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Committee on Employment and Social Affairs

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PE 382.548v01-00

AMENDMENTS 40-100

Draft opinion

(PE 382.547v02-00)

Stephen Hughes

Full accomplishment of the internal market of Community postal services

Proposal for a directive (COM(2006)0594 – C6-0354/2006 – 2006/0196(COD) – amending act)

Amendment by Gabriele Zimmer and Ilda Figueiredo
Amendment 40

The Committee on Employment and Social Affairs calls on the Committee on Transport and Tourism, as the committee responsible, to propose rejection of the Commission proposal.

Or. en

Justification

The structure and the content of the proposed directive, which decides to make the final step to the full liberalisation of the postal market, are unacceptable, considering the serious lack of guarantees (of the financing) for universal postal services, employment both on the number and quality of jobs, social cohesion, and quality and price of services. The Parliament has, pursuant article 27 of directive 97/67/EC, the right, taken in account the economic, social, employment, technological developments and guarantees for the provision of universal service, to keep the current Directive 97/67/EC as amended by Directive 2002/39/EC, in force.

Amendment by Harlem Désir

Amendment 41
RECITAL 4 A (new)

(4 a) The universal postal service, as recognised by the Council resolution of 7 February 1994¹) and Directive 97/67/EC, must be established in accordance with the principle of subsidiarity under Article 5(2) of the EC Treaty, which implies that Member States remain free to choose the mode of funding the guaranteed universal service on the national market in postal services.

¹ Council resolution of 7 February 1994 on the development of Community postal services (OJ C 48, 16.2.1994, p. 3).

Or. fr

Amendment by Sepp Kusstatscher

Amendment 42
RECITAL 5

(5) In its Conclusions concerning the mid-term review of the Lisbon Strategy the European Council of 22 and 23 March 2005 re-stated the importance of completing the internal market as an instrument to foster growth and create more and better jobs and the important role that effective services of general economic interest have to play in a competitive and dynamic economy. These conclusions remain applicable to postal services, as an essential instrument of communication, trade, and social and territorial cohesion.

(5) In its Conclusions concerning the mid-term review of the Lisbon Strategy the European Council of 22 and 23 March 2005 re-stated the importance of completing the internal market as an instrument to foster growth and create more and better jobs and the important role that effective services of general economic interest have to play in a competitive and dynamic economy. These conclusions remain applicable to postal services, as an essential instrument of communication, trade, and social and territorial cohesion, ***together with employment in the postal services sector where it is necessary to avoid insecurity and social dumping and to conserve jobs. If the impact analysis shows that further liberalisation will lead to the loss of high-quality jobs, open-market arrangements***

should be reconsidered.

Or. de

Justification

Open market arrangements should be reconsidered if a precise impact analysis by the Commission shows that they will have an unfavourable effect on employment.

Amendment by Sepp Kusstatscher

Amendment 43

RECITAL 6

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

(6) The European Parliament Resolution of 2 February 2006 ***points out that the liberalisation of the postal services has not always resulted in the creation or conservation of jobs in the postal services sector and*** highlighted the social and economic importance of efficient postal services and their important role in the framework of the Lisbon Strategy, indicating that reform measures undertaken so far have brought about significant positive developments in the postal sector, along with increased quality, more efficiency and better customer-orientation.

Or. de

(European Parliament resolution on the implementation of the postal services directive (Directive 97/67/EC, amended by Directive 2002/39/EC) (2005/2086(INI)) of 2 February 2006)

Justification

The first paragraph of the resolution of 2 February 2006 explicitly states that the effects on the employment market in the postal sector of liberalisation of the postal services have not all been positive (amendment refers to text of resolution). For the sake of completeness, both aspects should be mentioned;

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 44

RECITAL 6

(6) The European Parliament Resolution of 2 February 2006 highlighted the social and

(6) The European Parliament Resolution of 2 February 2006 highlighted the social and

economic importance of efficient postal services and their important role in the framework of the Lisbon Strategy, indicating that reform measures undertaken so far have brought about significant positive developments in the postal sector, along with increased quality, more efficiency and better customer-orientation.

economic importance of efficient postal services and their important role in the framework of the Lisbon Strategy, indicating that reform measures undertaken so far have brought about significant positive developments in the postal sector, along with increased quality, more efficiency and better customer-orientation. ***Taking into consideration that the evolution of a universal service obligation is often diverse across the Member States, the European Parliament requested that the Commission focus, in elaborating its prospective study under Directive 97/67/EC, on the quality of the universal service provision, as well as on proposing an appropriate definition, scope and financing of a universal service obligation.***

Or. en

Justification

It is necessary to keep in mind the very precise demands from the European Parliament to the Commission in its 2nd February 2006 resolution on the implementation of the postal directive for the purposes of the prospective study.

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 45 RECITAL 7

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

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

***consultation of all interested parties,
however.***

Or. en

Justification

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

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 46
RECITAL 8

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

(8) According to the prospective study, ***and with particular reference to the developments of alternative financing methods***, the basic aim of safeguarding the sustainable provision of a universal service matching the standard of quality defined by the Member States in accordance with Directive 97/67/EC, can be secured throughout the Community by 2009 without a reserved area ***for those Member States where this financing remains necessary.***

Or. en

Justification

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

Amendment by Maria Matsouka

Amendment 47
RECITAL 8

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

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

the study need to be further explored.

