



Plenary sitting

A8-0254/2016

3.8.2016

REPORT

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

Committee on Transport and Tourism

Rapporteur: Markus Ferber

CONTENTS

| | Page |
|--|------|
| MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION | 3 |
| EXPLANATORY STATEMENT..... | 13 |
| OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS..... | 14 |
| OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION | 19 |
| RESULT OF FINAL VOTE IN COMMITTEE RESPONSIBLE..... | 23 |

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

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

The European Parliament,

- having regard to Articles 49 and 56 of the Treaty on the Functioning of the European Union (TFEU) on the freedom of establishment and the freedom to provide services within the Union,
- having regard to Articles 101 and 102 TFEU on the competition rules applicable to undertakings,
- having regard to Article 14 TFEU,
- having regard to Protocol (No 26) of the TFEU on services of general interest,
- having regard to Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service¹, as amended by Directives 2002/39/EC and 2008/6/EC (hereinafter ‘the Postal Services Directive’),
- having regard to the Commission decision of 10 August 2010 establishing the European Regulators Group for Postal Services²,
- having regard to Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC³,
- having regard to Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC⁴,
- having regard to Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council⁵,
- having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of

¹ OJ L 15, 21.1.1998, p. 14.

² OJ C 217, 11.8.2010, p. 7.

³ OJ L 165, 18.6.2013, p. 63.

⁴ OJ L 165, 18.6.2013, p. 1.

⁵ OJ L 304, 22.11.2011, p. 64.

- personal data and on the free movement of such data¹,
- having regard to the Commission report of 17 November 2015 on the application of the Postal Services Directive (COM(2015)0568), and to the accompanying staff working document (SWD(2015)0207),
 - having regard to the Commission communication of 6 May 2015 entitled ‘A Digital Single Market Strategy for Europe’ (COM(2015)0192),
 - having regard to the Commission communication of 16 December 2013 entitled ‘A roadmap for completing the single market for parcel delivery: Build trust in delivery services and encourage online sales’ (COM(2013)0886),
 - having regard to the Commission Green Paper of 29 November 2012 entitled ‘An integrated parcel delivery market for the growth of e-commerce in the EU’ (COM(2012)0698),
 - having regard to the Commission communication of 11 January 2012 entitled ‘A coherent framework for building trust in the Digital Single Market for e-commerce and online services’ (COM(2011)0942),
 - having regard to the Commission White Paper of 28 March 2011 entitled ‘Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system’ (COM(2011)0144),
 - having regard to its resolution of 4 February 2014 on an integrated parcel delivery market for the growth of e-commerce in the EU²,
 - having regard to its resolution of 19 January 2016 on Towards a Digital Single Market Act³,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinions of the Committee on Employment and Social Affairs and the Committee on the Internal Market and Consumer Protection (A8-0254/2016),
- A. whereas the postal market is still an area of the economy with strong prospects for growth and increasing competition, even though between 2012 and 2013 letter post services shrank by 4.85 % on average in the EU according to the European Commission Postal Statistics Database, which is in line with the decline in letter volume during the last 10 years, in large part owing to the process of electronic substitution;
- B. whereas the implementation of the Postal Services Directive helped to open up domestic markets for competition in letter markets, but development has been slow and did not lead to the accomplishment of the internal market for postal services, the sector in most

¹ OJ L 281, 23.11.1995, p. 31.

² Texts adopted, P7_TA(2014)0067.

³ Texts adopted, P8_TA(2016)0009.

Member States still being dominated by the universal service providers (USPs);

- C. whereas the use of ICT has been continuously boosting the postal services sector by providing opportunities for innovation and allowing the market to expand;
- D. whereas new competitors have mainly focused on large business customers and highly populated areas;
- E. whereas the parcel delivery market is a highly competitive, innovative and fast-growing sector which attained growth of 33 % between 2008 and 2011 in terms of volume, and whereas e-commerce is a driving factor for market growth;
- F. whereas the widespread use of remotely piloted aircraft systems (drones) provides for new, rapid, environmentally friendly and efficient modes of parcel delivery, especially in low population density, isolated and distant areas;
- G. whereas consumers and small businesses report that problems with parcel delivery, in particular high prices, prevent them from selling more to, or buying more from, other Member States;

I. Universal service: enhancing the independence of national regulatory authorities

- 1. Notes that while the minimum standards associated with the universal service obligation (postal items up to 2 kg, postal packages up to 10-20 kg, registered and insured items, and other services of general economic interest such as newspapers and periodicals), regulated in the EU in particular by guaranteeing an essential minimum range of services in every part of the EU, without preventing Member States from applying higher standards, generally meet customers' demands, certain detailed requirements, which are not subject to regulation at EU level, are rightly set by the national regulatory authorities (NRAs) entrusted with this task;
- 2. Notes that the primary task of NRAs is to meet the overall objective of the Postal Services Directive to ensure the sustainable provision of the universal service; calls on the Member States to support the role and independence of NRAs through high professional qualification criteria for staff, with fair and non-discriminatory access to in-service training guaranteed, fixed terms of office and legal protection against dismissal without cause, and, in case of dismissal, with an exhaustive list of reasons justifying such dismissal (e.g. a serious violation of the law), so that NRAs can fulfil their obligations arising from the Postal Services Directive in a neutral, transparent and timely manner;
- 3. Considers that any expansion of the role of NRAs under new regulation in the parcels market should tackle 'cherry picking' in the deliveries sector and establish minimum standards for all operators to ensure fair and equal competition;
- 4. Believes that obligations of independence can only be fulfilled if NRAs' regulatory functions are structurally and functionally separated from activities associated with ownership or control of a postal operator; considers that senior NRA officials should not be permitted to work for the public postal operator or other interested parties for at least six months after leaving the NRA, with a view to preventing conflicts of interest;

