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A8-0315/ 001-094

## AMENDMENTS 001-094

by the Committee on Transport and Tourism

### Report

Lucy Anderson

A8-0315/2017

Cross-border parcel delivery services

Proposal for a regulation (COM(2016)0285 – C8-0195/2016 – 2016/0149(COD))

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### Amendment 1

#### Proposal for a regulation

##### Citation 5

*Text proposed by the Commission*

*Amendment*

*Having regard to the opinion of the  
Committee of the Regions<sup>47</sup>*

*deleted*

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<sup>47</sup> OJ C , , p. .

### Amendment 2

#### Proposal for a regulation

##### Recital 1

*Text proposed by the Commission*

*Amendment*

(1) The tariffs applicable to low volume *senders* of cross-border *parcels and other postal items*, particularly small and medium-sized enterprises and individuals, are still relatively high. This has a direct negative impact on users *seeking* cross-border *parcel delivery services, especially*

(1) The tariffs applicable to low volume *users* of cross-border *parcel delivery services*, particularly small and medium-sized enterprises and individuals, are still relatively high *in a significant number of cases*. This has a direct negative impact on *consumers and other users, especially in the context of e-commerce in the internal*

*in the context of e-commerce.*

*market of the Union. In addition, users often report quality of service issues when sending, receiving or returning cross-border parcels, as well as problems related to enforcing consumer protection rights including sometimes due to lack of clarity on potential liability when parcels are lost or damaged. Thus further improvements in quality of service standards and interoperability of cross-border parcel deliveries are equally needed and should be prioritised further in accordance with Directive 97/67/EC, through the European Committee for Standardisation and otherwise; more progress on the efficiency of services is also needed, which should take into account in particular the interests of users.*

### **Amendment 3**

#### **Proposal for a regulation Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*(1a) Article 47 of the Charter of Fundamental Rights of the European Union provides that everyone whose rights under Union law are violated shall have the right to an effective remedy and Article 16 of the Charter recognises the freedom to run a business in accordance with Union and national law and practices;*

### **Amendment 4**

#### **Proposal for a regulation Recital 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*(1b) Article 14 of the Treaty on the Functioning of the European Union*

*(TFEU) highlights the place occupied by services of general economic interest, such as postal services, in the shared values of the European Union, as well as their role in promoting social and territorial cohesion. It states that care should be taken that such services operate on the basis of principles and conditions which enable them to fulfil their missions.*

#### *Justification*

*This Regulation has been proposed in the framework of the Digital Single Market Strategy, in order to boost e-commerce and tackle issues arising from the price disparities between cross-border deliveries in different Member States. However, it should be ensured that the Regulation will not have a detrimental effect on postal services as a consideration of general public interest.*

#### **Amendment 5**

##### **Proposal for a regulation**

##### **Recital 1 c (new)**

*Text proposed by the Commission*

*Amendment*

*(1c) Protocol No 26 on Services of General Interest annexed to the TFEU and to the Treaty on European Union further highlights that the shared values of the Union in respect of services of general economic interest within the meaning of Article 14 TFEU include the differences in the needs and preferences of users that may result from different geographical, social or cultural situations and a high level of quality, safety and affordability, equal treatment and the promotion of universal access and of user rights.*

#### **Amendment 6**

##### **Proposal for a regulation**

##### **Recital 1 d (new)**

*Text proposed by the Commission*

*Amendment*

***(1d) Article 169(1) and point (a) of Article 169(2) TFEU provide that the Union is to contribute to the attainment of a high level of consumer protection through measures adopted pursuant to Article 114 TFEU.***

*Justification*

*As a matter of Union law, harmonisation measures under Article 114 TFEU such as this Regulation should be on the basis of a high level of consumer protection.*

## **Amendment 7**

### **Proposal for a regulation**

#### **Recital 2**

*Text proposed by the Commission*

*Amendment*

(2) There are fundamental differences between Member States when it comes to competences conferred on national regulatory authorities with regard to market monitoring and regulatory oversight of parcel delivery providers. This has been confirmed by a joint report<sup>48</sup> prepared by the European Regulators Group for Postal Services and the Body of European Regulators for Electronic Communications, who concluded that national regulatory authorities need the appropriate regulatory powers to intervene and that such powers do not seem to be present in all Member States. Those differences result in additional administrative burdens and compliance costs for parcel delivery service providers who operate **cross-border**. Those differences therefore constitute an obstacle to the cross-border provision of parcel delivery services and thus have a direct effect on the functioning of the internal market.

(2) There are fundamental differences between Member States when it comes to competences conferred on national regulatory authorities with regard to market monitoring and regulatory oversight of parcel delivery **service** providers, **although some authorities can successfully require providers to supply relevant price information**. This has been confirmed by a joint report<sup>48</sup> prepared by the European Regulators Group for Postal Services and the Body of European Regulators for Electronic Communications, who concluded that national regulatory authorities need the appropriate regulatory powers to intervene and that such powers do not seem to be present in all Member States. Those differences result in additional administrative burdens and compliance costs for parcel delivery service providers who operate **across borders**. Those differences therefore constitute an obstacle to the cross-border provision of parcel delivery services and thus have a direct effect on the functioning of the internal market.

## Amendment 8

### Proposal for a regulation Recital 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(2a) The European Parliament Resolution of 15 September 2016 on the application of the Postal Services Directive<sup>1a</sup> stated that any expansion of the role of national regulatory authorities under new regulation in the parcels market should tackle ‘cherry picking’ in the deliveries sector and establish minimum standards for all operators to ensure fair and equal competition.***

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<sup>1a</sup> P8\_TA(2016)0357

## Amendment 9

### Proposal for a regulation Recital 2 b (new)

*Text proposed by the Commission*

*Amendment*

***(2b) Due to the international nature of postal and parcel sector, the further development of European and international technical standards is important for the benefit of users and the environment, and to broaden market opportunities for businesses.***

## Amendment 10

### Proposal for a regulation Recital 3

*Text proposed by the Commission*

(3) The market for cross-border parcel delivery services is diverse **and complex**, with different providers offering different services and prices depending on weight, size and format of the **items** sent as well as destination, added value features, such as traceability **solutions**, and the number of **items sent**. That diversity makes parcel delivery services hard to compare between different providers, both in terms of quality and price. **Furthermore, low volume senders, such as small and medium-sized enterprises and individuals** are often not aware of the existence of different parcel delivery services **offered**.