Or. el

Amendment by Anja Weisgerber

Amendment 48
RECITAL 8 A (new)

(8a) While regular sector studies and reports to monitor the development of the sector may continue to be appropriate, the large number and broad scope of the sector studies already available constitute a solid basis for the confirmation of the date of 2009 for the full accomplishment of the internal market.

Or. en

Justification

It is necessary to clarify that additional studies would not provide additional value concerning the main market opening decision that the Directive is intended to take, and that any additional studies cannot serve as an excuse to delay this decision.

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 49
RECITAL 9

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

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

further modernisation and restructuring of the universal service providers *as necessary*.

opportunity offered by a postponement of the date for full accomplishment of the internal market.

Or. en

Justification

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

Amendment by Marian Harkin

Amendment 50
RECITAL 9

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

(9) *While* progressive and gradual opening of postal markets to competition has provided universal service providers with time to put in place the necessary modernisation and restructuring measures, *full computerisation has not been achieved*, and *while* Member States *have been able* to adapt their regulatory systems to a more open environment, *long-term viability under fully opened market conditions is not yet guaranteed.*

Or. en

Amendment by Gabriele Zimmer

Amendment 51
RECITAL 9

(9) The progressive and gradual opening of postal markets to competition has *provided* universal service providers *with sufficient time* to put in place *the necessary* modernisation and restructuring measures *required to ensure their long-term viability*

(9) The progressive and gradual opening of postal markets to competition has *allowed* universal service providers to put in place modernisation and restructuring measures and enabled Member States to adapt their regulatory systems to a more open

under the new market conditions, and enabled Member States to adapt their regulatory systems to a more open environment. *Member States may furthermore avail themselves of the opportunity offered by the period of transposition, as well as the substantial time necessary for the introduction of effective competition, to proceed with further modernisation and restructuring of the universal service providers as necessary.*

environment, *but long-term viability under fully opened market conditions is not guaranteed.*

Or. en

Amendment by Roselyne Bachelot-Narquin

Amendment 52
RECITAL 9

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

(9) The progressive and gradual opening of postal markets to competition has *enabled* universal service providers to put in place the necessary modernisation and restructuring measures and enabled Member States to adapt their regulatory systems to a more open environment. *However, their long-term viability under the new market conditions are not yet fully guaranteed. Therefore, Member States must* avail themselves of the opportunity offered by the period of transposition, as well as the substantial time necessary for the introduction of effective competition, to proceed with further *necessary* modernisation and restructuring of the universal service providers.

Or. fr

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 53
RECITAL 10

(10) The prospective study *shows* that the reserved area should no longer be *the preferred solution* for *the financing* of the

(10) The prospective study *does not show the impact of liberalisation on employment, social and territorial cohesion as well as*

universal service. ***This assessment takes into account the interest of the Community and its Member States in the accomplishment of the internal market and its potential for delivering growth and employment, as well as ensuring the availability of an efficient service of general economic interest for all users. It is therefore appropriate to confirm the date of 1 January 2009 as the final step in the accomplishment of the internal market for postal services.***

that ***maintaining*** the reserved area should no longer be ***a financing option*** for the universal service. ***The Commission should therefore highlight employment issues in a thorough study and should consider the benefits in terms of economic efficiency, legal certainty and budget neutrality of a reserved area, including the definition of alternative financing methods which address the same goals.***

Or. en

Justification

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

Amendment by Gabriele Zimmer

Amendment 54 RECITAL 10

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

(10) ***Although the*** prospective study ***attempts to show*** that the reserved area should no longer be the preferred solution for the financing of the universal service, ***this*** assessment ***does not take*** into account the interest of the Community and its Member States in ***delivering more and better*** employment, as well as ensuring the availability of an efficient ***and accessible*** service of general economic interest for all users. It ***would*** therefore ***be more*** appropriate to ***link*** the final step in the accomplishment of the internal market for postal services ***to the results of a new study focusing on financing and employment.***

Or. en

Amendment by Marian Harkin

Amendment 55 RECITAL 10

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

(10) *Although the* prospective study *attempts to show* that the reserved area should no longer be the preferred solution for the financing of the universal service, *this* assessment *does not take* into account the interest of the Community and its Member States in *delivering more and better employment in line with the Lisbon objectives*, as well as ensuring the availability of an efficient *and accessible* service of general economic interest for all users. It *would* therefore *be* appropriate to *re-examine* the date of 1 January 2009 as the final step in the accomplishment of the internal market for postal services.

Or. en

Amendment by Roselyne Bachelot-Narquin

Amendment 56
RECITAL 10

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

(10) *Although the* prospective study shows that the reserved area should no longer be the preferred solution for the financing of the universal service, *taking* into account the interest of the Community and its Member States in the accomplishment of the internal market and its potential for delivering growth and employment, as well as ensuring the availability of an efficient service of general economic interest for all users *without any form of discrimination*, it *is nevertheless* appropriate to *defer* the date of 1 January 2009 as the final step in the accomplishment of the internal market for postal services.