considers that, for this purpose, Member States should introduce legislative provisions allowing the imposition of sanctions for violating the aforementioned obligation;

5. Asks the Commission to facilitate and reinforce cooperation and coordination between NRAs with a view to greater efficiency and interoperability in cross-border delivery and to monitor the regulatory activities of NRAs – including the provision of universal services – in order to ensure a uniform approach to the application of European law and the harmonisation of the postal market within the EU;
6. Recalls that the Postal Services Directive provides Member States with the flexibility necessary to address local specificities and to ensure the long-term sustainability of universal service provision while meeting the needs of users and adapting to the changes in the technical, economic and social environment;
7. Notes the Commission's confirmation that the Postal Services Directive does not require any particular ownership structure for USPs; believes that USPs should not be prevented from investing and innovating in the provision of efficient and quality postal services;

II. Maintaining universal service and enabling fair competition: access, quality of service and user needs

8. Considers that the trend is moving towards a narrower scope for the universal service obligation (USO); encourages the promotion of consumer choice in order to define the delivery of letters within the range of the USO; stresses, therefore, the importance of providing a high-quality universal service under affordable conditions, comprising at least five delivery and five collection days a week for every citizen; notes that with a view to ensuring the long-term sustainability of the universal service, and given their specific national characteristics and geographical situations, some Member States allow a degree of flexibility; recalls that whereas some flexibility is allowed by the Directive, this should not be exceeded by national regulations;
9. Recalls that the universal service must evolve in response to the technical, economic and social environment and to the needs of users, and that the Postal Services Directive provides Member States with the flexibility necessary to address local specificities and to ensure the long-term sustainability of universal service provision;
10. Considers that geographical coverage and accessibility to universal services for parcel deliveries can and must be improved, especially for citizens with disabilities and reduced mobility and those in remote areas; stresses the importance of ensuring barrier-free accessibility to postal services and the consistency of the Postal Services Directive with the Accessibility Act;
11. Notes that in many Member States the decline in letter volumes is making the provision of universal postal services more and more difficult; recognises that many designated USPs use revenues from non-USO commercial activities, such as financial services or parcel delivery, to finance the USO;
12. Notes that there are a number of instances of unfair competition in the postal sector and calls on the responsible authority to sanction any misconduct;

13. Calls on the Member States and the Commission to monitor the provision of postal services as a public service in order to ensure that public service compensation is implemented in a manner that is proportionate, transparent and fair;
14. Stresses how important it is that prices within the scope of the USO must be affordable and provide access to all users to the services provided; recalls that NRAs must clearly define affordability for an item of correspondence and that Member States may maintain or introduce free postal services for blind and partially sighted persons;
15. Calls on the Member States to maintain territorial and social cohesion and the associated quality requirements and notes that Member States may already adapt some specific features to accommodate local demand by applying the flexibility provided for in Directive 97/67/EC; recognises that postal networks and services are of great importance to EU citizens; calls on the Member States to use State aid tools only in exceptional cases, in accordance with EU competition policy, and in a transparent, non-discriminatory and appropriate manner, and to ensure that customers continue to have access to postal services, by guaranteeing, where appropriate, a minimum number of services at the same access point; calls on the Commission to ensure that compensation funds are proportionate and that public procurement procedures are transparent and fair;
16. Asks the Member States to ensure that market opening continues to benefit all users, in particular consumers and small and medium-sized enterprises, by closely monitoring the market developments; encourages further improvements in the speed, choice and reliability of services;
17. Calls on the Commission to improve the present definition of universal service in order to stipulate a minimum guaranteed level of service for consumers, to make the USO fit for evolving markets, to take into account market changes in different Member States and to foster economic growth and social cohesion; maintains, however, given that each market has its own specific constraints, that operators should be allowed a measure of flexibility in organising the universal service; calls on the Member States to implement licensing procedures according to the current Directive and further harmonise licensing and/or notification procedures in order to reduce unjustified barriers to entry into the internal market, without creating any unnecessary administrative burdens;
18. Emphasises that the introduction of conciliation procedures that are easily accessible and affordable has interesting potential with regard to achieving an easy and short-term solution for both operators and consumers in cases of dispute; encourages the Commission to introduce legislation on postal consumer rights;
19. Urges the Commission, in drafting legislative proposals, to take account of digitalisation and the opportunities it brings, the specific characteristics of the Member States and overall trends in the postal and parcel markets;
20. Recalls that VAT exemption for postal services has to be applied in a way that minimises distortions of competition between former monopolies and market entrants, whilst guaranteeing long-term sustainability of the USO, so that all operators can continue to provide postal services across Europe; notes that guaranteeing VAT exemption only for the incumbent service provider for services other than universal

service, when other service providers are subject to VAT, is a significant obstacle to the development of competition in the market;

