



Plenary sitting

A8-0315/2017

18.10.2017

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council
on cross-border parcel delivery services
(COM(2016)0285 – C8-0195/2016 – 2016/0149(COD))

Committee on Transport and Tourism

Rapporteur: Lucy Anderson

Rapporteur for the opinion (*):
Biljana Borzan, Committee on the Internal Market and Consumer Protection

(*) Associated committee – Rule 54 of the Rules of Procedure

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on cross-border parcel delivery services
(COM(2016)0285 – C8-0195/2016 – 2016/0149(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0285),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0195/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 19 October 2016¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on the Internal Market and Consumer Protection (A8-0315/2017),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 34, 2.2.2017, p. 106.

Amendment 1

Proposal for a regulation Citation 5

Text proposed by the Commission

*Having regard to the opinion of the
Committee of the Regions⁴⁷*

⁴⁷ OJ C , , p. .

Amendment

deleted

Amendment 2

Proposal for a regulation Recital 1

Text proposed by the Commission

(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 in the context of e-commerce*.

Amendment

(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 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

(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 report⁴⁸ 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.

⁴⁸ BoR (15) 214/ERGP PL (15) 32.

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 **service** providers, ***although some authorities can successfully require providers to supply relevant price information***. This has been confirmed by a joint report⁴⁸ 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.

⁴⁸ BoR (15) 214/ERGP PL (15) 32.

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^{1a} 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.

^{1a} 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

Amendment

(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***.

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

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 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

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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.

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

Amendment

(6) Currently, postal services are regulated by Directive 97/67/EC of the European Parliament and of the Council⁴⁹. ***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***

(6) Currently, postal services are regulated by Directive 97/67/EC of the European Parliament and of the Council⁴⁹. ***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***

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.

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.*

⁴⁹ 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).

⁴⁹ 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

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 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.

(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 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

(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*

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 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.*

the home or the premises of the addressee.

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 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.

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 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 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.

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, **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 30

Proposal for a regulation Recital 18 a (new)

Text proposed by the Commission

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.**

(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 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.

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Amendment 32

Proposal for a regulation Recital 20 a (new)

(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^{1a}.

^{1a} 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

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

Amendment

(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 **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***⁵⁰.

(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***^{49a}. ***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.***

⁵⁰ 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 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

(25) ***This Regulation has the main 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-***

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.

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

Amendment

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

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

Amendment

(c) *information for users of cross-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

(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;*

Amendment

(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

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

Amendment

(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

Amendment

(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;

(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

Amendment

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.***

deleted

Amendment 63

Proposal for a regulation Article 3 – paragraph 6

Text proposed by the Commission

Amendment

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.

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

Amendment

Transparency of tariffs ***and terminal rates***

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

3. **Universal service providers providing parcel delivery services shall provide the national regulatory authority**

Amendment

deleted

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.

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

Amendment

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

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*

taken into account:

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

Amendment

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.*

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 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.*

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 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 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.***

Amendment

deleted

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

Amendment

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 ... [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

by a proposal for its review.

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

Amendment

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

Amendment

(d) progress on *quality of service and interoperability for cross-border* parcel

delivery services.

*deliveries including consumer protection
and on the development of standards;*

Amendment 89

Proposal for a regulation

Article 9

Text proposed by the Commission

Amendment

Article 9

Article 9

Committee procedure

Exercise of the delegation

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.*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

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.*

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

Amendment

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*)

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*.

EXPLANATORY STATEMENT

BACKGROUND

Parcel delivery is a competitive, innovative and fast growing sector. Around four billion parcels annually are ordered online and delivered across the European Union. However, the potential for further growth in this sector is clear. In the EU overall, while 44% of consumers buy online in their own country, far fewer (15%) order online from another country. Concerns about the delivery of items bought and sold cross-border have been found to be a key problem experienced by EU online consumers and small businesses, including in many cases the relatively high costs involved.

The European Commission in the framework of its Digital Single Market Strategy proposed a Regulation on cross-border parcel delivery services. With the proposed Regulation, the Commission aims to secure more efficiency in the sector, transparency of tariffs and terminal rates, and affordable prices.

In preparing for the consideration of this proposal, the Rapporteur has consulted with many user and postal sector organisations, including regulators and those representing small businesses, consumers and trade unions. She has also fully taken into account the views of the Economic and Social Committee and held a well-attended event allowing for a full range of perspectives and suggestions on the Commission's proposal to be voiced.

