



**Report of the 44<sup>th</sup> Plenary in Dublin,  
19 - 20 May 2011**

**1. Welcome**

The Chairman welcomed the members and thanked the Irish host for organizing the meeting in a remarkable location like this.

Mr Mike Byrne from Comreg welcomed to Clontarf Castle. He mentioned the importance of this spot in the Irish history where in a historic battle the conquerors have been beaten a thousand years ago.

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

The agenda was adopted without any comments.

**3. Approval of the report of the 43<sup>rd</sup> Plenary meeting in Istanbul on 24-26 November 2010 (Doc 2 E/F)**

The report was approved without any amendments.

**4. Report of the Steering Group meeting on 18 March 2011 (Doc 3 Rev.1)**

The Steering Group prepared the 44<sup>th</sup> Plenary meeting in Dublin, especially the upcoming elections, the amendments to the Internal Regulations and the forum. For the purpose of a clear allocation of tasks the state of affairs in the ERGP had been discussed too.

**5. Results of the meeting of the Contact Committee CERP/European Commission on 18 March 2011 (Doc 4)**

The Contact Committee discussed the future cooperation between CERP and the European Commission. UPU affairs, especially electronic postal services and developments regarding the designated operators are of key interest in the forthcoming month. Furthermore the recent EC studies and the establishment of the high level consumer group were topics of discussion.

**6. State of affairs in ERGP**

Mr Philip Groves (Postcomm) updated the Plenary meeting on the work to date. Five working groups have now been established, on cost allocation/price regulation, net cost of USO, end users/market monitoring, cross-border products and on access. Project Requirement Documents had been prepared and agreed in Paris on 7th February. Most working groups have prepared and submitted questionnaires to NRAs or were about to do so. Three of the working groups were due to report in 2012, with two (on cost allocation and cross-border issues) reporting by the end of 2011. Progress is to be reviewed at the forthcoming Contact Network on 14 June 2011 when consideration is to be given to how and when progress on the working groups would be reported more widely.

The Chairman explained that in the future questions from regulators regarding the functioning of NRAs should be dealt within the ERGP context only. The CERP secretariat consequently will forward those questions to the appropriate ERGP-channel. Questions from ministries in this context will of course continue to be handled by the CERP secretariat itself as well as any other questions regarding policy or general regulatory issues.

## **7. Reports of the Project teams**

### Sustainable Development (Doc. 11E/F)

Belgium presented the document, where the proposal is made to organize at the next CERP Plenary in autumn 2011 a forum on the topic "Sustainable Development". The Plenary took note of this recommendation. After a short discussion the members agreed to organize such a forum at a later stage in the forthcoming years, so that in the forum in autumn 2011 a topic more related to the UPU Congress in 2012 could be chosen.

### Policy (Doc. 8 Rev 1)

Norway presented the document. The project team discussed the status of the implementation of the 3<sup>rd</sup> postal directive. Furthermore the UPU representative, Ms. Won-ja Lee, presented the current work in UPU including the Reform of the Union and other recent developments. Finally the project team organized a round table with the latest developments in CERP member countries and an outlook regarding the future work of CERP within UPU was discussed. The Plenary took note of the document without any further discussion.

### Universal Service (Doc. 14)

Poland gave a brief overview on the outcome of the questionnaires on post offices and on collection/delivery of mail, which had been answered by 26 countries, as an update of the report presented during the last CERP Plenary in Istanbul. The report covers two parts:

- Part 1 dealing with the accessibility of the postal network and the situation in different countries;
- Part 2 describing the situation and future trends regarding the collection and delivery of mail.

The Plenary took note of the report. On request of some member countries it was agreed that correct and or updated information may be forwarded even at a later stage.

### Market Supervision (Doc. 6)

Belgium presented the document regarding a CERP contribution to the CEN newsletter including a summary of the work done in the last years. The Plenary took note without any further discussion.

The Chairman expressed that the missions of the project teams had been accomplished and thanked the Chairs for their engagement during the last three years.

## **8. Elections (Doc 13)**

The Chairman announced his gratitude to the Vice-Chairmen for the fruitful cooperation during the last years. He then presented the candidatures for the elections:

Anna Karolak (Poland) and Egil Thorstensen (Norway) as Vice-Chairpersons and Ulrich Dammann (Germany) as Chairman.

After the Chairman passed the floor to John Hearn as the spokesman of the Election Committee, the candidates left the assembly.

The Plenary elected all candidates – in their absence – by acclamation.

The Chairman thanked the CERP members for entrusting him for a second term, congratulated the Vice-Chairpersons and invited the CERP members to celebrate this occasion with a drinks reception.

## **9. Amendments of the CERP Internal Regulations (Doc. 5 E/F Rev 1, Doc. 5a)**

The Chairman introduced Doc 5 and 5a. He informed the members about the achievement of the quorum being necessary for the amendment of the Internal Regulations, which is 32 members being present or being represented by proxy.

31 members were present:

Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Malta, Montenegro, Norway, Poland, Portugal, Romania, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, The Netherlands, Turkey and United Kingdom.

In addition four proxies have been granted:

- Former Yugoslav Republic of Macedonia to Slovenia,
- Luxembourg to Belgium,
- Finland to Sweden,
- Bosnia and Herzegovina to Serbia.

The Members accepted to take a decision on both documents even if Doc 5a was not distributed two months prior to the Plenary as required by Article 14.1 of the CERP Internal Regulations.

The Plenary approved the proposed amendments unanimously, except the amendment of article 10.1, which remains unchanged in the current version (now article 11.1).

The revised version of the Rules of Procedure will be published on the CERP website.

## **10. Future Work of CERP**

### **Appointment of the WG Chairpersons (Doc. 13)**

The Chairman introduced the applications for chairing the Working Groups.

The candidates are: Anna Karolak (Poland) for WG Policy and Egil Thorstensen (Norway) for WG UPU.

The Chairpersons were approved by acclamation.

### **Approval of the Working Group work programmes (Doc. 10)**

The Chairman introduced Doc. 10 containing the draft work programme for the working groups.

After a short discussion the Plenary agreed on the general terms of reference for the Working Groups, which will be published on the CERP website. The Working Groups will draft detailed work programmes including deliverables and timetables until the next Plenary.

### **Applications (Doc. 7)**

The applications for participation in the Working Groups received so far by the CERP secretariat are shown in Doc 7.

## UPU Projects (Doc. 9)

The Chairman introduced the document and announced that a questionnaire asking for the nomination of CERP experts for the provision of future projects will be launched soon. The representative of the IB Ms Won-ja Lee thanked CERP for the engagement in UPU projects. She emphasised that more requests from regions like Asia, Africa, and Latin America asking for assistance from European regulators are likely to be presented in the future.

### **11. State of affairs on the CERP website**

The Chairman announced that the new CEPT website ([www.cept.org](http://www.cept.org)) including the CERP section is going to be running from 1 July 2011 onwards. The CERP section will provide two sections, one with free access for everybody and a second one with restricted access (WG documents e.g.) protected by password for CEPT members only.

From that date onwards the current website ([www.cept-cerp.org](http://www.cept-cerp.org)) will be withdrawn from the net. The Compendium will not be transferred to the new website since most of the information provided there is outdated.

### **12. Decision on the creation of Task Forces and approval of their work programmes (Doc12)**

The Chairman introduced the document and asked CERP members to commit themselves to become a member of the Task Force Communication. The Task Force will report to the Steering Group and the Plenary.

Portugal volunteered to participate under the premise that a number of other CERP members agree to join the Task Force too.

Since no other CERP members applied, the creation of this Task Force is postponed. The CERP secretariat will issue a note asking CERP members to commit themselves.

### **13. Recent developments in UPU – Presentation by the IB**

The representative of the IB, Ms Won-ja Lee gave a comprehensive presentation on the major outcomes of the POC 2011. She highlighted the most important issues dealt with in the four Committees of the POC. Furthermore she stressed the actions undertaken regarding the US security measures. She also presented an overview on the activities of the CA including the integrated model for the UPU and the Reform of the Union project group. She concluded her presentation providing the Congress timetable and the UPU Doha Postal Strategy. The presentation is annexed.

The representative of PostEurop, Mr. Jean-Paul Forceville, mentioned that there are still inconsistencies concerning security measures because the EU recently announced to set their own measures on postal security.

Walter Trezek (Docex) informed the Plenary about the recently newly designated operator of Kazakhstan "Janzen Express", which is designated for the provision of parcel post in Kazakhstan. At the moment this company is enlarging its organisation in Germany by setting up an ETOE. In this context Janzen Express also made an application to the German Government in order to become a designated operator of Germany too.

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

The representative of the European Commission, Mr. Robert Pochmarski, gave a presentation on the transposition of Directive 2008/6/EC. He highlighted the role of the European Commission in the assistance of the Member States and provided an overview on the numerous activities undertaken; he equally stressed the important role of NRAs in this process. He continued his presentation with data on the state of play in 2011 regarding market opening and the implementation of the Directive. The few cases where full transposition has not been notified were in fact not linked to the postal dossier whatsoever and it needs to be stressed that the transposition of Directive 2008/6/EC is as far as legislation is concerned has to be considered a success. Furthermore he summarized the ERGP activities undertaken so far. Regarding the External Dimension of the Postal Acquis he highlighted the findings of the recent study, stressed that the need for better coordination has been generally accepted and concluded his presentation with an outlook on the forthcoming UPU Congress in Doha. The presentation is annexed.

## **15. Forum: «Electronic Postal Services – A scary story or the only way to survive?»**

The discussion was moderated by Walter Trezek (Docex, Austria). The discussants invited were Robert Pochmarski (EC), Tobias Katzschmann (NRA DE), Adrian Humbel (SwissSign), Giovanni Brardinoni (ICT Poste Italiane), Christina Unverricht (DIN) and Tim Walsh (Pitney Bowes).

The following questions were raised and discussed in detail:

- Electronic Postal Service: What do you understand by the term?
  - o Is it a postal service?
  - o Is it an electronic communication service with elements of postal & IT services?
  - o Can one separate the various elements?
  - o Can the physical delivery element (i.e. classic postal service) be regarded as part of the USO?
  - o Are the added value services a new (Postal-) service?
- Is there a need for specific ex ante regulation?
  - o On what grounds?
  - o Who should regulate these activities (Joined Postal and Electronic Communications NRAs or National Competition Authorities)?
  - o Has the European Commission considered the cross – sectorial aspects of these services?
  - o Has the UPU any legitimate role in promoting (regulating) these services?
- Interoperability between different services providers:
  - o Is there a need to harmonize the switches between different providers?
  - o Are there projects in the pipeline to do so?
- Quality of Service:
  - o Is there a need to measure the Quality of Service of hybrid, reverse hybrid and fully electronic services?
  - o Who should do this?
- Are there customer and / or corporate preferences with regard to these services?
  - o Is there a demand?
  - o What are the most important indicators (speed, reliability, trust, price)?
  - o Are consumers willing to pay (E-Mail is free!)?
  - o Are there different expectations between private and business users?
- Will electronic services compete with and / or replace the traditional postal services?

The discussants came to the conclusion that electronic postal services provided by postal operators will be a big challenge in the future. There are various means of services in electronic communication and the speed and acceptance will be driven by demand as well as by the customer's choice. This may also be true for the quality of service aspect, where the user will have the experience and the choice to select the most appropriate product and provider. When entering the electronic environment postal operators may benefit from the trust the users have and thus may enable them to play an important role in secure electronic services. Regarding the interoperability of different service providers there will be the need to observe future developments so that demand and the rights of consumers are met and security measures are observed.

A mp3-record of the discussion will be available on the CERP website.

## **16. Exchange of information between regulators/Ministries**

**Serbia:** Serbia informed about starting the work on a new Postal Law in Serbia. Members of the team are from the Ministry, NRA, University and representatives of private operators. The Strategy of development of postal services in Serbia prescribes that the new Postal law shall be adopted in the Serbian Parliament by the end of 2012. The new law will be prepared in accordance with the postal EU Directives.

**Czech Republic:** The Ministry of Industry and Trade is now preparing draft for a substantial amendment to the Act on Postal Services. The amendment proposes:

- Designation of the universal service provider (Czech Post) for a fixed period following the entry into force of the new law to ensure the continuity in the universal service provision; after that period, a review would follow with the aim to assess how to ensure the US provision onwards – if it is necessary to impose again the US obligation.
- Prices for the universal services should be strictly cost-oriented; financing of the USO net costs, if any, is proposed by means of a compensation fund.
- There should not be any barriers to entry – the only USP would need a postal licence; the other postal operators would only need to be registered at the NRA – Czech Telecommunication Office.

The amendment was being prepared as a result of numerous consultations and discussions among Ministry of Industry and Trade, Czech Telecommunication Office and, at later stage, Czech Post as incumbent and important alternative operators.

This initial draft amendment is now being discussed in interdepartmental consultations; it means among governmental institutions and other invited interested parties. It should get through the Government in the third quarter 2011.

**United Kingdom:** Mr Philip Groves (Postcomm) reported that the Postal Services Bill was currently at its report stage in the House of Lords and was expected to receive Royal Assent at the end of June, in which case Postcomm's responsibilities would transfer to Ofcom in the autumn and Ofcom would consider and decide the new regulatory framework from April 2012. This would also complete transposition of the 3rd Postal Directive in the UK by extending consumer complaints procedures to all postal operators.