Or. fr

Amendment by Maria Matsouka

Amendment 57
RECITAL 10

(10) The prospective study shows that the reserved area should no longer be the

(10) The prospective study shows that the reserved area should no longer be the

preferred solution for the financing of the universal service. This assessment takes into account the interest of the Community and its Member States in the accomplishment of the internal market and its potential for delivering growth and employment, as well as ensuring the availability of an efficient service of general economic interest for all users. It is therefore appropriate to **confirm** the date **of 1 January 2009 as the final step in** the accomplishment of the internal market for postal services.

preferred solution for the financing of the universal service. This assessment takes into account the interest of the Community and its Member States in the accomplishment of the internal market and its potential for delivering growth and employment, as well as ensuring the availability of an efficient service of general economic interest for all users. It is therefore appropriate to **postpone** the date **for** the accomplishment of the internal market for postal services.

Or. el

Amendment by Gabriele Zimmer and Ilda Figueiredo

Amendment 58
RECITAL 12

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

(12) Complete market-opening will **lead to unstable employment with poor pay and bad working conditions. While postal services under the right conditions can** contribute to maintaining sustainable and quality employment within universal service providers as well as facilitating the creation of new jobs in other operators and associated economic activities, **the prospective study conducted pursuant to Directive 97/67/EC did not focus on employment issues and the Commission should carry out a study of best practices concerning how to prevent further job losses and how to create ‘more and better jobs’ and guarantee quality jobs. While the** present Directive is without prejudice to the competence of Member States to regulate employment conditions in the postal services sector, **the study on best practices should be organised in cooperation with Member States and the social partners.**

Or. en

Justification

Postal services in Europe are providing for direct employment to 1.7 million employees and additional employment to 3.5 million employees. Hundred thousands of jobs have been lost since the first two steps of the liberalisation of European postal services were launched.

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 59
RECITAL 12

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

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

Or. en

Justification

Market opening based on competitive neutrality will positively contribute to the maintenance of quality employment within universal service providers and labour conditions.

Amendment by Roselyne Bachelot-Narquin

Amendment 60
RECITAL 12

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

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

sector.

Or. fr

Justification

No firm definition of the term 'quality employment'.

Amendment by Marian Harkin

Amendment 61
RECITAL 12

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

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

Or. en

Amendment by Anja Weisgerber

Amendment 62
RECITAL 12

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

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

Justification

The importance of small and medium sized enterprises in the postal sector should be emphasised. It is generally recognised and proven that small and medium sized enterprises create many jobs in the postal sector.

Amendment by Anja Weisgerber

Amendment 63
RECITAL 13

(13) Increased competitiveness should furthermore enable the postal sector to be integrated with alternative methods of communication and allow the quality of the service provided to ever-more demanding users to be improved.

(13) Increased competitiveness should furthermore enable the postal sector to be integrated with alternative methods of communication and allow the quality of the service provided to ever-more demanding users to be improved. ***Further market opening will continue to benefit particularly consumers and small and medium-sized enterprises, both as senders and as recipients of mail, by bringing in quality improvements, wider choice, passed-on price reductions, innovative services and business models.***

Justification

Specific advantages for consumers should be highlighted. In particular, as mail sent by consumers and only represents a small share of the total mail (approx.10%), as compared to the remaining mail sent by business, consumer benefits should be explained both from the sending and the receiving end (often paid by the consumers either directly, e.g. bank statements, electronic commerce purchasing or indirectly).

Amendment by Maria Matsouka

Amendment 64
RECITAL 13

(13) Increased competitiveness ***should furthermore*** enable the postal sector to be integrated with alternative methods of communication and allow the quality of the service provided to ever-more demanding

(13) Increased competitiveness ***must therefore not be accompanied by a reduction in labour costs but*** enable the postal sector to be integrated with alternative methods of communication and allow the

users to be improved.

quality of the service provided to ever-more demanding users to be improved.

Or. el

Amendment by Maria Matsouka

Amendment 65
RECITAL 14

(14) The developments in the neighbouring communications markets have had a varied impact in different regions of the Community and segments of the population and the use of postal services. Territorial and social cohesion should be maintained, and taking into account that Member States may adapt some specific service features to accommodate local demand by applying flexibility provided in Directive 97/67/EC, it is appropriate to fully maintain the universal service and the associated quality requirements set out in the said Directive. In order to ensure that market opening continues to benefit all users, in particular consumers and small and medium size enterprises, Member States must monitor and supervise market developments. They must take appropriate regulatory measures, available under the Directive, to ensure that accessibility to postal services continues to satisfy the needs of users including, by ensuring, where appropriate, a minimum number of services at the same access point.

(14) The developments in the neighbouring communications markets have had a varied impact in different regions of the Community and segments of the population and the use of postal services. Territorial and social cohesion should be maintained, and taking into account that Member States may adapt some specific service features to accommodate local demand by applying flexibility provided in Directive 97/67/EC, it is appropriate to fully maintain the universal service and the associated quality requirements set out in the said Directive. In order to ensure that market opening continues to benefit all users, in particular consumers and small and medium size enterprises, Member States must monitor and supervise market developments. They must take appropriate regulatory measures, available under the Directive, to ensure that accessibility to postal services continues to satisfy the needs of users including, by ensuring, where appropriate, a minimum number of services at the same access point. ***At the same time, the Member States must introduce and enforce appropriate penalties for profiteering, restrictive practices, discrimination, etc. by service providers at the expense of users.***

Or. el

Amendment by Anja Weisgerber

Amendment 66
RECITAL 14 A (new)

(14a) The universal service assured by this

Directive guarantees one clearance and one delivery to the home or premises of every natural or legal person every working day, even in remote or sparsely-populated areas.

