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2009

Committee on Economic and Monetary Affairs

23.3.2007

PE 386.580v01-00

AMENDMENTS 14-78

Draft opinion

(PE 384.599v01-00)

Gilles Savary

Proposal for a European Parliament and Council directive amending Directive 97/67/EC on the full accomplishment of the internal market of Community postal services

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

Amendment by Sahra Wagenknecht

Amendment 14

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

Or. de

Justification

With the full liberalisation of postal services, another set of general interest services in the EU is to be handed over to the free play of market forces. However, unlike past rounds of liberalisation, this one does not just threaten major price rises; the shortage of opportunities for financing means that it also risks restricting the performance of universal postal service obligations. Since the postal sector is a sensitive area of great importance for the citizens of Europe, and it is vital that they should enjoy full coverage and uncomplicated access to its services, a further liberalisation of the postal sector cannot be justified and should therefore be rejected.

Amendment by Olle Schmidt

Amendment 15
RECITAL 3 A (new)

(3a) A further delay of complete liberalisation would be harmful for EU business and consumers alike. The development of substitution, technical evolution and changing customer behaviour contradict the maintenance of existing monopolies and cross-subsidies in the postal-sector.

Or. en

Amendment by Bernhard Rapkay and Ieke van den Burg

Amendment 16
RECITAL 4

(4) The measures in this area should be designed in such a way that the tasks of the Community pursuant to Article 2 of the EC Treaty, namely, to promote throughout the Community a harmonious, balanced and sustainable development of economic activities, a high level of employment and of social protection, sustainable and non-inflationary growth, a high degree of competitiveness and convergence of economic performance, the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among Member States are achieved as objectives.

(4) The measures in this area should be designed in such a way that the tasks of the Community pursuant to Article 2 of the EC Treaty, namely, to promote throughout the Community a harmonious, balanced and sustainable development of economic activities, a high level of employment and of social protection, sustainable and non-inflationary growth, a high degree of competitiveness and convergence of economic performance, the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among Member States are achieved as objectives. *In particular, care needs to be taken that measures in this area do not lead to unstable working conditions. A level playing field needs to be ensured for all market participants.*

Or. de

Justification

In opening the market to competition it needs to be remembered that working conditions require special protection, particularly as regards stability of employment and income. Equal

conditions need to be guaranteed for all market participants so as to avoid distortions of competition.

Amendment by Olle Schmidt

Amendment 17
RECITAL 4 A (new)

(4a) European postal markets have undergone dramatic changes in recent, a development that has been propelled by technological advancements and increased competition due to deregulation. Due to globalisation, it is essential to take a pro-active, pro-development stance so as not to deprive ourselves and our citizens of the benefits of such changes.

Or. en

Amendment by Jean-Paul Gauzès

Amendment 18
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. ***However, more extensive consultation with interested parties will be necessary to understand the impact on employment and social and territorial cohesion of accomplishing the internal market.***

Or. fr

Justification

Given the broad scope of issues involved in completion of the postal internal market, the Commission should study more thoroughly the impact of liberalisation on employment and social and territorial cohesion.

Amendment by Olle Schmidt

Amendment 19 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 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. *European postal markets have undergone dramatic changes in recent years, a development that has been propelled by technological advancements and increased competition due to deregulation. Due to globalisation, it is essential to take a pro-active, pro-development stance so as to not deprive ourselves and our citizens of the benefits of such changes.*

Or. en

Amendment by Katerina Batzeli

Amendment 20 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

(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.

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. ***However, the thorough comprehension of all the consequences of the full accomplishment of the internal market on employment and social and territorial cohesion calls for a wider consultation of interested parties.***

Or. en

Justification

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

Amendment by Jean-Paul Gauzès

Amendment 21
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 particularly with regard to the alternative financing solutions**, 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 **cannot** be secured throughout the Community by 2009 without a reserved area **for those Member States where this financing method proves necessary.**

Or. fr

Justification

Until the Commission has undertaken a thorough review of the financing methods for the universal service, and in view of the difficulties encountered by certain Member States, the reserved area cannot be excluded as a method of financing the universal service.

Amendment by Katerina Batzeli

Amendment 22
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, ***in particular the developments about 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 ***not*** 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 in the financing methods.

Amendment by Jean-Paul Gauzès

Amendment 23
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

(9) The progressive and gradual opening of postal markets to competition has ***not*** provided ***all*** 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. ***Given the time necessary for the introduction of a level playing field, and to proceed with further modernisation and restructuring of the universal service providers as necessary, Member States which consider it necessary may avail themselves of the opportunity offered by a postponement of the 2009 deadline for full***

the universal service providers as necessary.

accomplishment of the internal market.

Or. fr

Justification

Until the Commission has undertaken a thorough review of the financing methods for the universal service, and in view of the difficulties encountered by certain Member States, the reserved area cannot be excluded as a method of financing the universal service.