RAPPORTEUR'S POSITION

The Rapporteur strongly supports efforts to create a Digital Single Market adapted to the needs of consumers and retailers, but seeks to improve the Commission's proposal to provide a fair and balanced approach for all operators in the sector that is fully in line with, yet complements and builds upon, the provisions of the Postal Services Directive 97/67/EC.

She therefore proposes to expand the scope of key provisions of the Regulation to all cross-border parcel delivery service providers, especially since many universal service providers do not have a large market share of the EU cross-border parcels market. The Rapporteur also seeks to delete the access and reference offer aspects of the proposal as they do not reflect the reality of the cross-border parcels market and are not necessary in the light of existing EU competition and postal services law.

The Rapporteur has defined "parcel" as a postal item with a weight not exceeding 31.5 kg, while agreeing that an item of correspondence alone shall not be considered a parcel, in line with Directive 97/67/EC.

The Commission is right to provide for improved market information for National Regulatory Authorities, but it is important that the provisions of the Regulation do allow for an accurate picture of the market to be gained. To this end, the Rapporteur seeks to ensure that NRAs obtain data showing the fragmentation and range of employment practices in the market, including information on subcontractors and workers in the postal sector who are employed other than on a full-time permanent basis.

Similarly, it is necessary that NRAs have appropriate data on cross-border tariffs and terminal rates, in order to assess if prices may be unreasonably high. This data should be available for all relevant operators, otherwise a distorted impression could be created. The Rapporteur has therefore drafted her amendments to take this into account.

On assessing affordability of tariffs, the Rapporteur is also of the opinion that any test regarding affordability should be applied across the market and not only to universal service providers. The purpose of that assessment should be to assess whether the cost to individuals and small and medium sized enterprises is affordable and to what extent the uptake of cross-border parcel delivery services is affected by delivery costs. The assessment should take into consideration individual users with little disposable income, those who are disabled or with reduced mobility, individual and SMEs users living or situated in remote or sparsely populated areas, as well as those that regularly use parcel delivery services.

Consumer confidence would benefit from improved requirements for more transparent and comparable information on available price and delivery options, as well as requirements for more guidance on procedures for damage, loss of goods, delays and returns, and for complaints handling. For these reasons, the Rapporteur suggests the introduction of two new articles to add to the information already provided to the users by traders and to promote the further harmonisation of quality of service and technical standards, in accordance with existing EU regulations.

The Commission proposes every four years to 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 Rapporteur is of the opinion that this report shall be produced following consultation with all appropriate stakeholders, including the European Social Dialogue Committee for the postal sector and should be delivered every three years, especially given the dynamic and rapidly changing nature of e-commerce markets.

30.5.2017

OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION

for the Committee on Transport and Tourism

on the proposal for a regulation of the European Parliament and of the Council on Cross-border parcel delivery services
(COM(2016)0285 – C8-0195/2016 – 2016/0149(COD))

Rapporteur: Biljana Borzan

(*) Associated committee – Rule 54 of the Rules of Procedure

SHORT JUSTIFICATION

E-commerce in European Union is becoming a highly important sector. It is estimated that annual sales for 2014 are up to 369 billion Euro. A significant share of e-commerce sales results in physical deliveries. It is estimated that a total of 4 billion parcels are sent annually to consumers in the EU.

Effective and affordable delivery is a precondition to cross-border sales of physical goods. Still, parcels delivery market in EU remains fragmented into domestic markets, with huge differences between Member States. High prices and the inconvenience of cross-border parcel delivery have been identified among the main obstacles for consumers and retailers in e-commerce. The Commission believes that only EU consumers could save up to 11, 7 billion Euro a year if they could choose from a full range of EU goods and services when shopping online.

Currently the applicable Postal Services Directive dates back from 1997 and it is mainly focused on letter mail, with most parcel delivery services being outside the scope of universal services. Since delivery of parcels has significantly increased over the past years, new rules must be established complementary to existing legislation.

The Commission presented its e-commerce package of measures to help consumers and companies fully benefit from the Single Market on 25 May 2016. The proposal for a regulation on cross-border parcel delivery services aims to increase transparency of cross-border parcel delivery prices and improving regulatory oversight.