21. Calls on the Commission to ensure a common level playing field among providers, both for traditional mail and the fast-expanding field of parcel delivery and between postal incumbents and new entrants; suggests that the Commission should be entitled to assess whether tender procedures impose an unfair burden;
22. Calls on the Member States to consider that former incumbents must be neither advantaged by state support nor disadvantaged by their public service obligation or legacy costs vis-à-vis new entrants;
23. Considers competition and the market to be drivers for innovation and the development of value-added services and asks the Commission to support, by taking into account the principle of proportionality and economic justification, innovation in the sector in order to promote value-added services such as track-and-trace, pick-up/drop-off locations, flexible delivery time, suitable return procedures and access to easy recourse procedures; recognises the work already undertaken and the investments already made by postal operators in this area;
24. Calls on the Commission to monitor closely Member States' support of USOs and other legacy costs of postal services providers according to the main set of rules for State aid control of services of general economic interest (2012 Framework on Services of General Economic Interest);
25. Considers that service quality should be judged in the light of the standards set out in the Directive and reflect consumers' needs in order to increase interoperability and improve service quality;
26. Notes that the European postal operators have invested in upgrading their network interconnectivity and introduced innovative, user-friendly services to consumers and SME e-retailers who use cross border e-commerce; considers that these investments should be protected with fair access conditions;
27. Reiterates its support for the Postal Users Forum, which was established in 2011 by the Commission and aims to facilitate discussion between users, operators, trade unions and other stakeholders on issues including end-user satisfaction, business-user requirements and how to improve e-commerce delivery; is of the opinion that the Forum is very useful and should meet regularly in order to identify potential solutions to improve postal and parcel delivery services;

III. The cross-border dimension and e-commerce

28. Asks the Member States to ensure the interoperability and upgrading of postal networks and, where several USPs exist, to prevent impediments to the transport of postal items and to allow small and medium-sized enterprises access to the financially attractive services in cross-border deliveries by increasing the transparency of the tariffs applied by the postal operators;

29. Considers that parcel delivery is a highly competitive, innovative and fast-growing sector; notes the importance of affordable and reliable parcel delivery services in realising the Digital Single Market; recalls that opening this sector up to competition has boosted the development of value-added services such as track-and-trace, pick-up/drop-off locations, flexible delivery time and return procedures; consequently believes that any new regulation in this market must be proportionate and supported by sound economic evidence;
30. Notes in this respect that all advantages offered by new technologies, including drones, should be considered, since they could ease delivery services, especially in low-populated, isolated or remote areas, while also taking into account safety aspects and environmental sustainability;
31. Considers that the dynamics of the highly competitive, innovative and fast-growing parcel market should not be hampered by unjustified regulation and unnecessary bureaucracy;
32. Calls on the Commission to develop market oversight of parcel delivery where necessary, in a performance-based direction, and to encourage, without undermining the competence of the NRAs, affordability of cross-border tariffs and identify unfair anti-competitive and monopolistic practices; encourages an increase in the transparency of the tariffs and service availability, in particular for retail customers and small and medium-sized enterprises;
33. Welcomes the Commission's proposal on transparent and non-discriminatory cross-border access to all network elements, associated facilities, relevant services and information systems of postal networks for third parties; believes that efficient use of infrastructure could bring economic gains for USPs and increase competition in cross-border delivery;
34. Calls on the Commission and the Member States to collect more data on the parcel delivery market in order to better assess the development of this economic sector and its structural development;
35. Stresses the importance of improving the quality of the service and the protection of consumers' rights in order to restore an adequate level of consumer confidence; considers that greater transparency as regards prices, delivery options, modalities and quality/performance (speed, geographical coverage, delays and the handling of damaged or lost items), as well as trust labels, could address the lack of confidence;
36. Asks the Member States and the Commission to improve transparency as regards public pricing conditions and service performance (delivery options, final delivery, reliability), especially when it comes to e-commerce; asks for transparency checks where prices are not controlled by competition or are unreasonably high; stresses the importance of reducing the gap between domestic and cross-border prices and supports measures that increase consumer awareness and capacity to compare domestic and cross-border price structures; calls on the NRAs to assess the affordability of prices on some cross-border routes, paying particular attention to inordinate disparities;

