

Opinion of the Committee of the Regions on Community postal services

(2007/C 197/07)

THE COMMITTEE OF THE REGIONS

- is of the view that the timetable for the accomplishment of the postal internal market by 2009 as proposed in the Directive 2002/39 of the European Parliament and of the Council of 10 June 2002 amending Directive 97/67/EC with regard to the further opening to competition of Community postal services should be postponed to 31 December 2010 and also allow for a transitional period until 2012 for those Member States that deem it necessary. The legal issues behind the options presented for the financing of the universal service obligations have to be clarified in advance by the Commission; in its next report, and by 31 December 2010 at the latest, the Commission, following a broad consultation of stakeholders and appropriate studies, will evaluate the effectiveness of the financing methods proposed in the Directive and whether or not the scope of the universal service is able to meet customer needs;
- believes that the postal network as a whole, including franchised postal outlets, could provide not only postal services but also act as a platform to provide other public services; this would make it possible to meet common needs in rural mountain or remote areas, providing electronic access to essential services;
- notes that new entrants have created new jobs in liberated markets, and, indirectly, in industries dependent on the postal sector; however, with the liberalisation of the mail market, the postal sector, previously regulated by social guarantees on employment and income, runs the risk of providing less job security and lower wages.

I. Policy recommendations

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) 594 final — 2006/0196 (COD)

THE COMMITTEE OF THE REGIONS

1. believes that good postal services are essential to all economic and social activities and a vital part of communication within the EU;

2. stresses the key role played by postal services, and in particular the universal service provisions ensuring the availability of high-quality, reliable and affordable postal services irrespective of geographical or financial conditions, in the territorial and social cohesion of the European Union;

3. stresses its support and commitment to the completion of the single European market through a regulated liberalisation of the postal market ensuring a durable guarantee of the provision of universal service;

4. is of the view that the timetable for the accomplishment of the postal internal market by 2009 as proposed in the Directive 2002/39 of the European Parliament and of the Council of 10 June 2002 amending Directive 97/67/EC with regard to the further opening to competition of Community postal services should be postponed to 31 December 2010 and also allow for a transitional period until 2012 for those Member States that deem it necessary. The legal issues behind the options presented for the financing of the universal service obligations have to be clarified in advance by the Commission; in its next report, and by 31 December 2010 at the latest, the Commission, following a broad consultation of stakeholders and appropriate studies, will evaluate the effectiveness of the financing methods proposed in the Directive and whether or not the scope of the universal service is able to meet customer needs;

5. considers that European and national regulation of postal operations has to consist of regulations ensuring universal services for consumers while guaranteeing postal undertakings a possibility to operate flexibly to serve the changing markets and customer needs;

6. agrees that the impact of globalisation, market demands for a high-quality service and technological advances means that the postal services industry is facing rapid change. The CoR stresses that a high-quality, modern and technologically advanced universal postal service is a prerequisite for the completion of the Single Market, future economic growth and

social inclusion. Consumers and small businesses in remote and excluded urban areas, in particular rely on postal services. However, at the same time, new modern technology has brought new ways of transmitting messages and the scope of universal service required should take account of this;

7. draws attention to the substitution of traditional postal items by new forms of communication which is taking place in several Member States. This has led to major reductions in mail volumes for postal operators which needs to be taken into account when defining the scope and means of financing the universal service obligation;

8. recommends that more attention should be given to potential job losses in the process of liberalisation, even though new competitors entering the market, could, in addition, also provide significant avenue for employment opportunities;

9. suggests that the Member States and the European Commission further examine the possibilities for introducing retraining programmes for current postal operator employees who may become redundant when the monopolies face competition from new entrants to the market;

10. notes that new entrants have created new jobs in liberated markets, and, indirectly, in industries dependent on the postal sector; however, with the liberalisation of the mail market, the postal sector, previously regulated by social guarantees on employment and income, runs the risk of providing less job security and lower wages;

11. requests that the Member States and the Commission examine the opportunities arising from franchising the postal outlet network as has been done in some Nordic countries with very positive results. In these countries a franchised postal outlet in combination with another business has proven to be a very customer-friendly way to offer postal services.