Studies have shown that prices for cross-border parcels are in average three to four times as high than domestic prices. Around 40 percent of cross-border parcel prices cannot be explained by economic drivers such as labour costs, volumes etc., while high delivery cost and high return costs are the top two consumer concerns when purchasing products online cross-border. High delivery prices are also an obstacle for e-retailers selling online. They affect small and medium-sized firms more than large ones.

The Rapporteur believes that the term “parcel” has to be defined in this Regulation and proposes a limitation in weight and differentiation from an item of correspondence.

Access to the universal service providers networks is essential for new players, in particular SMEs, who don't have sufficient scale and scope of their services to develop nation-wide delivery networks, including to remote areas, or reach cross-border delivery agreements with several players. This will lower prices for the benefit of consumers and cross-border trade and create more competition in parcel delivery market, thereby contributing to the development of new and innovative solutions.

Universal service providers have an existing obligation to provide affordable parcel delivery services, for which they receive certain concessions, such as VAT exemption. The prices of their services are often individually negotiated tariffs and are confidential. This Proposal aims to keep commercially sensitive business data confidential, but to allow national regulatory authorities to access the affordability of tariffs, and to seek justification and additional information for unreasonably high ones.

The Rapporteur is particularly concerned and has tabled amendments on the general objective of this Regulation enabling consumer access to cross-border parcel delivery services. The Rapporteur is asking that the description of the parcel delivery services includes delivery options and detailed information to the consumer.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Transport and Tourism, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital - 1 (new)

Text proposed by the Commission

Amendment

(-1) Article 169(1) and point (a) of Article 169(2) of the Treaty on the Functioning of the European Union (TFEU) provide that the Union is to promote the interests of consumers and to ensure a high level of consumer protection through measures adopted pursuant to Article 114 TFEU.

Amendment 2

Proposal for a regulation

Recital 1

Text proposed by the Commission

(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 in the context of e-commerce.

Amendment

(1) **In some cases** tariffs applicable to low volume senders of cross-border parcels and other postal items, particularly small and medium-sized enterprises (**SMEs**) and individuals, are still relatively high. This has a direct negative impact on users seeking cross-border parcel delivery services, especially in the context of e-commerce. **In addition, some users still report quality of service issues when sending, receiving or returning cross-border parcels. Moreover, further interoperability in this field is in need of improvement, including some specific measures in relation to environmental considerations.**

Amendment 3

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 items sent as well as destination, added value features, such as traceability solutions, and the number of items sent. **In some Member States, universal service providers do not have a majority share of the parcel delivery market.** That diversity makes parcel delivery services hard to compare between different **service** providers, both in terms of quality and price. Furthermore, low volume senders, such as **SMEs** and individuals are often not aware of the existence of different parcel delivery services offered. **In addition, the costs of switching are discouraging. Moreover, small and medium sized e-retailers identify delivery concerns as an**

obstacle when selling cross-border.

Amendment 4

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

Amendment

(4) In order to improve the cross-border parcel delivery services, especially for users in remote or sparsely populated areas **and for SMEs and micro-enterprises**, it is necessary to improve the transparency of tariffs **and terminal rates for** cross-border parcel delivery services, which are mostly used by **SMEs** and individuals. Transparency is also necessary to address the issue of high tariffs of cross-border delivery services and to reduce, where applicable, unjustified tariff differences between **domestic** and cross-border parcel delivery services.

Amendment 5

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) 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 6

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 7

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 8

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 Council⁴⁹. ***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.

⁴⁹ 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 9

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Therefore, it is important to provide a clear definition of parcel delivery

Amendment

(6) Currently, postal services are regulated by Directive 97/67/EC of the European Parliament and of the Council⁴⁹. ***That*** Directive establishes common rules governing the provision of postal services and the universal postal service in the Union. This Regulation complements, insofar as cross-border parcel delivery services are concerned, the rules set out in Directive 97/67/EC.

⁴⁹ 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

(8) Therefore, it is important to provide a clear definition of “***parcels***” and “parcel

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.*

delivery services” and to specify which postal items *and parcels* are covered by *those definitions*. This concerns in particular *items handled or not by the universal service provider*, other than items of correspondence, which because of their weight are commonly used for sending goods and merchandise *with or without commercial value*. This Regulation should therefore cover, in line with consistent practice, *parcels, handled or not by the universal service provider*, weighing up to 31.5 kg, as heavier items cannot be handled by a single average individual without mechanical aids. In line with *the* current practice, each step *of the parcel delivery* chain, i.e. clearance, sorting and delivery should be considered parcel delivery services *including when provided by express and courier service providers, as well as consolidators. Parcel delivery service providers using alternative business models and e-commerce platforms should also be subject to this Regulation if they provide at least one of these steps in the delivery chain. However, established freight or transport logistics providers, in contrast with individual independent subcontractors of the parcel delivery service provider, should not be covered by this Regulation.*

Amendment 10

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) This Regulation should apply to parcel delivery services offered to third parties and not to undertakings that only have in-house delivery networks in order to fulfil orders of goods that they have sold themselves. If these undertakings use in-house delivery networks also for the delivery of goods sold by third parties or of goods from an in-house retail service,

then they should be the subject to this Regulation.