37. Calls on the Commission to promote the strategy on e-commerce and cross-border parcel delivery; suggests facilitating interoperability along the delivery chain and developing publicly available best practices for e-retailers;
38. Maintains that complaint procedures and dispute settlement arrangements need to be simple and effective and apply on a cross-border basis; highlights that the Alternative Dispute Resolution (ADR) Directive and the online platform established by Regulation (EU) No 524/2013 on online dispute resolution for consumer disputes may benefit consumers and businesses in cross-border transactions; is concerned that, despite the July 2015 transposition deadline, only 24 Member States have so far transposed the ADR Directive and consequently millions of European citizens are being deprived of this important redress mechanism; believes that the European Small Claims Procedure (ESCP) could be a useful recourse for consumers and businesses in cross-border transactions; calls for further mechanisms for adequate consumer redress in postal services to be considered, if necessary;
39. Encourages the Member States to support cost reductions by improving the interoperability of parcel dispatch and collection processes, and to develop European standards for integrated tracking systems; appreciates the progress made by the industry in serving consumers and SMEs across the borders by enhancing interoperability and track-and-trace systems; encourages the establishment of open tools and service quality indicators so that consumers can compare offers from different service providers; welcomes the progress which confirms the market approach supported and requested by Parliament; encourages the creation of platforms for cooperation and information exchange between delivery operators in order to create a wider choice of delivery options and return solutions for consumers;
40. Calls on the Commission and the Member States to investigate the functioning of cross-border parcel delivery in accordance with the various rules resulting from either international trade agreements (e.g. the rules of the Universal Postal Union (UPU) and the International Civil Aviation Organisation (ICAO)) or EU law (e.g. the Union Customs Code), especially the USO, which can be misused and create market distortion; encourages the European Union to apply for membership of the Universal Postal Union in order to achieve a fully integrated European postal sector;
41. Supports the principle of compiling statistics on the parcel delivery market in order to gain a clearer picture of the leading market players, the competition pattern and market trends;

IV. Social dimension: improving employment

42. Calls on the Member States to guarantee all workers in the postal services sector decent working conditions, including the required level of health and safety protection at work, regardless of the size and type of the company which employs them, the place of employment or the underlying contract; stresses the importance of health and safety at work, particularly in the light of demographic changes and the high level of mobility of workers in the postal sector; welcomes the cooperation between the European Agency for Safety and Health at Work (EU-OSHA) and the sectorial social partners on the 'Healthy Workplaces Manage Stress' campaign;

43. Notes that in recent years technological advances and digitalisation have transformed the postal services sector and that the modernisation and diversification of postal services has had a major impact on working conditions and employment in the sector;
44. Takes note that the liberalisation of the postal sector has, in some Member States, led to substantial differences in working conditions and wages between USPs and competing companies providing specific postal services; considers that increased competition should not generate illegal social practices or lead to the degradation of working conditions;
45. Notes that, if postal undertakings have the opportunity to develop and expand their production innovatively, particularly in peripheral areas, this should also have the effect of promoting employment;
46. Notes that the number of part-time workers, agency workers and self-employed people in the sector has increased and that the general trend is towards more flexible employment contracts, which in some circumstances can cause precarious employment without adequate protection for employees; welcomes the development of new working time models that enable workers, for example, to improve the balance between family and working life, to complete in-service training or to have the option of working part-time; notes that new, flexible employment contracts must exclude potential risks such as worker overload or pay levels that are not commensurate with performance; stresses, therefore, the need for labour market flexibility, on the one hand, and for economic and social security for workers on the other; stresses that lowering labour costs by reducing working conditions and employment standards should not be regarded as flexibility; calls on the Commission and the Member States to monitor activities to tackle bogus self-employment in the postal sector; urges the Member States, more generally, to prevent the flexibility of employment contracts from having a negative impact on workers;
47. Welcomes the important role of trade unions, which in many Member States work together with USPs in an effort to make the transformation of the postal services sector socially sustainable; highlights the importance of strong and independent social partners in the postal sector, an institutionalised social dialogue and the participation of employees in company matters;
48. Stresses the importance of monitoring compliance with mandatory driving and resting times, as well as working hours, in the postal sector; believes that monitoring should take place by means of digital monitoring devices installed in vehicles; recalls that Regulation (EU) No 165/2014 on tachographs in road transport does not apply to vehicles of less than 3.5 tonnes; calls, therefore, for checks on working and rest times to be stepped up; recalls that all tasks in relation to the activity of an employee are to be considered working time; stresses, likewise, the importance of monitoring compliance with European and national legislation regarding the protection of health and safety at work, including conditions in vehicles, for all people involved in postal deliveries, irrespective of their employment status – self-employed, subcontractor, temporary staff member or contract worker;

49. Believes that a balance should be struck between free competition, consumer requirements, sustainability of the universal service and its financing, and the maintenance of jobs;
50. Is concerned about attempts to circumvent existing minimum wage regulations by increasing the workload to an extent which cannot be managed during paid working hours;
51. Welcomes the essential work of the Social Dialogue Committee for the Postal Sector and highlights the project launched by the European social partners entitled 'Managing demographic challenges and finding sustainable solutions by the social partners in the postal sector';
52. Calls on the Commission and the Member States to compile more data on workforce size and working conditions in the postal service sector in order to better assess the actual situation following the complete opening up of the markets and to respond promptly to developments and tackle potential problems; calls on the Commission and the Member States to closely monitor new means of automated postal deliveries and their impact on working conditions and employment, and to assess the need for the modernisation of social and employment legislation, where appropriate, in order to stay abreast of changes in the postal sector; encourages the social partners likewise to update collective agreements where necessary so that high working and employment standards can be ensured;
53. Instructs its President to forward this resolution to the Council and the Commission.