*Amendment*

(3) The market for cross-border parcel delivery services is diverse, **complex and competitive**, with different providers offering different services and prices depending on weight, size and format of the **parcels** sent as well as destination, added value features, such as traceability **systems**, and the number of **parcels sent**. **In most Member States, universal service providers do not have a majority share of the parcel delivery market**. That diversity makes **it hard for consumers and users** to compare **parcel delivery services** as between different providers, in terms of quality and price, **because they** are often not aware of the existence of different parcel delivery **options for similar services in cross-border online trade**. **It should be made easier, in particular, for small and medium-sized enterprises and individuals to access the relevant information**. **Moreover, small and medium sized e-retailers identify delivery concerns as an obstacle when selling cross-border**.

## Amendment 11

### Proposal for a regulation

#### Recital 4

*Text proposed by the Commission*

(4) In order to improve the **affordability** of cross-border parcel delivery services, especially for **users** in remote or sparsely populated areas, it is necessary to improve the transparency of **public lists of tariffs** for a limited set of cross-border parcel delivery services offered by **universal** service providers, which are mostly used by small and medium-sized enterprises and individuals. **Transparency of public lists is also necessary to address the issue of high tariffs of cross-border delivery services and to reduce**, where applicable,

*Amendment*

(4) In order to improve cross-border parcel delivery services, especially for **individuals and small businesses, including** in remote or sparsely populated areas **and for those who are disabled or with reduced mobility**, it is necessary to improve the transparency **and accessibility** of **single piece tariffs** for a limited set of cross-border parcel delivery services offered by **parcel delivery** service providers, which are mostly used by small and medium-sized enterprises, **micro businesses** and individuals. **Making prices**

unjustified tariff differences between *national* and cross-border parcel delivery services.

*of cross-border delivery services more transparent and easily comparable across the Union should encourage the reduction of unreasonably high tariffs and, where applicable, of unjustified tariff differences between domestic and cross-border parcel delivery services. Basic parcel delivery services offered by universal service providers must comply with the Universal Service Obligation affordability criteria.*

## Amendment 12

### Proposal for a regulation Recital 4 a (new)

*Text proposed by the Commission*

*Amendment*

*(4a) Standard single piece parcel is part of the universal service in every Member State and is also the service the most frequently used by individuals and small businesses. Improving the transparency and the affordability of single piece tariffs is necessary for the further development of e-commerce.*

## Amendment 13

### Proposal for a regulation Recital 4 b (new)

*Text proposed by the Commission*

*Amendment*

*(4b) In view of the fact that, according to Flash Eurobarometer 413, a majority of companies that sell, used to sell or tried to sell online considered high delivery costs together with expensive complaints process and guarantees to be a problem, further action is needed to ensure that all retailers and consumers, in particular SMEs and consumers in remote areas, fully benefit from seamless cross-border parcel delivery services which are accessible and reasonably priced, without*

*ignoring the fact that that consumers have expectations that their purchase will be with "free delivery".*

#### **Amendment 14**

##### **Proposal for a regulation**

##### **Recital 5**

*Text proposed by the Commission*

*Amendment*

***(5) In most Member States there are several providers who provide domestic parcel delivery services, while only a few of those providers also provide cross-border parcel delivery services. In this context, it is essential to ensure, in order to safeguard and promote effective competition and to protect users, transparent and non-discriminatory access to the services and infrastructure necessary for the provision of cross-border parcel delivery services.***

***deleted***

#### **Amendment 15**

##### **Proposal for a regulation**

##### **Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5a) Universal service providers refers to postal operators that provide a universal postal service or parts thereof within a specific Member State. Universal service providers who operate in more than one Member State should be classified as a universal service provider only in the Member States in which they provide a universal postal service.***

*Justification*

*Clarification of who is a Universal Service provider*

## Amendment 16

### Proposal for a regulation

#### Recital 6

*Text proposed by the Commission*

(6) Currently, postal services are regulated by Directive 97/67/EC of the European Parliament and of the Council<sup>49</sup>. ***This*** Directive establishes common rules governing the provision of postal services and the universal postal service in the Union. It focuses primarily, but not exclusively, on national universal services and does not address regulatory oversight of parcel delivery service providers, ***transparency of tariffs and terminal rates for certain cross-border parcel delivery services, the assessment of the affordability of tariffs for certain cross-border parcel delivery services and transparent and non-discriminatory access to certain cross-border parcel delivery services and/or infrastructure.*** This Regulation therefore complements, insofar as cross-border parcel delivery services are concerned, the rules set out in Directive 97/67/EC.

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<sup>49</sup> Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ L 1, 21.1.1998, p 14 - 25).

## Amendment 17

### Proposal for a regulation

#### Recital 7

*Amendment*

(6) Currently, postal services are regulated by Directive 97/67/EC of the European Parliament and of the Council<sup>49</sup>. ***That*** Directive establishes common rules governing the provision of postal services and the universal postal service in the Union. It focuses primarily, but not exclusively, on national universal services and does not address regulatory oversight of parcel delivery service providers. ***Compliance with the minimum universal service requirements laid down in the directive is ensured by national regulatory authorities appointed by the Member States.*** This Regulation, therefore, complements, insofar as cross-border parcel delivery services are concerned, the rules set out in Directive 97/67/EC. ***The Commission ensures that compensation for the provision of universal services in the Member States is proportionate and reasonable and that competition rules are adhered to. However, the provisions of this Regulation are without prejudice to the rights and guarantees set out in that Directive including in particular the continued provision of a universal postal service to users.***

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<sup>49</sup> Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ L 1, 21.1.1998, p 14 - 25).

*Text proposed by the Commission*

(7) An estimated 80 % of addressed **postal items** generated by e-commerce today weigh less than two kilograms, and are often processed in the letter-post mail stream. It is important that those **postal items** are subject to this Regulation, notably to the requirements on transparency of tariffs and the assessment of **their affordability**.

*Amendment*

(7) An estimated 80 % of addressed **parcels** generated by e-commerce today weigh less than two kilograms, and are often processed in the letter-post mail stream, **although information is lacking on the weight of parcels delivered by other means. In order to prevent unfair competitive practices and encourage further growth in the market** it is important that those **lighter parcels** are subject to this Regulation, **including** the requirements on transparency and assessment of **tariffs**.

## **Amendment 18**

### **Proposal for a regulation**

#### **Recital 8**

*Text proposed by the Commission*

(8) Therefore, it is important to provide a clear definition of parcel delivery services and to specify which postal items are covered by **that definition**. This concerns in particular postal items, other than items of correspondence, which because of their weight are commonly used for sending goods and merchandise. This Regulation should therefore cover, in line with consistent practice, **postal items** weighing up to 31.5 kg, as heavier items cannot be handled by a single average individual without mechanical aids. In line with current practice and Directive 97/67/EC, each step in the postal chain, i.e. clearance, sorting and **delivery** should be considered parcel delivery **services**. Transport alone that is not undertaken in conjunction with **one** of those steps should fall outside the scope of parcel delivery services **as it can in this case be assumed that this activity is part of the transport sector**.

