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Kumitat għall-Impjiegi u l-Affarijiet Soċjali

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2006/0196(COD)

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ABBOZZ TA' OPINJONI

tal-Kumitat għall-Impjiegi u l-Affarijiet Soċjali

għall-Kumitat għat-Trasport u t-Turizmu

dwar il-proposta għal direttiva tal-Parlament Ewropew u tal-Kunsill li temenda d-Direttiva 97/67/KE dwar it-tlestija kompleta tas-suq intern tas-servizzi postali tal-Komunità
(COM(2006)0594 – – C6-0354/2006 – 2006/0196(COD))

Rapporteur għal opinjoni: Stephen Hughes

PA_Legam

ĠUSTIFIKAZZJONI QASIRA

Il-proposta tal-Kummissjoni Ewropea għat-tielet direttiva Ewropea dwar is-servizzi postali tipprevedi l-liberalizzazzjoni sħiħa tas-suq tas-servizzi postali sa l-2009. Dan huwa t-tielet stadju ta' proċess li se jiggwarantixxi bilanċ bejn il-ftuħ tas-suq u l-provvediment tas-servizz universali. L-oġjettiv tal-bidu tar-riforma postali kien u jibqa' l-preservazzjoni ta' servizz universali ta' kwalità għolja fl-Unjoni Ewropea.

Il-Kummissjoni targumenta li liberalizzazzjoni sħiħa fl-2009 mhix ser taffettwa l-provvediment ta' servizz universali u ser issaħħah l-impjiegi fis-settur. Il-konklużjonijiet tagħhom huma bbażati b'mod prinċipali fuq tliet dokumenti: studju prospettiv dwar l-impatt fuq is-servizz universali tat-tlestija sħiħa tas-suq postali intern fl-2009 (COM(2006)0596); rapport dwar l-ewalwazzjoni ta' l-impatt (SEC(2006)1291); u r-rapport dwar l-applikazzjoni tad-Direttiva Postali (COM(2006)0595).

L-Istudju prospettiv gie ordnat mill-Kummissjoni skond rekwiżit tat-tieni direttiva postali sabiex jiġi evalwat l-impatt fuq is-servizz universali tat-tlestija sħiħa tas-suq intern fis-servizzi postali. L-istudju, madankollu, imur bil-kontra tal-loġika tal-bidu tar-riforma postali, għaliex iqis is-servizz universali bħala xi haġa li taġġusta ruhha għal-liberalizzazzjoni sħiħa.

Il-proposta tal-Kummissjoni tistipula tliet tipi ewlenin ta' miżuri finanzjarji sabiex tippreserva s-servizzi universali madwar l-UE: iffinanzjar dirett (sussidji ta' Stati Membri); fond ta' kumpens (iffinanzjat mill-partijiet kollha involuti fis-settur, kemm jekk operaturi, konsumaturi, kemm jekk partijiet involuti oħrajn determinati mill-Istat Membru); akkwist pubbliku meta s-servizz ma jkunx akkwistat b'mod spontanju mis-suq. Madanakollu, m'hemm ebda ewalwazzjoni sħiħa tal-vantaġġi u ta' l-iżvantaġġi ta' dawn il-miżuri u mhux ċar kif dawn ser jipprovdu l-iffinanzjar meħtieġ. Barra minn dan, l-istudju ma jipproponix soluzzjonijiet lil dawk l-Istati Membri fejn jidentifika li hemm possibiltà ta' riskju dwar il-preservazzjoni tas-servizzi universali, anke lil xi wħud mill-Istati l-Membri l-ġodda.

Huwa wkoll importanti li l-impatt tal-proposta fuq l-impjiegi fis-settur postali jiġi analizzat aħjar. Skond il-Kummissjoni, 5 miljun impjieg jiddependu direttament jew huma marbutin mill-qrib mas-settur postali. Ir-rapport jargumenta li l-ftuħ sħiħ tas-swieq se johloq impjiegi iktar numerużi u aħjar. Madanakollu, trid tingħata evidenza konkreta li pajjizi fejn seħħ ftuħ sħiħ raw in-numru ta' impjieg jiżdied.

Għalkemm iż-żewġ riformi preċedenti kellhom impatt pożittiv fuq il-kwalità u l-effiċjenza, hemm bżonn ta' evidenza ġdida rigward aktar liberalizzazzjoni fil-preservazzjoni ta' servizz universali u numru ta' impjiegi fis-settur postali. Għalhekk, tenħtieġ analiżi aktar fil-fond permezz ta' studju ġdid u li jiġu ppreżentati proposti konkreti qabel ma z-zona riservata (il-posta kollha ta' 50g jew inqas) tista' tkun stabbilita skond il-kundizzjonijiet tas-suq b'mod sħiħ.

EMENDI

Il-Kumitat għall-Impjiegi u l-Affarijiet Soċjali jistieden lill- Kumitat għat-Trasport u t-

Turiżmu, bhala l-kumitat responsabbli, sabiex jinkorpora l-emendi li ġejjin fir-rapport tiegħu:

Abbozz ta' rizzoluzzjoni legiżlattiva

Test propost mill-Kummissjoni¹

Emendi tal-Parlament

Emenda 1 PREMESSA 8

(8) **Skond** l-istudju prospettiv, l-għan bażiku għas-salvagwardja tal-provvista sostenibbli ta' servizz universali li taqbel mal-kondizzjonijiet ta' kwalità definiti mill-Istati Membri skond id-Direttiva 97/67/KE jista' jkun żgurat fil-Komunità kollha sa l-2009 mingħajr il-htieġa ta' żoni riżervati.

(8) **Minkejja** l-istudju prospettiv, l-għan bażiku għas-salvagwardja tal-provvista sostenibbli ta' servizz universali li taqbel mal-kondizzjonijiet ta' kwalità definiti mill-Istati Membri skond id-Direttiva 97/67/KE jista' jkun żgurat fil-Komunità kollha sa l-2009 mingħajr il-htieġa ta' żoni riżervati, **inghatat prova mhix suffiċjenti dwar il-garanzija fit-tul tal-provvista tas-servizz universali, li hija forza ġenwina għal koeżjoni soċjali u territorjali.**

Ġustifikazzjoni

Il-Kummissjoni hemm bżonn tippreżenta proposti konkreti dwar kif is-servizzi universali ser jiġu finanzjati u miżmuma fil-future mingħajr iz-zona ta' riserva.

