



Draft report on the 42nd CERP Plenary Meeting Krakow, 5 to 7 May 2010

List of participants

Chairmanship: Mr. U. Dammann (Germany).

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

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

Speakers invited: Mr. W. Trezek (Document Exchange Network GmbH), Mr. M. Fereniec (National Institute of Telecommunications), and Mr. A. Dieke (WIK)

Secretariat: Ms. P. Schmitz (Germany).

Wednesday, 5 May

1 Welcome

The Chairman opened the 42nd Plenary meeting of CERP in Krakow and gave the floor to Ms. Anna Strezynska, President of the Office of Electronic Communications, who warmly welcomed the participants to the meeting in Krakow. She emphasized the important moment in the creation of the common postal market in the European Union with a market opening envisaged in 2011. Furthermore she stressed the enhanced rights and duties regulated by the third postal directive and the increasing weight of customer issues.

2 Approval of the Agenda

The Agenda as outlined in Document CERP PL 2010/1 Doc. 1 Rev 3 was adopted without any amendments.

3 Approval of the report on the Plenary meeting in Monaco on 18 – 20 November 2009

The report on the CERP Plenary meeting in Luxembourg was adopted without any amendments.

4 Report on the Steering Group meeting on 23 September 2009

CERP PL 2010/1 Doc. 3 was adopted without any further discussion.

5 Results of the meeting of the contact committee CERP/European Commission on 23 September 2009

CERP PL 2010/1 Doc. 4 was adopted without any further discussion.

6 Reports of the Project Teams

PT Cost Accounting and Price Regulation

The chair of the PT, Remy Lebrun from Switzerland, presented CERP PL 2010/1 Doc. 6/6a. He described the new approach where the PT acts as a kind of consultant to CERP members. Until now 2 projects have been adopted: A request from Malta has been finalized already and a new project with Bulgaria has started right now.

On request from Portugal the chair has provided information on the working mode in these projects. A description is annexed to this report.

PT Universal Service and its Financing

The chairman of the PT, Lars Forslund from Sweden, explained the project status in April 2010 (CERP PL 2010/1 Doc. 7). He pointed out that – due to a heavy workload – the progress made so far is smaller than expected. A document concerning the future work and interim guidance has been circulated within the Project Team, but so far no result can be reported.

Belgian announced its assistance to Sweden in bringing the work forward. At the end of 2010 a possible progress will be reported to the next Plenary.

PT Consumer Issues

The chairman of the PT, Tobias Katzschmann from Germany, described the state of affairs in this Project Team orally.

The last PT meeting took place on 7 and 8 April in Lisbon. The next step in the PT's work, after the survey on existing practices, is to develop a questionnaire for NRAs. The plan is to draft and distribute the questionnaire to CERP members before the summer break and to present the results to the next CERP Plenary.

PT Statistics

The PT has not met since the last Plenary meeting. The PT continues to follow and to support the data collection process by EuroStat.

PT NRA

The chairman of the PT NRA, Philip Groves from the United Kingdom, presented the project status April 2010 (CERP PL 2010/1 Doc. 10)

He explained that the Project Team has not met since the last Plenary meeting and that, due to the expected creation of an European Regulators Group for postal affairs it is not clear at the moment, which topics the PT will deal with in the future. Possible proposals and options will be discussed amongst the PT members in June.

PT Sustainable Development

The chairman of the PT, Jean-Luc Dutordoit from Belgium, gave an oral report on the activities since the last Plenary. The PT aims at drafting a Manual of Best Practices to be presented in the next Plenary meeting.

PT Market Supervision

The chairman of the PT, Joost Callaert from Belgium, presented the report of the last PT meeting (CERP PL 2010/1 Doc. 12) together with 9 annexes. He highlighted the discussion on the .post issue, which will be dealt with further on by PT Policy. Furthermore he explained the future work programme: A questionnaire concerning the monitoring of the quality of delivery service and the quality of service results 2009 will be developed and distributed before the summer break. The results will be presented to the next CERP Plenary.

PT Policy

The chairman of the PT, Egil Thorstensen from Norway, presented CERP PL 2010/1 Doc. 13 Rev.2. Main issues discussed during the last PT meeting have been the transposition of the 3rd Postal Directive, VAT, the role of regulators in UPU, cooperation of NRAs and Ministries, the representation of EU member countries in international organisations, UPU .post project, CERP as a Restricted Union in UPU and the PostEurop Position Paper regarding the WIK report "The role of Regulators in a More Competitive Postal Market".

The Plenary took note, both, of the PT report as well as of the comments on the PostEurop position paper.

PT Universal Service

The chairman of the PT, Piotr Lukomski from Poland, presented CERP PL 2010/1 Doc. 14. The last meeting of the PT served amongst others for the definition of the future work plan. The PT agreed to prepare a document concerning accessibility with the sub-topics "Delivery of Mail" and "Access Points". A related questionnaire will be drafted and issued as soon as possible in order to provide the results in the next Plenary meeting.