Or. en

Justification

It is necessary to further clarify that the directive guarantees the five days a week postal service in remote or sparsely-populated areas.

Amendment by Anja Weisgerber

Amendment 67
RECITAL 18

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

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

Justification

It is necessary to clarify that the wide variety of financing matters is sufficient for all possible situations.

Amendment by Anne Van Lancker and Véronique De Keyser

Amendment 68
RECITAL 21

(21) Member States should be allowed to use authorisation and individual licenses whenever justified and proportionate to the objective pursued. However, as highlighted by the third Report on the Application of Directive 97/67/EC, further harmonisation of the conditions that may be introduced appears necessary to reduce unjustified barriers to the provision of services in the internal market. In this context, Member States may for example allow undertakings to choose between the obligation to provide a service or to contribute financially to the costs of this service provided by another undertaking, ***but should no longer be allowed to impose the concurrent requirement to contribute to a sharing mechanism and the imposition of universal service or quality obligations that are intended to serve the same purpose. It is also appropriate to clarify that some of the provisions on authorisation and licensing should not apply to designated universal service providers.***

(21) ***In order to ensure the application of the principle of non-discrimination and the equal treatment of competing operators,*** Member States should be allowed to use authorisation and individual licenses whenever justified and proportionate to the objective pursued. ***In accordance with the principle of subsidiarity, such procedures should leave it open to the competent authorities in the Member States to lay down minimum criteria in ways that take account of specific national or regional circumstances, whether legal or factual. They may, for example, lay down special conditions relating to the quality, performance, and availability of the activity, provided that these are compatible with Community law and are set out in the invitation to tender or in the conditions for awarding and/or withdrawing individual licenses. Conditions may, among others, pertain to social and environmental considerations as well as to a minimum territorial coverage or delivery frequency.*** However, as highlighted by the third Report on the Application of Directive 97/67/EC, further harmonisation of the conditions that may be introduced appears necessary to reduce unjustified barriers to the provision of services in the internal market. In this context, Member States may for example allow undertakings to choose between the obligation to provide a service or to contribute financially to the costs of this service provided by another undertaking.

Justification

It allows MS to opt for a licensing system that includes national specific elements. In order to optimize legal certainty, it refers to national specific criteria which must be deemed as valid prima facie. It is currently not clear enough whether these elements are covered by Art 9 “requirements concerning the quality, availability and performance of the relevant services”. It is consistent with the Proposal for a Regulation on action by MS concerning public service requirements and the award of public service contracts in passenger transport by rail, road and inland waterway (recital 12).

Amendment by Anja Weisgerber

Amendment 69
RECITAL 21

(21) Member States should be allowed to use authorisation and individual licenses whenever justified and proportionate to the objective pursued. However, as highlighted by the third Report on the Application of Directive 97/67/EC, further harmonisation of the conditions that may be introduced appears necessary to reduce unjustified barriers to the provision of services in the internal market. In this context, Member States may for example allow undertakings to choose between the obligation to provide a service or to contribute financially to the costs of this service provided by another undertaking, but should no longer be allowed to impose the concurrent requirement to contribute to a sharing mechanism and the imposition of universal service or quality obligations that are intended to serve the same purpose. It is also appropriate to clarify that some of the provisions on authorisation and licensing should not apply to designated universal service providers.

(21) Member States should be allowed to use authorisation and individual licenses whenever justified and proportionate to the objective pursued. However, as highlighted by the third Report on the Application of Directive 97/67/EC, further harmonisation of the conditions that may be introduced appears necessary to reduce unjustified barriers to the provision of services in the internal market. In this context, Member States may for example allow undertakings to choose between the obligation to provide a service or to contribute financially to the costs of this service provided by another undertaking, but should no longer be allowed to impose the concurrent requirement to contribute to a sharing mechanism and the imposition of universal service or quality obligations that are intended to serve the same purpose. **Member States may impose obligations to ensure decent working conditions in the postal sector.** It is also appropriate to clarify that some of the provisions on authorisation and licensing should not apply to designated universal service providers.

Justification

It is appropriate to underline that this Directive does not hinder Member States to actively regulate and safeguard the working conditions including those of the employees in the postal sector in accordance with their national legislation. This amendment should allow Member States to maintain or introduce the obligation to respect decent working conditions in the postal sector in the framework of an authorisation regime.

Amendment by Maria Matsouka

Amendment 70 RECITAL 23

(23) Given the importance of postal services for blind **and** partially sighted persons, it is appropriate to confirm that the process of market opening should not curtail the continuing supply of certain free services for blind **and** partially sighted persons introduced by the Member States in accordance with applicable international obligations.

(23) Given the importance of postal services for blind, partially sighted **or otherwise disabled** persons, it is appropriate to confirm that the process of market opening should not curtail the continuing supply of certain free services **or other facilities** for blind, partially sighted **or otherwise disabled** persons introduced by the Member States in accordance with applicable international obligations.