Emenda 2 PREMESSA 9

(9) Bil-ftuħ gradwali u progressiv tas-swieq postali għall-kompetizzjoni, il-fornituri tas-servizz universali **kellhom biżżejjed żmien** biex iwettqu miżuri ta' modernizzazzjoni u ristrutturar **mehtieġa biex jggarantixxu l-vijabilità tagħhom għat-tul fil-kondizzjonijiet il-ġodda tas-suq**, kif ukoll ippermetta lill-Istati Membri biex jadattaw is-sistemi ta' regolamentazzjoni tagħhom għal ambjent iżjed miftuħ. **Barra minn hekk, l-Istati Membri jistgħu japprofittaw mill-perjodu tat-traspożizzjoni kif ukoll**

(9) Bil-ftuħ gradwali u progressiv tas-swieq postali għall-kompetizzjoni, **ippermetta** l-fornituri tas-servizz universali biex iwettqu miżuri ta' modernizzazzjoni u ristrutturar kif ukoll ippermetta lill-Istati Membri biex jadattaw is-sistemi ta' regolamentazzjoni tagħhom għal ambjent iżjed miftuħ, **iżda l-vijabilità fit-tul skond il-kundizzjonijiet ta' suq miftuħ kompletament għadha mhix garantita.**

¹ Għad mhux ippubblikat fil-ĠU.

miż-żmien neċessarju għall-introduzzjoni ta' kompetizzjoni effettiva, biex ikompli, jekk ikun il-każ, bil-modernizzazzjoni u r-restrutturar tal-fornituri tas-servizz universali.

Emenda 3
PREMESSA 10

(10) L-istudju prospettiv *juri* li ż-zona riżervata ma għandhiex tikkostitwixxi s-soluzzjoni ppreferuta għall-finanzjament tas-servizz universali. *Din* il-valutazzjoni *tqis* l-interess tal-Komunità u l-Istati Membri tagħha *fit-tlestija tas-suq intern u l-potenzjal tagħha biex tiġġenera tkabbir ekonomiku* u tohloq l-impjiegi, kif ukoll tiggarantixxi d-disponibilità ta' servizz effiċjenti ta' interess ekonomiku ġenerali għall-konsumaturi kollha. Għaldaqstant, jixraq li d-data ta' l-1 ta' Jannar 2009 tkun *ikkonfermata* bhala l-aħħar pass fit-tlestija tas-suq intern tas-servizzi postali.

(10) *Minkejja li* l-istudju prospettiv *jipprova juri* li ż-zona riżervata ma għandhiex tikkostitwixxi s-soluzzjoni ppreferuta għall-finanzjament tas-servizz universali, *din* il-valutazzjoni *ma tqisx* l-interess tal-Komunità u l-Istati Membri tagħha *fil-provvista ta' aktar impjiegi u ta' impjiegi ahjar*, kif ukoll tiggarantixxi d-disponibilità ta' servizz effiċjenti *u aċċessibbli* ta' interess ekonomiku ġenerali għall-konsumaturi kollha. Għaldaqstant, *għandu jkun aktar xieraq* li d-data ta' l-1 ta' Jannar 2009 tkun *posposta* bhala l-aħħar pass fit-tlestija tas-suq intern tas-servizzi postali *għal data aktar tard*.

Ġustifikazzjoni

Hemm bżonn li l-ftuħ tas-suq jiġi differit sakemm il-Kummissjoni twettaq studju ġdid li jiffoka fuq l-iffinanzjar u l-impjieg.

Emenda 4
PREMESSA 12

(12) Il-ftuħ komplet tas-swieq postali se jgħinjom jstandu d-daqs globali tagħhom; *se* tkompli tikkontribwixxi wkoll biex l-impjiegi jibqgħu sostenibbli u ta' kwalità fi hdn il-fornituri tas-servizz universali kif ukoll se tiffaċilita l-holqien ta' impjiegi godda f'operaturi oħrajn, f'dawk li daħlu fis-suq għall-ewwel darba u fis-setturi ekonomiċi assoċjati. Din id-Direttiva hija bla hsara għall-kompetenzi ta' l-Istati Membri biex jirregolaw il-kundizzjonijiet ta' l-

(12) *Waqt li* l-ftuħ komplet tas-swieq postali se jgħinjom jstandu d-daqs globali tagħhom, *jehtieg ukoll* tkompli tikkontribwixxi wkoll biex l-impjiegi jibqgħu sostenibbli u ta' kwalità fi hdn il-fornituri tas-servizz universali kif ukoll se tiffaċilita l-holqien ta' impjiegi godda f'operaturi oħrajn, f'dawk li daħlu fis-suq għall-ewwel darba u fis-setturi ekonomiċi assoċjati. Din id-Direttiva hija bla hsara għall-kompetenzi ta' l-Istati Membri biex jirregolaw il-kundizzjonijiet ta' l-impjiegi

impjieggi fis-settur tas-servizzi postali.

fis-settur tas-servizzi postali. **Huwa wkoll importanti li l-kundizzjonijiet tax-xoghol ma jmorrux lura billu jiddghajfu l-ftehimiet kollettivi bbażati fuq setturi bhala salvagwardja kontra tendenza li jitbaxxa l-livell. Kuntrarju ghal industriji oħrajn ta' netwerk, l-ispejjeż tax-xoghol (labour costs) jirrappreżentawmadwar 80% ta' l-ispejjeż ta' l-operaturi u huma bażikament spejjeż fissi għall-operaturi li qed joperaw diġà.**

Ġustifikazzjoni

Huma biss il-ftehimiet kollettivi settorjali li jistgħu jiggarnatixxu kundizzjonijiet ta' impjieg ta' kwalità meta wieħed iqis il-karatteristika speċifika tas-settur.

Emenda 5 PREMESSA 17

(17) Fid-dawl ta' l-**istudji mwettqa u bil-għan li jitqanqal il-potenzjal shih tas-suq intern tas-servizzi postali, jixraq li jintemm** l-użu taż-żoni riżervati u d-drittijiet speċjali bhala mod kif jiġi garantit il-finanzjament tas-servizz universali.