12. believes that the postal network as a whole, including franchised postal outlets, could provide not only postal services but also act as a platform to provide other public services; this would make it possible to meet common needs in rural mountain or remote areas, providing electronic access to essential services;

13. notes that it remains unclear whether the information referred to in Article 6 on the information to be published on universal service refers to the special characteristics of universal service determined by the authorities or the terms of service for the universal service operator. The Article should be modified so that it clearly states what parties can be subject to measures by the Member States;

14. notes that the Directive does introduce alternatives in the new Article 7 to include public compensation through direct state subsidies or, indirect, financing through the use of public procurement procedures;

15. requests further clarification on the financing alternatives proposed in Article 7;

— considers in general that the Commission's proposals for financing options have not been analysed in terms of feasibility or effectiveness

— underlines that the efficiency of a compensation fund has not been empirically proven in any country of the world

— stresses that the financing of universal service obligations through state aid is difficult to rely on in a general context of public budget restrictions. Liberalisation of the postal market should not lead to public authorities alone having to cover the costs of provision in disadvantaged regions (for example, mountain areas or thinly populated areas) whilst private companies are left to reap the benefits. An additional difficulty would be ensuring compliance of state payments with the criteria for compensation set in the Altmark case (Case C-280/00 Altmark Trans);

16. considers that Article 9 does not sufficiently take into account the different circumstances in the different Member States and that this limits alternative solutions. The CoR therefore suggests that the directive should allow for different licensing and authorisation procedures to be combined and co-ordinated by taking into account the local circumstances of each Member State;

17. considers that the security and operational certainty of an undertaking designated as a universal service provider should not be subject to higher requirements than those generally directed at postal undertakings. If stricter terms are set for a universal service provider, this will result in additional costs;

18. agrees that in a fully competitive environment, it is important, both for the financial equilibrium of the universal service as well as for limiting market distortions, that the principle that prices reflect normal commercial conditions and costs is only departed from in order to protect or promote public service obligations defined in the relevant national legal acts. This underlines the fact that Member States should, if possible, maintain uniform tariffs for single piece tariff mail, the service most frequently used by consumers and small businesses; in addition, these principles should not prevent universal service providers from voluntarily applying uniform tariffs to universal services;

19. considers it especially important that the pricing principles of universal service comply with Article 12 and that they are regulated sufficiently clearly and unambiguously;

20. recommends a clarification as to what is meant by the cost-orientation of prices and the fact that prices have to encourage the attainment of efficiency benefits. The Directive and its Preamble should, furthermore, expressly note that the pricing requirements relating to universal service should not oblige postal undertakings to lower their prices simply because an increased efficiency has led to more profitable operations;

21. considers it especially important that the requirements for the reasonableness and cost-orientation of the prices of the universal service are sufficiently clearly regulated so that they will not be used as a tool of price control but understood in the perspective of competition-law principles;

22. considers that the pricing of services other than universal service should not be subject to direct regulation;

23. notes that Article 14 (2) dealing with the proposed cost-accounting is more uniform than present regulation, because there is no need to differentiate universal service in book-keeping or cost accounting if the postal undertaking does not receive external financing for the provision of the universal service;

24. considers that the Directive should clearly indicate the principle that a postal undertaking is not responsible for differentiating the costs of universal service if the Member State has not introduced a financing system for universal service or if universal service is left to be handled by market forces;

25. considers unnecessary the principle in Article 14 (8), that a national regulatory authority could use its discretion in the application of Article 14, for example to set an obligation to differentiate cost-accounting; and considers also that the discretion of the national regulatory authority not to apply the requirements of Article 14 should be removed. Instead, the paragraph should make clear that the requirement to differentiate cost-accounting shall not be applied if a Member State has not created a financing mechanism complying with Article 7 or if no provider of universal service has been designated;

26. considers it essential for the cost of universal service to be allocated and taken into account when the undertaking designated to provide universal service is one that is bound to apply cost-oriented pricing;

II. Recommendations for amendments

Amendment 1

Recital 12 of Directive 97/67/EC

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

Reason

The impact of a complete market-opening cannot be predicted in a legislative proposal by the European Commission. The second sentence of that recital is however a clear legal statement.