*Amendment*

(8) Therefore, it is important to provide a clear definition of **parcel**, parcel delivery services and **parcel delivery service provider and** to specify which postal items are covered by **those definitions**. This concerns in particular postal items, other than items of correspondence, **items handled or not by the universal service provider**, which because of their weight are commonly used for sending goods and merchandise. This Regulation should therefore cover, in line with consistent practice, **parcels or shipments with or without commercial value**, weighing up to 31.5 kg, as heavier items cannot be handled by a single average individual without mechanical aids. In line with current practice and **in accordance with** Directive 97/67/EC, each step in the postal chain, i.e. clearance, sorting, **transport and distribution**, should be considered as a parcel delivery **service. However**, transport alone that is not undertaken in conjunction with **another** of those steps should fall

outside the scope of parcel delivery services, *unless the undertaking concerned or one of its subsidiaries or linked undertakings otherwise falls within the scope of this Regulation.*

*Undertakings established in only one Member State and with their own delivery networks involved only in the self-provision of services, which form part of the sales contract as defined by point 5 of Article 2 of Directive 2011/83/EU should not be regarded as parcel delivery service providers for the purposes of this Regulation.*

## Amendment 19

### Proposal for a regulation Recital 8 a (new)

*Text proposed by the Commission*

*Amendment*

*(8a) The minimum confidential information that must be forwarded to the national authorities and procedures followed by the authorities to ensure compliance with the commercial nature of national operators must be defined and secure channels established for the communication thereof.*

## Amendment 20

### Proposal for a regulation Recital 9

*Text proposed by the Commission*

*Amendment*

(9) Terminal rates are based on multilateral and bilateral agreements between *universal* service providers and ensure that the destination *universal* service provider is remunerated for the costs of the service provided to the originating *universal* service provider. Terminal rates should be defined in such a

(9) Terminal rates are based on multilateral and bilateral agreements between *parcel delivery* service providers, *and intermediaries forming part of the delivery chain where applicable*, and ensure that the destination *parcel delivery* service provider is remunerated for the costs of the service provided to the

way that **it includes** both terminal dues, as defined in point 15 of Article 2 of Directive 97/67/EC that are applied for letter mail items and inward land rates that are applied to parcels.

originating **parcel delivery** service provider. Terminal rates should be defined in such a way that **they include** both terminal dues, as defined in point 15 of Article 2 of Directive 97/67/EC that are applied for letter mail items and inward land rates that are applied to parcels.

***Terminal rates are commercially sensitive business data. Data collected in respect of terminal dues and commercial agreements should be processed under conditions of strict secrecy, in accordance with free-market principles. The administrative burden on parcel delivery services should not be unduly increased.***

## Amendment 21

### Proposal for a regulation

#### Recital 10

*Text proposed by the Commission*

(10) It is necessary that national regulatory authorities have knowledge and information for statistical purposes about parcel delivery service providers active on the market. However, in order to limit the administrative burden for small parcel delivery service providers who are only active on a national or regional market, a threshold should be applied, based on the number of persons working for the service provider and involved in the provision of parcel delivery services.

*Amendment*

(10) It is necessary that national regulatory authorities have knowledge and information for statistical purposes about parcel delivery service providers active on the market ***on the basis of appropriate authorisation procedures or other legal requirements***. However, in order to limit the administrative burden for small parcel delivery service providers who are only active on a national or regional market, a threshold ***of fewer than 50 persons*** should be applied, based on the number of persons working ***over the previous calendar year*** for the service provider and involved in the provision of parcel delivery services, ***unless that provider is established in more than one Member State. In certain cases, while taking into account the specificities of the Member State concerned, the National Regulatory Authority should be able to lower the threshold to 25 persons. This threshold is in line with Commission Recommendation 2003/361 of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises, reflects the***

*labour intensive nature of the sector and captures most of the parcel delivery market and level of market share, especially in countries with low volumes of parcels flows. The average number of persons should include full-time, part-time and temporary employees as well as self-employed workers.*

## Amendment 22

### Proposal for a regulation Recital 11 a (new)

*Text proposed by the Commission*

*Amendment*

*(11a) When submitting information to the national regulatory authority, the characteristics of the parcel delivery services should include the steps in the postal delivery chain (clearance, sorting, transport and distribution) undertaken by that provider; whether the service is within or outside the scope of the universal service obligation; the territorial scope of the service (regional, domestic, cross-border); and whether added value is offered.*

## Amendment 23

### Proposal for a regulation Recital 12

*Text proposed by the Commission*

*Amendment*

(12) When providing information to the national regulatory authority, it should be taken into account that parcel delivery service providers may have already provided certain information to the same national regulatory authority. Parcel delivery services are important for small and medium-sized enterprises and individuals and they should be able to compare easily between different providers. Therefore, the services for

(12) When providing information to the national regulatory authority, it should be taken into account that parcel delivery service providers may have already provided certain information to the same national regulatory authority. Parcel delivery services are important for small and medium-sized enterprises and individuals and they should be able to compare easily between different providers. Therefore, the services for

which tariffs should be provided by **universal** service providers should be clearly defined. Those tariffs should be published by the Commission on a dedicated webpage **and should, together with the confidential regular provision of the underlying terminal rates, constitute the basis for the national regulatory authorities to assess the affordability of tariffs for cross-border parcel delivery services. Parcel delivery service providers other than universal service providers may voluntarily provide, in a comparable form, their national regulatory authority with the tariffs for the same items provided that such items are delivered at the home or the premises of the addressee.**

which tariffs should be provided by **parcel delivery** service providers **operating cross-border** should be clearly defined. Those tariffs should be published by the Commission on a dedicated webpage, **which is neutral and non-commercial in character.**

## Amendment 24

### Proposal for a regulation

#### Recital 13

*Text proposed by the Commission*

(13) Because of their small size and dimensions, certain postal items should not be subject to **the obligations set out with regard to transparency of tariffs**. The postal items subject to those obligations should therefore have a minimum width of 20 mm.

*Amendment*

(13) Because of their small size and dimensions, certain postal items should not be subject to **these** obligations. The postal items subject to those obligations should therefore have a minimum width of 20 mm.

