



Report of the 39th CERP plenary meeting Athens (Greece) on 9 and 10 October 2008

List of participants

Chairmanship: Mr. U. Dammann (Germany).

CERP members: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Germany, France, the Former Yugoslav Republic of Macedonia, Grand Duchy of Luxembourg, Greece, Hungary, Ireland, Latvia, Lithuania, Malta, Norway, Poland, Portugal, Romania, Slovak Republic, Serbia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom.

CERP observers: Ms. W.-J. Lee (UPU), Mr. J. Reinbothe and Mr. R. Pochmarski (European Commission), Mr. T. Walsh (FEDMA), Mr. B. Damiens (PostEurop) Mr. M. Van der Horst (EEA).

Excused: Albania, Andorra, the Republic of Azerbaijan, Belarus, Bosnia-Herzegovina, Estonia, Finland, the Russian Federation, Georgia, Iceland, Italy, Liechtenstein, Monaco, Montenegro, the Netherlands, the Rep. of Moldova, San Marino, the Vatican, EMOTA, and the UNI.

Speakers invited: Mr. R. Hinds (IPC), Mr. M. MacClancy (The DX Group)

Secretariat: Ms. A. Czauderna-Wanis (Germany).

Thursday 9 October

1. Welcome

The Chairman opens the meeting and thanks the hosts for their hospitality and the excellent organisation of the meeting in this very busy period after the UPU Congress. He also thanks the Vice chairmen Mr. John Hearn and Mr. Michel Noguet for taking over the workload during the summer and the UPU Congress.

He bids the members welcome, particularly the observers Ms. W-J Lee (UPU), Mr. B. Damiens (PostEurop), Mr. J. Reinbothe and Mr. R. Pochmarski (European Commission), Mr. M. Van der Horst and Mr T. Walsh (FEDMA).

The Vice President of the Hellenic Telecommunications and Post Commission (EETT) Mr. Michael Sakkas welcomes the participants and gives an overview on recent developments of the Greek regulator.

This speech is followed by a welcome address given by Mr. George Anastasopoulos, Secretary General for Communications of the Hellenic Ministry of Transport & Communications and by a speech of the recently elected new chairman of the POC Mr. Andreas Taprantzis.

2. Approval of the agenda

The agenda is approved.

3. Approval of the report of the plenary meeting in Riga on 15 and 16 May 2008

The Chairman received two comments on the draft Report of the 38th Plenary meeting.

France commented on point 8 of the report.

Portugal had a remark on point 10.

Both comments will be added to the report.

4. Report of the CERP Steering Group meetings of 16 June 2008 and of 4 September 2008

The reports are approved.

5. Report of the Contact Committee CERP/European Commission of 7 August 2008

Mr. J. Hearn (Ireland) provides information about the meeting of the Contact Committee CERP/European Commission on 7 August 2008 during the UPU Congress in Geneva. The report is approved.

6. Result of UPU Congress

The presentation given by Ms. Won-ja Lee from the International bureau of the UPU is attached to this report.

She underlines the excellent work of Mr. J.-L. Dutordoit and congratulates the new Chairman Mr. Dammann and the Vice Chairmen Mr. Noguét and Mr. Hearn on being elected.

Afterwards Mr. Egil Thorstensen provides the result of the UPU congress from the view of CERP. This presentation is attached too.

Both presentations are followed by an intensive discussion.

Belgium comments, that, compared to the previous UPU Congress in Bukarest (2004) some countries lost about 20 – 30 votes in the elections. Some developing countries even did not use all the votes they had. This may have been caused by failing cooperation from industrialized countries to developing countries the latter being less concerned about the advantages of liberalization.

Norway answers that it is important for all member countries to take active part and to show an interest in UPU matters.

The chairman recommends that CERP reports to be distributed to other Restricted Unions of the UPU to provide information on European progress.

UPU agrees and highlights the importance of sharing information.

Belgium welcomes the attitude to cost effective solutions but mentions the ongoing problem of terminal dues having a great impact on developing countries sending mail to developed countries.

Norway answers that developing countries should get closer to target systems, but very poor countries normally have very small mail volumes so that developed countries are not affected that much by lower terminal dues.

Ireland states that terminal dues do not reflect costs and that developing countries should not pay full Europe costs.

UPU argues that terminal dues should also be deemed a social aspect of worldwide exchange beyond the view of core business.