Amendment by Katerina Batzeli

Amendment 24
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 *not* provided *all* 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. *Given the time necessary for the introduction of a level playing field and for proceeding with further modernisation and restructuring of the universal service providers,* Member States may avail themselves of the opportunity offered by *a postponement of the date of 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 in the financing methods.

Amendment by Katerina Batzeli

Amendment 25
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) The prospective study *does not show that maintaining a* reserved area should no longer be *a financing option for* the universal service. *It is thus necessary to consider the benefits in terms of economic efficiency, legal certainty, and budget neutrality of a reserved area, as well as to define alternative financing methods answering to these 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 in the financing methods.

Amendment by Jean-Paul Gauzès

Amendment 26
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) The prospective study *does not show that maintaining a* reserved area should no longer be *a financing option for* the universal service. *In the absence of a prior analysis, the benefits of a reserved area in terms of economic efficiency, legal certainty and budget neutrality should thus be considered and alternative financing methods meeting these same criteria should be defined.*

Or. fr

Justification

Until the Commission has undertaken a thorough review of the financing methods for the universal service, a reserved area cannot be excluded.

Amendment by Olle Schmidt

Amendment 27
RECITAL 10 A (new)

(10a) If the universal service is to be maintained and funded without heavy state subsidies, the market must be liberalised and the service providers allowed to operate and compete on a fair level playing field. This will not be the case as long as the terms differ depending on the fact that some of the old Member States did take action when the postal directive was first adopted, whereas others failed to take the steps necessary to prepare for a gradual and controlled approach of liberalisation

Or. en

Amendment by Katerina Batzeli

Amendment 28
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 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.

Justification

Market opening based on competitive neutrality will positively contribute to the maintenance of quality and labour conditions.

Amendment by Jean-Paul Gauzès

Amendment 29
RECITAL 17

(17) In the light of the studies carried out and with a view to unlocking the **full** potential of the internal market for postal services, it is appropriate to **end the use of the** reserved area and special rights as a way of ensuring the financing of the universal service.

(17) In the light of the studies carried out and with a view to **ensuring sustainable and guaranteed financing of the universal service while** unlocking the potential of the internal market for postal services, it is appropriate to **maintain the option of a** reserved area and special rights as a way of ensuring the financing of the universal service **for Member States which consider it necessary**.

Or. fr

Justification

Until the Commission has undertaken a thorough review of the financing methods for the universal service, and in view of the difficulties encountered by certain Member States, the reserved area cannot be excluded.

Amendment by Katerina Batzeli

Amendment 30
RECITAL 17

(17) In the light of the studies carried out and with a view to unlocking the full potential of the internal market for postal services, it is appropriate to **end** the use of the reserved area and special rights as a way of ensuring the financing of the universal service.

(17) In the light of the studies carried out and with a view to **ensuring the long-lasting financing of the universal service while** unlocking the full potential of the internal market for postal services, it is appropriate to **maintain** the use of the reserved area and special rights as a way of ensuring the financing of the universal service **in those Member States that deem it necessary**.

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 in the financing methods.

Amendment by Renato Brunetta and Gabriele Albertini

Amendment 31
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.

Justification

The text proposed by the Commission would enable the Member States to stipulate that losses deriving from universal service should be financed from profits made from activities other than the universal service. Clearly, this would distort the normal functioning of the markets,

as it would preclude the universal service provider from being able to operate in various markets in the way that regular economic operators can, by using profits derived from activities other than universal service to invest in innovation and development.

Furthermore, a provision of this kind is not consistent with the rules on accounting separation, which were introduced precisely in order to evaluate the burden of universal service and its funding.

Amendment by Jean-Paul Gauzès

Amendment 32

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 maintenance of a reserved area,*** 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, as long as they are compatible with the present Directive.

Or. fr

Justification

Until the Commission has undertaken a thorough review of the financing methods for the

universal service, and in view of the difficulties encountered by certain Member States, the reserved area cannot be excluded.

Furthermore, the reference to cross-subsidies by the universal service provider should be removed because in an increasingly competitive environment they are an unfair charge on that service provider.

Amendment by Katerina Batzeli

Amendment 33
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 maintenance of a reserved area***, 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.

Or. en

Justification

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

reference to cross-subsidies by the universal service provider must be deleted as it would create an unfair burden for him in the most competitive markets.

Amendment by Andrea Losco

Amendment 34
RECITAL 24

(24) In a fully competitive environment, it is important, both for the financial equilibrium of the universal service as well as for limiting market distortions, that the principle that prices reflect normal commercial conditions and costs is only departed from in order to protect public interests. ***This objective is achieved by continuing to allow Member States to maintain uniform tariffs for single piece tariff mail, the service most frequently used by consumers and small and medium size enterprises. Individual Member States may also maintain uniform tariffs for some other mail items to protect general public interest reasons, such as access to culture, regional and social cohesion.***

(24) In a fully competitive environment, it is important, both for the financial equilibrium of the universal service as well as for limiting market distortions, that the principle that prices reflect normal commercial conditions and costs is only departed from in order to protect public interests.