Justification

This is need to ensure that food delivery services, for example by a supermarket, are not covered by this Regulation

Amendment 11

Proposal for a regulation

Recital 9

Text proposed by the Commission

(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 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.

Amendment

(9) Terminal rates are based on multilateral and bilateral agreements between ***parcel delivery*** service providers and ensure that the destination ***parcel delivery*** service provider is remunerated for the costs of the service provided to the originating ***parcel delivery*** service provider. Terminal rates should be ***considered to 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, ***as well as the transfer costs between the subsidiaries of the parcel delivery services providers. In that context, terminal dues are to be understood as payments, from the originating universal service provider to the destination universal service provider, for the costs of distributing cross-border items of correspondence handled in the destination Member State. Inward land rates means payments performed by the universal service provider of the originating Member State to the destination universal service provider for the cost of distributing cross-border parcel delivery in the destination Member State. Finally, transfer prices means payments performed by a parcel delivery service provider in the originating Member State to its subsidiaries in the destination***

Member State for the cost of distributing its parcels in the destination Member State. Terminal rates are commercially sensitive business data.

Amendment 12

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. **Due to the labour intensive nature of the sector and** in order to limit the administrative burden for small parcel delivery service providers **or subcontractors** who are only active on a **regional or domestic** market, a threshold should be applied, based on the number of persons working **on average** for the **parcel delivery** service provider **over the previous calendar year** and involved in the provision of parcel delivery services **in the Member State in which the provider is established, unless that provider is established in more than one Member State. The threshold should however be established in a way that those working in the sector other than on a full-time, permanent basis, are properly included.**

Amendment 13

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 14

Proposal for a regulation

Recital 12

Text proposed by the Commission

(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.***

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 ***SMEs*** and individuals and they should be able to compare easily between different providers. Therefore, the services for which tariffs should be provided by ***parcel delivery*** 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 ***reasonableness*** of tariffs for cross-border parcel delivery services.

Amendment 15

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 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.

Amendment

(14) When national regulatory authorities annually assess the **unreasonably high** tariffs, they should base themselves on objective criteria, such as the domestic tariffs of the originating **parcel delivery** service providers and the destination **parcel delivery** service providers 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 should particularly take into account SMEs, as well as individual and vulnerable users living or situated in remote or sparsely populated areas. They should make efforts, where possible, to ensure that that assessment is comparable to that required under Directive 97/67/EC.**

Amendment 16

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, **for example**, additional costs for transport and a reasonable profit margin. **Parcel delivery** service providers providing **cross-border** parcel delivery services should be required to provide such justification without delay.

Amendment 17

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 *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.

Amendment

(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 *concerned* Member States and to the Commission. Confidentiality *should* 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 18

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

Amendment

(18) *Parcel delivery service providers* 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 *should* 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 *parcel delivery* 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

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.

administering the agreement, the extra cost incurred by accepting and handling items from *third-party* 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. ***Whenever the parcel delivery service provider concludes multilateral agreements on terminal rates, equal and non-discriminatory third party access to certain cross-border parcel delivery services provided under such multilateral agreements should encourage competition, be cost-oriented, benefit consumers and result in a more efficient use of existing networks, particularly in rural and remote areas.***

Amendment 19

Proposal for a regulation Recital 19

Text proposed by the Commission

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

deleted

Amendment 20

Proposal for a regulation Recital 20 a (new)

Text proposed by the Commission

(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

Amendment

^{1a} **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 21

Proposal for a regulation Recital 21

Text proposed by the Commission

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

Amendment

(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 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 Social Dialogue Committee for the postal sector.**

Amendment 22

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 23

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 Council⁵⁰.

deleted

⁵⁰ 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 24

Proposal for a regulation Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) In order to ensure that the requirements on the provision of information by parcel delivery service providers are applied to the national regulatory authority of the Member State where they are established, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by laying down a standard form for the submission of such

information. 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^{1a}. 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.