Ireland concludes that it is very important to separate developing countries from developed countries so that no one should ask full terminal dues from very poor countries. But there are countries that benefit from the low terminal dues in the UPU regime and therefore a country-specific terminal dues system is needed.

Post Europe mentions the different approach to terminal dues in Europe compared to that of developing countries. In addition to that, it should be noted that there may be a need for a platform where Restricted Unions could exchange their views.

Switzerland asks for CERP to be present at coming CA meetings.

UPU agrees and recommends getting into contact with the International Bureau.

7. European regulatory matters Presentation by the European Commission

The Presentation given by Mr. Jörg Reinbothe is attached.

Fedma mentions that any VAT exemptions on products within the Universal Service area are crucial because of the variance in scope of the Universal Service definition between EU member countries.

The European Commission answers that they are in close contact with the unit responsible for VAT issues. The most important in any regulation will be the non-discriminatory application of VAT. A decision by the European Court in Luxembourg in the court cases is expected for autumn this year. The VAT directive is in the pipeline but is being blocked for the time being by the council negotiation process where unanimity is needed.

The United Kingdom asks about the envisaged study on NRAs. Would the European Commission initiate infringement procedures if the study results in the finding that in some countries the regulator does not have the necessary power?

The European Commission responds that they would keep an eye on the results of this study but – if possible – would try to avoid infringement procedures.

Ireland expresses concern about the fact that in many countries the ministry will not accept that the NRA has a key role and hopes that the European Commission will help the regulators to convey the view that liberalisation will become a success.

8. Reorganisation of CEPT

During the CEPT Assembly in Malta the questions 14 and 15 were not clarified. CEPT distributed a questionnaire to all CEPT members to answer these questions.

The Chairman had a meeting in Berlin with the Chairman of CEPT, Mr. Tabone. He reports about a task force which proposed to have three CEPT Co-Presidents (ECC, WG ITU and CERP). The task force will contact CEPT members asking for their views. A final decision will be taken by the CEPT assembly in March 2009.

9. Reports of the meetings of Working Groups and Project Teams

- WG Supervision/Market Data (PT Statistics, PT Consumer)

Mr. J. Callert (Belgium) reports that the WG has not convened because of the recent UPU Congress. The next meeting will be in Brussels on 20 November 2008 together with the Chairmen of PT Statistics and PT Consumers.

- WG Economics (PT Cost of US, PT Cost Accounting)

The WG Economics met in Zagreb on 4 and 5 September 2008. The most important topics were cost accounting and universal service and its financing.

Mr. Lars Forslund (Sweden) presents the “Guidelines for Calculating the Net Cost of the Universal Service Obligations”. The report is approved.

- WG Policy Issues (PT NRAs, PT UPU)

Mr. E. Thorstensen (Norway) asks to excuse Mr. B. Aerts (the Netherlands) who is unable to attend the Plenary. He states that the Working Group Policy Issues and the PT NRA have not met since the last Plenary in May 2008.

Ms. M.-J. Filippini (France) reports that 2 meetings had been held by the PT UPU since the Plenary in Riga. Both meetings were held in preparation for the 24th UPU Congress in Geneva.

PostEurop requests that Ms. Filippini be thanked for her work.

The Chairman thanks the PT’s and WG’s for the work they had done.

10. Reorganisation of CERP WG- and PT-structure

The Chairman introduces the proposed new CERP working group and project team structure. He explains the arguments for a change and the advantages of the new structure. It’s planned to have a one year test phase to look if and how the new structure works. The presentation is annexed.

Spain remarks that till now the Spanish NRA belongs to the ministry and can attend all international meetings. There is concern that if the NRA does not belong to the ministry anymore, it would not be allowed to attend international meetings.

Ireland wonders if it would be in line with the requirements of the 3rd postal directive which asks regulators to meet.

Spain rejects formally any violation of European right.

Belgium and Norway endorse the proposed structure and asks how potential disagreements between the working groups may be solved.

The chairman explains, that this will be dealt with by the steering group.

Friday 10 October

11. Forum “Provision of cross-border mail services in a liberalized European market and consequences in respect to UPU issues”

Moderator: Mr. J. Hearn (Ireland)

Participants: Ms. W.-J. Lee (UPU), Mr. R. Pochmarski (European Commission), Mr. B. Damiens (PostEurop) Mr. M. Van der Horst (EEA), Mr. R. Hinds (IPC) and Mr. M. MacClancy (The DX Group).