EXPLANATORY STATEMENT

The Revision of the postal services in 2008 achieved key objectives of the liberalisation of European postal services. However, the Postal services have undergone tremendous changes since the full market opening of the postal services sector in 2008. On one hand paper-based communications have declined in many Member States. The number of letters has declined across the EU and between 2012 and 2013 the average rate of decline across the EU 28 was 4.85%. On the other hand, new technologies make shopping online more convenient and therefore increase the number of packages and parcels conveyed by postal operators. Consequently, parcel and express revenues now account for more than half of the postal sector's total revenues. Over the last five years and due to the growth of e-commerce, the business to consumer segment of the parcel and packet markets has grown rapidly, whereas competition in the letter market has been slow to develop, despite the full market opening across the EU.

Good postal services are a vital part of communication in the EU internal market. From collecting to transporting, from sorting to delivering letters and parcels to home and offices, postal services providers offer a wide range of services to an affordable price. The EU's postal sector remains a fundamental contributor to social, economic and territorial cohesion and the development of the digital single market. Affordable and reliable postal and parcel deliveries are still crucial for the Single Market. Postal services encompass a variety of services, from letters to parcels to value-added services. Other sectors such as e-commerce, publishing, mail order, insurance, banking and advertising depend heavily on the postal infrastructure.

In 2009, European-wide postal services accounted for an annual turnover of €72 billion, representing 0.62 % of the EU's GDP in the EU. When it comes to Universal Services, hence over 85 billion post items were dispatched by universal service providers in the EU in 2013, as were nearly 2 billion parcels. The European postal sector accounted for an annual turnover in 2011 of 91€ billion, representing 0.72% of the EU GDP. Postal Operators offer a wide range of services and represent an important part of the economy. However, the main trend is about parcel delivery services due to the development of e-commerce, while the demand for distribution of letters, newspapers, magazines, advertisements, and other documents is declining due to the rise of advanced electronic communications. Meanwhile, parcel delivery is a competitive, innovative and fast growing sector. In the EU-27, only 9% of EU consumers and 18% of e-retailers use cross-border e-commerce. The European Union shall continue the roadmap for completing the single market for parcel delivery.

About 1.2 million people are employed by universal postal service providers, plus those working for other letter and parcel delivery operators. The European Express industry was estimated to employ 272,000 in 2010 and predicted to grow to 300,000 by 2020.

One of the Commission's core tasks is to promote and safeguard effective competition in the postal services sector. Promoting more competition in this sector is also important in reaching the Europe 2020 goals for sustainable growth in a resource-efficient and more competitive economy.

23.6.2016

OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on Transport and Tourism

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

Rapporteur: Georges Bach

SUGGESTIONS

The Committee on Employment and Social Affairs calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Notes that in recent years technological advances and digitalisation have transformed the postal services sector and that the modernisation and diversification of postal services has had a major impact on working conditions and employment in the sector, in particular in remote, rural and mountainous areas, and that overall employment has decreased in the last 20 years with an average decrease in postal employment of 4.4 % between 2012 and 2013 in the EU28;
2. Notes that letter volumes are in decline in the EU owing to the replacement of paper mail with digital tools, while the express delivery sector is increasingly in demand; notes that employment by universal service providers has declined as a result of falling letter volumes, combined with modernisation and increasing automation; notes that, because of technological advances that enable citizens to access services and communications from home, the number of post offices, and consequently also the number of employees in this sector, has fallen;
3. Recalls that the provision of postal services is essential for regional development, social inclusion and the economic and territorial cohesion of the EU and plays a particularly important role in rural and remote areas, as outlined in Article 3(2) and Recitals 19, 20 and 22 of the Postal Services Directive; points out, therefore, that it is essential to maintain the postal services in remote, rural and mountainous areas in order to facilitate communication between people and to guarantee the provision of indispensable postal services, including local access points; calls on the Member States, therefore, to assess the impact of the Postal Services Directive (97/67/EC as amended by 2008/6/EC) on European citizens, especially those living in remote, rural and mountainous areas, and to ensure that universal services are guaranteed on at least five days a week, as provided by

Directive 2008/6/EC; calls on the Member States to accelerate broadband deployment in rural areas so that they can take full advantage of the benefits of the single digital market, in particular job creation, competitiveness, innovation and access to new online services, especially online postal services, and to ensure the continuation and future growth of services; recalls that the full market opening of the postal sector should not lead to a concentration of private services in more profitable regions such as densely populated areas; calls on the responsible authorities, therefore, to analyse and prevent negative consequences of ‘cherry picking’; calls on the Commission and Member States to exchange best practices on universal service providers;