^{1a} OJ L 123, 12.5.2016, p. 1.

Amendment 25

Proposal for a regulation Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) In order to study the effects of this Regulation the Member States should report on the developments of the working conditions of all persons working in the parcel delivery sector, as well as the environmental effects caused by increased road traffic and subsequent increased emissions.

Amendment 26

Proposal for a regulation Recital 25

Text proposed by the Commission

Amendment

(25) Since the objectives of this

(25) Since the objectives of this

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**.

Regulation, namely to establish the regulatory principles and rules necessary to improve regulatory oversight, to improve transparency of prices, **to** establish certain principles as regards cross-border parcel delivery services that should support competition **and to foster better user accessibility to efficient and reasonably priced 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 **those objectives**.

Amendment 27

Proposal for a regulation Article 1 – title

Text proposed by the Commission

Subject matter

Amendment

Subject matter **and objectives**

Amendment 28

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, enabling consumer access to cross-border parcel delivery services and fostering better user accessibility to efficient cross-border parcel delivery, including for vulnerable users, those in remote or sparsely populated areas and persons with disabilities**, in addition to the **provisions** set out in Directive 97/67/EC,

concerning:

Amendment 29

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) the transparency of tariffs and terminal rates for certain cross-border parcel delivery services and the assessment of *certain unreasonably high* cross-border tariffs;

Amendment 30

Proposal for a regulation

Article 1 – paragraph 1 – point c

Text proposed by the Commission

(c) *transparent and non-discriminatory access to certain cross-border parcel delivery services and/or infrastructure.*

Amendment

deleted

Amendment 31

Proposal for a regulation

Article 1 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) *information and price transparency for users of cross-border parcel delivery services;*

Amendment 32

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(-a) "parcel" means an item handled by the universal service provider or by other parcel delivery service providers, other than an item of correspondence, with or without commercial value, and with weight not exceeding 31,5 kg;

Amendment 33

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*, *provided that those services do not consist of transport alone*;

Amendment 34

Proposal for a regulation

Article 2 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) "subcontractor" means an undertaking that provides the clearance, sorting, transport or distribution of parcels for the parcel delivery service provider, provided that those services do not consist of transport alone;

Amendment 35

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 **performed that are either terminal dues, inward land rates, or transfer prices by** the originating **parcel delivery** service provider to the destination **parcel delivery** service provider, **intermediaries, where applicable, or both,** for the costs of cross-border parcel delivery services in the destination Member State;

Amendment 36

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, including through any other person acting in his name or on his behalf, for purposes relating to his trade, business, craft or profession in relation to parcel delivery services covered by this Regulation.**

Amendment 37

Proposal for a regulation

Article 3 – paragraph 1

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, **including those parcel delivery service providers using alternative business models and e-commerce platforms,** shall submit the following **standard** information to the national regulatory authority of the Member State in which they are established **unless that national regulatory authority has already requested and received such information:**

Amendment 38

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 39

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) the ***detailed commercial description*** of the ***parcel delivery*** services offered by the ***parcel delivery service*** provider, ***including delivery options and precise information provided to the consumer***;

Amendment 40

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 services*** provider's general ***sales terms and conditions for the parcel delivery services***, including a detailed description of the complaints procedure ***for users***.

Amendment 41

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. In case of any change concerning information referred to in *paragraph 1*, parcel delivery service providers shall inform the national regulatory authority of *that* change within 30 days.

Amendment 42

Proposal for a regulation

Article 3 – paragraph 3

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 March of each calendar year, all parcel delivery service providers, *including those parcel delivery service providers using alternative business models, including those drawing on the collaborative economy and e-commerce platforms*, 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 43

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 in parcel delivery services relating to *domestic*, incoming and outgoing cross-border *parcels*;

Amendment 44

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 ***average*** number of persons ***employed directly or indirectly by*** the ***parcel delivery service*** 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, and an overview of the working conditions for all persons working for the provider; the number of persons is to be calculated on the basis of the average annual number of full-time, part-time, and temporary employees and the self-employed, as well as persons working for subcontractors or companies to which the parcel delivery service provider outsources clearance, sorting, transport or distribution of parcels and shall include any person who, during the previous calendar year, who have performed services related to any step of the value chain for and under the direction of a parcel services provider or its subsidiaries in return for which he receives remuneration;***

Amendment 45

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 ***parcel delivery service*** provider is established, broken down into ***domestic***, incoming and outgoing cross-border ***parcels***;

Amendment 46

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ca) publicly available prices applicable for parcel delivery services over the previous calendar year.

