



## Draft report of the 40th CERP plenary meeting Luxembourg (Luxembourg), 6 to 8 May 2009

### **List of participants**

Chairmanship: Mr. U. Dammann (Germany).

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

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

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

Speakers invited: Mr. Niels Delater (SPECTOS) and Mr. Alex Dieke (WIK)

Secretariat: Mr. B. Koll (Germany).

### **Wednesday, 6 May**

#### **1. Welcome**

The Chairman opens the meeting and thanks the hosts for their hospitality and the excellent organisation of the meeting.

He bids the members welcome, and 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 (EEA), Mr. R. Antemir and Mr T. Walsh (FEDMA), Mr. N. Delater (SPECTOS) and Mr. A. Dieke (WIK). He announces that the Minister of Communication, Mr. Jean-Louis Schiltz, is going to speak to the plenary next day.

After this introduction, the Directeur of the Institut Luxembourgeois de Regulation (ILR), Ms. O. Wagener, welcomes the participants.

#### **2. Approval of the agenda and introduction by the Chairman (Doc 1 Rev 4)**

The Chairman explains the agenda. The agenda is adopted without further motions or comments.

The Chairman then gives some information on the subsequent forum and gives the floor to the moderator, Mr. John Hearn.

### **3. Forum "Concepts of Universal Service Provision"**

Moderator: John Hearn (Ireland)

Participants: Mr. Sten Selander (Sweden), Mr. Bert Aerts (Netherlands), Mr. Guillaume Lacroix (France), Mr. Robert Pochmarski (European Commission), Mr. Mick Fews (United Kingdom) and Mr. Axel Kirmess (Germany).

The moderator first welcomes the participants, who briefly introduce themselves to the attendees.

During the very lively discussion the participants explain their understanding of the terms "universal service" and "universal service obligation". "Universal service" is defined as the minimum offer of postal services guaranteed to consumers by the government; "universal service obligation" is defined as the legal obligation of one or more providers to provide the universal service.

The forum identifies the fact that, in the United States, the universal service is determined by a legal definition whereas it is much more consumer-oriented in Europe as a significant difference between the US universal service and that in most European countries.

The different concepts of the universal service and the consequences regarding its funding are presented and compared. The question as to the extent necessary from the consumers' point of view is also addressed.

After the forum exchanged views for almost two and a half hours, the Chairman thanks the moderator and the participants for the lively and interesting discussion. He says he would appreciate such debates becoming a firm part of plenary meetings.

An mp3 recording of the discussion is available at the website of CERP on ([www.cept-cerp.org](http://www.cept-cerp.org)).

### **Thursday, 7 May**

Before proceeding with the agenda the Chairman thanks the Luxembourg hosts for the reception the evening before and gives an overview of the issues on the day's agenda.

### **4. Approval of the report of the plenary meeting in Athens on 9 and 10 October 2008 (Doc 2)**

The Chairman received one message from Turkey on the draft Report of the 39<sup>th</sup> plenary meeting. The report has been amended accordingly.

The Chairman informs the meeting that the discussions held during the last plenary meeting were tape recorded. For technical reasons they can unfortunately not be provided in digital form. The current plenary meeting is recorded digitally, however; the recordings will be made available at the website.

The report is approved.

**5. Reports of the CERP Steering Group meetings on 24 November 2008 and on 12 March 2009 (Doc 3a/b)**

The reports are approved

**6. Reports of the Contact Committee CERP/European Commission meeting on 24 November 2008 and on 12 March 2009 (Doc 4a/b)**

The reports are approved.

After a short break the Minister of Communication, Mr. Jean-Louis Schiltz, arrives at the plenary and welcomes the members in the name of the government. He thanks CERP for coming to Luxembourg. He wishes the plenary good success.

The Chairman thanks Mr. Schiltz for coming.

**7. Recent Developments in UPU – Presentation by the International Bureau**

Ms. Won-ja Lee first informs on the UPU activities performed in 2009. Particularly from the POC perspectives, the major outcome include:

- a high-level conference entitled „Economic crisis and postal activities“,
- the possibility for exchanging parcels between Palestine and all UPU member states,
- close cooperation with the World Customs Organization (WCO) with a view to developing the UPU safety standards into guidelines and establishing a joint working group to counter the threat from pirated items in the postal network,
- establishing a technologically neutral, efficient, cost-effective and simple global quality monitoring system.

For the Council of Administration she provided the following information:

- continuing the UPU reform, taking account of new entrants in the postal market,
- collecting and distributing information on the postal universal service,
- studying what the topical issues in the Regulations would be with a view to revising them,
- the activities of the two reflection groups under the CA Committee 3 (finance and administration).

In conclusion she informs the meeting

- of the signing of an agreement with the government of Qatar (organisation of the DOHA Congress scheduled for October 2012),
- on the organisation of a regulatory forum to be held during the next CA meeting in November 2009, and
- that all UPU member countries will be sent certified copies of the 24<sup>th</sup> Congress Acts by the end of May.