Or. it

Justification

Reference to uniform tariffs should be restricted as far as possible so as to enable incumbent operators to enjoy the same flexibility in pricing policy as competing operators. This would ensure that all operators in the market enjoy a level playing field for the provision of their services and, in particular, uniform regulations applicable to all.

Amendment by Jean-Paul Gauzès

Amendment 35
RECITAL 24

(24) In a ***fully*** competitive environment, it is important, ***both for the financial equilibrium of the universal service as well as for limiting market distortions,*** that the principle that prices reflect normal

(24) In a ***highly*** competitive environment, it is important ***to ensure that universal service providers are given the pricing flexibility necessary to guarantee a financially viable universal service provision. It is therefore***

commercial *conditions* and costs *is only departed from in order to protect public interests*. This objective is achieved by continuing to allow Member States to maintain uniform tariffs for single piece tariff mail, the service most frequently used by consumers and small and medium size enterprises. Individual Member States may also maintain uniform tariffs for some other mail items to protect general public interest reasons, such as access to culture, regional and social cohesion.

important to ensure, on the one hand, that Member States only impose tariffs departing from the principle that prices reflect normal commercial *demand* and costs *in these limited cases*. This objective is achieved by continuing to allow Member States to maintain uniform tariffs for single piece tariff mail, the service most frequently used by consumers and small and medium size enterprises. Individual Member States may also maintain uniform tariffs for some other mail items to protect general public interest reasons, such as access to culture, regional and social cohesion. *The principle of cost-oriented pricing shall not prevent operators responsible for providing the universal service from applying uniform tariffs for services provided as part of that universal service.*

Or. fr

Justification

It is appropriate to assess the implications for the tariff principles applicable to universal service providers of choosing progressive liberalisation because that liberalisation must be accompanied by the necessary flexibility for the universal service provider to cope with competition and by the possibility to adjust to market demand.

Amendment by Jean-Paul Gauzès

Amendment 36
RECITAL 24 A (NEW)

(24a) On the other hand, the tariff conditions to which the services of universal service providers are subject should be eased in order to allow businesses, bulk mailers and consolidators of mail for different customers to enter the mail stream at different points.

Or. fr

Justification

It is appropriate to assess the implications for the tariff principles applicable to universal

service providers of choosing progressive liberalisation because that liberalisation must be accompanied by the necessary flexibility for the universal service provider, so that he enjoys a level playing field.

Amendment by Gunnar Hökmark

Amendment 37
RECITAL 25

(25) In view of the national specificities involved in the regulation of the conditions in which the incumbent universal service provider must operate in a fully competitive environment it is appropriate to leave Member States the freedom to decide how best to monitor cross-subsidies. ***deleted***

Or. en

Amendment by Andrea Losco

Amendment 38
RECITAL 25

*(25) In view of the national specificities involved in the regulation of the conditions in which the incumbent universal service provider must operate in a fully competitive environment it is appropriate **to leave Member States the freedom to decide how best to monitor cross-subsidies.***

*(25) In view of the national specificities involved in the regulation of the conditions in which the incumbent universal service provider must operate in a fully competitive environment it is appropriate **allow universal service providers to adopt price flexibility - within the framework of the universal service - taking account of the different costs and levels of competition in different sectors of the market.***

Or. it

Justification

In a market fully open to competition, universal service providers should be guaranteed price flexibility so that they are in a position to genuinely compete with other operators and adapt to market requirements.

New operators entering the market means greater pressure of competition for universal service providers in the most profitable market sectors.

Amendment by Gunnar Hökmark

Amendment 39
RECITAL 26

(26) In view of the transition towards a fully competitive market, it is appropriate to continue to require Member States to maintain the obligation on universal service providers of keeping separate and transparent accounts, subject to the necessary adaptations. This obligation should provide national regulatory authorities, competition authorities and the Commission with the information necessary to adopt decisions related to the universal service and to monitor fair market conditions until competition becomes effective. Cooperation between national regulatory authorities in continuing to develop benchmarks and guidelines in this area, should contribute to the harmonised application of these rules.

(26) In view of the transition towards a fully competitive market ***and in order to ensure that cross-subsidies from universal services to non-universal services do not adversely affect the competitive conditions of the latter***, it is appropriate to continue to require Member States to maintain the obligation on universal service providers of keeping separate and transparent accounts, subject to the necessary adaptations. This obligation should provide national regulatory authorities, competition authorities and the Commission with the information necessary to adopt decisions related to the universal service and to monitor fair market conditions until competition becomes effective. Cooperation between national regulatory authorities in continuing to develop benchmarks and guidelines in this area, should contribute to the harmonised application of these rules.

Or. en

Amendment by Zsolt László Becsey

Amendment 40
RECITAL 27 A (new)

(27a) Taking into consideration the fact that the major part of postal services are already open to competition and the universal service provider in reserved areas is also exposed to competition by users of new communication technologies, such as electronic mail system, facing the universal service provider to modernise and restructure its activity.

Justification

It's a fact that competition is opened in the major part of postal services. Users of new communication technologies make a field of competition for the universal service provider in reserved area, and so making it modernise and restructure its activity.

Amendment by Ieke van den Burg and Bernhard Rapkay

Amendment 41

RECITAL 32

(32) National regulatory authorities should, where necessary, coordinate their actions with the regulatory bodies of other Member States and with the Commission in carrying out their tasks under this Directive. This would promote the development of the internal market for postal services and help to achieve consistent application, in all Member States, of the provisions set out in this Directive, in particular in areas where national law implementing Community law gives national regulatory authorities considerable discretionary powers in application of the relevant rules. This cooperation could take place, inter alia, in the Committee established by Directive 97/67/EC or in a group comprising European regulators. Member States should decide which bodies are national regulatory authorities for the purposes of this Directive.

(32) National regulatory authorities should, where necessary, coordinate their actions with the regulatory bodies of other Member States and with the Commission in carrying out their tasks under this Directive. This would promote the development of the internal market for postal services and help to achieve consistent application, in all Member States, of the provisions set out in this Directive, in particular in areas where national law implementing Community law gives national regulatory authorities considerable discretionary powers in application of the relevant rules. This cooperation could take place, inter alia, in the Committee established by Directive 97/67/EC or in a group comprising European regulators. ***That committee should coordinate supervisory procedures regarding universal service obligations, compensation funds and labour standards.*** Member States should decide which bodies are national regulatory authorities for the purposes of this Directive.

Or. en

Justification

Consolidation and cross-border activities in the postal market need adequate supervision, both at national and EU level.

Amendment by Jean-Paul Gauzès

Amendment 42
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 in any event no later than 31 December 2010, the Commission will include an assessment of the effectiveness of the financing methods proposed by the Directive and the appropriateness to user needs of the universal service scope, based on broad consultation with the interested parties and appropriate studies.***

Or. fr

Justification

The Commission should undertake a thorough review of the financing methods for ensuring the universal service before abolishing the reserved area.

Amendment by Katerina Batzeli

Amendment 43
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 in any event no later than 31 December 2010, the Commission, after a wide consultation of interested parties and appropriate studies, will include a thorough assessment of the effectiveness of the financing methods proposed by the directive, as well as the appropriateness of the scope of the universal service to users***

needs.

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 in the financing methods.

Amendment by Andrea Losco

Amendment 44

ARTICLE 1, POINT 2

Article 2, point (c), subparagraph 2 (Directive 97/67/EC)

20. Services provided at single piece tariff: *deleted*
postal services for which the tariff is set in the general terms and conditions of universal service providers for the transport of individual postal items.

Or. it

Justification

Reference to uniform tariffs should be restricted as far as possible so as to enable incumbent operators to enjoy the same flexibility in pricing policy as competing operators. This would ensure that all operators in the market enjoy a level playing field for the provision of their services and, in particular, uniform regulations applicable to all.

Amendment by Jean-Paul Gauzès

Amendment 45

ARTICLE 1, POINT 2, POINT (A)

Article 2, point 6 (Directive 97/67/EC)

6. postal item: an item addressed in the final form in which it is to be carried by a postal service provider. In addition to items of correspondence, such items also include **for instance books**, catalogues, newspapers, periodicals and postal packages containing merchandise with or without commercial value;

6. postal item: an item addressed in the final form in which it is to be carried by a postal service provider. In addition to items of correspondence **and direct mail**, such items also include catalogues, newspapers, periodicals and postal packages containing merchandise with or without commercial value;

Justification

Retaining a definition of direct mail is a strong signal of recognition for the specific characteristics of this market in the postal sector.

Amendment by Jean-Paul Gauzès

Amendment 46
ARTICLE 1, POINT 2, POINT (B)

(b) point 8 is deleted;

deleted

Justification

The definition of direct mail is still needed if a reserved area is maintained. Furthermore, retaining a definition of direct mail is a strong signal of recognition for the specific characteristics of this market in the postal sector.

Amendment by Corien Wortmann-Kool and Karsten Friedrich Hoppenstedt

Amendment 47
ARTICLE 1, POINT 2 A (new)
Article 3, paragraph 1 (Directive 97/67/EC)

(2a) Article 3(1) shall be replaced by the following:

"1. Member States shall ensure that users enjoy the right to a universal service involving the permanent provision of a postal service of specified quality at all points in their territory at affordable prices for all users.

Only postal services provided at a single-piece tariff shall be part of the universal service."

Justification

The main goal of the Universal Service is to protect the interests of consumers in Europe.

Therefore, the Universal Service should mainly be focused on post from private-to-private. This does not include mass mailings.

Amendment by Olle Schmidt

Amendment 48

ARTICLE 1, POINT 3 A (new)

Article 3, paragraph 4 (Directive 97/67/EC)

(3a) Article 3(4) shall be replaced by the following:

"4. Each Member State shall adopt the measures necessary to ensure that the universal service includes the following minimum facilities:

- the clearance, sorting, transport and distribution of single piece postal items up to two kilograms; and

- the clearance, sorting and transport and distribution of single piece postal packages services for registered items and insured items.

Or. en

Justification

The requirement of universal service will be adequately fulfilled by providing single piece letter and mail items.

Amendment by Heide Rühle

Amendment 49

ARTICLE 1, POINT 4

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

1a. Each Member State shall entrust its national regulatory authority the obligation to define in consultation with interested parties the universal service obligation in more detail, in particular the details concerning delivery time, collection and delivery frequency, and the security and reliability of the universal service.

Justification

National Regulatory Authorities should be given the task to define the universal service obligation in detail, in consultation with interested parties.

Amendment by Olle Schmidt

Amendment 50

ARTICLE 1, POINT 4

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

2. Member states may choose to designate one or more undertakings as universal service providers for a part or all of the national territory and for different elements of universal service. When they do so, they shall determine in accordance with Community law the obligations and rights assigned to them and shall publish these obligations and rights. In particular Member States shall take measures to ensure that the conditions under which universal service are entrusted are based on objective, non-discriminatory, proportionate **and least market distortion** principles, and that the undertakings as universal service providers is limited in time

2. Member *States* may choose to designate one or more undertakings as universal service providers for a part or all of the national territory and for different elements of universal service ***if deemed necessary***. When they do so, they shall determine in accordance with Community law the obligations and rights assigned to them and shall publish these obligations and rights. In particular Member States shall take measures to ensure that the conditions under which universal service are entrusted are based on objective, non-discriminatory **and** proportionate principles, and that the undertakings as universal service providers is limited in time.

Or. en

Amendment by Bernhard Rapkay and Ieke van den Burg

Amendment 51

ARTICLE 1, POINT 4

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

2a. The Member States shall ensure that undertakings entrusted with the provision of the universal service comply with minimum social standards, to prevent the emergence of unstable employment conditions in this area.

Justification

In opening the market to competition it needs to be remembered that working conditions require special protection, particularly as regards stability of employment and income. Equal conditions need to be guaranteed for all market participants so as to avoid distortions of competition.

Amendment by Heide Rühle

Amendment 52

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 its staff the rights that previously engaged staff would have enjoyed if a transfer had occurred within the meaning of 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 businesses¹.

¹ OJ L 61, 5.3.1977, p. 26.

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 Astrid Lulling

Amendment 53

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

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

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.

Or. fr

Justification

In accordance with the subsidiarity principle, Member States should be allowed to finance the obligations resulting from the universal service by any appropriate means that are compatible with the provisions of the EC Treaty.

Amendment by Katerina Batzeli

Amendment 54

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 for 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

Amendment by Olle Schmidt

Amendment 55

ARTICLE 1, POINT 8

Article 7, paragraph 2 (Directive 97/67/EC)

2. Member States may ensure the provision of universal services by procuring such services in accordance with applicable public procurement rules.

2. Member states shall ensure the provision of universal services by procuring such services ***to the bidder offering the lowest costs who is able to perform the universal services*** in accordance with public

procurement rules.

Or. en

Justification

In order to encourage efficiency and bring down the compensation costs for the universal service, Member states should organize tenders awarding the lowest bidder the contract.

Amendment by Corien Wortmann-Kool

Amendment 56

ARTICLE 1, POINT 8

Article 7, paragraph 2 (Directive 97/67/EC)

2. Member States **may** ensure the provision of universal service by procuring such services in accordance with applicable public procurement rules.

2. ***In case of compensation***, Member States **shall** ensure the provision of the universal service by procuring such services in accordance with applicable public procurement rules.

Or. en

Justification

If there is no undertaking willing to provide the universal service without compensation, a public procurement procedure can in cases of compensation assure a transparent, effective and efficient outcome.

Amendment by Corien Wortmann-Kool

Amendment 57

ARTICLE 1, POINT 8

Article 7, paragraph 3, subparagraph 1 (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) ***and there is no undertaking willing to provide the universal service without compensation***, it may:

Justification

Compensation mechanisms as described in paragraph 7.3 (a) and (b) should only be considered if there is no undertaking willing to provide the universal service without compensation. If an undertaking is willing to provide the universal service without compensation, a public procurement procedure is unnecessary (see AM 2).

Amendment by Gunnar Hökmark

Amendment 58

ARTICLE 1, POINT 8

Article 7, paragraph 4 (Directive 97/67/EC)

4. Where the net cost is shared under paragraph 3(b), Member States may establish a compensation fund which may be funded by service providers' and/or users' fees, and is administered for this purpose by a body independent of the beneficiary or beneficiaries. Member States may make the granting of authorisations to service providers under Article 9(2) subject to an obligation to make a financial contribution to that fund **or to comply with universal service obligations**. Only those services set out in Article 3 may be financed in this way.

4. Where the net cost is shared under paragraph 3(b), Member States may establish a compensation fund which may be funded by service providers' and/or users' fees, and is administered for this purpose by a body independent of the beneficiary or beneficiaries. Member States may make the granting of authorisations to service providers under Article 9(2) subject to an obligation to make a financial contribution to that fund. Only those services set out in Article 3 may be financed in this way.

Or. en

Justification

A difference should be made between undertakings designated as universal service providers and other service providers.

Amendment by Ieke van den Burg and Bernhard Rapkay

Amendment 59

ARTICLE 1, POINT 8

Article 7, paragraph 4 (Directive 97/67/EC)

4. Where the net cost is shared under paragraph 3(b), Member States may establish a compensation fund which may be

4. Where the net cost is shared under paragraph 3(b), Member States may establish a compensation fund which may be

funded by service providers' and/or users' fees, and is administered for this purpose by a body independent of the beneficiary or beneficiaries. Member States may make the granting of authorisations to service providers under Article 9(2) subject to an obligation to make a financial contribution to that fund or to comply with universal service obligations. Only those services set out in Article 3 may be financed in this way.

funded by service providers' and/or users' fees, and is administered for this purpose by a body independent of the beneficiary or beneficiaries. Member States may make the granting of authorisations to service providers under Article 9(2) subject to an obligation **for each operator to choose either** to make a financial contribution to that fund or to comply with universal service obligations. Only those services set out in Article 3 may be financed in this way.

Or. en

Justification

Member States shouldn't be allowed to oblige every player in the market to deliver universal service; this would effectively block access to markets for new entrants. "Pay or Play" is not a choice for every individual Member State, but a choice for each individual operator in a market.

Amendment by Astrid Lulling

Amendment 60

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 above-listed means ensures the financing of the net costs of the universal service provision on a durable and viable basis, 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 both of the following weight and price limits:

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

- *To the extent necessary to ensure the provision of a universal service, direct mail may continue to be reserved within the same price and weight limits.*
- *In the case of the free postal service for blind and partially sighted persons, exceptions to the weight and price restrictions may be permitted.*
- *To the extent necessary to ensure the provision of a universal service, for example because of the specific characteristics particular to the postal services in a Member State, out-going cross-border mail may continue to be reserved within the same weight and price limits.*

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 Astrid Lulling

Amendment 61

ARTICLE 1, POINT 8

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

5b. The Commission shall provide a review in order to assess the effectiveness of the financing methods implemented by each Member State according to best practices and about whether the scope of the universal service is adequate to meet users' needs. On the basis of that review, the Commission shall submit a report to the European Parliament and to the Council, after a wide consultation of stakeholders, and no later than on 31 December 2010, combined with a proposal confirming, if appropriate, 2012 as the final date for the completion of the internal market on postal

services, or defining any other step in the light of the conclusions of the review.

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 Jean-Paul Gauzès

Amendment 62

ARTICLE 1, POINT 8

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

5a. Where a Member State considers that none of the arrangements listed above ensure the financing of the net costs of the universal service provision on a sustainable basis, it may continue to reserve certain services for the designated universal service provider. The services which may be reserved are the clearance, sorting, transport and delivery of items of domestic correspondence and incoming cross-border correspondence, whether by accelerated delivery or not, within both of the following weight and price limits. The weight limit shall be 50 grams from 1 January 2009. This weight limit shall not apply if the price is at least two and a half times the public tariff for an item of correspondence in the first weight step of the fastest category. In the case of the free postal service for blind and partially-sighted persons, exceptions to the weight and price restrictions may be permitted. To the extent necessary to ensure the provision of a universal service, for example because of the specific characteristics particular to the postal services in a Member State, outgoing cross-border mail may continue to be reserved within the same weight and price limits.

Justification

The Commission should draw up a report on the effectiveness of the various alternative financing methods. Until then, the reserved area must be maintained on the same terms as those laid down in Directive 97/67/EC.

Amendment by Jean-Paul Gauzès

Amendment 63

ARTICLE 1, POINT 8

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

5b. The Commission shall carry out a study to assess the effectiveness of all the financing methods in line with the best practices applied in the Member States and to assess whether the universal service is appropriate to users' needs. Based on the conclusions of that study, the Commission shall submit a report to the European Parliament and to the Council, prior to 31 December 2010 and after broad consultation with all the stakeholders, together with a proposal confirming, if appropriate, 2012 as the deadline for completing the internal market in postal services, or defining any other stage in the light of the conclusions of the study.

Or. fr

Justification

The Commission should draw up a report on the effectiveness of the various alternative financing methods. Until then, the reserved area must be maintained on the same terms as those laid down in Directive 97/67/EC.

Amendment by Katerina Batzeli

Amendment 64

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 above-listed means ensures the financing of the net costs of the universal service provision on durable and viable basis, 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 both of 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 two-and-a-half times the tariff for an item of correspondence in the first weight step of the fastest category.

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

- In the case of the free postal service for blind and partially sighted persons, exceptions to the weight and price restrictions may be permitted.

- To the extent necessary to ensure the provision of a universal service, for example because of the specific characteristics particular to the postal services in a Member State, out-going cross-border mail may continue to be reserved within the same weight and price limits.

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 Katerina Batzeli

Amendment 65

ARTICLE 1, POINT 8

Article 7, paragraph 5 b (new)

5b. The Commission shall provide a review in order to assess the effectiveness of the financing methods implemented by each Member State according to best practices and whether the scope of the universal service scope is adequate to meet users' needs. On the basis of that review, the Commission shall submit a report to the European Parliament and to the Council, after a wide consultation of stakeholders, and no later than on 31 December 2010, combined with a proposal confirming, if appropriate, 2012 as the final date for the completion of the internal market on postal services, or defining any other step in the light of the conclusions of the review.

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 Katerina Batzeli

Amendment 66

ARTICLE 1, POINT 8 A (new)

Article 8 (new) (Directive 97/67/EC)

(8a) Article 8 shall be replaced by the following:

Article 8

The provisions of Article 7 shall be without prejudice to Member States' right to:
- enact specific provisions applicable to universal service providers for the needs of providing the universal service, according to objective, proportionate and non-discriminatory criteria.

- 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 in order to provide 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 (f.i. 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 Jean-Paul Gauzès

Amendment 67

ARTICLE 1, POINT 8 A (new)

Article 8 (Directive 97/67/EC)

(8a) Article 8 of Directive 97/67/EC shall be replaced by the following:

‘Article 8

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

- lay down in national legislation specific provisions applicable to universal service providers for the requirements of providing the universal service, in accordance with objective, proportionate and non-discriminatory criteria;

- 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 in order to provide a universal service.

Or. fr

Justification

It is appropriate to allow Member States to continue to lay down specific provisions for universal service providers which are justified by the need to allow the universal service to be provided. Universal service providers do indeed benefit under the various national legislations from specific provisions (e.g. concerning transport legislation) which are justified by universal service requirements.

Amendment by Olle Schmidt

Amendment 68

ARTICLE 1, POINT 10

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

2. For services which are within the scope of the universal service as defined in Article 3, Member States may introduce authorisation procedures, including individual licences, to the extent necessary in order to guarantee compliance with the essential requirements and to safeguard the universal service.

2. For services which are within the scope of the universal service as defined in Article 3 Member states may introduce authorization procedures, including individual licenses, to the extent necessary in order to guarantee compliance with the essential requirements and to safe guard the universal service.

These requirements may, however, be neither disproportionate nor unjust.

Or. en

Justification

The Member States may not introduce unproportionate or unjust measures in order to maintain old monopolies in practise.

Amendment by Gunnar Hökmark

Amendment 69

ARTICLE 1, POINT 10

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

The granting of authorisations may:

Whenever Member States designate one or more undertakings as universal service providers in accordance with Article 4(2), the granting of authorisations for those undertakings may:

Or. en

Amendment by Heide Rühle

Amendment 70

ARTICLE 1, POINT 10

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

The granting of authorisations may:

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

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

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

The granting of authorisations may:

– be made subject to universal service obligations,

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

- *be subject to an obligation to offer to its staff the rights that previously engaged staff would have enjoyed if a transfer had 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 Jean-Paul Gauzès

Amendment 71

ARTICLE 1, POINT 10

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

The granting of authorisations may:

- where appropriate, be made subject to universal service obligations,

The granting of authorisations may:

- where appropriate, be made subject to universal service obligations,

- where appropriate, be subject to an obligation to make a financial contribution to the sharing mechanisms referred to in

Article 7.