Amendment 47

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

A breakdown of the calculations under point (b) of the first subparagraph shall be made available to the national regulatory authority.

Amendment 48

Proposal for a regulation

Article 3 – paragraph 4

Text proposed by the Commission

Amendment

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.***

4. The Commission shall ***adopt delegated acts in accordance with Article 9a in order to supplement this Regulation by laying down a standard form*** for the submission of the information referred to in paragraph 1 of this Article.

The first such delegated acts shall be adopted by ... [8 months after the date of entry into force of this Regulation].

Amendment 49

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

5. The national regulatory authorities may impose information requirements additional to those referred to in paragraphs 1 and 3 ***provided that*** they are ***proportionate and*** necessary ***in order*** to ensure conformity with this Regulation.

Amendment 50

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 parcel delivery service providers which, together with any subsidiaries and linked undertakings, engaged on average fewer than 25 persons over the course of the previous calendar year, unless that provider is established in more than one Member State. The number of persons shall be calculated on the basis of the average annual number of full-time, part-time, and temporary employees, those working on non-guaranteed hours contracts and the self-employed, as well as persons working for subcontractors. A breakdown of the calculations shall be made available upon request.***

Amendment 51

Proposal for a regulation

Article 3 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. All subcontractors shall submit the information to the national regulatory authority of the Member State in which they are established in accordance with this Article. However, subcontractors

shall not be required to comply with points (c) and (ca) of paragraph 3.

Amendment 52

Proposal for a regulation Article 3 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. *Where, in accordance with Union and national business confidentiality rules, a national regulatory authority considers certain information to be confidential in nature, the national regulatory authorities concerned shall respect that confidentiality.*

Amendment 53

Proposal for a regulation Article 4 – title

Text proposed by the Commission

Amendment

Transparency of tariffs and terminal rates

Transparency of **cross-border** tariffs and terminal rates

Amendment 54

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

Amendment

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**.

1. **All cross-border** parcel delivery service providers **and their subsidiaries falling within the scope of Article 3, with the exception of subcontractors**, shall provide the national regulatory authority of the Member State **where** they are established with the public list of **cross-border** 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 *and shall be delivered in an electronic, machine readable format.*

Amendment 55

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

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.*

Amendment

3. *All* parcel delivery *service providers falling within the scope of Article 3, with the exception of subcontractors*, shall provide the national regulatory authority *of the Member State where they are established* with the terminal rates applicable on 1 January of each calendar year to *parcels* originating from other Member States. That information shall be provided by 31 January of each calendar year.

Amendment 56

Proposal for a regulation

Article 4 – paragraph 4

Text proposed by the Commission

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.*

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. *The national regulatory authorities and the Commission shall ensure that the terminal rates obtained are dealt with in the strictest confidentiality.*

Amendment 57

Proposal for a regulation

Article 4 – paragraph 4 a (new)

4 a. *The national regulatory authorities shall collect the information referred to in paragraphs 1 and 3 only when the degree of competition in the relevant cross-border market is insufficient, including for low volume senders in remote or peripheral areas.*

Amendment 58

Proposal for a regulation Article 5 – title

Text proposed by the Commission

Amendment

Assessing *affordability* of tariffs

Assessing *cross-border* tariffs

Amendment 59

Proposal for a regulation Article 5 – paragraph 1

Text proposed by the Commission

Amendment

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:*

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

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

(c) *any* application of a uniform tariff to two or more Member States.

1. The national regulatory authority shall, *for each postal item listed in the Annex, identify the* cross-border tariffs *for parcel delivery services originating in its Member State that it considers to be unreasonably high, based on the public list* of tariffs obtained in accordance with Article 4.

The application of a uniform tariff to two or more Member States *shall be taken into account.*

Amendment 60

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. Where the national regulatory authority concludes that cross-border tariffs referred to in paragraph 1 are ***unreasonably high***, it shall request further necessary information and/or justification in relation to the level of those tariffs from ***parcel delivery service providers, taking into account the degree of competition in the relevant cross-border market***.