Or. el

Amendment by Maria Matsouka

Amendment 71 RECITAL 27

(27) In line with existing rules in other service areas and in order to enhance consumer protection, it is appropriate to extend the application of minimum principles concerning complaint procedures beyond universal service providers. With a view to increase the effectiveness of complaint handling procedures, it is appropriate that the Directive encourages the use of out-of-court settlement procedures as set out in Commission Recommendation 98/257/EC of 30 March 1998 on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes and Commission Recommendation of 4 April 2001 on the principle for out-of-court bodies involved in

(27) In line with existing rules in other service areas and in order to enhance consumer protection, it is appropriate to extend the application of minimum principles concerning complaint procedures beyond universal service providers. With a view to increase the effectiveness of complaint handling procedures, it is appropriate that the Directive encourages the use of out-of-court settlement procedures as set out in Commission Recommendation 98/257/EC of 30 March 1998 on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes and Commission Recommendation of 4 April 2001 on the principle for out-of-court bodies involved in

the consensual resolution of consumer disputes . Consumer interests would also be furthered through the enhanced inter-operability between operators resulting from access to certain elements of infrastructure and services, and the requirement for cooperation between national regulatory authorities and consumer protection bodies.

the consensual resolution of consumer disputes . Consumer interests would also be furthered through the enhanced inter-operability between operators resulting from access to certain elements of infrastructure and services, and the requirement for cooperation between national regulatory authorities and consumer protection bodies.
In order to improve the out-of-court settlements procedure, it will be necessary to reverse the burden of proof, requiring the postal service providers to prove that they properly fulfilled their obligations.

Or. el

Amendment by Gabriele Zimmer

Amendment 72
RECITAL 34

(34) In order to keep the European Parliament and the Council informed on the ***development of the internal market for*** postal services, the Commission should regularly submit reports to those institutions on the application of Directive 97/67/EC.

(34) In order to keep the European Parliament and the Council informed on the ***developments in the sector of*** postal services, the Commission should regularly submit reports to those institutions on the application of Directive 97/67/EC.

Or. en

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 73
RECITAL 34

(34) In order to keep the European Parliament and the Council informed on the development of the internal market for postal services, the Commission should regularly submit reports to those institutions on the application of Directive 97/67/EC.

(34) In order to keep the European Parliament and the Council informed on the development of the internal market for postal services, the Commission should regularly submit reports to those institutions on the application of Directive 97/67/EC. ***In its next report, and no later than 31 December 2010, the Commission, following a wide consultation of all interested parties and conducting appropriate studies, should include an impact assessment on employment and a thorough assessment of the effectiveness of***

the financing methods proposed by the Directive and of the adequacy of the universal service scope to users' needs.

Or. en

Justification

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

Amendment by Anja Weisgerber

Amendment 74
RECITAL 34 A (new)

(34a) Member States address the issue of working conditions in the postal sector in diverging ways. While the Commission in its report under Article 23 of Directive 97/67/EC is obliged to give information on social and employment patterns, the present Directive does not intend to interfere in the competence of Member States to assure high-quality employment within the sector. Member States may actively provide for decent working conditions in the postal sector. This may be done, in particular, through collective agreements or by setting minimum wages or within the framework of licensing regimes.

Or. en

Justification

Given the importance of working conditions for those employed in the postal sector and the need to avoid a serious decrease in the working conditions, it is appropriate to underline that this Directive does not hinder Member States to actively regulate and safeguard the working conditions including those of the employees in the postal sector in accordance with their national legislation. It should also be clarified that the obligation of the Commission to include in its report under Article 23 social and employment patterns does not create a Community competence in this specific sector.

Amendment by Gabriele Zimmer

Amendment 75

RECITAL 35

(35) In order to confirm the framework for the regulation of the sector the date of expiry of Directive 97/67/EC should be **deleted**.

(35) Within the spirit of Directive 2002/39/EC, amending Directive 97/67/EC, the Commission should, by 31 December 2009, carry out a new study examining the qualitative and quantitative impact of market opening on employment in the postal sector and developing concrete proposals on how the universal service is to be financed in the future in each of the 27 Member States. In light of the conclusions of the study, the Commission should propose further steps. Accordingly, the date of expiry of Directive 97/67/EC should be deferred.

Or. en

Amendment by Anja Weisgerber

Amendment 76

ARTICLE 1, POINT 2, POINT (B A) (new)

Article 2, point 19, paragraph 1 (Directive 97/67/EC)

(ba) Point 19, paragraph 1, is replaced by the following:

(19) essential requirements: general non-economic reasons which can induce a Member State to impose conditions on the supply of postal services. These reasons are the confidentiality of correspondence, security of the network as regards the transport of dangerous goods and, where justified, data protection, environmental protection, regional planning and decent working conditions.

Or. en

Justification

It is appropriate to underline that this Directive does not hinder Member States to actively

regulate and safeguard the working conditions including those of the employees in the postal sector in accordance with their national legislation. This amendment should allow Member States to maintain or introduce the obligation to respect decent working conditions in the postal sector in the framework of an authorisation regime.