(17) Fid-dawl tan-**nuqqas ta' soluzzjonijiet sodi għall-iffinanzjar tas-servizzi universali, ikun prudenti li jinżamm** l-użu taż-żoni riżervati u d-drittijiet speċjali bhala mod kif jiġi garantit il-finanzjament tas-servizz universali **sakemm studju ġdid jipprovdi prova tal-ħolqien ta' aktar impjieggi u ta' impjieggi aħjar kif ukoll sorsi għal finanzjar ta' servizz universali inklużi aċċessibilità u kwalità xierqa.**

Ġustifikazzjoni

Fost is-soluzzjonijiet proposti mill-Kummissjoni, is-sussidju ta' l-Istati Membri huwa probabbli l-aktar proposta konkreta, madankollu, dan jista' jitfa' pressjoni sostanzjali fuq il-baġits nazzjonali. Għalhekk, l-effiċjenza tas-sorsi l-oħrajn hemm bżonn li tiġi ppruvata qabel iz-zona ta' riserva tintehħa.

Emenda 6 PREMESSA 18

(18) **Il-finanzjament estern** ta' l-ispejjeż residwi netti **għad jista' jkun** meħtieġ għal xi Stati Membri. Għalhekk, jixraq **li jiġu speċifikati biċ-ċar**, safejn hu neċessarju u ġustifikat adegwatament, l-alternattivi

(18) **Il-finanzjament** ta' l-ispejjeż residwi netti **għadu** meħtieġ **għall-Istati Membri permezz taz-zona ta' riserva u ta' drittijiet speċjali**. Għalhekk, jixraq **jiġu proposti**, safejn hu neċessarju u ġustifikat

disponibbli għall-finanzjament tas-servizz universali, filwaqt li lill-Istati Membri tithallielhom l-għażla tal-mekkaniżmi finanzjarji li għandhom jintużaw. **Dawn l-alternattivi jinkludu l-użu ta' proċeduri ta' akkwist pubbliku u, kull meta l-obbligi ta' servizz universali jinvolvu spejjeż netti u jirrappreżentaw piż ingust għall-impriza nnominata**, kumpens pubbliku u qsim ta' l-ispejjeż bejn il-fornituri **u/jew konsumaturi, f'modi trasparenti** u permezz ta' kontribuzzjonijiet lejn fond ta' kumpens. **L-Istati Membri jistgħu jużaw mezzijiet oħra ta' finanzjament permessi mid-Dritt Komunitarju, pereżempju billi jiddeċiedu li l-profitti maqlugħa minn attivitajiet oħra tal-fornituri tas-servizz universali barra mill-ambitu tas-servizzi universali għandhom imorru, totalment jew parzjalment, għall-finanzjament ta' l-ispejjeż netti tas-servizz universali, dejjem sakemm dawn ikunu kompatibbli ma' din id-Direttiva.**

adegwatament, alternattivi **sodisfaċenti** disponibbli għall-finanzjament tas-servizz universali **fil-każ ta' ftuħ komplet tas-suq**, filwaqt li lill-Istati Membri tithallielhom l-għażla tal-mekkaniżmi finanzjarji li għandhom jintużaw. Proċeduri ta' akkwist **pubbliku**, kumpens pubbliku u qsim ta' l-ispejjeż bejn il-fornituri **tas-servizz** permezz ta' kontribuzzjonijiet lejn fond ta' kumpens **ghad iridu jiġu ppruvati bhala soluzzjoni effettiva. Barra minn dan, it-tmiem potenzjali tal-monopolju ma jistax jiġi mibdul ma' mekkaniżmi ipotetiċi ta' finanzjament li s-solidità u l-kapaċità tagħhom li jiżguraw servizz universali sostenibbli ukoll għad iridu jiġu ppruvati.**

Ġustifikazzjoni

F'dan il-paragrafu, il-Kummissjoni tirraguna bil-maqlub u l-obbjettiv isir l-adattazzjoni tas-servizz universali għall-ftuħ tas-suq waqt li dan għandu jkun bil-kontra. Mhux ammissibbli li l-utenti jerfgħu l-ispiża residwa netta tas-servizz universali billi tiġi imposta taxxa fuqhom, filwaqt li fil-preżent is-servizz riservat ma jinkludix ħlasijiet speċifiċi għall-utenti.

Emenda 7 PREMESSA 19

(19) Sabiex jiġu ddeterminati liema imprizi jistgħu jkunu meħtieġa biex jikkontribwixxu għal fond ta' kumpens, l-Istati Membri għandhom jikkunsidraw jekk is-servizzi offruti minn dawn l-imprizi, mill-perspettiva tal-konsumatur, jistgħux jitqiesu bhala sostitut għas-servizz universali, billi jittiehed kont tal-karatteristiċi tagħhom, inkluż aspetti li jgħibu magħhom valur miżjud, u l-użu li għalih huma mahsuba. Biex dawn is-servizzi jitqiesu bhala sostitut, ma

imhassra

għandhomx neċessarjament ikopru l-karatteristiċi kollha tas-servizz universali, pereżempju kunsinna ta' kuljum jew kopertura nazzjonali totali. Sabiex jiġi rispettata il-prinċipju tal-proporzjonalità, fid-determinazzjoni tal-kontribut, mitlub lil dawn l-impreżi, għall-ispejjeż tal-provvista tas-servizz universali fi Stat Membru, l-Istati Membri għandhom jużaw kriterji trasparenti u mhux diskriminatorji, bħassehem ta' dawn l-impreżi mill-attivitajiet fl-ambitu tas-servizz universali f'dan l-Istat Membru.

Emenda 8
PREMESSA 20

(20) Il-prinċipji ta' trasparenza, non-diskriminazzjoni u proporzjonalità msemmija fid-Direttiva 97/67/KE għandhom ikompli jiġu applikati għal kwalunkwe mekkaniżmu ta' finanzjament u kwalunkwe deċiżjoni f'dan il-qasam tkun ibbażata fuq kriterji trasparenti, oġġettivi u verifikabbli. B'mod partikolari, l-ispiża netta tas-servizz universali għandha tkun ikkalkolata, taht ir-responsabilità ta' l-awtorità nazzjonali regolatorja, bħala d-differenza bejn l-ispejjeż netti ta' impreża nominata li hija suġġetta għall-obbligi tas-servizz universali u impreża oħra li mhijiex suġġetta għall-obbligi tas-servizz universali. Fil-kalkolu għandu jittqies kull element relevanti ieħor, inkluż kwalunkwe benefiċċju tas-suq li taqla' impreża nominata biex tippovdi servizz universali, id-dritt għal profitt raġonevoli u l-inċentivi għall-effiċjenza f'termini ta' spejjeż.

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Ġustifikazzjoni

F'dan il-paragrafu, il-Kummissjoni tirraġuna bil-maqlub u l-obbjettiv isir l-adattazzjoni tas-servizz universali għall-ftuħ tas-suq waqt li dan għandu jkun bil-kontra.

Emenda 9

PREMESSA 21

(21) L-Istati Membri għandhom jihallew jużaw sistema ta' awtorizzazzjonijiet u ta' liċenzji individwali kull darba li jkun neċessarju u proporzjonat għall-għan mixtieq. Madankollu, kif enfasizzat fit-tielet Rapport dwar l-applikazzjoni tad-Direttiva 97/67/KE, aktar armonizzazzjoni tal-kondizzjonijiet li jistgħu jiddaħħlu tidher neċessarja biex tnaqqas l-ostakli inġustifikati għall-provvista tas-servizzi fis-suq intern. F'dan il-kuntest, l-Istati Membri jistgħu, pereżempju, jippermettu lill-imprizi jagħzlu bejn l-obbligu li jipprovdu servizz jew jagħtu kontribuzzjoni finanzjarja għall-ispejjeż ta' dan is-servizz mogħti minn impriza oħra, iżda ma għandux ikun iktar permess li jiġi impost, minn naha, ir-rekwiżit simultanju li tikkontribwixxi f'mekkaniżmu ta' qsim ta' l-ispejjeż, u min-naha l-oħra, l-impożizzjoni ta' obbligi ta' servizz universali jew fil-qasam tal-kwalità li huma maħsuba li jaqdu l-istess għan. Jeħtieġ ukoll li jiġi ċċarat li whud mid-dispożizzjonijiet dwar l-awtorizzazzjonijiet u l-liċenzji ma għandhomx japplikaw għall-fornituri tas-servizz universali nominati.

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Ġustifikazzjoni

l-istess bħal ta' fuq

Emenda 10 PREMESSA 24

(24) F'kuntest ta' kompetizzjoni **totali**, huwa importanti, kemm għall-ekwilibriju finanzjarju tas-servizz universali kif ukoll biex jiġi limitat ix-xkiel għas-suq, li t-tbeġħid mill-prinċipju li l-prezzijiet jirriflettu l-kondizzjonijiet u l-ispejjeż kummerċjali normali jseħħ biss sabiex jitharsu l-interessi pubbliċi. Biex dan isir, jeħtieġ li l-Istati Membri jkomplu jkunu awtorizzati li jżommu tariffi uniformi għall-**tariffa postali**

(24) F'kuntest **dejjem jikber** ta' kompetizzjoni, huwa importanti, kemm għall-ekwilibriju finanzjarju tas-servizz universali kif ukoll biex jiġi limitat ix-xkiel għas-suq, li t-tbeġħid mill-prinċipju li l-prezzijiet jirriflettu l-kondizzjonijiet u l-ispejjeż kummerċjali normali jseħħ biss sabiex jitharsu l-interessi pubbliċi. Biex dan isir, jeħtieġ li l-Istati Membri jkomplu jkunu awtorizzati li jżommu tariffi uniformi għall-

bil-biċċa, li hu *s-servizz* użat l-iktar ta' spiss mill-konsumaturi u l-imprizi żgħar u medji. L-Istati Membri individwali jistgħu wkoll jkomplu japplikaw tariffi uniformi għal xi oġġetti postali oħra, għal raġunijiet marbuta mal-ħarsien ta' l-interess pubbliku ġenerali, bħall-aċċess għall-kultura jew il-koeżjoni soċjali u reġjonali.

oġġetti ta' korrispondenza li huma użati l-iktar ta' spiss mill-konsumaturi u l-imprizi żgħar u medji. L-Istati Membri individwali jistgħu wkoll jkomplu japplikaw tariffi uniformi għal xi oġġetti postali oħra, għal raġunijiet marbuta mal-ħarsien ta' l-interess pubbliku ġenerali, bħall-aċċess għall-kultura jew il-koeżjoni soċjali u reġjonali.

Emenda 11
PREMESSA 25

(25) Fid-dawl ta' l-ispeċifitàjiet nazzjonali involuti fir-regolamentazzjoni tal-kondizzjonijiet li fihom il-fornitur tas-servizz universali responsabbli għandu jopera f'kundest totalment kompetittiv, jixraq li l-Istati Membri jithallew liberi li jiddeċiedu l-aħjar mod kif jimmonitorjaw il-cross-subsidies. imhassra

Ġustifikazzjoni

Ara l-ġustifikazzjoni ta' l-emenda ta' l-Artikolu 1, punt 14, punt d)

Emenda 12
PREMESSA 34

(34) Sabiex il-Parlament Ewropew u l-Kunsill jibqgħu infurmati dwar l-*iżvilupp* tas-suq intern għas-servizzi postali, il-Kummissjoni għandha regolarment tissottometti rapporti lil dawk l-istituzzjonijiet dwar l-applikazzjoni tad-Direttiva 97/67/KE.

(34) Sabiex il-Parlament Ewropew u l-Kunsill jibqgħu infurmati dwar il-*progress lejn it-tlestija* tas-suq intern għas-servizzi postali, il-Kummissjoni għandha regolarment tissottometti rapporti lil dawk l-istituzzjonijiet dwar l-applikazzjoni tad-Direttiva 97/67/KE.