Amendment 61

Proposal for a regulation

Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission, in consultation with the national regulatory authorities, shall set out indicative guidelines for the assessment conducted in accordance with paragraph 1.

Amendment 62

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. ***All parcel delivery service providers*** 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 63

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 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.*

Amendment

4. The national regulatory authority shall submit its assessment, including any information and/or justification provided in accordance with paragraph 3, to the Commission *and* the national regulatory authorities of the Member States *concerned.* That *information* shall be provided *to the Commission by 31 March* of each calendar year. The national regulatory authority *and the Commission shall ensure that the assessments and any information and/or justifications* provided *are treated in the strictest confidentiality.*

Amendment 64

Proposal for a regulation

Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The national regulatory authority shall provide a non-confidential version of the assessment referred to in paragraph 4 to the Commission. That information shall be provided by 31 March of each calendar year.

Amendment 65

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

Amendment

5. The Commission shall publish *a* 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*.

authorities in accordance with paragraph 4 on the dedicated website by 30 April of each calendar year.

Amendment 66

Proposal for a regulation Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

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 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 67

Proposal for a regulation Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Provision of information to users by traders

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, online or by other accessible means:

(a) prices charged by them to users for cross-border parcel delivery including

any relevant alternative or discounted rates or breakdown of charges;

(b) cross-border delivery options offered, including track and trace, and mechanisms allowing the user to intervene throughout the delivery process, including regarding returns and to arrange redelivery or collection times or locations where applicable;

(c) details of their own and relevant parcel service provider complaints processes and of the European Consumer Centre network for cross-border complaints.

Amendment 68

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 31 January 2019, and every three years thereafter, 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. That report shall be produced following consultation with all relevant stakeholders, including the Social Dialogue Committee for the postal sector.

Amendment 69

Proposal for a regulation Article 8 – paragraph 1 – 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 *efficiency* of cross-border parcel delivery services has improved, including for users located in remote or sparsely populated areas;

Amendment 70

Proposal for a regulation

Article 8 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the extent to which transparent and non-discriminatory wholesale cross-border access as referred to in Article 6 has been granted by universal service providers providing parcel delivery services;

deleted

Amendment 71

Proposal for a regulation

Article 8 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the impact on cross-border e-commerce, including data on shipping fees charged to both traders and users;

Amendment 72

Proposal for a regulation

Article 8 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) progress on quality of parcel delivery service and development of interoperability on cross-border parcel deliveries;

Amendment 73

Proposal for a regulation

Article 9

Article 9

deleted

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 74

**Proposal for a regulation
Article 9 a (new)**

Article 9a

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 act 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.

Amendment 75

Proposal for a regulation Annex I – footnote (****)

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 or premises *of the addressee* in the Member State of destination.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Cross-border parcel delivery services	
References	COM(2016)0285 – C8-0195/2016 – 2016/0149(COD)	
Committee responsible Date announced in plenary	TRAN 9.6.2016	
Opinion by Date announced in plenary	IMCO 9.6.2016	
Associated committees - date announced in plenary	19.1.2017	
Rapporteur Date appointed	Biljana Borzan 17.6.2016	
Discussed in committee	20.3.2017	2.5.2017
Date adopted	30.5.2017	
Result of final vote	+: 28	–: 6
	0: 2	
Members present for the final vote	Dita Charanzová, Carlos Coelho, Anna Maria Corazza Bildt, Daniel Dalton, Nicola Danti, Dennis de Jong, Pascal Durand, Ildikó Gáll-Pelcz, Evelyne Gebhardt, Sergio Gutiérrez Prieto, Robert Jarosław Iwaszkiewicz, Liisa Jaakonsaari, Antonio López-Istúriz White, Eva Maydell, Marlene Mizzi, Christel Schaldemose, Andreas Schwab, Olga Sehnalová, Jasenko Selimovic, Igor Šoltes, Ivan Štefanec, Catherine Stihler, Róza Gräfin von Thun und Hohenstein, Mylène Troszczynski, Mihai Țurcanu, Anneleen Van Bossuyt, Marco Zullo	
Substitutes present for the final vote	Biljana Borzan, Birgit Collin-Langen, Edward Czesak, Anna Hedh, Kaja Kallas, Franz Obermayr, Adam Szejnfeld, Marc Tarabella, Sabine Verheyen	