**Mr. Mark van der Horst (UPS)** asks why certain working groups are not open to private operators.

**Ms. Won-ja Lee (UPU)** answers that these groups are open to the member countries. CC members could attend plenary and Committee meetings and some of the Project Group meetings on their request. If any CC member wants to make a proposal to modify the rules of procedure, it can simply submit a proposal to the CA for consideration.

**Mr. Jean-Luc Dutordoit (Belgium)** confirms this.

**Mr. Roger Higginson (UK)** asks why participation is not open to all parties - regulators and governments, operators with obligations and commercial organisations.

**Ms. Won-ja Lee (UPU)** says this was an issue for the Reform Group. To avoid errors the official letter was sent to the government, which is supposed to pass the information on to regulators and operators with obligations.

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

## **8. European regulatory matters – Presentation by the European Commission**

Dr. Jörg Reinbothe gives a presentation that emphasised the urgency of transposition of the Third Postal Services Directive and the key role of regulators. After a detailed overview on the state of play of the implementation – highlighting those Member States that have already opened up fully their postal market – he recalls the number of initiatives the Commission has taken so to assist Member States in the implementation of Directive 2008/6/EC: A correlation table, a consolidated version of the Postal Services Directive as a working tool, meetings of the PDC and its Working Groups and bilateral meetings.

On substance he addresses the issues of ensuring universal service, licensing and authorisation procedures/conditions, calculation of any net cost of the universal service and the access to infrastructure. In all these subjects the role of NRAs was key and the establishment of "best practice" is necessary. Therefore, the establishment of independent NRAs and the cooperation between them and with the Commission was of core importance.

Mr Reinbothe also addresses the external dimension of EU postal policy, its reasons, substance and fora. He concludes by informing CERP members about the initiatives planned by the Commission in the future and stresses the willingness of the Commission to further deepen its working relations with CERP.

The Presentation given by Mr. Jörg Reinbothe is attached.

## **9. Reorganisation of CEPT (CEPT Assembly XO (09) 09/11)**

Regarding this matter the participants have received the Draft Report of the extraordinary CEPT Assembly in Copenhagen, 19 and 20 March 2009, and the contribution of the Chairman to this Assembly.

The Chairman reports on the latest Plenary Assembly and gives an outlook on its future work. The plenary meeting decides that CERP should submit a contribution to the 15<sup>th</sup> CEPT Conference in October, highlighting the interaction between telecommunications and post. This could be a presentation on the subject of "e-commerce", given by a representative from ebay, for instance.

The report is adopted.

## **10. Reports on the meetings of the Project Teams**

- PT Policy (Doc 5)

The PT Policy, chaired by Mr. Egil Thorstensen (Norway), met in Oslo on 2 March 2009. Discussions there focussed on the issues to be addressed by the PT, the various aspects of the introduction of the Postal Directive and the development of postal regulation in the member countries.

The extensive report, including its annexes, is adopted after a short debate.

- PT NRA (Doc 6)

The report available is an interim report, as the PT's chairman, Mr. Gavin Macrae (UK), says. The final version will be submitted at the next plenary meeting in Monaco. The PT will concentrate on the issues of licensing and postal infrastructure in particular. In addition it will examine whether the national regulatory authorities actually have the tools they need to implement the Postal Directive .

The interim report is adopted after a short debate.

- PT Financing of USO (Doc 7)

The PT Universal Service and its Financing was set up on 25 September 2005 on the occasion of the WG Economics meeting in Zurich. The brief report by the PT's chairman, Mr. Lars Forslund (Sweden), provides background information and an outlook on the PT's future work. The report is adopted.

- PT Universal Service (Doc 8)

The PT Universal Service met in Warsaw on 6 April 2009 under the chairmanship of Mr. Piotr Lukomski (Poland). The PT addressed, inter alia, the subject of the universal service under the aspect of the Postal Directive; in addition, the Belgian and German models were presented. The report is adopted.

- PT Market/Supervision (Doc 9a/b/c)

As announced at the plenary meeting in Athens, the PT Market/Supervision met in Brussels on 20 November 2008 under the chairmanship of Mr. Joost Callaert (Belgium).

The report and its annexes, including the "CERP report on the application of EN 13850 regarding national needs and peculiarities", are adopted.

- PT Statistics (Doc 10)

The PT's chairman, Mr. Guillaume Lacroix (France), briefly reports on the work performed so far and the activities planned by PT Statistics. The next meeting is scheduled to be held in June 2009 in Paris. The report is adopted.

- PT Sustainable Development

The chairman, Mr. Jean-Luc Dutordoit (Belgium), informs the meeting that a questionnaire will shortly be sent to the CERP members, inviting their comments on the subject of "Sustainable Development". A detailed report will be submitted after the evaluation of the replies.