Ġustifikazzjoni

l-istess bħal ta' fuq

Emenda 13
PREMESSA 35

(35) *Sabiex ikun ikkonfermat il-qafas regolatorju għas-settur, għandha tithassar id-data ta' skadenza tad-Direttiva 97/67/KE.*

(35) *Fi hdan l-ispirtu tad-Direttiva 2002/39/KE, li temenda d-Direttiva 97/67/KE, il-Kummissjoni Ewropea għanhda twettaq studju ġdid li jeżamina l-impatt kwalitattiv u kwantitattiv li l-ftuħ tas-suq ikollu fuq l-impjeg fis-settur u tiżviluppa proposti konkreti dwar kif is-servizz universali ser jiġi ffinanzjat fil-futur f'kull wiehied mis-27 Stati Membru sal-31 ta' Diċembru 2009. Fir-rigward tal-konklużjonijiet ta' dan l-istudju, il-Kummissjoni għandha tipproponi data ġdida għat-twettiq shiħ tas-suq intern postali jew tiddetermina kwalunkwe pass ieħor. Bi qbil ma dan, id-data ta' skadenza tad-Direttiva 97/67/KE għandha tiġi estiża*

Ġustifikazzjoni

L-Artikolu 1, punt 1 tad-Direttiva 2002/39/KE li jemenda l-Artikolu 7(3) tad-Direttiva 97/67/KE jistipula li l-Kummissjoni għandha tiffinalizza studju prospettiv li jevalwa l-impatt tal-ftuħ tas-suq għal kull Stat Membru u li huwa biss fir-rigward ta' studju bħal dan li l-Kummissjoni tista' tiddetermina t-twettiq shiħ tas-suq intern postali 'jew tiddetermina kwalunkwe pass ieħor fir-rigward tal-konklużjonijiet ta' l-istudju'. L-istudju gie ffinalizzat iżda l-Kummissjoni waslet għall-konklużjonijiet mingħajr ma evalwat l-impatt li l-ftuħ tas-suq ser ikollu fuq kull wiehied mis-27 Stat Membru.

Emenda 14

ARTIKOLU 1, PUNT 1

Artikolu 1, it-tieni inċiż (Direttiva 97/67/KE)

(1) Fl-Artikolu 1, it-tieni inċiż jinbidel imhassar b'dan li ġej:

'- il-kondizzjonijiet li jirregolaw il-provvista tas-servizzi postali,'

Emenda 15

ARTIKOLU 1, PUNT 2, PUNT (A)

Artikolu 2, punt 6 (Direttiva 97/67/KE)

(a) il-punt 6 jinbidel b'dan li ġej: imhassar

'6. oġġett postali: oġġett indirizzat fil-forma finali li fiha ser jinġarr mill-fornitur tas-servizz postali. Minbarra l-oġġetti ta'

korrispondenza, dawk l-oġġetti jinkludu wkoll, pereżempju, kotba, katalogi, gazzetti, perjodiċi u pakketti postali li jkun fihom merkanzija b'valur kummerċjali jew minghajru;

Emenda 16
ARTIKOLU 1, PUNT 2, PUNT (B)

Artikolu 2, punt 8 (Direttiva 97/67/KE)

(b) il-punt 8 jithassar

imhassar

Ġustifikazzjoni

Id-definizzjoni għandha tibqa', għaliex iz-zona riservata għandha tinzamm u l-emenda għall-Artikolu 7 iżżomm ir-referenza u l-kundizzjonijiet applikabbli għall-posta diretta.

Emenda 17
ARTIKOLU 1, PUNT 2, PUNT (C)

(c) jiżdied il-punt li ġej:

imhassar

'20. servizzi pprovduti b'tariffa bil-biċċa: servizzi postali li għalihom it-tariffa hija stabbilita skond it-termini u l-kundizzjonijiet ġenerali tal-fornituri tas-servizz universali għat-trasport ta' oġġetti postali individwali.'

Ġustifikazzjoni

Jekk l-emenda preċedenti tiġi adottata, il-test tal-Kummissjoni ikun żejjed.

Emenda 18
ARTIKOLU 1, PUNT 3
Artikolu 3, paragrafu 3, subparagrafu 1, kliem ta' introduzzjoni (Direttiva 97/67/KE)

(3) Fl-ewwel subparagrafu ta' l-Artikolu 3(3), it-test introdutturju jinbidel b'dan li ġej:

imhassar

Għandhom jiehdu passi sabiex jiżguraw li s-servizz universali huwa garantit kull jum tax-xogħol u mhux anqas minn hamest

ijiem fil-ġimgha, hliet f'ċirkostanzi jew kondizzjonijiet ġeografiċi meqjusa bhala eċċezzjonali mill-awtoritajiet nazzjonali regolatorji, u li din tinkludi bhala minimu.'

Ġustifikazzjoni

Jekk iz-zona riservata tinzamm, ir-referenza f'dan il-pargrafu għall-fornitur(i) tas-servizz universali għandha tibqa'.

Amendment 19
ARTICLE 1, POINT 4
Article 4 (Directive 97/67/EC)

(4) Article 4 is replaced by the following: *imhassar*

'Article 4

1. Kull Stat Membru għandu jiżgura li l-provvista tas-servizz universali tkun garantita u għandu jinnotifika lill-Kummissjoni bil-passi li jkun ha sabiex jiġi s-sodisfa dan l-obbligu. Il-Kumitat imwaqqaf mill-Artikolu 21 għandu jiġi infurmat u għandu jissorvelja l-evoluzzjoni tal-miżuri stabbiliti mill-Istati Membri biex jiżguraw il-provvista tal-servizz universali.

2. L-Istati Membri jistgħu jagħzlu li jinnominaw impriża wahda jew aktar bhala fornituri tas-servizz universali għal parti jew it-totalità tat-territorju nazzjonali u għal elementi differenti tas-servizz universali. Kull meta jagħmlu hekk, għandhom jistabbilixxu skond id-dritt Komunitarju l-obbligi u d-drittijiet assenjati lilhom u jipubblikawhom. Partikolarment, l-Istati Membri għandhom jadottaw il-miżuri meħtieġa biex jiżguraw li l-kondizzjonijiet li fihom jinġhata s-servizz universali jissejsu fuq il-prinċipji ta' l-oġġettività, in-non-diskriminazzjoni, il-proporzjonalità u ta' xkiel minimu għas-suq, u li n-nomina bhala fornituri tas-servizz universali ta' impriża tkun limitata fiż-żmien. L-Istati Membri għandhom jinnotifikaw lill-Kummissjoni bl-identità tal-fornitur(i) tas-servizz universali li huma

jinnominaw.