Working Groups Policy/Application

Neither the working groups did meet nor an email conversation took place since the last Plenary meeting. Therefore no report has been issued.

General:

The Chairs of the project teams will send a list of all members that are registered to the CERP secretariat. The secretariat will distribute these lists to all CERP members so that every member can check and perhaps rearrange their attendance and participation.

PostEurop offered to organize a workshop between PostEurop and CERP where the documents adopted so far by CERP could be discussed. The Plenary welcomed this approach. A date has not yet been scheduled.

Thursday 6 May

7 Reorganization of CERP

The chairman presented the result of the survey initiated at the end of last year. Detailed results can be found in the presentation which is annexed to this report.

This presentation was followed by a podium discussion chaired by John Hearn. The discussants were Robert Pochmarski from the European Commission, Marc Furrer and Sten Selander, both regulators as well as Bert Aerts and Egil Torstensen, both from a Ministry.

The details of the discussion can be downloaded on the CERP website in mp3 format. Main conclusions are, that if ERGP is created there shall not be any duplication of work. On the other hand, any stand still in the current work of CERP has to be avoided. CERP and ERGP have to communicate their fields of activity so that there are no overlaps or shortcomings. In any case CERP has to concentrate even more on the UPU subject.

The Plenary agreed on a procedure where the Steering Group will draft a concept for a future CERP structure taking into account the developments in the creation of an ERGP by the end of June 2010. This draft concept will then be submitted to all CERP members for information asking for comments by the end of August 2010. The Steering Group will study the comments received and draft a final proposal for the future CERP structure including any necessary amendments to the "CERP Internal Regulations". These proposals will then be submitted to CERP members for approval by the next CERP Plenary taking place on 24-26 November 2010.

Furthermore the Plenary discussed to set up a "Task Force Communication" that should take care of the further development, content and editing of the CERP website and the CERP Newsletter. The task force would work by electronic means. Greece and Portugal declared their willingness to participate in such a task force. The detailed responsibilities will be described in draft concept for a future CERP structure. A final decision on the creation of this task force will be taken within the process of approval of the new CERP structure.

8 Recent Developments in UPU

The representative of the UPU, Ms Won-ja Lee, gave a presentation about recent developments in the UPU concentrating on the major outcome of the 2010 POC session. She reported about a market research on letters and lightweight parcels and EMS items jointly organized by Committee 1 and 2.

A multilateral framework group of committee 3 is currently developing a collective trademark for electronic postal payment services. Furthermore a forum on postal financial services was held and a cooperation between the UPU and the International Organization for Migration has been initiated.

In Committee 4 the E-Services Group is reviewing the UPU regulations in the area of e-services. A forum on .post has been organized and the .post domain management policy has been adopted.

Furthermore she reported about the main activities in the Council of Administration, where committee 1 initiated a study on the impact of new market players in the postal sector on the UPU and its activities. This study is going to be undertaken by interview and a wider survey in mid 2010 and the final study will be presented in the CA session in November 2010. She highlighted different studies being presented and a brainstorming session on the cooperation between the Restricted Unions and the UPU.

The Universal Postal Service Group held a presentation to share experiences concerning the financing and assuring of universal service. The Act of the Union Project Group is conducting two surveys related to possible amendments of the UPU Convention and to the revision of the UPU Acts. The Terminal Dues Governance Issues Project Group is exploring the TD-System and its principles.

Finally she announced two conferences which are going to be held in the next months: China is organizing a Forum on Postal Regulation on 26-28 May 2010 on "Good Regulatory Policy and Practices". Furthermore the Nairobi Strategy Conference is going to be held on 22-23 September 2010 where the achievements in the implementation of the UPU Nairobi Strategy will be evaluated and where the shape of the future strategy is going to be developed.

The presentation held is annexed to this report.

9 European Regulatory matters

The representative of the EU, Mr. Robert Pochmarski, gave a presentation about the current developments in the EU.

In his presentation the EU representative reiterated that the remaining time to implement the Postal Directive is short and that in some cases further efforts are required; the Commission will continue its assistance to Member States in this regard. Furthermore, he stated that a clear and transparent legal framework is necessary in order to create a level playing field for the internal postal market. Such a non discriminatory and well balanced legal framework and its application by NRA's is a mandatory precondition for achieving a true Internal Market for postal services.

In this context the audience mentioned that a balanced approach is necessary also in the social context. This was confirmed by the Commission. In fact, the Postal Directive makes explicit reference to the competence of Member States to regulate employment conditions and to the possibility of Member States to apply these also as part of the authorization procedure (e.g. statement of competent authorities about regular payments of social contributions). He insisted that in doing so the principles of transparency, non-discrimination and proportionality need to be respected.