- authorise postal service providers to choose between the obligation to provide one or more elements of the universal service and making a financial contribution to the sharing mechanisms referred to in Article 7 for financing the provision of those elements,

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

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

Or. fr

Justification

It is appropriate to clarify the possibility for Member States to put in place authorisation mechanisms allowing postal service providers to choose between performing one or more universal service obligations and contributing financially to the performance of those obligations by the universal service provider. This would increase legal certainty for those Member States wishing to establish 'pay or play' regulatory systems.

Amendment by Gunnar Hökmark

Amendment 72

ARTICLE 1, POINT 10

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

The granting of authorisations for service providers other than designated universal service providers may, where appropriate, be subject to an obligation to make a financial contribution to the sharing mechanism referred to in Article 7.

Undertakings may choose between an obligation to contribute to the sharing mechanism or to comply with a universal service obligation.

Or. en

Amendment by Gunnar Hökmark

Amendment 73

ARTICLE 1, POINT 10

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

- for the same quality, availability and performance requirements impose on a service provider universal service obligations and, at the same time, financial contributions to a sharing mechanism, **deleted**

Or. en

Amendment by Jean-Paul Gauzès

Amendment 74

ARTICLE 1, POINT 13

Article 11a (Directive 97/67/EC)

(13) The following Article 11a is inserted: **deleted**

‘Article 11a

Whenever necessary to protect the interest of users and/or to promote effective competition, and in the light of national conditions, Member States shall ensure that transparent and non-discriminatory access conditions are available to the following elements of postal infrastructure or services: postcode system, address database, post office boxes, collection and delivery boxes, information on change of address, re-direction service, return to sender service.’

Or. fr

Justification

Harmonisation on this issue at Community level is not necessary because in some Member States specific measures have been taken to give postal operators access to certain infrastructure of the universal service operator in line with the requirements and

characteristics of the national postal sector.

Amendment by Gunnar Hökmark

Amendment 75
ARTICLE 1, POINT 13
Article 11a (Directive 97/67/EC)

Whenever necessary to protect the interest of users and/or to promote effective competition, and in the light of national conditions, Member States shall ensure that transparent and non-discriminatory access conditions are available to the following elements of postal infrastructure or services: postcode system, address database, post office boxes, collection and delivery boxes, information on change of address, re-direction service, return to sender service.

Whenever necessary to protect the interest of users and/or to promote effective competition, and in the light of national conditions, Member States shall ensure that transparent and non-discriminatory access conditions are available to the following elements of postal infrastructure or services: postcode system, address database, post office boxes, collection and delivery boxes, ***distribution services***, information on change of address, re-direction service, return to sender service

Or. en

Justification

Access to a nation-wide distribution network is crucial to effective entry into the postal market.

Amendment by Andrea Losco

Amendment 76
ARTICLE 1, POINT 14
Article 12, point (b) (Directive 97/67/EC)

- prices must be cost-oriented ***and stimulate efficiency gains; whenever necessary for reasons relating to the public interest, Member States may decide that a uniform tariff should be applied throughout their national territory and/or to the territories of other Member States, to services provided at single piece tariff and to other items,***

- prices must be cost-oriented; ***universal service providers may adjust their prices in order to adapt the services they offer within the framework of the universal service to market demand, taking into account the different costs and levels of competition in different sectors of the market;***

Or. it

Justification

In a market fully open to competition, universal service providers should be guaranteed price flexibility so that they are in a position to genuinely compete with other operators and adapt to market requirements. New operators entering the market means greater pressure of competition for universal service providers in the most profitable market sectors.

Amendment by Katerina Batzeli

Amendment 77

ARTICLE 1, POINT 15

Article 14, paragraph 3 a (new) (Directive 97/67/EC)

3a. Where a Member State continues to reserve certain services as provided in Article 7 paragraph 6, the universal service provider shall keep separate accounts within its internal accounting system at least for each of the services within the reserved sector on the one hand, and for the non-reserved services on the other. The accounts for the non-reserved services should clearly distinguish between services that are part of the universal service and services that are not. Such internal accounting systems shall operate on the basis of objectively justifiable cost accounting principles.

Or. en

Justification

It seems justified to impose such accounting system to the universal service provider when it receives specific financing. For instance, it is logical to keep separate accounts as long as a reserved area is provided.

Amendment by Olle Schmidt

Amendment 78

ARTICLE 1, POINT 20

Article 22 a (new) (Directive 97/67/EC)

1. When a national regulatory authority intends to impose a measure which imposes obligations on service providers referred to

in Article 9(1) or (2) it shall inform the Commission, giving reasons as well as an outline of the draft measure. A decision to render such measures permanent or extend the time shall be subject to the provisions of paragraphs 1 and 2.

Or. en

Justification

In order to ensure that the Commission can act appropriately if a Member State is to enforce rules or measures to protect monopolies thus preventing the completion of the inner market, national regulatory authorities must be made to submit information about their action.