## Amendment 25

### Proposal for a regulation

#### Recital 14

*Text proposed by the Commission*

(14) When national regulatory authorities **annually assess the affordability** of tariffs, they should base themselves on objective criteria, such as the domestic tariffs of the originating **universal** service providers and the destination **universal** service providers

*Amendment*

(14) **When considering whether to assess tariffs, national regulatory authorities should consider the degree of competition in the relevant cross-border market, including for low volume senders in remote and peripheral areas.** When

and *the level of terminal rates*. Those common criteria may be complemented by other criteria of particular relevance for explaining the tariffs in question, such as specific transportation or handling costs and bilateral volumes between different cross-border parcel delivery service providers.

national regulatory authorities *carry out their assessments* of tariffs, they should base themselves on objective criteria, such as the domestic tariffs of the originating *parcel delivery* providers and the destination *parcel delivery* service providers and *take into account the situation of individual and small and medium-sized enterprise users living or situated in remote or sparsely populated areas, as well as disabled users, users with reduced mobility*. *In this respect, the European Parliament, in its resolution of 15 September 2016 on the application of the Postal Services Directive, considered that geographical coverage and accessibility to universal services for parcel deliveries can and must be improved, especially for citizens with disabilities and reduced mobility and those in remote areas, and stressed the importance of ensuring barrier-free accessibility to postal services. These assessments should serve the purpose of identifying the potential abuses of dominant market position and to what extent the uptake of cross-border parcel delivery services is affected by the applicable cross-border tariffs. When national regulatory authorities deem it to be necessary to assess tariffs further, they should also base themselves on objective criteria, such as the domestic tariffs of the originating parcel delivery service providers and the destination parcel delivery service providers.* Those common criteria may be complemented by other criteria of particular relevance for explaining the tariffs in question, such as specific transportation or handling costs, *terminal rates* and bilateral volumes between different cross-border parcel delivery service providers.

## Amendment 26

### Proposal for a regulation Recital 15

*Text proposed by the Commission*

(15) Uniform tariffs for cross-border deliveries to two or more Member States may be important in the interest of protecting regional and social cohesion. In this context *it* should be ***considered that e-commerce offers new opportunities for sparsely populated areas to participate in the economic life***. It is therefore necessary to take any uniform tariffs fully into account when assessing the ***affordability*** of parcel delivery services.

*Amendment*

(15) Uniform tariffs for cross-border deliveries to two or more Member States may be important in the interest of protecting regional and social cohesion. In this context, ***consideration*** should be ***given to the need to promote e-commerce in sparsely populated and remote areas so as to enable consumers in such areas to participate in online trade and to boost their regional economies***. It is therefore necessary to take any uniform tariffs fully into account when assessing the ***tariffs*** of parcel delivery services.

**Amendment 27**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

(16) Significant differences between domestic and cross-border tariffs for parcel delivery services should be justified by objective criteria, such as additional costs for transport and a reasonable profit margin. ***Universal*** service providers providing parcel delivery services should ***be required to provide such justification without delay***.

*Amendment*

(16) Significant differences between domestic and cross-border tariffs for parcel delivery services should be justified by objective criteria, such as additional costs for transport and a reasonable profit margin. ***Parcel delivery*** service providers providing ***cross-border*** parcel delivery services should ***provide such justification whenever it is requested by the National Regulatory Authority***.

**Amendment 28**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) In order to ensure transparency across the Union, the analysis of a national regulatory authority should be submitted to the ***national regulatory authorities of the***

*Amendment*

(17) In order to ensure transparency across the Union, ***a non-confidential*** analysis of a national regulatory authority should be submitted to the Commission,

*other Member States and to the* Commission. Confidentiality is to be ensured by the national regulatory authorities and the Commission. The Commission may also request the European Regulators Group for Postal Services to provide a Union-wide analysis on the basis of the national contributions.

*and to the national authorities within the Member State of the submitting national regulatory authority entrusted with the implementation of competition law.* Confidentiality is to be ensured by the national regulatory authorities and the Commission. The Commission may also request the European Regulators Group for Postal Services to provide a Union-wide analysis on the basis of the national contributions, ***on condition that confidentiality is ensured.***

## Amendment 29

### Proposal for a regulation Recital 18

#### *Text proposed by the Commission*

(18) *Universal* service providers providing parcel delivery services may conclude multilateral and bilateral agreements on terminal rates and may set up other programmes to facilitate the interconnectivity of their delivery networks. ***For reasons of non-discrimination, competing parcel delivery service providers shall be granted equal access to the terminal rates applicable between parties under multilateral agreements. It may be justified that terminal rates payable by third-party parcel delivery service providers, in some cases, exceed those payable by universal service providers that are parties to such agreements. This may be the case where the parties to a multilateral agreement on terminal rates are able to demonstrate that the cost of setting up, operating and administering the agreement, the extra cost incurred by accepting and handling items from non-designated parcel delivery service providers and other such costs are not covered by the terminal rates payable by the third-party service provider in the originating Member State.***

#### *Amendment*

(18) ***Parcel delivery*** service providers providing parcel delivery services may conclude multilateral and bilateral agreements on terminal rates and may set up other programmes to facilitate the interconnectivity of their delivery networks, ***while fully observing competition law. These agreements should be cost-oriented, benefit consumers and result in a more efficient use of existing networks, particularly in rural and remote areas. It is important that any such agreement that might be in breach of principles of Union competition law and of the provisions of Directive 97/67/EC are properly investigated and addressed by Member States, national regulatory authorities and by the European Commission in a timely and effective manner.***

## Amendment 30

### Proposal for a regulation Recital 18 a (new)

*Text proposed by the Commission*

*Amendment*

***(18a) For reasons of non-discrimination, competing small and medium-sized parcel delivery service providers shall be granted equal access to the terminal rates applicable between parties under multilateral or bilateral agreements. Universal service providers may refuse or limit the access. In either case they must notify the National Regulatory Authority and justify their decision based on objective criteria in order for the National Regulatory Authority to assess it. It may be justified that terminal rates payable by third-party parcel delivery service providers, in some cases, exceed those payable by universal service providers that are parties to such agreements. This may be the case where the parties to a multilateral or bilateral agreement on terminal rates are able to demonstrate that the cost of setting up, operating and administering the agreement, the extra cost incurred by accepting and handling items from non-designated parcel delivery service providers and other such costs are not covered by the terminal rates payable by the third-party service provider in the originating Member State.***

## Amendment 31

### Proposal for a regulation Recital 19

*Text proposed by the Commission*

*Amendment*

***(19) In practice and for operational reasons, the point at which access should be provided is the inward office of***

***deleted***

*exchange, which is an office or a facility determined by universal service providers in the destination Member State for handing over postal items other than items of correspondence.*

## Amendment 32

### Proposal for a regulation Recital 20 a (new)

*Text proposed by the Commission*

*Amendment*

*(20a) In order to limit the administrative burden, the transfer of data by parcel delivery service providers, national regulatory authorities and the Commission should be electronic, and in particular should allow the use of e-signatures, as provided for in Regulation (EU) No 910/2014<sup>1a</sup>.*

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*<sup>1a</sup> Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.08.2014, p. 73).*

## Amendment 33

### Proposal for a regulation Recital 21

*Text proposed by the Commission*

*Amendment*

(21) As markets for parcel delivery services are changing fast, the Commission should re-assess the efficiency and effectiveness of this Regulation and submit a regular report to the European Parliament and the Council. That report should be

(21) As markets for parcel delivery services are changing fast, the Commission should re-assess the efficiency and effectiveness of this Regulation, **taking into account developments in e-commerce**, and submit a regular

accompanied, where appropriate, by proposals for review to the European Parliament and the Council.