Amendment by Marian Harkin

Amendment 77

ARTICLE 1, POINT 4

Article 4, paragraph 1 (Directive 97/67/EC)

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

1. Each Member State shall ensure that the provision of the universal service is guaranteed and shall notify the Commission of the steps it has taken to fulfil this obligation.

(a) Each Member State shall entrust its national regulatory authority, in consultation with stakeholders, including consumer organisations, to define the scope of the universal service delegation in more detail, in particular concerning the delivery time, collection and delivery frequency, and the security and reliability of the universal service.

(b) The Committee established under Article 21 shall be informed and monitor the evolution of the measures established by Member States to ensure the provision of the universal service.

Or. en

Amendment by Sepp Kusstatscher

Amendment 78

ARTICLE 1, POINT 4

Article 4, paragraph 2 a (new) (Directive 97/67/EC)

2a. Member States shall require the selected operator to offer to its staff the rights that previously engaged staff would have enjoyed had a transfer occurred

within the meaning of Council Directive 77/187/EEC¹.

¹ Council Directive 77/187/EEC of 14 February 1977 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses (OJ L 61, 5.3.77, p. 26).

Or. en

Justification

It is necessary to insure the protection of workers in case the activities of a universal service operator is transferred to another operator.

Amendment by Anne Van Lancker and Véronique De Keyser

Amendment 79

ARTICLE 1, POINT 4

Article 4, paragraph 2 a (new) (Directive 97/67/EC)

2a. Member States may require the selected operator to offer to staff previously engaged in providing the services the rights that they would have enjoyed had a transfer occurred within the meaning of Council Directive 77/187/EEC¹. The competent authority shall list the staff and give details of their contractual rights. Member States shall notify the identity of the universal service provider(s) designated to the Commission.

¹ Council Directive 77/187/EEC of 14 February 1977 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses (OJ L 61, 5.3.77, p. 26).

Or. en

Justification

It ensures workers' protection in case USO activities are transferred to another operator following an open procedure (Art 4). In accordance with ECJ case-law and the Interpretative Communication on social considerations into public procurement (FAQ, 15/10/2001), procedures similar to the ones in Art 4, could have the same effects on workers as a classic transfer. It brings legal certainty and paraphrases the proposal for a Regulation on action by

MS concerning public service requirements and the award of public service contracts in passenger transport by rail, road and inland waterway (Art 9).

Amendment by Anne Van Lancker and Véronique De Keyser

Amendment 80

ARTICLE 1, POINT 4

Article 4, paragraph 2 b (new) (Directive 97/67/EC)

2b. Where on the date on which this Regulation entered into force a Member State already designated an operator as a universal service provider, in compliance with the Community law in force at the time of such designation, paragraphs 1 and 2 shall be deemed to be fulfilled, provided that the Member State in question has informed the Commission accordingly.

Or. en

Justification

The insertion is designed to clarify the non-retroactive effect of the Directive, i.e. USP designations made under the previous system remains valid, and are not affected by Article 4's new content. It is not necessary for MS to reinitiate a designation procedure.

Amendment by Sepp Kusstatscher

Amendment 81

ARTICLE 1, POINT 8

Article 7, paragraph 1 (Directive 97/67/EC)

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

1. Member States may finance the provision of universal services **by** any means compatible with the EC Treaty.

Or. en

Justification

In conformity with the subsidiarity principle, Member States should not be limited in the ways they consider appropriate to finance universal service obligations. Furthermore, it is premature to adopt provisions regarding the financing of universal service before having achieved a thorough impact assessment, including the impact on the social and employment conditions.

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 82

ARTICLE 1, POINT 8

Article 7, paragraph 1 (Directive 97/67/EC)

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

1. With effect from 1 January 2009 Member States shall not grant or maintain in force exclusive or special rights *as a means of financing the universal service, without prejudice to paragraph 6*. Member States may finance the provision of universal services in accordance with one or more of the means provided for in paragraphs 2, 3 and 4, or in accordance with any other means compatible with the EC Treaty.

Or. en

Justification

The first part of the amendment clarifies the reason for the suppression of exclusive and special rights. Indeed, paragraph 17 of the preamble states that exclusive and special rights are suppressed as a way of ensuring the financing of the universal service. The amendment is written in such a way that these specific provisions are not considered "special rights" as defined in the 1998 Commission's Communication on the postal sector.

Amendment by Marian Harkin

Amendment 83

ARTICLE 1, POINT 8

Article 7, paragraph 3 (Directive 97/67/EC)

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

3. Where a Member State determines that the universal service obligations, as provided for by this Directive, entail a net cost and represent an unfair financial burden for the universal service provider(s), it *should put in place mechanisms to compensate the universal service operators for the net cost*

of providing the universal service.

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

(b) Share the net cost of universal service obligations between providers of services and/or users.

Or. en

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 84

ARTICLE 1, POINT 8

Article 7, paragraph 5 a (new) (Directive 97/67/EC)

5a. In the event that a Member State considers that none of the means referred to in paragraphs 3 and 4 ensures a durable and viable basis for the financing of the net costs of the universal service provision, it may continue to reserve the following services to the universal service provider(s). Those services shall be limited to the clearance, sorting, transport and delivery of items of domestic correspondence and incoming cross-border correspondence, whether by accelerated delivery or not, within the following weight and price limits.

