: postcode system, address database, post office boxes, collection and delivery boxes, information on change of address, re-direction service, return to sender service.

*Justification*

*Competition must be fair and in full accordance with EC competition rules.*

Amendment 27

ARTICLE 1, POINT 14, POINT (B)  
Article 12, indent 2 (Directive 97/67/EC)

'- prices must be cost-oriented and stimulate efficiency gains; whenever necessary for reasons relating to the public interest, Member States may decide that a uniform tariff should be applied throughout their national territory and/or to the territories of other Member States, to services provided at single piece tariff and to other items,'

'- prices must be cost-oriented and stimulate efficiency gains; whenever necessary for reasons relating to the public interest, Member States may decide that a uniform tariff should be applied throughout their national territory and/or to the territories of other Member States, ***for example***, to services provided at single piece tariff and to other items,'

*Justification*

*The Commission underlines in the explanatory memorandum the possibility for Member States to impose uniform tariffs based on public interest reasons specific to each Member State. The addition goes in that direction.*

Amendment 28

ARTICLE 1, POINT 14, POINT (C)  
Article 12, indent 5 (Directive 97/67/EC)

(c) The ***last sentence of the*** fifth indent is replaced by the following:

'Any such tariffs shall also be available to customers who post under similar conditions,'

(c) The fifth indent is replaced by the following:

***'- whenever universal service providers apply special tariffs, for example for services for businesses, bulk mailers or consolidators of mail from different customers, they shall apply the principles of transparency and non-discrimination with regard both to the tariffs and to the associated conditions. Any such tariffs shall also be available to any other customers, in***

*particular individual costumers and SMEs,  
who post under similar conditions,'*

Amendment 29  
ARTICLE 1, POINT 15  
Article 14, paragraph 2 (Directive 97/67/EC)

2. The universal service providers shall keep separate accounts within their internal accounting systems to clearly distinguish between services and products which receive or contribute to the financial compensation for the net costs of the universal service and **those** services and products which **do** not. This accounting separation shall allow Member States to calculate the net cost of the universal service. Such internal accounting systems shall operate on the basis of consistently applied and objectively justifiable cost accounting principles.

2. The universal service providers shall keep separate accounts within their internal accounting systems to clearly distinguish between services and products which **are part of the universal service** and receive or contribute to the financial compensation for the net costs of the universal service **on the one hand, and, on the other hand, the** services and products which **are** not. Such internal accounting systems shall operate on the basis of consistently applied and objectively justifiable cost accounting principles.

*Justification*

*Clarifying amendment.*

Amendment 30  
ARTICLE 1, POINT 15  
Article 14, paragraph 3 a (new) (Directive 97/67/EC)

***3a. Where a Member State continues to reserve certain services as provided for in Article 7 (5a), the universal service provider shall keep separate accounts within its internal accounting system at least for each of the services within the reserved sector . The accounts for the non reserved services should clearly distinguish between services which are part of the universal service and services which are not. Such internal accounting systems shall operate on the basis of objectively justifiable cost accounting principles.***

*Justification*

*It seems justified to impose such accounting system to the universal service provider when it receives specific financing. For instance, it is logical to keep separate accounts as long as a reserved area is provided.*

Amendment 31  
ARTICLE 1, POINT 15  
Article 14, paragraph 7 (Directive 97/67/EC)

7. On request, detailed accounting information arising from these systems shall be made available in confidence to the national regulatory authority and to the Commission.

7. On request, detailed accounting information arising from these systems shall be made available in confidence to the national regulatory authority and to the Commission, **as provided for in Article 22(a)**.

*Justification*

*It is necessary to specify the conditions under which the universal service provider must make accounting information available to the national regulatory authority, by reference to article 22 a.*

Amendment 32  
ARTICLE 1, POINT 16  
Article 19, paragraph 2 (Directive 97/67/EC)

Member States shall adopt measures to ensure that the procedures referred to in the first subparagraph enable disputes to be settled fairly and promptly with provision, **where warranted**, for a system of reimbursement and/or compensation.

Member States shall adopt measures to ensure that the procedures referred to in the first subparagraph enable disputes to be settled fairly and promptly with provision for a system of reimbursement and/or compensation.

*Justification*

*In order to be sure that consumers are compensated for loss and damage of postal items, a reimbursement scheme is to be provided.*

Amendment 33  
ARTICLE 1, POINT 20  
Article 22a , paragraph 2 (Directive 97/67/EC)

2. Undertakings shall provide such information promptly on request and within the timescales and to the level of detail required by the national regulatory authority. The information requested by the national regulatory authority shall be proportionate to the performance of its tasks. The national regulatory authority shall give the reasons justifying its request for information.'

2. Undertakings shall provide such information promptly on request and **in confidence** within the timescales and to the level of detail required by the national regulatory authority. The information requested by the national regulatory authority shall be proportionate to the performance of its tasks **and shall not be used for other purposes than those for which it has been requested**. The national regulatory authority shall give the reasons justifying its request for information.'

*Justification*

*NRAs' requests of information must happen within the limits of confidence and the exact exercise of their tasks.*

*Those are reasonable precautions allowing postal operators to be confident on the righteous use by NRA of the information requested.*

Amendment 34  
ARTICLE 1, POINT 21  
Article 23 (Directive 97/67/EC)

Every three 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 report shall be accompanied where appropriate by proposals to the European Parliament and the Council.

Every three years, on the first occasion no later than **31 December 2014**, 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 report shall be accompanied where appropriate by proposals to the European Parliament and the Council.

*Justification*

*To align the procedural/technical deadline to the new date of full market opening.*

Amendment 35  
ARTICLE 2, PARAGRAPH 1, SUBPARAGRAPH 1

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by **31 December 2008** at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by **31 December 2011** at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

*Justification*

*To align the procedural/technical deadline to the new date of full market opening.*

## PROCEDURE

<b>Title</b>	Accomplishment of the internal market of Community postal services
<b>References</b>	COM(2006)0594 - C6-0354/2006 - 2006/0196(COD)
<b>Committee responsible</b>	TRAN
<b>Opinion by</b> Date announced in plenary	ITRE 14.11.2006
<b>Drafts(wo)man</b> Date appointed	Hannes Swoboda 28.11.2006
<b>Discussed in committee</b>	20.3.2007                      3.5.2007                      3.5.2007
<b>Date adopted</b>	3.5.2007
<b>Result of final vote</b>	+ :                      30 - :                      7 0 :                      3
<b>Members present for the final vote</b>	Šarūnas Birutis, Renato Brunetta, Jerzy Buzek, Jorgo Chatzimarkakis, Silvia Ciornei, Pilar del Castillo Vera, Lena Ek, Nicole Fontaine, Adam Gierek, Norbert Glante, Fiona Hall, David Hammerstein, Erna Hennicot-Schoepges, Mary Honeyball, Romana Jordan Cizelj, Romano Maria La Russa, Pia Elda Locatelli, Angelika Niebler, Reino Paasilinna, Miloslav Ransdorf, Vladimír Remek, Herbert Reul, Mechtild Rothe, Paul Rübig, Andres Tarand, Catherine Trautmann, Claude Turmes, Nikolaos Vakalis, Alejo Vidal-Quadras
<b>Substitute(s) present for the final vote</b>	Etelka Barsi-Pataky, Ivo Belet, Philip Dimitrov Dimitrov, Robert Goebbels, Satu Hassi, Eija-Riitta Korhola, Erika Mann, John Purvis, Hannes Swoboda, Silvia-Adriana Țicău
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Zuzana Roithová