**evaluation** report to the European Parliament and the Council. That report should be accompanied, where appropriate, by **legislative** proposals for review to the European Parliament and the Council. **That report should be produced following consultation with all appropriate stakeholders including the European Social Dialogue Committee for the postal sector.**

#### Amendment 34

##### Proposal for a regulation Recital 21 a (new)

*Text proposed by the Commission*

*Amendment*

**(21a) The Commission should build on valuable input from the European Regulators Group for Postal Services composed by representatives of the national regulatory authorities.**

#### Amendment 35

##### Proposal for a regulation Recital 22

*Text proposed by the Commission*

*Amendment*

(22) In order to **ensure uniform conditions for the implementation of the obligation** for parcel delivery providers to **submit** information to national regulatory authorities, **implementing powers** should be **conferred on** the Commission **to establish a form** for the submission of **such** information. **Those powers should be exercised** in accordance with **Regulation (EU) No 182/2011 of the European Parliament and of the Council**<sup>50</sup>.

(22) In order to **establish the specific obligations for all** parcel delivery service providers **with regard to the provision of** information to **the** national regulatory authorities, **the power to adopt acts in accordance with Article 290 TFEU** should be **delegated to** the Commission **in respect of the form** for the submission of **the** information **provided by parcel delivery service providers to the national regulatory authorities. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert**

*level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>49a</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*

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<sup>49a</sup> OJ L 123, 12.5.2016, p. 1.

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<sup>50</sup> Regulation (EU) 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13 - 18).

#### **Amendment 36**

##### **Proposal for a regulation Recital 24 a (new)**

*Text proposed by the Commission*

*Amendment*

*(24a) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.*

#### **Amendment 37**

##### **Proposal for a regulation Recital 25**

*Text proposed by the Commission*

*Amendment*

(25) Since the *objectives of* this

(25) *This Regulation has the main*

Regulation, *namely* to establish the regulatory principles and rules necessary to improve regulatory oversight, to improve transparency of *prices* and establish certain principles as regards cross-border parcel delivery services that should support competition, cannot be sufficiently achieved by the Member States and can therefore, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve *that* objective.

*objective* to establish the regulatory principles and rules necessary to improve regulatory oversight, to improve transparency of *tariffs* and establish certain principles as regards cross-border parcel delivery services that should support competition, *with the ultimate goal of fostering better accessibility for users to cross-border parcel delivery services and, in doing so, should also increase consumer confidence in cross-border e-commerce. Since the objective of fostering better accessibility for users to cross-border parcel delivery services* cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve *this* objective.

### Amendment 38

#### Proposal for a regulation Chapter 1 – title

*Text proposed by the Commission*

*Amendment*

*Subject matter* and definitions

*Objectives* and definitions

### Amendment 39

#### Proposal for a regulation Article 1 – title

*Text proposed by the Commission*

*Amendment*

*Subject matter*

*Objectives*

## Amendment 40

### Proposal for a regulation

#### Article 1 – paragraph 1 – introductory part

*Text proposed by the Commission*

This Regulation establishes specific **rules**, in addition to the **rules** set out in Directive 97/67/EC, concerning:

*Amendment*

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:

## Amendment 41

### Proposal for a regulation

#### Article 1 – paragraph 1 – point a

*Text proposed by the Commission*

(a) **the** regulatory oversight related to parcel delivery services;

*Amendment*

(a) regulatory oversight related to parcel delivery services;

## Amendment 42

### Proposal for a regulation

#### Article 1 – paragraph 1 – point b

*Text proposed by the Commission*

(b) **the** transparency of tariffs **and terminal rates** for certain cross-border parcel delivery services **and the assessment of the affordability of certain cross-border tariffs**;

*Amendment*

(b) transparency of tariffs **and assessment of tariffs** for certain **unreasonably high** cross-border parcel delivery services;

## Amendment 43

### Proposal for a regulation

#### Article 1 – paragraph 1 – point c

*Text proposed by the Commission*

(c) **transparent and non-discriminatory**

*Amendment*

(c) **information for users of cross-**

*access to certain cross-border parcel delivery services and/or infrastructure.*

*border parcel delivery services*

#### **Amendment 44**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 2 – point -a (new)**

*Text proposed by the Commission*

*Amendment*

*(-a) "parcel" means a postal item or shipment, with or without commercial value, other than an item of correspondence with a weight not exceeding 31,5 kg;*

#### **Amendment 45**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) "parcel delivery services" means services involving the clearance, sorting, transport or distribution of *postal items other than items of correspondence; transport alone shall not be considered a parcel delivery service; delivery of such items exceeding 31,5 kg shall not be considered a parcel delivery service;*

(a) "parcel delivery services" means services involving the clearance, sorting, transport or distribution of *parcels;*

#### **Amendment 46**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) "parcel delivery service provider" means an undertaking that provides one or more parcel delivery services;

(b) "parcel delivery service provider" means an undertaking that provides one or more parcel delivery services, *with the exception of undertakings established in one member state alone, and that only provide domestic parcel delivery services*

*as part of a sales contract as defined by point 5 of Article 2 of Directive 2011/83/EU and as part of the contract the undertaking personally delivers goods that are subject of that contract to the user;*

#### Amendment 47

##### Proposal for a regulation Article 2 – paragraph 2 – point c

*Text proposed by the Commission*

(c) "terminal rates" means payments from the originating **universal** service provider to the destination **universal** service provider for the costs of cross-border parcel delivery services in the destination Member State.