Justification

If the reserved area is to be maintained, reference in this paragraph to the universal service provider(s) must remain.

Amendment 20
ARTICLE 1, POINT 6
Article 6 (Directive 97/67/EC)

L-Istati Membri għandhom jieħdu passi biex jiżguraw li l-konsumaturi u l-imprizi li jipprovdu servizzi postali regolamentarment jingħataw tagħrif dettaljat u aġġornat biżżejjed dwar il-karatteristiċi partikolari tas-servizzi universali offruti, b'referenza speċjali għall-kondizzjonijiet ġenerali ta' aċċess għal dawk is-servizzi kif ukoll il-prezzijiet u l-livelli ta' l-istandard ta' kwalità. Dan it-tagħrif għandu jiġi ppubblikat b'mod approprjat.

Member States shall notify the Commission, how the information to be published in accordance with the first subparagraph is being made available.

Member States shall take steps to ensure that users and undertakings providing postal services are regularly given sufficiently detailed and up-to-date information **by the universal service provider(s)** regarding the particular features of the universal services offered, with special reference to the general conditions of access to these services as well as to prices and quality standard levels. Dan it-tagħrif għandu jiġi ppubblikat b'mod approprjat.

Member States shall notify the Commission, how the information to be published in accordance with the first subparagraph is being made available.

Justification

If the reserved area is to be maintained, reference in this paragraph to the universal service provider(s) must remain.

Amendment 21
ARTICLE 1, POINT 7
Chapter 3, title (Directive 97/67/EC)

(7) In Chapter 3, the title is replaced by the following:

imhassar

'CHAPTER 3

Finanzjament tas-servizzi universali'

Justification

The financing of universal services must be subject to a new study carried out by the Commission.

Amendment 22
ARTICLE 1, POINT 8
Article 7 (Directive 97/67/EC)

1. *B'effett mill-1 ta' Jannar 2009, l-Istati Membri ma ghandhomx jaghtu jew iżommu fis-seħħ id-drittijiet speċjali jew esklussivi għat-twaqqif u l-provvista tas-servizzi postali. L-Istati Membri jistghu jiffinanzjaw il-provvista tas-servizz universali skond wiehed jew aktar mill-modi previsti fil-paragrafi 2, 3 u 4, jew skond kwalunkwe mezz iehor kompatibbli mat-Trattat tal-KE.*

2. *L-Istati Membri jistghu jiggarantixxu l-provvista tas-servizzi universali billi*

With effect from 1 January 2009:

1. *To the extent necessary to ensure the maintenance of universal service, Member States may continue to reserve services to 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 continue to be 50 grams from 1 January 2009. This weight limit shall not apply if the price is equal to, or more than, 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 universal service, direct mail may continue to be reserved within the same weight and price limits.

To the extent necessary to ensure the provision of universal service, for example when certain sectors of postal activity have already been liberalised or 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.

2. *Document exchange may not be*

jipprovdu dawn is-servizzi skond ir-regoli applikabli dwar l-akkwist pubbliku.

3. Jekk Stat Membru jqis li l-obbligi ta' servizz universali stabbiliti minn din id-Direttiva jinvolvu spejjeż netti u jirrappreżentaw piż finanzjarju ingust għall-fornitur(i) tas-servizz universali, jista':

(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.

4. Jekk l-ispejjeż netti jinqasmu skond il-paragrafu 3(b), l-Istati Membri jistgħu johlqu fond ta' kumpens li jista' jiġi ffinanzjat mill-fornituri tas-servizz u/jew permezz ta' tariffi applikati lill-konsumaturi, u amministrat għal dan l-iskop minn korp indipendenti mill-benefiċjarju jew il-benefiċjarji. L-Istati Membri jistgħu jagħmlu l-ghoti ta' awtorizzazzjonijiet lill-fornituri tas-servizz skond l-Artikolu 9(2) sugġett għall-obbligu li tingħata kontribuzzjoni finanzjarja lil dak il-fond jew li tikkonforma ma' l-obbligi tas-servizz universali. Dawk is-servizzi biss imniżżla fl-Artikolu 3 jistgħu jiġu ffinanzjati b'dan il-mod.

5. Member States shall ensure that the principles of transparency, non-discrimination and proportionality are respected in establishing the compensation fund and when fixing the level of the financial contributions referred to in paragraphs 3 and 4. Decisions taken under

reserved.

3. The Commission shall finalise a new prospective study which will assess how universal services will be financed in the future as well as how to maintain or improve employment in the postal sector from a qualitative and quantitative perspective. Based on the study's conclusions, the Commission shall submit, by 31 December 2009, a report to the European Parliament and to the Council, accompanied by a proposal, if appropriate, of a date for the full accomplishment of the postal internal market or determining any other step in the light of the study's conclusions.

paragraphs 3 and 4 shall be based on objective and verifiable criteria and be made public.

Justification

The Commission will first have to produce a new study by end of 2009 that clarifies how universal services will be guaranteed in the future as well as how employment levels and quality improved; only then can the reserved area be fully opened to market conditions. Until then a status quo must remain with the 50g reserve area remaining the privileged source of financing.

Amendment 23

ARTICLE 1, POINT 10

Article 9, paragraph 1 (Directive 97/67/EC)

1. Għal servizzi li huma barra l-ambitu tas-servizz universali kif definit fl-Artikolu 3, l-Istati Membri jistgħu jintroduċu awtorizzazzjonijiet generali sal-limitu meħtiegħ biex tiġi garantita konformità mar-rekwiziti essenzjali.

1. For **non-reserved** services which are outside the scope of the universal service as defined in Article 3, Member States may introduce general authorisations to the extent necessary in order to guarantee compliance with the essential requirements.

Justification

Change to paragraph 1 is intended to restore the original text of the Directive.