4. Notes that the number of part-time workers, agency workers and self-employed people in the sector has increased and that the general trend is towards more flexible employment contracts, which in some circumstances can cause precarious employment without adequate protection for employees; welcomes the development of new working time models that enable workers, for example, to improve the balance between family and working life, to complete in-service training or to have options of working part-time; notes that new, flexible employment contracts must exclude potential risks such as worker overload or pay levels that are not commensurate with performance; stresses, therefore, the need for labour market flexibility, on the one hand, and for economic and social security for workers on the other; stresses that lowering labour costs by reducing working conditions and employment standards should not be regarded as flexibility; calls on the Commission and the Member States to monitor activities to tackle bogus self-employment in the postal sector; urges the Member States, more generally, to prevent the flexibility of employment contracts from having a negative impact on workers;
5. Notes that in some Member States the liberalisation of the postal sector has led to substantial differences in working conditions and wages between universal service providers and competing companies providing specific postal services; stresses the need for more sustainable, quality employment in the sector;
6. Welcomes the important role of trade unions, which in many Member States work together with universal service providers in an effort to make the transformation of the postal services sector socially sustainable; highlights the importance of strong and independent social partners in the postal sector, an institutionalised social dialogue and the participation of employees in company matters;
7. Draws attention to a number of instances of unfair competition in the postal sector; recalls that unfair competition¹ can contribute to the degradation of working conditions; calls on the responsible authorities to adequately sanction any misconduct in this regard;
8. Stresses the importance of monitoring compliance with mandatory driving and resting times, as well as working hours, in the postal sector; believes that monitoring should take place by means of digital monitoring devices installed in vehicles; recalls that Regulation (EU) No 165/2014 on tachographs in road transport does not apply to vehicles of less than 3.5 tonnes; calls therefore for checks on working and rest times to be stepped up; recalls that all tasks in relation to the activity of an employee are to be considered working time; stresses likewise the importance of monitoring compliance with European and national

¹ COM (2015)0568, p. 6.

legislation regarding the protection of health and safety at work, including conditions in vehicles, for all people involved in postal deliveries irrespective of whether their employment status is self-employed, subcontractor, temporary staff member or contract worker;

9. Believes that a balance should be struck between free competition, consumer requirements, sustainability of the universal service and its financing, and the maintenance of jobs;
10. Is concerned about attempts to circumvent existing minimum wage regulations by increasing the workload to an extent which cannot be managed during paid working hours;
11. Points out that new jobs could be created as a result of restructuring and the introduction of new activities such as logistics, financial services and telephony in the postal services sector; draws attention to the importance of training, further training and retraining in order to help workers acquire 21st-century working skills such as digital skills, and highlights the important role of the social partners in this context; notes that successful postal service diversification projects in some Member States, including increasing financial services (e.g., postal savings banks), local government services, provision of digital and hybrid mail, and business-to-customer parcel delivery have prevented massive job losses; regards it as the employer's task to acquaint employees properly with new technologies such as IT and tracking applications; stresses that in the case of temporary contracts, the agency supplying the staff must give them adequate preparation and training;
12. Highlights the Erasmus+ Leonardo da Vinci vocational education and training programme as a valuable tool in support of the transformation of postal services; notes that older workers also need to receive retraining or further training and that this too may lead to stress;
13. Highlights the opportunities to be found for consumers, SMEs and e-retailers, as well as the postal sector itself, in the growing parcel market, both within Member States and across their borders; stresses, however, that in order to benefit from growth in this area, services such as cross-border parcel delivery must be affordable, accessible and available with price transparency and sufficient delivery features such as track and trace facilities and interoperability of delivery services;
14. Welcomes the essential work of the Social Dialogue Committee for the Postal Sector and highlights the project launched by the European social partners entitled 'Managing demographic challenges and finding sustainable solutions by the social partners in the postal sector';
15. Calls on the Commission and the Member States to compile more data on workforce size and working conditions in the postal service sector in order to better assess the actual situation following the complete opening up of the markets and to respond promptly to developments and tackle potential problems; calls on the Commission and the Member States to closely monitor new means of automated postal deliveries and their impact on working conditions and employment, and to assess the need for the modernisation of social and employment legislation, where appropriate, in order to stay abreast of changes

in the postal sector; encourages the social partners likewise to update collective agreements where necessary so that high working and employment standards can be ensured;

16. Welcomes the fact that some Member States apply Article 9, paragraph 2, second subparagraph, fifth indent, of Directive 97/67/EC, and calls on all Member States to take working conditions into account as a criterion in licensing and approval procedures;
17. Underlines the benefits of quality, sustainable jobs in postal and delivery services, including in providing high and consistent standards of service to consumers;
18. Welcomes the fact that most of the universal service providers in the Member States have concluded collective agreements, and recalls their essential role; encourages the social partners to negotiate collective agreements for all postal services in line with national laws and practice, as they are an effective instrument in combating a race to the bottom regarding social, working and employment standards and in ensuring decent remuneration for all workers and fair competition among postal services providers;
19. Calls on the Commission and the Member States, when drawing up new regulations relating to the postal services market, and particularly in relation to the process of creating the Digital Single Market, to take into account the strategic importance of public postal operators providing a universal service and the need to ensure high standards of protection of workers' rights in the postal services sector;
20. Calls on the Member States to guarantee all workers in the postal services sector decent working conditions, including the required level of health and safety protection at work regardless of the size and type of the company which employs them, the place of employment or the underlying contract; stresses the importance of health and safety at work, particularly in the light of demographic changes and the high level of mobility of workers in the postal sector; welcomes the cooperation between the European Agency for Safety and Health at Work (EU-OSHA) and the sectorial social partners on the 'Healthy Workplaces Manage Stress' campaign.

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

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| Date adopted | 21.6.2016 |
| Result of final vote | +: 40 -: 6 0: 0 |
| Members present for the final vote | Tiziana Beghin, Brando Benifei, Mara Bizzotto, Vilija Blinkevičiūtė, Enrique Calvet Chambon, David Casa, Ole Christensen, Lampros Fountoulis, Elena Gentile, Arne Gericke, Marian Harkin, Czesław Hoc, Danuta Jazłowiecka, Jan Keller, Adam Kósa, Agnieszka Kozłowska-Rajewicz, Jérôme Lavrilleux, Jeroen Lenaers, Javi López, Morten Løkkegaard, Thomas Mann, Dominique Martin, Emilian Pavel, Georgi Pirinski, Marek Plura, Terry Reintke, Sofia Ribeiro, Claude Rolin, Anne Sander, Sven Schulze, Romana Tomc, Yana Toom, Marita Ulvskog, Renate Weber, Tatjana Ždanoka |
| Substitutes present for the final vote | Daniela Aiuto, Georges Bach, Lynn Boylan, Paloma López Bermejo, Edouard Martin, Joachim Schuster, Csaba Sógor, Neoklis Sylikiotis, Flavio Zanonato, Gabriele Zimmer |
| Substitutes under Rule 200(2) present for the final vote | Paul Tang |

24.5.2016

OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION

for the Committee on Transport and Tourism

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

Rapporteur: Lucy Anderson

SUGGESTIONS

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

1. Notes that implementation of the Postal Services Directive did not lead to full expansion of competition and the accomplishment of an internal market for letter and parcel services;
2. Recalls the important role of the universal service obligation (USO) in the postal sector with regard to the development of a fair single market for citizens, consumers and SMEs; notes that the USO is applied very differently across Member States, reflecting a certain flexibility for Member States to define universal service according to their domestic circumstances, including at local level;
3. Considers that the level of transposition of the Directive is unsatisfactory, including with regard to issues such as structural separation, access to networks and authorisation requirements; notes that the Commission has initiated infringement proceedings against two Member States regarding content issues; calls on the Commission to verify whether the legislative measures adopted by Member States constitute complete transposition of the Directive, and if not, to take decisive action to address this; notes the ruling of the Court of Justice of the European Union in Case C-340/13, which stated that the principle of anti-discrimination referred to in Article 12 of the Postal Services Directive does not preclude the introduction by a universal service provider of quantity discounts per business customer in a legitimate case of stimulating demand; acknowledges also that a previous ruling of the Court of Justice in joined cases C-287/06 to C-292/06 underlined that unlawful discrimination can occur as regards operational discounts;
4. Notes the Commission's confirmation that the Postal Services Directive does not require any particular ownership structure for universal service providers (USPs); believes that

USPs and alternative operators should be encouraged to invest and innovate in the provision of efficient and accessible quality postal services, for the benefit of customers, rather than be prevented from doing so; encourages public authorities and Member States to support the modernisation and renewal of the sector through investment, using the funding mechanisms they deem most appropriate in line with EU competition policy;

5. Notes that in many Member States, the decline in letter volumes makes the provision of universal postal services more and more difficult; recognises that many designated universal service providers use revenues from non-USO commercial activities, such as financial services or parcel delivery, to finance the USO; points to the close link between the development of postal and parcel services and that of e-commerce and e-substitution; calls on the Commission to constantly monitor the evolving postal and parcel sectors and the use by Member States of the flexibility offered in the application of the Postal Services Directive, in order to ensure both the sustainability of the USO and the quality of services provided; recognises the changes in customer expectations and the benefits of the Keep Me Posted EU campaign to promote consumer choice; considers that whenever called for by users, the option of e-substitution should be made available;
6. Reiterates its support for the Postal Users Forum, which was established in 2011 by the Commission and aims to facilitate discussion between users, operators, trade unions and other stakeholders on issues including end-user satisfaction, business-user requirements and how to improve e-commerce delivery; is of the opinion that the Forum is very useful and should meet regularly in order to identify potential solutions to improve postal and parcel delivery services; urges the Commission to look in detail at the development of postal services in relation to new emerging digital operators and assess the potential implications and opportunities for existing postal services and their employees; welcomes the growth in employment opportunities in the parcel delivery sector and encourages Member States to develop policies aimed at further improving the skills, education and training of workers in this sector; notes the increased use of part-time and temporary agency employment and self-employed status for parcel and postal deliveries; notes that high-quality sustainable jobs play a significant role in providing high and consistent standards of service to consumers, and considers that Member States should take the necessary steps to ensure fair working conditions in the sector, irrespective of employment status;
7. Considers that, while the situation varies from one Member State to another, the quality, accessibility and reliability of parcel deliveries in the EU can and must be improved and the trust of consumers strengthened, including in rural and remote areas, towns and municipalities; stresses the need to ensure accessibility to postal services for persons with disabilities and the importance of the Accessibility Act, especially as regards cross-border deliveries and e-commerce;
8. Draws attention to the steadily increasing share of the market taken up by cross-border delivery services, which should be supported; notes the findings of the Commission's public consultation on cross-border parcel delivery; highlights that some of the biggest obstacles for consumers and retailers in online trade across the EU include high delivery prices, lack of transparency, unsatisfactory delivery times, lack of information, and lack of clarity concerning liability for loss or damage; notes the importance of affordable and reliable parcel delivery services in realising the full potential of the Digital Single Market;

welcomes, therefore, the Commission's intention to launch measures in 2016 to improve price transparency and enhance regulatory oversight of parcel delivery, and calls on the Commission to consider action on access to postal networks in order to properly address all the problems faced by consumers and businesses in the delivery market;

9. Believes that the European Small Claims Procedure (ESCP) is a useful recourse for consumers and businesses in cross-border transactions; highlights that the Alternative Dispute Resolution (ADR) Directive and the online platform established by Regulation (EU) No 524/2013 on online dispute resolution for consumer disputes may benefit consumers and businesses in cross-border transactions; is concerned that, despite the July 2015 transposition deadline, only 24 Member States have so far transposed the ADR Directive and consequently millions of European citizens are being deprived of this important redress mechanism; calls for further mechanisms for adequate consumer redress in postal services to be considered, if necessary;
10. Calls on the Commission to take measures to ensure a level playing field for incumbent and alternative operators and to facilitate access for SMEs in the postal sector; reiterates that transparency concerning all special prices, discounts, conditions or rebates is a key element of the Postal Services Directive in order to ensure non-discriminatory treatment of all postal users; urges the Commission to remove barriers to cross-border and domestic competition so that consumers and businesses, in particular SMEs, are able to reap the benefits of a true single market for postal services;
11. Is convinced that consumers should be able to easily compare the performance of different postal operators, including price, coverage and speed of delivery; notes that the development of cross-border postal services within the EU could benefit from the creation of platforms for distribution services, the launch of price comparison websites, the improvement of 'track and trace' systems and other such initiatives which promote consumer awareness;
12. Underlines the potential role of EU funding mechanisms in facilitating innovation in postal and delivery services, including e-commerce options of benefit for consumers, the environment and SMEs, and solutions with social inclusion and accessibility objectives; notes that cooperation between postal national regulatory authorities (NRAs), the Commission, competition authorities, consumer protection bodies, e-retailers and all operators in cross-border delivery should be encouraged in order to improve the functioning of the postal sector; recalls that Parliament invited the Commission to explore the possibilities of creating trustmarks for e-commerce, and whether such trustmarks could also contribute to ensuring quality and reliability for delivery services.

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

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| Date adopted | 24.5.2016 |
| Result of final vote | +: 30 -: 3 0: 1 |
| Members present for the final vote | Dita Charanzová, Carlos Coelho, Daniel Dalton, Nicola Danti, Dennis de Jong, Pascal Durand, Vicky Ford, Evelyne Gebhardt, Maria Grapini, Antanas Guoga, Robert Jarosław Iwaszkiewicz, Liisa Jaakonsaari, Eva Paunova, Virginie Rozière, Christel Schaldemose, Andreas Schwab, Olga Sehnalová, Ivan Štefanec, Catherine Stihler, Richard Sulík, Mylène Troszczynski, Marco Zullo |
| Substitutes present for the final vote | Lucy Anderson, Pascal Arimont, Edward Czesak, Morten Løkkegaard, Dariusz Rosati, Richard Sulík, Lambert van Nistelrooij, Sabine Verheyen, Theodoros Zagorakis |
| Substitutes under Rule 200(2) present for the final vote | Raymond Finch, Christofer Fjellner, Sven Giegold |

RESULT OF FINAL VOTE IN COMMITTEE RESPONSIBLE

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| Date adopted | 12.7.2016 |
| Result of final vote | +: 43 -: 2 0: 0 |
| Members present for the final vote | Daniela Aiuto, Lucy Anderson, Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Deirdre Clune, Michael Cramer, Andor Deli, Karima Delli, Isabella De Monte, Ismail Ertug, Jacqueline Foster, Dieter-Lebrecht Koch, Merja Kyllönen, Miltiadis Kyrkos, Bogusław Liberadzki, Peter Lundgren, Gesine Meissner, Cláudia Monteiro de Aguiar, Renaud Muselier, Jens Nilsson, Markus Pieper, Salvatore Domenico Pogliese, Tomasz Piotr Poręba, Gabriele Preuß, Christine Revault D'Allonnes Bonnefoy, Dominique Riquet, Massimiliano Salini, David-Maria Sassoli, Claudia Schmidt, Jill Seymour, Claudia Țapardel, Keith Taylor, Pavel Telička, Wim van de Camp, Elissavet Vozemberg-Vrionidi, Janusz Zemke, Roberts Zīle, Kosma Złotowski, Elżbieta Katarzyna Łukacijewska |
| Substitutes present for the final vote | Markus Ferber, Maria Grapini, Timothy Kirkhope, Patricija Šulin |