*Amendment*

(c) "terminal rates" means payments from the originating **parcel delivery** service provider to the destination **parcel delivery** service provider **or, where applicable, to intermediaries** for the costs of cross-border parcel delivery services in the destination Member State;

#### Amendment 48

##### Proposal for a regulation Article 2 – paragraph 2 – point c a (new)

*Text proposed by the Commission*

*Amendment*

**(ca) "trader" means any natural person or any legal person, irrespective of whether privately or publicly owned, who is acting for purposes relating to his trade, business, craft or profession in relation to the conclusion of sales contracts with users involving the sending of cross-border parcels covered by this Regulation;**

#### Amendment 49

##### Proposal for a regulation Article 2 – paragraph 2 – point c b (new)

*Text proposed by the Commission*

*Amendment*

***(cb) "subcontractor" means an undertaking that provides the clearance, sorting, transport or distribution of parcels for the parcel delivery service provider;***

## **Amendment 50**

### **Proposal for a regulation Article 2 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 2 a***

##### ***Level of harmonisation***

***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. Such measures shall be compatible with Union law.***

## **Amendment 51**

### **Proposal for a regulation Article 3 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. All parcel delivery service providers shall submit the following information to the national regulatory authority of the Member State in which they are established:

1. 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:***

## Amendment 52

### Proposal for a regulation

#### Article 3 – paragraph 1 – point a

*Text proposed by the Commission*

(a) the name of the provider, its legal status and form, registration number in a trade or similar register, VAT number, the address of the establishment and a contact person;

*Amendment*

(a) the name of the **parcel delivery service** provider, its legal status and form, registration number in a trade or similar register, VAT **identification** number, the address of the establishment and a contact person;

## Amendment 53

### Proposal for a regulation

#### Article 3 – paragraph 1 – point b

*Text proposed by the Commission*

(b) the nature of the services offered by the provider;

*Amendment*

(b) **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;**

## Amendment 54

### Proposal for a regulation

#### Article 3 – paragraph 1 – point c

*Text proposed by the Commission*

(c) the provider's general conditions **of sale**, including a **detailed description** of the complaints **procedure**.

*Amendment*

(c) 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**.

## Amendment 55

### Proposal for a regulation

#### Article 3 – paragraph 2

*Text proposed by the Commission*

2. ***In case of any change concerning information referred to in the first subparagraph, parcel*** delivery service providers shall inform the national regulatory authority of ***this*** change within 30 days.

*Amendment*

2. ***Parcel*** delivery service providers shall inform the national regulatory authority of ***any change concerning information referred to in paragraph 1*** within 30 days.

## **Amendment 56**

### **Proposal for a regulation**

#### **Article 3 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. By 31 ***March*** of each calendar year, all parcel delivery service providers shall submit the following information to the national regulatory authority of the Member State in which they are established:

*Amendment*

3. By 31 ***May*** of each calendar year, 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 such information:***

## **Amendment 57**

### **Proposal for a regulation**

#### **Article 3 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) the annual turnover in parcel delivery services for the previous calendar year in the Member State in which the provider is established, broken down ***in parcel delivery services relating to national, incoming and outgoing cross-border postal items;***

*Amendment*

(a) the annual turnover in parcel delivery services for the previous calendar year in the Member State in which the ***parcel delivery service*** provider is established, broken down ***into domestic, incoming and outgoing cross-border parcel delivery services;***

## **Amendment 58**

### **Proposal for a regulation**

#### **Article 3 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) the number of persons working for the provider and involved in the provision of parcel delivery services in the Member State in which *the* provider is established *in* the previous calendar year

*Amendment*

(b) the number of persons working for the *parcel delivery services* provider and involved in the provision of parcel delivery services in the Member State in which *that* provider is established *over* the previous calendar year, *including breakdowns by reference to employment status*.

## **Amendment 59**

### **Proposal for a regulation**

#### **Article 3 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) the number of *postal items other than items of correspondence and not exceeding 31,5 kg handled* in the Member State in which the provider is established *in the previous calendar year*, broken down into *national*, incoming and outgoing cross-border *postal items*.

*Amendment*

(c) the number of *parcels handled over the previous calendar year* in the Member State in which the *parcels delivery service* provider is established, broken down into *domestic*, incoming and outgoing cross-border *parcels*.

## **Amendment 60**

### **Proposal for a regulation**

#### **Article 3 – paragraph 3 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) the names of subcontractors working for them and involved in the provision of parcel delivery services, together with any information held by the parcel delivery service provider on the nature and operation of the parcel delivery services subcontracted.*

## **Amendment 61**

### **Proposal for a regulation**

#### **Article 3 – paragraph 4**

*Text proposed by the Commission*

4. The Commission shall, **by means of an implementing act, establish** a form for the submission of the information referred to in paragraph 1 of this Article. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 9.**

*Amendment*

4. The Commission shall **adopt delegated acts in accordance with Article 9a establishing** a form for the submission of the information referred to in paragraph 1 **and 3** of this Article.

**Amendment 62**

**Proposal for a regulation  
Article 3 – paragraph 5**

*Text proposed by the Commission*

5. **The national regulatory authorities may impose information requirements additional to those referred to in paragraphs 1 and 2 where they are necessary to ensure conformity with this Regulation.**

*Amendment*

**deleted**

**Amendment 63**

**Proposal for a regulation  
Article 3 – paragraph 6**

*Text proposed by the Commission*

6. A parcel delivery service provider which **employs** fewer than 50 persons **shall not be subject to the obligations under paragraph 1 and 2**, unless that provider is established in more than one Member State.

*Amendment*

6. **This Article 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. **A national regulatory authority may, taking into account the specificities of the Member State concerned and provided that it is necessary and proportionate to ensure conformity with this Regulation, lower the threshold to 25 persons.**

**Amendment 64**

**Proposal for a regulation**  
**Article 4 – title**

*Text proposed by the Commission*

Transparency of tariffs **and terminal rates**

*Amendment*

Transparency of tariffs

**Amendment 65**

**Proposal for a regulation**  
**Article 4 – paragraph 1**

*Text proposed by the Commission*

1. **Universal** service providers **providing parcel delivery services** shall provide the national regulatory authority of the Member State in which they are established with the public list of tariffs applicable on 1 January of each calendar year for the delivery of **postal items** falling within the categories listed in the Annex. That information shall be provided by **31 January** of each calendar year at the latest.

*Amendment*

1. **All cross-border parcel** service **delivery** providers **other than those excluded by Article 3(6)** shall provide the national regulatory authority of the Member State in which they are established with the public list of tariffs applicable on 1 January of each calendar year for the delivery of **single piece parcels** falling within the categories listed in the Annex. That information shall be provided by **28 February** of each calendar year.