Amendment 2

Recital 17 of Directive 97/67/EC

Text proposed by the Commission	CoR Amendment
(17) In the light of the studies carried out and with a view to unlocking the full potential of the internal market for postal services, it is appropriate to end the use of the reserved area and special rights as a way of ensuring the financing of the universal service.	(17) In the light of the studies carried out and with a view to <u>financing the universal service in a sustainable and secure way, while also unlocking the full potential of the internal market for postal services, it is appropriate to retain the option of</u> end the use of the reserved area and special rights as a way of ensuring the financing of the universal service <u>for those Member States who deem it necessary. However, this should only be possible for a transitional period limited to 2012.</u>

Amendment 3

Recital 24 of Directive 97/67/EC

Text proposed by the Commission	CoR Amendment
(24) In a fully competitive environment, it is important, both for the financial equilibrium of the universal service as well as for limiting market distortions, that the principle that prices reflect normal commercial conditions and costs is only departed from in order to protect public interests. This objective is achieved by continuing to allow Member States to maintain uniform tariffs for single piece tariff mail, the service most frequently used by consumers and small and medium size enterprises. Individual Member States may also maintain uniform tariffs for some other mail items to protect general public interest reasons, such as access to culture, regional and social cohesion.	(24) In a fully <u>more highly</u> competitive environment, it is important, both for the financial equilibrium of the universal service as well as for limiting market distortions, that <u>universal service providers are allowed enough price flexibility to ensure the financial viability of the universal service. Thus it is important to ensure, with regard to the tariffs set by Member States, that the principle that prices reflect normal commercial conditions and costs is only departed from in order to protect public interests. This objective is achieved by continuing to allow Member States to maintain uniform tariffs for single piece tariff mail, the service most frequently used by consumers and small and medium size enterprises. Individual Member States may also maintain uniform tariffs for some other mail items to protect general public interest reasons, such as access to culture, regional and social cohesion. The principle of gearing prices to costs does not prevent service providers from applying uniform tariffs to universal services.</u>

Reason

The consequences of pursuing increasing liberalisation for the tariff principles applicable to universal service providers should be examined. Sufficient flexibility should be built in to allow the universal service provider to deal with competition and adapt to market demand.

Amendment 4

Article 3 of Directive 97/67/EC

Text proposed by the Commission	CoR Amendment
<p>1. Member States shall ensure that users enjoy the right to a universal service involving the permanent provision of a postal service of specified quality at all points in their territory at affordable prices for all users.</p> <p>2. To this end, Member States shall take steps to ensure that the density of the points of contact and of the access points takes account of the needs of users.</p> <p>3. They shall take steps to ensure that the universal service is guaranteed every working day and not less than five days a week, save in circumstances or geographical conditions deemed exceptional by the national regulatory authorities, and that it includes as a minimum:</p> <ul style="list-style-type: none"> — one clearance, — one delivery to the home or premises of every natural or legal person or, by way of derogation, under conditions at the discretion of the national regulatory authority, one delivery to appropriate installations. <p>Any exception or derogation granted by a national regulatory authority in accordance with this paragraph must be communicated to the Commission and to all national regulatory authorities.</p> <p>4. Each Member State shall adopt the measures necessary to ensure that the universal service includes the following minimum facilities:</p> <ul style="list-style-type: none"> — the clearance, sorting, transport and distribution of postal items up to two kilograms, — the clearance, sorting, transport and distribution of postal packages up to 10 kilograms, — services for registered items and insured items. <p>5. The national regulatory authorities may increase the weight limit of universal service coverage for postal packages to any weight not exceeding 20 kilograms and may lay down special arrangements for the door-to-door delivery of such packages.</p> <p>Notwithstanding the weight limit of universal service coverage for postal packages established by a given Member State, Member States shall ensure that postal packages received from other Member States and weighing up to 20 kilograms are delivered within their territories.</p>	<p>1. Member States shall ensure that users enjoy the right to a universal service involving the permanent provision of a postal service of specified quality at all points in their territory, <u>taking into account in particular the specific needs of rural and upland areas</u>, at affordable prices for all users.</p> <p>2. To this end, Member States shall take steps to ensure that the density of the points of contact and of the access points takes account of the needs of users, <u>particularly those who live in rural and upland areas</u>.</p> <p>3. They shall take steps to ensure that the universal service is guaranteed every working day and not less than five days a week, save in circumstances or geographical conditions deemed exceptional by the national regulatory authorities, and that it includes as a minimum:</p> <ul style="list-style-type: none"> — one clearance, — one delivery to the home or premises of every natural or legal person or, by way of derogation, under conditions at the discretion of the national regulatory authority, one delivery to appropriate installations. <p>Any exception or derogation granted by a national regulatory authority in accordance with this paragraph must be communicated to the Commission and to all national regulatory authorities.</p> <p>4. Each Member State shall adopt the measures necessary to ensure that the universal service includes the following minimum facilities:</p> <ul style="list-style-type: none"> — the clearance, sorting, transport and distribution of postal items up to two kilograms, — the clearance, sorting, transport and distribution of postal packages up to 10 kilograms, — services for registered items and insured items. <p>5. The national regulatory authorities may increase the weight limit of universal service coverage for postal packages to any weight not exceeding 20 kilograms and may lay down special arrangements for the door-to-door delivery of such packages.</p> <p>Notwithstanding the weight limit of universal service coverage for postal packages established by a given Member State, Member States shall ensure that postal packages received from other Member States and weighing up to 20 kilograms are delivered within their territories.</p>

