

Application of the Postal Directive

European Parliament resolution on the application of the Postal Directive (Directive 97/67/EC, as amended by Directive 2002/39/EC) (2005/2086(INI))

The European Parliament,

- having regard to the Commission report on the application of the Postal Directive (Directive 97/67/EC as amended by Directive 2002/39/EC) (COM(2005)0102) and to the accompanying Working Paper (SEC(2005)0388),
 - having regard to the first Commission report on the application of the Postal Directive (COM(2002)0632),
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A6-0390/2005),
- A. whereas postal services are of major economic importance and generated income in 2002 of some EUR 88 billion, or around 0,9% of the GDP of the EU; whereas it is estimated that more than 5 million jobs are directly dependent on or linked to the postal sector,
- B. whereas competitive and efficient postal services are of great significance for economic and social activity in the EU as part of the distribution and communications market, both influencing and being closely interlinked with many economic sectors; whereas postal services therefore also have an important role to play in the context of the Lisbon Strategy,
- C. whereas reforms and economic and technical developments in the postal sector in the EU have led to modernised operations and a greater degree of automation, and whereas reform measures so far have brought about significant positive developments in the postal sector along with increased quality, more efficiency and better customer-orientation,
- D. whereas postal networks have irreplaceable territorial and social dimensions which make universal access to essential local services possible,
- E. whereas the Commission report seeks to assess to what extent the objectives of the Postal Directive have been achieved, taking account in particular of the economic, social and technological aspects, and to make observations about employment issues and quality of service,
- F. whereas it wishes now to draw attention to questions and aspects which the Commission should take into account in its forthcoming work,
1. Notes that the transposition of the Postal Directive into national law has made good progress overall; welcomes the fact that the harmonisation framework put in place has enabled Member States to pursue new approaches and go down different routes which may serve as models for other Member States in subsequent measures; notes, however, that the effects of the reforms on quality, efficiency and customer-orientation in the postal

sector have yet to be analysed in detail and that the opening up of postal services to competition has not always resulted in increased or maintained employment levels in the postal sector;

2. Is pleased to note that, judging by the data available, the development of the market so far has led to positive changes; points out in this connection that the development of competition cannot be gauged solely by the degree of market openness or by market shares;
3. Notes, nevertheless, that the implementation of the Postal Directive is seriously late in a number of Member States, particularly as regards opening up of the market, entailing a risk of imbalance in the European postal market and the potential disadvantaging of market entrants; calls on the Commission, in its report, to state what action it proposes to take in consequence;
4. Recalls that postal markets are undergoing a fundamental transformation resulting not only from increased competition but also from developments in the neighbouring markets of communications, advertising and the transport/logistics sector, as well as from altered communications behaviour; submits that future postal policy should therefore take sufficient account of these issues;
5. Calls on the Commission, in view of the sometimes perceptibly divergent developments in universal service obligations in the Member States, to concentrate in particular, when drawing up its prospective study, on the quality of provision of the universal service and on its future funding and to propose, in the context of this study, a definition, the scope and appropriate financing of the universal service;
6. Calls on the Commission to determine whether it is possible to keep to the 2009 deadline for completion of the internal market in postal services or whether other stages should be defined in the light of the conclusions of the study;
7. Is of the opinion, considering the fundamental transformation postal markets are undergoing, that the definition of 'universal service' must be reassessed in the light of altered communications behaviour; notes, however, that universal services are qualitatively high-value, labour-intensive services focussing on the protection of consumers' interests, and calls on the Commission to take account of this fact in the research framework for its prospective study; calls on the Commission in this regard to explore how best to guarantee the involvement of and input from postal customers and to consult the social partners affected (chambers of commerce and industry, trade unions, etc.), businesses active in the market and local interest organisations;
8. Acknowledges the achievements of CEN (the *Comité Européen de Normalisation*) in the field of standardisation in the postal sector and calls on the Commission to continue to take appropriate account of standardisation in the interests of consumer protection and with a view to the completion of the internal market;
9. Calls on the Commission to pay particular attention in future studies to the impact on geographic coverage and development of networks resulting from future stages in the opening-up of postal services to competition, particularly as regards conditions of access for the EU's most disadvantaged or isolated populations;

10. Notes that the Member States are called on to exercise greater price control, carry out separate cost accounting and check for cross-subsidies; points out, however, that in a market geared to competition, such regulatory intervention requires sufficient justification where it goes beyond the bounds of general competition law;
11. Believes that the adoption and implementation of service standards developed by CEN is essential to guaranteeing transparency, reliability and quality in the postal market; therefore calls on the Commission and the Member States to give priority to progress in this area;
12. Welcomes the fact that the Commission wishes to continue monitoring the regulation of downstream access; points out, however, that regulation in this area in particular would represent a significant intervention in the market and calls, therefore, for a detailed prior investigation of whether and to what extent such intervention can be economically and legally justified, taking account of the fact that a number of business models already exist in various postal markets where competitors have successfully entered the market without the need for regulated network access; calls on the Commission to evaluate the impact of these models and to assess the appropriateness of a European framework for network access conditions in order to ensure equality of access;
13. Notes that the funding models for universal service used so far in the Member States have not been very successful and that the tried and tested funding instrument for universal services in the past has been the reserved sector; calls therefore on the Commission to look in detail, in its prospective study, at whether the development of the universal service, the retention of which remains relevant in economic and social terms, and greater flexibility in the regulatory framework can have a positive influence on resolving the problem of funding universal services;
14. Welcomes the fact that, after some initial difficulties, some Member States have made perceptible progress in creating independent regulatory authorities; stresses that, with greater openness to the market, the accent should be placed on competition law rather than on increased regulation; calls on the Commission, as announced in its report, to promote dialogue with and among the regulatory authorities and the Member States and encourage benchmarking in this respect, so that the task of the authorities can be confined to checking the transposition of the regulations;
15. Urges, given the varying experiences with the existing licensing systems in the Member States, and in the light of the subsidiarity principle, that authorisation procedures should be one of the issues addressed in the Commission's prospective study, with particular reference to clarifying the operational scope, the approval process and the mandatory conditions governing authorisation permitted by the Postal Directive and urges that such requirements should not mean the erection of new barriers to market access nor lead to price distortions or cherry-picking practices;
16. Points out that job rationalisation cannot be entirely laid at the door of postal reforms, and recalls that new business models, new products and business methods also have effects on the number of jobs in the traditional postal sector;
17. Calls on the Commission in its prospective study to investigate the question of how the pension liabilities of the public postal operators are being dealt with in order to avoid a disturbance of the market in a liberalised environment;

18. Is concerned at the differences in VAT treatment on the postal market, and calls on the Commission, referring to its resolution of 11 March 2004¹ on the proposal for a Council directive amending Directive 77/388/EEC as regards value added tax on services provided in the postal sector, to submit proposals on how to achieve the necessary legal certainty and non-discrimination among operators;
19. Calls on the Commission to ensure that penalties under administrative law for breaches of national postal laws are not disproportionately severe and do not jeopardise the operation of the postal market; calls therefore on the Commission, in drafting its prospective study, to collect data on current or planned national penalties in all Member States;
20. Instructs its President to forward this resolution to the Council and Commission, and the Member States.

¹ OJ C 102 E, 28.4.2004, p. 814.