Amendment 24

ARTICLE 1, POINT 10

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

2. Għal servizzi li jaqgħu fl-ambitu tas-servizz universali kif definit fl-Artikolu 3, l-Istati Membri jistgħu jintroduċu proċeduri ta' awtorizzazzjoni, inklużi liċenzji individwali, sal-limitu meħtiegħ biex tiġi garantita konformità mal-rekwiziti essenzjali u biex jiġi salvagwardat is-servizz universali.

2. For **non-reserved** 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.

Justification

Change to paragraph 2 is intended to restore the original text of the Directive.

Amendment 25
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. ***imhassar***

Justification

Change to paragraph 2 is intended to restore the original text of the Directive.

Amendment 26
ARTICLE 1, POINT 10
Article 9, paragraph 2, subparagraph 3 (Directive 97/67/EC)

Għajr għall-każ ta' impriżi li ġew nnominati bhala fornituri tas-servizz universali skond l-Artikolu 4, l-ghoti ta' awtorizzazzjonijiet ma jistax: ***imhassar***

- be limited in number,***
- 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,***
- duplicate conditions which are applicable to undertakings by virtue of other, non sector specific, national legislation,***
- impose technical or operational conditions other than those necessary to fulfil the obligations of this Directive.***

Justification

Change to paragraph 2 is intended to restore the original text of the Directive.

Amendment 27
ARTICLE 1, POINT 10
Article 9, paragraph 3 a (new) (Directive 97/67/EC)

3a. In order to ensure that the universal service is safeguarded, where a Member State determines that the universal service

obligations, as provided for by this Directive, represent an unfair financial burden for the universal service provider, it may establish a compensation fund administered for this purpose by a body independent of the beneficiary or beneficiaries. In this case, it may make the granting of authorisation subject to an obligation to make a financial contribution to that fund. The Member State must ensure that the principles of transparency, non-discrimination and proportionality are respected in establishing the compensation fund and when fixing the level of the financial contributions. Dawk is-servizzi biss imniżżla fl-Artikolu 3 jistgħu jiġu ffinanzjati b'dan il-mod.

Justification

The new paragraph 3 a is identical to paragraph 4 of the current Directive: the compensation fund foreseen in paragraph 4 must be maintained insofar a new Commission study on the financing of the universal service is produced.

Amendment 28

ARTICLE 1, POINT 10

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

3b. Member States may provide for an identification system for direct mail, allowing the supervision of such services where they are liberalised.

Justification

The new paragraph 3 b is identical to paragraph 5 of the current Directive: the reference to direct mail in paragraph 5 must be kept as it is part of the reserved area

Amendment 29

ARTICLE 1, POINT 11

Article 10, paragraph 1 (Directive 97/67/EC)

1. The European Parliament and the Council, acting on a proposal from the Commission and on the basis of Articles 47(2), 55 and 95

1. The European Parliament and the Council, acting on a proposal from the Commission and on the basis of Articles 47(2), 55 and 95

of the Treaty, shall adopt the measures necessary for the harmonisation of the procedures referred to in Article 9 governing the commercial provision of postal services to the public.

of the Treaty, shall adopt the measures necessary for the harmonisation of the procedures referred to in Article 9 governing the commercial provision of **non-reserved** postal services to the public.

Justification

As a reserved area is to be maintained, the distinction between reserved and non-reserved postal services must be kept.

Amendment 30

ARTICLE 1, POINT 14, POINT (B)
Article 12, indent 2 (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; whenever necessary for reasons relating to the public interest, Member States may decide that a uniform tariff should be applied throughout their national territory,

Justification

Efficiency gains must be stimulated by means of an adequate management of staff, infrastructure and services provided, not by means of tariffs. Reference to single piece tariff has been taken out from this draft opinion (see am 17).

Amendment 31

ARTICLE 1, POINT 14, POINT (D)
Article 12, indent 6 (Directive 97/67/EC)

(d) The sixth indent is deleted.

imhassar

Justification

The maintenance of a reserved area for postal services justifies the maintenance of current rules on cross-subsidisation in Article 12, sixth indent, of Directive 97/67/EC.

Amendment 32

ARTICLE 1, POINT 15
Article 14, paragraph 2 (Directive 97/67/EC)

2. The universal service providers shall keep separate accounts within their internal accounting systems *to clearly distinguish between services and products which receive or contribute to the financial compensation for the net costs of the universal service and those services and products which do not. This accounting separation shall allow Member States to calculate the net cost of the universal service.* Dawn is-sistemi ta' kontabilità interna għandhom jithaddmu fuq il-bażi ta' principji ta' kontabilità ta' l-ispejjeż applikati koerentement u ġustifikati oġġettivament.

2. The universal service providers shall keep separate accounts within their internal accounting systems *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 those that are not.* Such internal accounting systems shall operate on the basis of consistently applied and objectively justifiable cost accounting principles.

Justification

The maintenance of a reserved area for postal services justifies the maintenance of current text of Art 14(2) of Directive 97/67/EC.

Amendment 33 ARTICLE 1, POINT 15 Article 14, paragraph 3 (Directive 97/67/EC)

3. Is-sistemi ta' kontabilità li għalihom jirreferi l-paragrafu 2 għandhom, mingħajr preġudizzju għall-paragrafu 4, jallokaw spejjeż bil-mod li ġej:

(a) costs which can be directly assigned to a particular service *or product* shall be so assigned;

(b) common costs, that is costs which cannot be directly assigned to a particular service or product, shall be allocated as follows:

(i) whenever possible, common costs shall be allocated on the basis of direct analysis of the origin of the costs themselves;

(ii) when direct analysis is not possible, common cost categories shall be allocated on the basis of an indirect linkage to another cost category or group of cost categories for which a direct assignment or allocation is possible; l-irbit indirett għandu jkun ibbażat fuq il-bażi ta' strutturi ta' spejjeż

3. The accounting systems referred to in paragraph 2 shall, without prejudice to paragraph 4, allocate costs *to each of the reserved and to the non-reserved services respectively* in the following manner:

(a) costs which can be directly assigned to a particular service shall be so assigned;

(b) common costs, that is costs which cannot be directly assigned to a particular service or product, shall be allocated as follows:

(i) whenever possible, common costs shall be allocated on the basis of direct analysis of the origin of the costs themselves;

(ii) when direct analysis is not possible, common cost categories shall be allocated on the basis of an indirect linkage to another cost category or group of cost categories for which a direct assignment or allocation is possible; l-irbit indirett għandu jkun ibbażat fuq il-bażi ta' strutturi ta' spejjeż

kumparabbli;

(iii) when neither direct nor indirect measures of cost allocation can be found, the cost category shall be allocated on the basis of a general allocator computed by using the ratio of all expenses directly or indirectly assigned or allocated, on the one hand, to each of the **universal** services and, on the other hand, to the other services

kumparabbli;

(iii) when neither direct nor indirect measures of cost allocation can be found, the cost category shall be allocated on the basis of a general allocator computed by using the ratio of all expenses directly or indirectly assigned or allocated, on the one hand, to each of the **reserved** services and, on the other hand, to the other services.