- PT Consumer Issues (Doc 11)

The first meeting of the PT Consumer Issues was held in Bonn on 5 March 2009 under the chairmanship of Mr. Tobias Katschmann (Germany). The PT agreed to prepare a CERP

questionnaire on consumer interests and to incorporate it into the examinations being carried out at national level. In addition, a "Best practice report" is to be drawn up on the subject of "consumer protection". The next meeting will be held in Ljubljana (Slovenia) in autumn 2009. The interim report is adopted. The final report will be presented at the plenary meeting in Monaco.

- PT Cost Accounting and Price Regulation(Doc 12a/b)

The chairman, Mr. Remy Lebrun, reports on the course of the previous discussions and presents the results achieved by the project team. The PT met in Dublin in January 2009 and in Bern in April 2009.

The report, including the "CERP Recommendation on best Practices for Cost Accounting Rules III", is adopted.

The Chairman thanks all the PTs for their work.

**11. Reports of the meetings of the Working Groups (Doc 13)**

Under the chairmanship of Mr. Gilbert Aerts (Netherlands) and Mr. Sten Selanden (Sweden) a joint meeting of the WGs "Application" and "Policy" was held in Mainz in April 2009. At their first meeting within the new working group structures the groups focussed on defining the tasks of the working groups and delimiting the scope of activities of the project teams in order to avoid overlapping with other project teams. The reports of the various project teams were adopted and it was agreed that each project team will draw up a work schedule to be submitted to the plenary meeting.

The report of the working groups is adopted.

**12. Task Force "Appearance of CERP" (logo, communication concept) Presentation by Chairman (Doc 14)**

The Chairman presents the results of the Task Force, which performed its work by way of email communication. The Task Force had been mandated to design the CERP logo and the CERP Newsletter and to develop a communication concept. One of the logo designs suggested was selected by the Steering Group at its last meeting and is now presented to the members. The meeting has also been provided with the design proposed for the Newsletter and the proposed communication concept.

Ms. Marie-Josée Filippini (France) asks whether the Newsletter could be issued in two languages (English and French).

The Chairman says this is possible.

The meeting approves the concept developed by the Task Force (logo, communication concept, Newsletter), taking account of the proposition of France.

The Chairman informs the meeting that, for organisational reasons, agenda item 13 will be dealt with after item 14 the following day; he closes the meeting.

**Friday, 8 May**

After the welcome, the Vice-chairman, Mr. Michel Noguet, thanks the hosts for the trip to Schengen and the hospitality extended the evening before.

The Chairman opens the last part of the plenary meeting and asks those participating in the forum to take their seats on the stage.

**14. Forum “What effect will technology and media convergence have on postal market definition going forward?”**

Moderator : Mr. Gavin Macrae (PostComm)

Participants : Ms. Won-Ja Lee (UPU), Mr. Mark van der Horst (EEA), Mr. Tim Walsh (FEDMA), Mr. Bernard Damiens (PostEurop), Mr. Niels Delater (SPECTOS) and Mr. Alex Dieke (WIK)

After having been welcomed by the moderator the participants introduce themselves, indicating the relevance of the issues addressed by the forum from the point of view of the organisations they represent.

During the more than two hours of discussion it becomes evident that the panel members judge the prospects differently, also in view of the current crisis, depending on their business models.

Views differ in particular regarding the opportunities offered by the growing convergence of different technologies (e.g. e-commerce, tracking and tracing, hybrid post).

An mp3 recording of the discussion is available at CERP's website ([www.cept-cerp.org](http://www.cept-cerp.org)).

**13. Cooperation between Regional Commonwealth in the field of Communications (RCC) and CERP (Doc 15)**

Another Restricted Union within the Universal Postal Union is the RCC in Eastern Europe. Possibilities for cooperation have been discussed repeatedly in the past.

After a short debate the meeting decides to adopt the draft cooperation agreement with the RCC with slight modifications.

**15. Exchange of information between regulators/ministries: Round Table**

**Ireland** conducted a study on the behaviour of senders.

**Belgium** launches a consultation on the implementation of the Directive.

**Switzerland** restricted the reserved area to 50g.

**16. Programme of plenary meetings (Monaco, Poland)**

The next plenary meeting will be held in Monaco from 18 to 20 November 2009. The 42<sup>nd</sup> plenary meeting will take place in Krakow (Poland) in spring 2010. To date, no country has offered to host the meeting in autumn 2010; Ireland is considering to host the spring 2011 meeting. If no country offers to host the meeting in autumn 2010 by November 2009, the plenary meeting in Monaco will have to decide that there will be only one plenary meeting a year in future, which will be held in spring (at least in 2010). Only one plenary meeting per year would strengthen the function and increase the importance of the semi-annual working groups meetings.

17. **AOB**

NIL

3 August 2009

B. KOLL  
CERP Secretariat

U. DAMMANN  
CERP Chairman