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Regulatory news

Competition Appeal Tribunal rejects Royal Mail appeal against fine for competition law breach.

The Competition Appeal Tribunal has dismissed Royal Mail’s appeal against Ofcom’s 2018 decision to fine Royal Mail £50 million for breaching competition law.

Ofcom spokesperson: “We found that Royal Mail pursued a deliberate strategy of pricing discrimination against Whistl, which was its only major competitor for delivering business mail”.

“Royal Mail had a special responsibility to ensure its behaviour was not anti-competitive. We hope that our fine, which has been upheld in full by the Tribunal, will ensure that Royal Mail and other powerful companies take their legal duties very seriously.”

12/11/2019
Ofcom

Parcel companies admit breaking competition law through anti-competitive agreement

Royal Mail and a reseller of its business parcel delivery services – the SaleGroup, which trades as Despatch Bay – have admitted being part of an illegal anti-competitive agreement.

In May 2018, Royal Mail reported to the Competition and Markets Authority (CMA) that its Parcel Force division had an agreement with one of its resellers – Despatch Bay – that meant neither company would offer parcel delivery services to each other’s business customers.

The CMA handed the matter over to Ofcom, as the regulator for postal services, and we have investigated the two companies’ agreement.

We have provisionally found that the agreement broke competition law because it aimed to restrict competition by sharing customers.

19/09/2019
Ofcom

BIPT decides not to approve bpost’s cost accounting methodology for 2016

In conformity with postal Belgian regulation, BIPT adopts a decision by virtue of which it addresses a declaration of non-conformity to the universal service provider.

After a thorough review of the changes made by bpost to the cost drivers as part of its 2016 cost accounting. Based on the exchanges with bpost, the report of the College of Commissioners and the final report sent by Frontier Economics, BIPT notes that the changes on the cost accounting methodology present a lack of conformity with one or more of the principles of distribution of costs provided in Belgian postal regulation.

22/10/2019
BIPT

Case-law of the EU Court of Justice

Case-law of the EU Court of Justice- Joined Cases C-203/18 and C-374/18

THE COURT (Third Chamber) has recently given Judgement on the joined cases C-203/18 and C-374/18. This one has been issued 21 November 2019.

In these Joined Cases in which Deutsche Post is involved, the Higher Administrative Court for Land Nort of Rhine-Westphalia, Germany (C-203/18) and the Regional Court, Cologne, Germany (C-374/2018) requested for a preliminary ruling under Article 267 TFEU.

The questions in C-203/2018 and the first, second and fourth ones in C-374/2018 concerned, in essence, the interpretation of provisions of:

- Regulation 561/2006 of the European Parliament and of the Council of 15 March 2006 related to driving time, break and rest period rules for drivers engaged in national and international road transport and
- Directive 97/67/EC on common rules for the development of the internal market of Community postal services.

By its third question in C-374/2018, the Regional Court, Cologne, asked whether a provision of national law which reproduces verbatim one article of Regulation 561/2006 but it applies to vehicles do not fall within its scope, must be interpreted exclusively on the basis of EU law or whether a national court may apply criteria that differ from those of EU law in order to interpret that provision of domestic law.

21/11/2019
CERP Database

CERP activity

55th CERP Plenary meeting in Ljubljana, Republic of Slovenia

The CERP Chairman has received the invitation from the Ministry of Economic Development and Technology of the Republic of Slovenia to hold the 55th CERP Plenary meeting in Ljubljana.

The meeting will be held in the business premises of Slovenia’s national postal operator Pošta Slovenije (address: Čopova 11, Ljubljana) on the 1st and 2nd of June 2020.

15/10/2019
CERP News

CERP Rules of Procedure amendment

The 54th CERP plenary meeting held in Skopje made the decision to amend the art 15.2 of the CERP Rules of Procedure.

The 28 CERP member countries present at the meeting approved the amendment of the art 15. However, 32 votes were required, so the plenary decided to extend the time to get the approval of other countries, by remote vote, till the end of 2019.

Six remote votes, from Portugal, Italy, Finland, Liechtenstein, Malta and Montenegro were received so, finally, 34 CERP member countries have approved the amendment of the art 15 as follows:

**Article 15 - Amendments to the Rules of Procedure**

15.1. Draft amendments to the Rules of procedure shall be submitted to the Plenary Meeting with two months notice at the least.

15.2. Approval of amendments to the Rules of procedure shall require a two-thirds majority of the **CEPT member countries that have appointed a representative in CERP**.

This amendment will allow submitting a deeper update of the CERP Rules of Procedure during the next plenary meeting in Ljubljana.

27/11/2019
CERP News

EU and International Organizations

European Commission: Cross-border Parcel Delivery Price Transparency Tool.

Mini-social media campaign –2 to 23 December 2019

For Regulation (EU) 2018/644 on cross-border parcel delivery services and Commission Implementing Regulation (EU) 2018/1263 establishing the forms for the submission of information to be implemented, European Commission has recently launched a Mini-social media campaign.

The campaign, which will last until the next 23 December, aims to publicize the Cross-border Parcel Delivery Price Transparency Tool through internet (Webbanner) and Social Networks such as Facebook, LinkedIn and Tweeter using the hashtag #SingleMarket. Maximum diffusion has been requested.

Regardless the mean used: Facebook, LinkedIn, Tweeter or Web banner, the person concerned will be led to this webpage European Commission-Postal Services
Open up the UPU to parcel and express operators, say UPU chiefs.

The Universal Postal Union (UPU) should be opened up to private companies such as parcel and express operators to create a single global delivery network following last week's historic agreement to reform terminal dues, the UN agency’s two top officials have urged at Parcel + Post Expo 2019.

This would be a core part of broader reforms, including reorganising financial contributions and the 145-year-old world postal organisation’s debts, which could be agreed at its next regular Congress in August 2020. (…)

UPU Director General Bishar Hussein explained at the UPU World CEO Forum on Monday how the compromise deal reached at last week’s Extraordinary Congress had “saved the Union” by keeping the USA in the world postal system. (…)

Asked about the major strategic issues facing the world postal sector, the UPU DG highlighted the need to open up the UPU to private operators and to reform contributions as part of the proposed new strategy. (…)

01/10/2019
CEP Research
To get the news, please, send an email to cerp.secretariat@fomento.es