The weight limit shall be 50 grams from 1 January 2009. That weight limit shall not apply if the price is at least equal to two-and-a-half times the tariff for an item of correspondence in the first weight step of the fastest category.

To the extent that is necessary to ensure the provision of universal service, direct mail may continue to be reserved within the same price and weight limits.

Exceptions to the weight and price restrictions may be granted in the case of free postal services for blind and partially sighted persons.

To the extent that is necessary to ensure the

provision of the universal service, with due regard to the specific characteristics of postal services in a particular Member State, out-going cross-border mail may continue to be reserved within the same weight and price limits.

Or. en

Justification

see justification to amendment 82

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 85

ARTICLE 1, POINT 8

Article 7, paragraph 5 b (new) (Directive 97/67/EC)

5b. The Commission shall assess the effectiveness of the financing methods implemented by each Member State in accordance with best practices and the adequacy of the scope of the universal service to users' needs. On the basis of that assessment, the Commission shall submit a report to the European Parliament and the Council, after conducting a wide consultation with all relevant stakeholders and by 31 December 2010, together with a proposal which will either confirm, if appropriate, 2012 as the final date for the completion of the internal market on postal services or define any further step that needs to be taken as a result of the assessment.

Or. en

Justification

The Commission must issue a report about the efficiency of all different methods of financing universal service obligations. Until then, the reserved area must be maintained on the same terms.

Amendment by Marie Panayotopoulos-Cassiotou

Amendment 86
ARTICLE 1, POINT 8 A (new)
Article 8 (Directive 97/67/EC)

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

"Article 8

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

- define specific criteria applicable to the provision of the universal service in accordance with the principles of objectivity, proportionality and non-discrimination.

- organise the siting of letter boxes on the public highway, the issue of postage stamps and the registered mail service used in the course of judicial or administrative procedures, in accordance with national legislation as a universal service."

Or. en

Justification

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

Amendment by Sepp Kusstatscher

Amendment 87
ARTICLE 1, POINT 10
Article 9, paragraph 2, subparagraph 2, indent 1 (Directive 97/67/EC)

– ***where appropriate***, be made subject to universal service obligations,

– be made subject to universal service obligations,

Or. en

Justification

It is necessary to explicitly allow Member States to impose in particular social and

*environmental requirements, in conformity with the 2004 directives on public procurement
Furthermore, it is necessary to insure the protection of workers in case the activities of a
universal service operator is transferred to another operator.*

Amendment by Harlem Désir

Amendment 88

ARTICLE 1, POINT 10

Article 9, paragraph 2, subparagraph 2, indent 1 a (new) (Directive 97/67/EC)

*– where appropriate, be made subject to the
obligation to contribute financially to the
cost-sharing mechanisms referred to in
Article 7,*

Or. fr

Amendment by Harlem Désir

Amendment 89

ARTICLE 1, POINT 10

Article 9, paragraph 2, subparagraph 2, indent 1 b (new) (Directive 97/67/EC)

*– authorise postal service providers to
choose between the obligation to provide
one or more elements of the universal
service and contributing financially to the
cost-sharing mechanism referred to in
Article 7 to fund the provision of these
elements,*

Or. fr

Amendment by Anne Van Lancker and Véronique De Keyser

Amendment 90

ARTICLE 1, POINT 10

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

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

*– impose, **inter alia**, requirements
concerning the quality, availability and
performance of the relevant services;
**provided that they are compatible with
Community law and are set out in the
invitation to tender or in the specifications,
such requirements may, in particular,
concern social and environmental
considerations,***

Justification

This amendment adds legal certainty and complies with EU public procurement legislation as it is comparable to Article 38 the Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (Article 38).

Amendment by Sepp Kusstatscher

Amendment 91

ARTICLE 1, POINT 10

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

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

– impose requirements concerning the quality, availability and performance of the relevant services; ***provided that they are compatible with Community law and are set out in the invitation to tender or in the specifications, such requirements may, in particular, concern social and environmental standards,***

Justification

It is necessary to explicitly allow Member States to impose in particular social and environmental requirements, in conformity with the 2004 directives on public procurement. Furthermore, it is necessary to ensure the protection of workers in case the activities of a universal service operator is transferred to another operator.

Amendment by Sepp Kusstatscher

Amendment 92

ARTICLE 1, POINT 10

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

– ***where appropriate, be subject to an obligation to make a financial contribution to the sharing mechanisms referred to in Article 7.***

deleted

Justification

It is necessary to explicitly allow Member States to impose in particular social and

*environmental requirements, in conformity with the 2004 directives on public procurement
Furthermore, it is necessary to ensure the protection of workers in case the activities of a
universal service operator is transferred to another operator.*

Amendment by Anne Van Lancker and Véronique De Keyser

Amendment 93

ARTICLE 1, POINT 10

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

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

Or. en

Justification

*This amendment must be read together with Article 4's first insertion as it aims at enhancing
the scope of the workers protection to the situation licensees are operating within the USO.
Indeed, the same issue as in the situation of a USP designation, may occur, i.e. the loss by the
historical USP of an activity/a market segment, to the profit of a licensee. The same
protection must be insured to possibly affected workers.*

Amendment by Sepp Kusstatscher

Amendment 94

ARTICLE 1, POINT 10

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

***– be subject to an obligation to offer to its
staff the rights that previously engaged
staff would have enjoyed had a transfer
occurred within the meaning of Directive
77/187/EEC.***

Or. en

Justification

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

Amendment by Anja Weisgerber

Amendment 95

ARTICLE 1, POINT 10

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

2a. The provisions of paragraphs 1 and 2 shall be without prejudice to Member States' responsibilities for regulating working conditions. Member States may in particular take measures to provide for decent working conditions in the postal sector.