**Amendment 66**

**Proposal for a regulation**  
**Article 4 – paragraph 2**

*Text proposed by the Commission*

2. The national regulatory authorities shall without delay and by **28 February** of each calendar year at the latest submit the public lists of tariffs obtained in accordance with paragraph 1 to the Commission. The Commission shall publish them on a dedicated website by 30 April of each calendar year at the latest.

*Amendment*

2. The national regulatory authorities shall without delay and by **31 March** of each calendar year submit the public lists of tariffs obtained in accordance with paragraph 1 to the Commission. The Commission shall publish them on a dedicated website by 30 April of each calendar year, **and shall ensure that the dedicated website is neutral and non-commercial in character.**

**Amendment 67**

**Proposal for a regulation**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Universal service providers providing parcel delivery services shall provide the national regulatory authority with the terminal rates applicable on 1 January of each calendar year to postal items originating from other Member States. That information shall be provided by 31 January of each calendar year at the latest.**

*deleted*

**Amendment 68**

**Proposal for a regulation**  
**Article 4 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The national regulatory authorities shall submit the terminal rates obtained in accordance with paragraph 3 to the Commission and the national regulatory authorities of the originating Member States by 28 of February of each calendar year at the latest.**

*deleted*

**Amendment 69**

**Proposal for a regulation**  
**Article 5 – title**

*Text proposed by the Commission*

*Amendment*

Assessing *affordability of* tariffs

Assessing *single piece* tariffs

**Amendment 70**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The national regulatory authority **shall** assess ***the affordability of*** cross-border tariffs ***included in the public lists of tariffs obtained in accordance with Article 4(1)*** within 3 months of receipt of that information. In that assessment, in particular the following elements shall be taken into account:

*Amendment*

1. ***If*** the national regulatory authority ***deems it necessary, it may objectively*** assess, ***in line with the principles in Article 12 of 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,*** within 3 months of receipt of that information. In that assessment, in particular the following elements shall be taken into account:

**Amendment 71**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the domestic tariffs of the comparable parcel delivery services in the originating Member State and in the destination Member State;

*Amendment*

(a) the domestic ***and any other relevant*** tariffs of the comparable parcel delivery services in the originating Member State and in the destination Member State;

**Amendment 72**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) ***the terminal rates obtained in accordance with Article 4(3);***

*Amendment*

***deleted***

## **Amendment 73**

### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) 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.***

## **Amendment 74**

### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

***(cb) the assessment shall take into account whether tariffs are subject to price regulation under national legislation or whether similar services are offered by another parcel delivery service provider.***

## **Amendment 75**

### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – point c c (new)**

*Text proposed by the Commission*

*Amendment*

***(cc) the potential abuses of dominant market position.***

## **Amendment 76**

### **Proposal for a regulation**

#### **Article 5 – paragraph 2**

*Text proposed by the Commission*

2. **Where** the national regulatory authority **concludes that cross-border tariffs** referred to in paragraph 1 **are not affordable**, it shall request further **necessary information and/or justification in relation to the level of those tariffs from the universal service provider**.

*Amendment*

2. **For the purposes of the assessment** referred to in paragraph 1, **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**.

**Amendment 77**

**Proposal for a regulation  
Article 5 – paragraph 3**

*Text proposed by the Commission*

3. The **universal service** provider shall provide the national regulatory authority with the **information and/or justification** referred to in paragraph 2 within **15 working days** of receipt of the request.

*Amendment*

3. The provider **or providers referred to in this Article** shall provide the national regulatory authority with the **evidence** referred to in paragraph 2 **of this Article** within **one month** of receipt of the request, **together with any justification of the tariffs under assessment**.

**Amendment 78**

**Proposal for a regulation  
Article 5 – paragraph 4**

*Text proposed by the Commission*

4. The national regulatory authority shall submit its assessment, **including any information and/or justification provided** in accordance with **paragraph 3**, to the Commission, the national regulatory authorities of the **other** Member States and the national authorities within the Member State of the submitting national regulatory

*Amendment*

4. The national regulatory authority shall submit **by 31 July** of the **relevant calendar year, a detailed report on** its assessment **of cross-border tariffs** in accordance with **this article**, to the Commission, the national regulatory authorities of the Member States **concerned** and the national authorities

authority entrusted with the implementation of competition law. A non-confidential version of *that* assessment shall *also be provided* to the Commission. ***That information shall be provided by 31 March of each calendar year at the latest.***

within the Member State of the submitting national regulatory authority entrusted with the implementation of competition law. ***In addition, the national regulatory authority shall provide a non-confidential version of its assessment report to the Commission.***

## Amendment 79

### Proposal for a regulation Article 5 – paragraph 5

*Text proposed by the Commission*

5. The Commission shall publish the non-confidential version of the assessment provided by the national regulatory authorities ***in accordance with paragraph 4 on the dedicated website by 30 April of each calendar year at the latest.***

*Amendment*

5. The Commission shall publish the non-confidential version of the assessment ***report*** provided by the national regulatory authorities ***without delay and in any event within one month of receipt.***

## Amendment 80

### Proposal for a regulation Article 6

*Text proposed by the Commission*

#### ***Article 6***

#### ***Transparent and non-discriminatory cross-border access***

1. ***Whenever universal service providers providing parcel delivery services conclude multilateral agreements on terminal rates they shall meet all reasonable requests for access to all network elements and associated facilities as well as relevant services and information systems, necessary for the provision of cross-border parcel delivery services.***

2. ***The point at which access should be provided shall be the inward office of exchange in the destination Member State***

3. ***Universal service providers referred to in paragraph 1 shall publish a***

*Amendment*

***deleted***

*reference offer. The reference offer shall contain all the relevant associated terms and conditions, including prices.*

*4. The reference offer shall include all components necessary for access as referred to in paragraph 1, including any conditions limiting access to and/or use of services where such conditions are allowed by Member States in conformity with Union law.*

*5. Before the reference offer is published, it shall be approved by the national regulatory authority. The national regulatory authority may, where necessary, impose changes to the reference offer to give effect to obligations set out in this Regulation.*

*6. Universal service providers referred to in paragraph 1 shall upon request, and based on a reference offer, make an individual offer available to a parcel delivery service provider requesting access within the meaning of that paragraph at the latest one month after the receipt of the request. Universal service providers receiving an access request and providers requesting access shall negotiate in good faith.*

*7. When no agreement is reached on the basis of the individual offer referred to in paragraph 6, the parcel delivery service provider requesting access may submit the individual offer made by the universal service provider to the national regulatory authority. If necessary, the national regulatory authority shall change the individual offer to give effect to the obligations laid down in this Article.*