Moreover the audience indicated that NRAs also need a visionary approach. Regulators would also have to think of the effects of the internet and other electronic means – i.e. the changes in the communications behaviour - on the postal market.

Thus the task of the regulator is rather to regulate the postal sector than the incumbent.

The Commission representative underlined that reforms are necessary not for the sake of reform itself but for realizing an open postal market and successfully and efficiently addressing the challenges of postal markets. To this effect, the Commission envisages intensifying the cooperation between the independent regulators of the European member states. She intends to create a European Regulators Group for Postal Services (ERGP) whose objective shall in particular be to contribute to the coherent application of the Postal Directive, to be a source of know-how, to focus on cross border regulatory issues and to generate regulatory soft law for an open market. He explained that "soft law" was fully in line with the principle of subsidiary.

Within ERGP the Commission should play the role of facilitator, but would not chair or dominate the group. Members should be the heads of the independent regulators of the EU Member States.

Representatives of candidate countries and EFTA countries will participate in their capacity as observers as this was the case in advisory groups of similar nature in telecoms (ERG) and energy (ERGEG).

The question of cooperation between such an ERGP and CERP will depend on future developments and thus no final conclusion could be offered at this stage. It would be up to CERP to continue to perform its objectives within the scheduled timeframes for the sake of all stakeholders. Any future arrangement whatsoever should be taken on a consensual basis respecting the organisational autonomy of the organisations and bodies in question.

10 The future of postal Services – Extension to the Internet

Mr. Walter Trezek, Document Exchange Network GmbH, gave an extensive presentation on the future developments in postal services highlighting the challenges of using the internet. In his presentation, which is annexed to this report, he explained the logic behind the trend to extend postal services to the internet with the different options of hybrid mail services. He

provided a detailed overview of possible applications within the .post project initiated by UPU and also informed about the activities on CEN level.

Afterwards the chairman introduced CERP PL 2010/1 Doc. 5/5a. Both of these documents comment the recent developments in UPU and the “.post domain management policy” as drafted recently by the POC.

The Plenary approved CERP PL 2010/1 Doc. 5a as the reference for future CERP actions in the field of .post. In particular the Plenary agreed to set up a drafting group which will prepare a written contribution reflecting principles that should be guaranteed when establishing the legal and governance framework for the .post project. Furthermore the Plenary agreed to propose to the UPU the establishment of a joint CA/POC group for the development of the “.post domain management policy”. The drafting group will be chaired by Portugal, members are Belgium, France, Lithuania, Sweden and the United Kingdom.

Furthermore the Plenary entrusted the chairman to send a letter to the International Bureau of the UPU asking for clarification on the concerns identified by CERP and to intervene at the next CA session accordingly.

Friday, 7 May

11 Forum "What are the needs for private consumers concerning the scope of universal service, taking into account the changes in the technical, economic and social environment?"

Moderated by John Hearn, the discussants, Kamil Kiljanski from the European Commission, Bernard Damiens from PostEurop, Mirosław Fereniec from the National Institute of Telecommunications (Instytut Łączności - Państwowy Instytut Badawczy) and Alex Dieke from WIK, had a lively discussion on this question.

The concerns expressed tackled the areas of a necessary update of USO, additional or new services, days and availability of service provision, quality of service requirements and the expected developments in the next years.

An mp3 record of the forum discussion can be downloaded from the CERP website.

12 Exchange of Information

Serbia gave a short presentation on the new regulatory authority.

France adopted a new postal Act and is ready to send the correspondent link via email to the other CERP member countries.

It is foreseen that Sweden adopts the new postal act on the 01.09.2010.

In Germany two important barriers for a level playing field in the postal sector have been lifted: the minimum wage regulation and the hitherto existing regulation on value-added tax. Furthermore information on the intended introduction of an electronic, secure online-letter (de.mail) was provided.

13 Program of Plenaries

The next Plenary is going to be held in Istanbul from 24-26 November 2010 on the kind invitation by Turkey. Turkey gave an impressive presentation on the country and on Istanbul. The Plenary in spring 2011 is planned to be held in Ireland (to be confirmed).

The meeting place for the Plenary in autumn 2011 is still vacant.

Serbia has announced to host the Plenary in spring 2012 (to be confirmed)

In October 2012 the Plenary will take place in Cyprus.

14 AOB

Portugal proposed to invite the chairman of Com-ITU to attend the next CERP Plenary and to present the role and impact his committee plays in the ITU context. The Plenary supported this approach and the chairman of Com-ITU, Anders Jonsson, will be invited accordingly.

The Chairman thanked the host for the great hospitality, the excellent facilities and the perfect organization.

23 June 2010

P. Schmitz
CERP Secretariat

U. DAMMANN
CERP Chairman