Or. en

Justification

It is appropriate to underline that this Directive does not hinder Member States to actively regulate and safeguard the working conditions including those of the employees in the postal sector in accordance with their national legislation. This amendment should allow Member States to maintain or introduce the obligation to respect decent working conditions in the postal sector in the framework of an authorisation regime.

Amendment by Anja Weisgerber

Amendment 96

ARTICLE 1, POINT 10

Article 9, paragraph 3 (Directive 97/67/EC)

3. The procedures, obligations and requirements referred to in ***paragraphs 1 and 2*** shall be transparent, accessible, non-discriminatory, proportionate, precise and unambiguous, made public in advance and based on objective criteria. Member States shall ensure that the reasons for refusing an authorisation in whole or in part are communicated to the applicant and must establish an appeal procedure.'

3. The procedures, obligations and requirements referred to in ***paragraphs 1, 2 and 2a*** shall be transparent, accessible, non-discriminatory, proportionate, precise and unambiguous, made public in advance and based on objective criteria. Member States must ensure that the reasons for refusing an authorisation in whole or in part are communicated to the applicant and must establish an appeal procedure.

Or. en

Justification

It is appropriate to underline that this Directive does not hinder Member States to actively regulate and safeguard the working conditions including those of the employees in the postal sector in accordance with their national legislation. This amendment should allow Member

States to maintain or introduce the obligation to respect decent working conditions in the postal sector in the framework of an authorisation regime.

Amendment by Stephen Hughes

Amendment 97

ARTICLE 1, POINT 14, POINT (A)

Article 12, indent 1 (Directive 97/67/EC)

- prices must be affordable and must be such that all users have access to the services provided. Member States *may maintain or introduce free postal service for* blind and partially sighted persons,

- prices must be affordable and must be such that all users have access to the services provided. Member States *shall ensure the provision of free postal services for the use of* blind and partially sighted persons,

Or. en

Amendment by Marian Harkin

Amendment 98

ARTICLE 1, POINT 14, POINT (A)

Article 12, indent 1 (Directive 97/67/EC)

- prices must be affordable and must be such that all users have access to the services provided. Member States may maintain or introduce free postal service for blind and partially sighted persons,

-prices must be affordable and must be such that all users have access to the services provided. *National regulatory authorities shall monitor all price increases in excess of the national consumer price index in order to keep postal services affordable.* Member States may maintain or introduce free postal service for blind and partially sighted persons,

Or. en

Amendment by Sepp Kusstatscher

Amendment 99

ARTICLE 1, POINT 21

Article 23 (Directive 97/67/EC)

Every three years, on the first occasion no later than 31 December 2011, the Commission shall submit a report to the European Parliament and the Council on the application of this Directive, including the appropriate information about developments in the sector, particularly

By no later than 1 January 2009, the Commission shall undertake a comparative assessment study and submit a report on:

concerning economic, social, employment patterns and technological aspects, as well as about quality of service. The report shall be accompanied where appropriate by proposals to the European Parliament and the Council.'

– the costs and benefits of the various possible mechanisms for financing universal postal service obligations, making it possible to assess their effects in terms of competitive neutrality, transparency, legal certainty, operational reliability and State aids; and

– the impact of the provisions of this Directive on social and working conditions, including the quality of employment, of the staff employed by universal service providers in all Member States.

Taking into consideration the conclusions of its report, the Commission shall make proposals regarding the completion of the internal market in postal services, in particular regarding the methods of financing the universal service.

Or. en

Justification

It is premature to adopt further provisions regarding the completion of the internal market in postal services, before having achieved a serious comparative and independent analysis of the costs and benefits of various financing methods, and of the impact of existing provisions on the social and employment conditions.

Amendment by Anja Weisgerber

Amendment 100

ARTICLE 1, POINT 21 A (new)

Article 23 a (new) (Directive 97/67/EC)

(21a) The following Article 23a is inserted:

"Article 23a

The provisions of this Directive shall be without prejudice to Member States' competence in relation to labour law, including any legal or contractual

provision concerning employment conditions, working conditions, health and safety at work and the relationship between employers and workers, which Member States apply in accordance with national law in compliance with Community law. Accordingly Member States may take measures to provide for decent working conditions in the postal sector."

Or. en

Justification

Given the importance of working conditions for those employed in the postal sector and the need to avoid a serious decrease in the working conditions, it is appropriate to underline that this Directive does not hinder Member States to actively regulate and safeguard the working conditions including those of the employees in the postal sector in accordance with their national legislation. It should also be clarified that the obligation of the Commission to include in its report under Article 23 social and employment patterns does not create a Community competence in this specific sector.