OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Transport and Tourism

on the Report on the application of the Postal Services Directive (2016/2010(INI))

Rapporteur: Lucy Anderson
SUGGESTIONS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Notes that implementation of the Postal Services Directive did not lead to full expansion of competition and the accomplishment of an internal market for letter and parcel services;

2. Recalls the important role of the universal service obligation (USO) in the postal sector with regard to the development of a fair single market for citizens, consumers and SMEs; notes that the USO is applied very differently across Member States, reflecting a certain flexibility for Member States to define universal service according to their domestic circumstances, including at local level;

3. Considers that the level of transposition of the Directive is unsatisfactory, including with regard to issues such as structural separation, access to networks and authorisation requirements; notes that the Commission has initiated infringement proceedings against two Member States regarding content issues; calls on the Commission to verify whether the legislative measures adopted by Member States constitute complete transposition of the Directive, and if not, to take decisive action to address this; notes the ruling of the Court of Justice of the European Union in Case C-340/13, which stated that the principle of anti-discrimination referred to in Article 12 of the Postal Services Directive does not preclude the introduction by a universal service provider of quantity discounts per business customer in a legitimate case of stimulating demand; acknowledges also that a previous ruling of the Court of Justice in joined cases C-287/06 to C-292/06 underlined that unlawful discrimination can occur as regards operational discounts;

4. Notes the Commission’s confirmation that the Postal Services Directive does not require any particular ownership structure for universal service providers (USPs); believes that USPs and alternative operators should be encouraged to invest and innovate in the provision of efficient and accessible quality postal services, for the benefit of customers, rather than be prevented from doing so; encourages public authorities and Member States to support the modernisation and renewal of the sector through investment, using the funding mechanisms they deem most appropriate in line with EU competition policy;

5. Notes that in many Member States, the decline in letter volumes makes the provision of universal postal services more and more difficult; recognises that many designated universal service providers use revenues from non-USO commercial activities, such as financial services or parcel delivery, to finance the USO; points to the close link between the development of postal and parcel services and that of e-commerce and e-substitution; calls on the Commission to constantly monitor the evolving postal and parcel sectors and the use by Member States of the flexibility offered in the application of the Postal Services Directive, in order to ensure both the sustainability of the USO and the quality of services provided; recognises the changes in customer expectations and the benefits of the Keep Me Posted EU campaign to promote consumer choice; considers that whenever called for by users, the option of e-substitution should be made available;

6. Reiterates its support for the Postal Users Forum, which was established in 2011 by the
Commission and aims to facilitate discussion between users, operators, trade unions and other stakeholders on issues including end-user satisfaction, business-user requirements and how to improve e-commerce delivery; is of the opinion that the Forum is very useful and should meet regularly in order to identify potential solutions to improve postal and parcel delivery services; urges the Commission to look in detail at the development of postal services in relation to new emerging digital operators and assess the potential implications and opportunities for existing postal services and their employees; welcomes the growth in employment opportunities in the parcel delivery sector and encourages Member States to develop policies aimed at further improving the skills, education and training of workers in this sector; notes the increased use of part-time and temporary agency employment and self-employed status for parcel and postal deliveries; notes that high-quality sustainable jobs play a significant role in providing high and consistent standards of service to consumers, and considers that Member States should take the necessary steps to ensure fair working conditions in the sector, irrespective of employment status;

7. Considers that, while the situation varies from one Member State to another, the quality, accessibility and reliability of parcel deliveries in the EU can and must be improved and the trust of consumers strengthened, including in rural and remote areas, towns and municipalities; stresses the need to ensure accessibility to postal services for persons with disabilities and the importance of the Accessibility Act, especially as regards cross-border deliveries and e-commerce;

8. Draws attention to the steadily increasing share of the market taken up by cross-border delivery services, which should be supported; notes the findings of the Commission’s public consultation on cross-border parcel delivery; highlights that some of the biggest obstacles for consumers and retailers in online trade across the EU include high delivery prices, lack of transparency, unsatisfactory delivery times, lack of information, and lack of clarity concerning liability for loss or damage; notes the importance of affordable and reliable parcel delivery services in realising the full potential of the Digital Single Market; welcomes, therefore, the Commission’s intention to launch measures in 2016 to improve price transparency and enhance regulatory oversight of parcel delivery, and calls on the Commission to consider action on access to postal networks in order to properly address all the problems faced by consumers and businesses in the delivery market;

9. Believes that the European Small Claims Procedure (ESCP) is a useful recourse for consumers and businesses in cross-border transactions; highlights that the Alternative Dispute Resolution (ADR) Directive and the online platform established by Regulation (EU) No 524/2013 on online dispute resolution for consumer disputes may benefit consumers and businesses in cross-border transactions; is concerned that, despite the July 2015 transposition deadline, only 24 Member States have so far transposed the ADR Directive and consequently millions of European citizens are being deprived of this important redress mechanism; calls for further mechanisms for adequate consumer redress in postal services to be considered, if necessary;

10. Calls on the Commission to take measures to ensure a level playing field for incumbent and alternative operators and to facilitate access for SMEs in the postal sector; reiterates that transparency concerning all special prices, discounts, conditions or rebates is a key element of the Postal Services Directive in order to ensure non-discriminatory treatment
of all postal users; urges the Commission to remove barriers to cross-border and domestic competition so that consumers and businesses, in particular SMEs, are able to reap the benefits of a true single market for postal services;

11. Is convinced that consumers should be able to easily compare the performance of different postal operators, including price, coverage and speed of delivery; notes that the development of cross-border postal services within the EU could benefit from the creation of platforms for distribution services, the launch of price comparison websites, the improvement of ‘track and trace’ systems and other such initiatives which promote consumer awareness;

12. Underlines the potential role of EU funding mechanisms in facilitating innovation in postal and delivery services, including e-commerce options of benefit for consumers, the environment and SMEs, and solutions with social inclusion and accessibility objectives; notes that cooperation between postal national regulatory authorities (NRAs), the Commission, competition authorities, consumer protection bodies, e-retailers and all operators in cross-border delivery should be encouraged in order to improve the functioning of the postal sector; recalls that Parliament invited the Commission to explore the possibilities of creating trustmarks for e-commerce, and whether such trustmarks could also contribute to ensuring quality and reliability for delivery services.
## RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

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<th>Date adopted</th>
<th>24.5.2016</th>
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<td><strong>Result of final vote</strong></td>
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<tr>
<td><strong>Members present for the final vote</strong></td>
<td>Dita Charanzová, Carlos Coelho, Daniel Dalton, Nicola Danti, Dennis de Jong, Pascal Durand, Vicky Ford, Evelyne Gebhardt, Maria Grapini, Antanas Guoga, Robert Jaroslaw Iwaszkiewicz, Liisa Jaakonsaari, Eva Paunova, Virginie Rozière, Christel Schaldemose, Andreas Schwab, Olga Sehnalová, Ivan Štefanec, Catherine Stihler, Richard Sulik, Mylène Troszczynski, Marco Zullo</td>
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<td><strong>Substitutes present for the final vote</strong></td>
<td>Lucy Anderson, Pascal Arimont, Edward Czesak, Morten Løkkegaard, Dariusz Rosati, Richard Sulik, Lambert van Nistelrooij, Sabine Verheyen, Theodoros Zagorakis</td>
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<tr>
<td><strong>Substitutes under Rule 200(2) present for the final vote</strong></td>
<td>Raymond Finch, Christofer Fjellner, Sven Giegold</td>
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