The moderator introduces the participants and asks that their organisation’s role be explained with regard to the provision of cross-border mail services. Afterwards an open discussion takes places where the following questions are discussed:

- What problems does your organisation currently encounter regarding the provision of cross-border mail services?
- What developments do you see with regard to the provision of cross-border mail services once domestic services are fully liberalised with the EU?
- Do you envisage that the strict application of competition law within the EU will have any implications for your organisation?
- What future do you see for cross-border mail? Has cross-border mail been affected by e-substitution to a greater extent than domestic services?

A voice record (mp3) of this session will be distributed to all CERP members.

12. Report of the Committee “Good Regulatory Practices” on 8 October 2008

At the last meeting of the Committee Mr. P. Lukomski (Poland) thanks all the countries that took part in the Committee and describes the main lines of the meeting held on 08 October in the afternoon:

- “Postal market in Greece – Case study” - presentation of Hellenic Telecommunications and Post Commission;
- “Corporatization of Polish Post and its Strategy in the face of Market Liberalization” – presentation of the Polish Postal Operator;
- “Compensation of Loss Making Universal Postal Services” – Presentation of Communication regulatory Authority in Lithuania;
- “Costs of the Universal Service Obligation” presentation of Copenhagen Economics;
- “Costs drivers in the postal value chain” – presentation of ARCEP – the French Regulatory Authority

These presentations will be sent to the CERP members.

The chairman thanks Mr. P Lukomski for the work done in the last few years.

13. CERP Website / Kind of Presentation of CERP

The Chairman underlines that the presentation of CERP needs to be improved for external stakeholders.

He suggests a newsletter for external stakeholders, in which CERP can demonstrate the importance of its work. Furthermore a specific CERP logo would give the organisation a better image in public. Together with this, a concept for a more intensive contact to other stakeholders and a new website is to be developed.

The plenary agrees to create a Task Force for implementation purposes. An invitation to join the Task Force will be distributed by the secretariat.

14. Exchange of Information between regulators/ministries: Round Table

Turkey provides information about two legislative drafts which aim at transposing the regulations of the third postal directive. This drafts aim at progressive and harmonised liberalization with a definition of Universal Services, a designated postal operator, a reduction of the reserved area by price and weight limit (100 g/3 times the price), conditions for granting licenses and standards for the quality of Universal Services. This project is to be finalized by the end of this year.

Germany reports on a draft amendment on VAT regulations approved by the Cabinet of Ministers in September. Contrary to current regulations, which exempt all Deutsche Post services from VAT, the draft exempts only services within the universal service scope which are not negotiable and available nationwide. This will result in VAT exempted services for private and small business consumers and VAT for business mail.

Ireland describes the initiation of a public consultation asking different stakeholders for their view on the options for the transposition of the third postal directive. The plenary is also informed about the quality of service statistics which are based on a measurement carried out by the regulator and which reveals quality levels not being as good as they should be.

The Czech Republic furnished the information that the Czech Post will be transformed into a limited company in June next year which is seen as a good step towards liberalization.

The United Kingdom reports on the results of an independent review which analysed how market opening had worked. A first step result concluded that until now only large customers have benefited from the market opening and that competition has taken place by means of other media, for example internet, email and text messages. The regulator will determine how the regulatory framework needs to be adapted so that small customers may benefit from market opening too. The final report of this review will be published by the end of this year.

15. Information schedule of forthcoming WG and PT meetings

PT Supervision will meet in Brussels on 20 November with PT Consumers and PT Statistics.

The PT Cost is going to have a meeting in Dublin in January 2009.

An application form to attend a PT or WG will be distributed to the CERP members. The result shall be sent to the Chairs of the PT's and WG's.

16. Programme of Plenaries (Grand Duchy of Luxembourg, Monaco)

The 40th Plenary will take place on 6 – 8 May 2009 in Luxembourg. The invitations will be sent out in January 2009. The Chairman asks the members to make hotel reservation by the end of March to guarantee the special prices.

The 41st Plenary will take place on 18 – 20 November 2009 in Monaco.

The 42nd Plenary in spring 2010 will probably be held in Poland.

17. AOB

NIL

31 October 2008

A. CZAUDERNA-WANIS
CERP Secretariat

U. DAMMANN
CERP Chairman