Justification

The maintenance of a reserved area for postal services justifies the maintenance of current text of Art 14(3), introducing paragraph, and Art 14(3)(iii) of Directive 97/67/EC. The reference to "products" in paragraph 3(a) is redundant as the corresponding Commission word (i.e. Art 14, paragraph 2) has been deleted.

Amendment 34

ARTICLE 1, POINT 15

Article 14, paragraph 8 (Directive 97/67/EC)

8. Where a given Member State has not **established a financing mechanism for universal service provision, as permitted under Article 7**, and where the national regulatory authority is satisfied that none of the designated universal service providers in that Member State is in receipt of State assistance, hidden or otherwise, and that competition in the market is fully effective, the national regulatory authority may decide not to apply the requirements of this Article. The national regulatory authority shall inform the Commission in advance of taking any such decision.

8. Where a given Member State has not **reserved any of the services reservable under Article 7 and as not established a compensation fund for universal service provision, as permitted under Article 9(4)**, and where the national regulatory authority is satisfied that none of the designated universal service providers in that Member State is in receipt of State assistance, hidden or otherwise, and that competition in the market is fully effective, the national regulatory authority may decide not to apply the requirements of this Article. The national regulatory authority shall inform the Commission in advance of taking any such decision.

Justification

Text from Directive 97/67/EC is reinstated, but the Commission's text "and that competition in the market is fully effective" is kept to take account of the situation in countries where full liberalisation has already taken place or could take place in the future.

Amendment 35

ARTICLE 1 POINT 16
Article 19, paragraph 1 (Directive 97/67/EC)

Stati Membri għandhom jassiguraw li proċeduri trasparenti, sempliċi u mhux għaljin isiru disponibbli minn impriża li jipprovdu servizzi postali biex jiġu ttrattati lment i ta' utenti, partikolarment f'każijiet li jinvolvu telf, serq, ħsara jew non-konformità ma' standards ta' kwalità ta' servizz (inklużi proċeduri biex jiġi determinat min hu responsabbli f'każijiet fejn ikun involut iktar minn operatur wiehed).

Member States shall ensure that transparent, simple and inexpensive procedures are made available by **universal service provider(s)** and by undertakings providing **other** postal services for dealing with postal users' complaints, particularly in cases involving loss, theft, damage or non-compliance with service quality standards (including procedures for determining where responsibility lies in cases where more than one operator is involved).

Justification

The amendment takes account of the maintenance of a reserved area. Complaining procedures should be made available both by universal service provider(s) and by undertakings providing other postal services.

Amendment 36
ARTICLE 1 POINT 16
Article 19, paragraph 4 (Directive 97/67/EC)

Mingħajr preġudizzju għall-possibilitajiet l-oħra ta' appell jew mezzi għal rikors skond il-leġiżlazzjoni nazzjonali jew Komunitarja, l-Istati Membri għandhom jiżguraw li l-konsumaturi, waqt li jaġixxu individwalment jew, meta dan ikun permess mil-leġiżlazzjoni nazzjonali, flimkien ma' organizzazzjonijiet li jirrappreżentaw l-interessi ta' l-utenti u/jew konsumaturi, jkunu jistgħu jressqu quddiem l-awtorità kompetenti nazzjonali każijiet fejn l-ilmenti tal-konsumatur lill-impriża li tipprovdi servizzi fl-ambitu tas-servizz universali ma jkunux ġew solvuti b'mod sodisfaċenti.

Without prejudice to other possibilities of appeal or means of redress under national and Community legislation, Member States shall ensure that users, acting individually or, where permitted by national law, jointly with organisations representing the interests of users and/or consumers, may bring before the competent national authority cases where users' complaints to **universal service provider(s)** or to undertakings providing services within the scope of the universal service have not been satisfactorily resolved.

Justification

The amendment takes account of the maintenance of a reserved area. Appeal procedures or other means of redress must be available should a complaint to (a) universal service

provider(s) or to undertakings providing services within the scope of the universal service have not been satisfactorily resolved.

Amendment 37
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 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.

Without prejudice to Article 7, 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 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.

Justification

The reports in this article are without prejudice to the prospective study and the report to be prepared by the Commission, both provided for in Article 7.

Amendment 38
ARTICLE 1, POINT 22
Article 26 (Directive 97/67/EC)

(22) Article 26 is deleted.

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Justification

Given that, without prejudice to more liberal measures maintained or introduced by Member States as provided for in Article 26, compulsory full liberalisation has been postponed to a later date, it is appropriate to maintain this Article.

Amendment 39
ARTICLE 1, POINT 23
Article 27 (Directive 97/67/EC)

(23) Article 27 is deleted.

(23) Article 27 is replaced by the following:

'Article 27

The provisions of this Directive, with the exception of Article 26, shall expire on 31 December 2011 unless otherwise decided in accordance with Article 7(3). The authorisation procedures described in Article 9 shall not be affected by this date.'

Justification

Given that, without prejudice to more liberal measures maintained or introduced by Member States as provided for in Article 26, compulsory full liberalisation has been postponed to a later date, it is appropriate to maintain this Article. The new expiration date foresees a time-frame for the Commission to prepare the prospective study and the subsequent report and for the European Parliament and for the Council to take a decision on full liberalisation of the postal sector which is identical to that included in the original Directive.