*8. The access shall be operationally ensured within a reasonable period of time, not exceeding three months from the conclusion of the contract.*

## **Amendment 81**

### **Proposal for a regulation Article 6 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 6 a**

##### ***Information and quality standards***

- 1. 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:***
  - (a) prices charged by them to users for cross-border parcel delivery including any relevant alternative or discounted rates;***
  - (b) 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;***
  - (c) details of their own and relevant parcel service providers' complaints processes, and of the European Consumer Centres Network for cross-border complaints.***
- 2. Transparency and measurability of quality service and interoperability of cross-border parcel deliveries shall be prioritised further in accordance with Directive 97/67/EC, through the European Committee for Standardisation and otherwise, taking into account in particular the interests of users, and efficiency and environmental considerations.***

## **Amendment 82**

### **Proposal for a regulation Article 7 – title**

*Text proposed by the Commission*

*Implementation, review and entry into  
force*

*Amendment*

*General and final provisions*

## **Amendment 83**

### **Proposal for a regulation Article 7 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 7 a*

*Confidentiality*

*Any information regarding terminal rates or other confidential business information provided in accordance with this Regulation to national regulatory authorities or to the Commission shall be treated in the strictest confidence under the applicable provisions of national and Union law.*

## **Amendment 84**

### **Proposal for a regulation Article 7 b (new)**

*Text proposed by the Commission*

*Amendment*

*Article 7 b*

*Application*

*Except where this Regulation specifically provides otherwise, this Regulation is without prejudice to national and Union law applying to parcel delivery service providers including social and employment rules and requirements to submit information to national regulatory authorities.*

## Amendment 85

### Proposal for a regulation Article 8 – paragraph 1

*Text proposed by the Commission*

**Before XX/XX/2019**, and thereafter every **four** years, the Commission shall submit to the European Parliament, the Council and the Economic and Social Committee an evaluation report on the application of this Regulation accompanied where appropriate by a proposal for its review.

*Amendment*

**By ... [two years after the date of entry into force of this Regulation]**, and thereafter every **three** years, the Commission shall submit to the European Parliament, the Council and the Economic and Social Committee an evaluation report on the application of this Regulation accompanied where appropriate by a **legislative** proposal for its review. **The report shall be produced following consultation with all relevant stakeholders.**

## Amendment 86

### Proposal for a regulation Article 8 – paragraph 2 – point a

*Text proposed by the Commission*

(a) whether the affordability of cross-border parcel delivery services **has** improved, including for users located in remote or sparsely populated areas;

*Amendment*

(a) whether the **transparency of cross-border tariffs and the efficiency and** affordability of cross-border parcel delivery services **have** improved **throughout the Union**, including for **individuals and small and medium sized enterprise** users, **especially those** located in remote or sparsely populated areas;

## Amendment 87

### Proposal for a regulation Article 8 – paragraph 2 – point b

*Text proposed by the Commission*

(b) the **extent to which transparent and non-discriminatory wholesale** cross-

*Amendment*

(b) the **impact of the Regulation on** cross-border parcel delivery **levels and**

border access as referred to in Article 6 has been granted by universal service providers providing parcel delivery services;

electronic commerce, including data on delivery charges to both traders and users;

## Amendment 88

### Proposal for a regulation Article 8 – paragraph 2 – point d

*Text proposed by the Commission*

(d) progress on *other initiatives for completing the single market for parcel delivery services.*

*Amendment*

(d) progress on *quality of service and interoperability for cross-border parcel deliveries including consumer protection and on the development of standards;*

## Amendment 89

### Proposal for a regulation Article 9

*Text proposed by the Commission*

Article 9

#### *Committee procedure*

1. The Commission *shall be assisted by the Postal Directive Committee established by Article 21 of Directive 97/67/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*
2. *Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*

*Amendment*

Article 9

#### *Exercise of the delegation*

1. *The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*
2. *The power to adopt delegated acts referred to in Article 3(4) shall be conferred on the Commission for a period of five years from ... [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each*

*period.*

*3. The delegation of power referred to in Article 3(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

*4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.*

*5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

*6. A delegated act adopted pursuant to Article 3(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of four months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.*

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**Amendment 90**

**Proposal for a regulation  
Annex I – subheading 1**

*Text proposed by the Commission*

**Postal items** for which **the public list of national and all cross-border tariffs to other Member States shall be notified to the national regulatory authorities:**

*Amendment*

**Single piece parcels** for which **parcel delivery service providers' tariffs shall be subject to the price transparency measures and assessment provided for in Articles 4 and 5:**

## **Amendment 91**

### **Proposal for a regulation Annex I – paragraph 1**

*Text proposed by the Commission*

The **postal items**, as defined above, shall meet the following criteria:

- (a) The size limits of the **postal items a-i (letter mail products)** shall follow the following rule:  
Length, width and **depth** combined: 900 mm, the greatest dimension **may** not exceed 600 mm the smallest dimension shall exceed 20mm;

- (b) The parcels (**items j-o**) shall not be smaller than the size prescribed for **letters (a-i)**

*Amendment*

The **parcels**, as defined above, shall meet the following criteria:

- (a) The size limits of the **parcels listed in points (a) to (i)** shall follow the following rule: length, width and **thickness** combined: 900 mm, the greatest dimension **shall** not exceed 600 mm, the smallest dimension shall exceed 20 mm;

- (b) The parcels **listed in points (j) to (o)** shall not be smaller than the size prescribed for **those listed in points (a) to (i)**

## **Amendment 92**

### **Proposal for a regulation Annex I – asterisk 1**

*Text proposed by the Commission*

(\*) The tariffs corresponding to the **postal items** shall not contain any special discounts on the basis of volumes or on any other special treatment.

*Amendment*

(\*) The tariffs corresponding to the **parcels shall be single piece and** shall not contain any special discounts on the basis of volumes or on any other special treatment.

## **Amendment 93**

**Proposal for a regulation**  
**Annex I – asterisk 3**

*Text proposed by the Commission*

(\*\*\*) Providers who offer more than one **product** meeting the criteria above should report the least expensive **price**.

*Amendment*

(\*\*\*) Providers who offer more than one **parcel** meeting the criteria above should report the least expensive **tariff**.

**Amendment 94**

**Proposal for a regulation**  
**Annex I – asterisk 4**

*Text proposed by the Commission*

(\*\*\*\*) The tariffs above shall correspond to items delivered at the home or premises in the **Member State of destination**.

*Amendment*

(\*\*\*\*) The tariffs above shall correspond to items delivered at the home **of the addressee** in the **destination Member State**, or **at other** premises **if such tariff includes that option without additional charge**.