Amendment 5

Article 4.2 of Directive 97/67/EC

Text proposed by the Commission	CoR Amendment
2. Member States may choose to designate one or more undertakings as universal service providers for a part or all of the national territory and for different elements of universal service. When they do so, they shall determine in accordance with Community law the obligations and rights assigned to them and shall publish these obligations and rights. In particular Member States shall take measures to ensure that the conditions under which universal services are entrusted are based on objective, non-discriminatory, proportionate and least market distortion principles, and that the designation of undertakings as universal service providers is limited in time. Member States shall notify the identity of the universal service provider(s) they designate to the Commission.	2. Member States may choose to designate one or more undertakings as universal service providers for a part or all of the national territory and for different elements of universal service if they find it necessary in order to <u>guarantee the universal service</u> . When they do so, they shall determine in accordance with Community law the obligations and rights assigned to them and shall publish these obligations and rights. In particular Member States shall take measures to ensure that the conditions under which universal services are entrusted are based on objective, non-discriminatory, proportionate and least market distortion principles, and that the designation of undertakings as universal service providers is limited in time. Member States shall notify the identity of the universal service provider(s) they designate to the Commission.

Reason

To clarify that Member States no longer necessarily need to designate a universal service provider if it is determined that the market forces will guarantee the universal service.

Amendment 6

Article 7 of Directive 97/67/EC

Text proposed by the Commission	CoR Amendment
1. With effect from 1 January 2009 Member States shall not grant or maintain in force exclusive or special rights for the establishment and the provision of postal services. Member States may finance the provision of universal services in accordance with one or more of the means provided for in paragraphs 2, 3 and 4, or in accordance with any other means compatible with the EC Treaty.	1. With effect from 1 January 2009 31 December 2010 Member States shall not grant or maintain in force exclusive or special rights for the establishment and the provision of postal services. Member States may finance the provision of universal services in accordance with one or more of the means provided for in paragraphs 2, 3 and 4, or in accordance with any other means compatible with the EC Treaty.
2. Member States may ensure the provision of universal services by procuring such services in accordance with applicable public procurement rules.	2. Member States may ensure the provision of universal services by procuring such services in accordance with applicable public procurement rules.
3. Where a Member State determines that the universal service obligations, as provided for by this Directive, entail a net cost and represent an unfair financial burden for the universal service provider(s), it may:	3. Where a Member State determines that the universal service obligations, as provided for by this Directive, entail a net cost and represent an unfair financial burden for the universal service provider(s), it may:
(a) Introduce a mechanism to compensate the undertaking(s) concerned from public funds;	(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.	(b) Share the net cost of universal service obligations between providers of services and/or users.
4. Where the net cost is shared under paragraph 3(b), Member States may establish a compensation fund which may be funded by service providers' and/or users' fees, and is administered for this purpose by a body independent of the beneficiary or beneficiaries. Member States may make the granting of authorisations to service providers under Article 9(2) subject to an obligation to make a financial contribution to that fund or to comply with universal service obligations. Only those services set out in Article 3 may be financed in this way.	4. Where the net cost is shared under paragraph 3(b), Member States may establish a compensation fund which may be funded by service providers' and/or users' fees, and is administered for this purpose by a body independent of the beneficiary or beneficiaries. Member States may make the granting of authorisations to service providers under Article 9(2) subject to an obligation to make a financial contribution to that fund or to comply with universal service obligations. Only those services set out in Article 3 may be financed in this way.
	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 paragraphs 3 and 4 shall be based on objective and verifiable criteria and be made public.'

Text proposed by the Commission	CoR Amendment
<p>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 paragraphs 3 and 4 shall be based on objective and verifiable criteria and be made public.'</p>	<p><u>6. where it believes that none of the above-mentioned arrangements guarantees the long-term financing of the universal service's net costs, a Member State may, for a transitional period, continue to reserve certain services for the designated universal service provider. The services that may be reserved are collection, sorting, transport and delivery of normal domestic mail and of incoming cross-border mail, whether express or not, within the following weight/price limits.</u></p> <p><u>The weight limit will be set at 50 grams from 1 January 2009. This weight limit will not apply if the price is equal to or greater than two-and-a-half times the public tariff for an item of correspondence in the first weight step of the fastest category.</u></p> <p><u>With regard to free services for blind and partially sighted persons, price/weight limit derogations may be authorised.</u></p> <p>Insofar as is necessary in order to maintain universal service, e.g. owing to the specific nature of the postal services of a Member State, outgoing cross-border mail may continue to be reserved within the same weight/price limits.</p> <p><u>7. The Commission shall carry out a study aimed at assessing the effectiveness of all means of financing on the basis of best practices applied in Member States, and whether or not the universal service meets customer needs. Based on the conclusions of this study and before 31 December 2010, the Commission shall present, following a broad consultation of all stakeholders, a report to the European Parliament and to the Council, together with a proposal confirming, where appropriate, the date of 2012 for full accomplishment of the internal market of Community postal services.</u></p>

Reason

This amendment is consistent with recommendation 2 on recital 17 of Directive 97/67/EC. It is important that the Commission draws up a report on the effectiveness of the various alternative financing possibilities. The reserved sector must be retained under the same terms as those in Directive 97/67/EC until 2012 for those Member States who deem it necessary

Amendment 7

Article 9 of Directive 97/67/EC

Text proposed by the Commission	CoR Amendment
<p>1. For 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.</p> <p>2. For services which are within the scope of the universal service as defined in Article 3 Member States may introduce authorisation procedures, including individual licences, to the extent necessary in order to guarantee compliance with the essential requirements and to safeguard the universal service.</p> <p>The granting of authorisations may:</p> <ul style="list-style-type: none"> — where appropriate, be made subject to universal service obligations, — if necessary, impose requirements concerning the quality, availability and performance of the relevant services, — where appropriate, be subject to an obligation to make a financial contribution to the sharing mechanisms referred to in Article 7. <p>Except in the case of undertakings that have been designated as universal service providers in accordance with Article 4, authorisations may not:</p> <ul style="list-style-type: none"> — 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. 	<p>1. For 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.</p> <p>2. For services which are within the scope of the universal service as defined in Article 3 Member States may introduce authorisation procedures, including individual licences, to the extent necessary in order to guarantee compliance with the essential requirements and to safeguard the universal service.</p> <p>The granting of authorisations may:</p> <ul style="list-style-type: none"> — where appropriate, be made subject to universal service obligations, — if necessary, impose requirements concerning the quality, availability and performance of the relevant services, — where appropriate, be subject to an obligation to make a financial contribution to the sharing mechanisms referred to in Article 7. — <u>amongst other things, impose requirements concerning the quality, availability and performance of the relevant services. Insofar as they are compatible with Community law, these requirements may be linked to social and environmental considerations,</u> — <u>be subject to an obligation to make a financial contribution to the sharing mechanisms referred to in Article 7.</u> — <u>be subject to an obligation to provide staff previously responsible for supplying these services with the rights they would have benefited from if a transfer had taken place within the meaning of Directive 77/187/EEC. The regulatory authority should provide a list of employees and details of their contractual rights.</u> <p>Except in the case of undertakings that have been designated as universal service providers in accordance with Article 4, authorisations may not:</p> <ul style="list-style-type: none"> — 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.

Reason

By the end of 2009, the Commission shall publish a new study aimed at clarifying how universal services will in future be delivered to users throughout both rural and urban Europe. In the interim, the status quo should be maintained, including the reserved area.

*Amendment 8***Article 19 of Directive 97/67/EC**

Text proposed by the Commission	CoR Amendment
Member States shall ensure that transparent, simple and inexpensive procedures are made available by undertakings providing 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).	Member States shall ensure that transparent, simple and inexpensive procedures are made available by <u>all</u> undertakings providing 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).

Reason

It is important to ensure that the same procedures shall apply to all undertakings providing postal services, not just to those providing universal service.

*Amendment 9***Article 21 of Directive 97/67/EC**

Text proposed by the Commission	CoR Amendment
1. The Commission shall be assisted by a committee.	1. The Commission shall be assisted by a committee. <u>The committee shall be composed of representative from each Member State and representatives from the local and regional authorities of each Member State.</u>

Reason

The Committee established under Article 21 shall be informed and monitor the evolution of the measures established by Member States to ensure the provision of the universal service. It is important that representatives from local and regional authorities form part of this committee as they may have diverging opinions of that of the Member States.

*Amendment 10***Article 22a of Directive 97/67/EC**

Text proposed by the Commission	CoR Amendment
<p>1. Member States shall ensure that undertakings providing postal services provide all the information, including financial information and information about the provision of the universal service, necessary for the following purposes:</p> <p>(a) for national regulatory authorities to ensure conformity with the provisions of, or decisions made in accordance with, this Directive,</p> <p>(b) for clearly defined statistical purposes.</p> <p>2. Undertakings shall provide such information promptly on request and within the timescales and to the level of detail required by the national regulatory authority. The information requested by the national regulatory authority shall be proportionate to the performance of its tasks. The national regulatory authority shall give the reasons justifying its request for information.</p>	<p>1. Member States shall ensure that undertakings providing postal services provide all <u>reasonable amount of relevant the information on universal services</u>, including financial information and information about the provision of the universal service, necessary for the following purposes:</p> <p>(a) or national regulatory authorities to ensure conformity with the provisions of, or decisions made in accordance with, this Directive,</p> <p>(b) or clearly defined statistical purposes.</p> <p>2. Undertakings shall provide such information promptly on request and within the timescales and to the level of detail required by the national regulatory authority. The information requested by the national regulatory authority shall be proportionate to the performance of its tasks. The national regulatory authority shall give the reasons justifying its request for information.</p>

Reason

The text should be written so that it clearly indicates the reasonableness and relevance of the obligation imposed from the perspective of the postal undertaking and that the duty to notify be limited to relate only to services belonging to universal service.

*Amendment 11***Article 23 of Directive 97/67/EC**

Text proposed by the Commission	CoR Amendment
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.	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 also contain a detailed analysis of the current and possible <u>future effects on the regions of liberalisation, with particular focus on upland regions with specific needs, and</u> be accompanied where appropriate by proposals to the European Parliament and the Council.

Reason

It is important that the report not only looks at the effect of the directive on a Member State level but that the regional effects are also considered.

Brussels, 6 June 2007.

The President
of the Committee of the Regions
Michel DELEBARRE

III. Procedure

Title	Proposal for a Directive amending Directive 97/67/EC concerning the full accomplishment of the internal market of Community postal services
Reference(s)	COM(2006) 594 final — 2006/0196 (COD)
Legal basis	Article 265, first paragraph
Procedural basis	
Date of Council referral	22.11.2006
Date of President's decision	9.1.2007
Commission responsible	Commission for Economic and Social Policy (ECOS)
Rapporteur	Ms Elina Lehto, Mayor of Lohja, (FIN, PES)
Analysis	5.2.2007
Discussed in commission	30.3.2007
Date adopted by commission	30.3.2007

Result of the vote in commission	Adopted by majority
Date adopted in plenary	6 June 2007
Previous Committee opinions	<p>Opinion on the European Commission proposal for a European Parliament and Council Directive amending Directive 97/67/EC with regard to the further opening to competition of Community postal services (COM(2000) 319 final, CdR 309/2000 fin ⁽¹⁾);</p> <p>Opinion on the European Proposal for a European Parliament and Council Directive on common rules for the development of Community postal services and the improvement of quality of service (COM(95) 227 final, CdR 422/1995 fin ⁽²⁾)</p>

⁽¹⁾ OJ C 144, 16.5.2001, p. 20.

⁽²⁾ OJ C 337, 11.11.1996, p. 28.