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

28	+
ALDE	Dita Charanzová, Kaja Kallas, Jasenko Selimovic
EFDD	Robert Jarosław Iwaszkiewicz, Marco Zullo
PPE	Carlos Coelho, Birgit Collin-Langen, Anna Maria Corazza Bildt, Ildikó Gáll-Pelcz, Antonio López-Istúriz White, Eva Maydell, Andreas Schwab, Adam Szejnfeld, Róza Gräfin von Thun und Hohenstein, Sabine Verheyen, Ivan Štefanec, Mihai Țurcanu
S&D	Biljana Borzan, Nicola Danti, Evelyne Gebhardt, Sergio Gutiérrez Prieto, Anna Hedh, Liisa Jaakonsaari, Marlene Mizzi, Christel Schaldemose, Olga Sehnalová, Catherine Stihler, Marc Tarabella

6	-
ECR	Edward Czesak, Daniel Dalton, Anneleen Van Bossuyt
ENF	Franz Obermayr, Mylène Troszczynski
GUE/NGL	Dennis de Jong

2	0
VERTS/ALE	Pascal Durand, Igor Šoltes

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Cross-border parcel delivery services		
References	COM(2016)0285 – C8-0195/2016 – 2016/0149(COD)		
Date submitted to Parliament	25.5.2016		
Committee responsible Date announced in plenary	TRAN 9.6.2016		
Committees asked for opinions Date announced in plenary	ITRE 9.6.2016	IMCO 9.6.2016	
Not delivering opinions Date of decision	ITRE 14.6.2016		
Associated committees Date announced in plenary	IMCO 19.1.2017		
Rapporteurs Date appointed	Lucy Anderson 6.9.2016		
Discussed in committee	26.1.2017	3.5.2017	20.6.2017
Date adopted	12.10.2017		
Result of final vote	+: -: 0:	43 3 0	
Members present for the final vote	Daniela Aiuto, Lucy Anderson, Marie-Christine Arnautu, Inés Ayala Sender, Georges Bach, Deirdre Clune, Luis de Grandes Pascual, Andor Deli, Isabella De Monte, Ismail Ertug, Jacqueline Foster, Dieter-Lebrecht Koch, Merja Kyllönen, Miltiadis Kyrkos, Bogusław Liberadzki, Peter Lundgren, Cláudia Monteiro de Aguiar, Jens Nilsson, Markus Pieper, Tomasz Piotr Poręba, Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Dominique Riquet, Massimiliano Salini, David-Maria Sassoli, Claudia Țapardel, Keith Taylor, Pavel Telička, István Ujhelyi, Wim van de Camp, Elissavet Vozemberg-Vrionidi, Janusz Zemke, Roberts Zile, Kosma Złotowski, Elżbieta Katarzyna Łukacijewska		
Substitutes present for the final vote	Jakop Dalunde, Bas Eickhout, Michael Gahler, Kateřina Konečná, Jozo Radoš, Evžen Tošenovský, Matthijs van Miltenburg, Henna Virkkunen		
Substitutes under Rule 200(2) present for the final vote	Herbert Dorfmann, André Elissen, Jaromír Kohlíček		
Date tabled	23.10.2017		

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

43	+
ALDE	Jozo Radoš, Dominique Riquet, Pavel Telička, Matthijs van Miltenburg
ECR	Jacqueline Foster, Tomasz Piotr Poręba, Evžen Tošenovský, Roberts Zile, Kosma Zlotowski
EFDD	Daniela Aiuto
GUE/NGL	Jaromír Kohlíček, Kateřina Konečná, Merja Kyllönen
PPE	Georges Bach, Deirdre Clune, Andor Deli, Herbert Dorfmann, Michael Gahler, Dieter-Lebrecht Koch, Elżbieta Katarzyna Łukacijewska, Cláudia Monteiro de Aguiar, Markus Pieper, Massimiliano Salini, Henna Virkkunen, Elissavet Vozemberg-Vrionidi, Luis de Grandes Pascual, Wim van de Camp
S&D	Lucy Anderson, Inés Ayala Sender, Isabella De Monte, Ismail Ertug, Miltiadis Kyrkos, Bogusław Liberadzki, Jens Nilsson, Gabriele Preuß, Christine Revault D'Allonnes Bonnefoy, David-Maria Sassoli, Claudia Tapardel, István Ujhelyi, Janusz Zemke
Verts/ALE	Jakop Dalunde, Bas Eickhout, Keith Taylor

3	-
EFDD	Peter Lundgren
ENF	Marie-Christine Arnautu, André Elissen

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention