

ANEC position on the Commission's proposal to revise the Postal Directive

The existence of affordable and accessible postal services is of great importance to consumers, many of whom continue to rely on this service not only as a means of general communication, but also as an important tool in ensuring a high quality of life. Any liberalisation of the postal market should therefore ensure that all consumers continue to benefit from high quality postal services throughout Europe, irrespective of the location or financial means of the consumer.

Ensuring financing of universal service

ANEC welcomes the proposal of the Commission to retain universal service in the revised Directive. Nonetheless, we want to underline that the current definition should be considered the minimum, and Member States should be allowed to go above and beyond this definition¹. ANEC considers it of paramount importance that NRAs exercise great scrutiny in ensuring that universal service is indeed properly financed and provided, and that consumers' views are taken into account when assessing whether or not this is the case. To this end, ANEC supports the BEUC² call for public stakeholder consultations by NRAs.

Provision of free service to blind persons

In the ANEC response³ to the last Commission public consultation, we called for free services to blind and partially sighted persons to be included in the definition of universal service. Unfortunately these services have been maintained as optional in the proposed Article 12, which states that "*Member States may maintain or introduce free postal service for blind and partially sighted persons*". ANEC believes that in a fully liberalised market where competition will increase the financial pressure on postal operators, ensuring a free service to blind or partially sighted persons becomes increasingly important. Without explicit wording to secure this service in the new Directive, many operators may choose not to offer this service. ANEC therefore supports the European Blind Union⁴ in its call to make the provision of this special free service an obligation for Member States.

¹ Definition found in Article 3 of Directive 97/67/EC on Postal Services.

² BEUC, the European Consumers' Organisation, "Liberalisation of Postal Services – BEUC Comments" (BEUC/X/018/2007)

³ ANEC-SERV-2006-PS-001, 19 January 2006, <http://www.anec.org/attachments/ANEC-SERV-2006-PS-001.pdf>

⁴ www.euroblind.org

Uniform tariffs for consumer mail

ANEC considers that uniform tariffs, referred to in the proposed Article 12, should be made compulsory for consumer mail. The current proposal leaves the application of uniform tariffs to the discretion of each Member State, whereas ANEC believes that obligatory uniform tariffs for consumer originated mail are necessary in order to ensure price transparency and user-friendliness of the postal services.

Strengthening of complaints procedures

Whilst ANEC welcomes the proposed, improved rules on complaints procedures⁵, we do not consider these to go far enough in protecting the rights of consumers in case of e.g. damaged mail or lost items, and we therefore ask for more precise provisions regarding e.g. compensation. It is also important that complaints procedures are set up in a manner which allows all consumers, including those with disabilities, to make full use of the complaints procedures. Therefore, ANEC calls for the notion of 'accessibility' to be mentioned in the proposal as one of the listed requirements for complaints procedures⁶.

Quality standards in the postal sector

The quality of postal services is a long-standing issue of importance for consumers, and will undoubtedly gain importance in the coming years due to the envisaged full market opening. ANEC joins BEUC in its call to increase the reliability of postal services, and to establish minimum targets for opening hours, and collection and delivery times of mail⁷. The issue of integrity and privacy of mail will also become more prominent as the number of postal operators rises. Whilst ANEC supports the standardisation of certain issues, such as transit time for priority and non-priority mail, we believe that when it comes to matters related to the privacy and integrity of mail in the liberalised market, these would be better addressed through legislative measures.

⁵ Article 19 of the Commission proposal

⁶ Proposed Article 19, first paragraph, now reads "Member States shall ensure that transparent, simple and inexpensive procedures are made available...".

⁷ Fn 3

The proposal - background

The European Commission proposal for a revised Postal Directive⁸ suggests to open EU postal markets fully to competition by 2009. This means that the current 'reserved area' of national operators will be abolished, whilst universal service provision would need to be ensured by the Member States through a range of financing mechanisms referred to in the proposal. In particular, the proposal gives an important role to the National Regulatory Authorities (NRAs) in monitoring market developments and ensuring the provision of universal service.

The proposal confirms the current scope of universal service, leaving the provision of free services to blind and partially sighted persons as an option for Member States. The proposal seeks to reinforce complaints procedures, but leaves the decision to apply uniform tariffs up to the Member States. The proposal does not change the existing provisions relating to the harmonisation of technical standards in Europe.

ANEC in brief

ANEC is the European consumer voice in standardisation, representing and defending consumer interests in the process of standardisation and certification, also in policy and legislation related to standardisation. Our aim is a high level of consumer protection. ANEC was set up in 1995 as an international non-profit association under Belgian law. We represent consumer organisations from the European Union Member States and EFTA countries. The European Commission and EFTA fund ANEC, while national consumer organisations contribute in kind. The ANEC Secretariat is based in Brussels.

For more information: www.anec.eu

⁸ Proposal for a Directive of the European Parliament and of the Council amending Directive 97/67/EC, concerning the full accomplishment of the internal market of Community postal services (COM(2006)594final).