Postcomm had also taken steps in April 2011 following market studies to deregulate packets and parcels over 1kg and to allow Royal Mail to increase the prices of bulk 2nd class presorted access contracts. In addition, Postcomm was currently consulting on removing bulk mail from the universal service and also on Royal Mail's access arrangements taking into account the criteria for granting access in the bill. Postcomm was also examining further how current issues around non-equivalence might best be addressed as well as the best way to resolve disputes between operators more quickly than was currently possible when Postcomm was requested to determine access terms. Postcomm had so far determined that its preliminary assessment was that access at the inward mail centre for D+2 and later than D+2 letters met the "triple lock" criteria in the postal services bill (of promoting efficiency, promoting effective competition and conferring significant benefits to users). It would be for

Ofcom to review this assessment and its application to other services following the passage of the postal services bill.

**Norway:** The Norwegian foreign minister yesterday informed the Norwegian Parliament about the view of the Government on the 3rd postal directive, and that he will officially inform the EU side on the views of Norway in Brussels on the 23rd of May.

The Government thinks that there are strong arguments for Norway to reserve its position on implementing the directive into the EEA Agreement. Norway will follow the procedures of the EEA Agreement concerning the reservation in the future. This procedure means that it will take some time before we know the final outcome of the negotiations."

**Greece:** Following consumers complaints regarding "presentation to customs" fees, charged by the Greek USP to postal items coming from countries outside the EU, EETT, the Greek NRA initiated a hearing procedure. After also having valuable help from the UPU, in the interpretation of the UPU regulations, the Greek NRA decided that the "presentation to customs" fees the USP applied, were not compatible with the UPU regulations and should be adjusted accordingly. The NRA also proposed to the Ministry to impose to the USP a financial penalty.

**Lithuania:** In Lithuania 3 years ago was taken responsibility to regulate electronic network security. In RRT (NRA) a national CERT (Computer emergency response team) was established in field of public communication. From May 2011 onwards RRT became responsible for supervision of e-signature.

RRT have proposed the amendments to the Postal Law regarding transposition of it Services Directive to the national law. The aim of the proposal - minimal entry barriers and simple application procedures. These amendments were approved and came into force from January 5, 2010. According to the amendments postal and courier services providers don't need licences, but they are required to notify to the RRT the beginning of their activities. AB Lietuvos paštas is obliged to implement standard EN 13850. In 2010 the results of quality measurement according to the standard were the following: D+1 – 65 perc. /in 2009 it reached 77.1 perc./; D+3 – 98 perc. The RRT also performs quality measurement and has announced such results (D+1 - 74 perc, D+3 - 99 perc.).

Lithuania has joined the UNEX monitoring system since 2005. According to UNEX measurement in 2010 the quality of postal items delivered in Lithuania within 3 days (D+3) from Bulgaria, Netherlands, Romania was below 55 perc., the same results were received measuring flows from Lithuania – to Croatia, Greece, Slovenia, Great Britain, Island. The requirement for D+3 is 85 perc.

From 2005 till 2008, the amount of postal correspondence items (including direct mail) of postal and courier market was increasing (in 2006 – 5.5 perc., in 2007 – 20 perc., in 2008 – 6.8 perc.), from 2009 – it started to decrease (in 2009 - 3.6 perc., in 2010 - 11.6 perc. from 83.9 mln. till 74.1 mln.).

The revenues received from postal and courier services were increasing from 2005 till 2008 (in 2006 – 32.5 perc., in 2007 – 12.2 perc., in 2008 – 17.5 perc.). In 2009 revenues decreased 12,6 perc., in 2010 – increased again 5.6 perc.

**Spain:** The Law governing the VAT on postal services was modified in December 2010, in order to comply with the ruling of the EU Court of Justice in Case C-357/07 TNT Post. Now, the universal postal service provided by the Designated Operator is exempt from VAT, but such an exemption does not apply to services whose conditions of service are individually negotiated.

### **17. Programme of Plenaries**

The Chairman informed about the next Plenary meetings:

The Plenary in autumn 2011 will take place in Montreux, Switzerland on 27 October 2011.

Participants are invited for registration and welcome reception on 26 October evening and to a social event on 27 October in the evening.

The Plenary in spring 2012 will take place in Serbia in the second half of May and the autumn Plenary 2012 will take place in Cyprus at the end of October.

CERP members are invited to commit themselves for the organisation of the Plenary in spring 2013. The secretariat will issue a special note on this issue.

### **18. AOB**

Bert Aerts from The Netherlands announced that he is going to leave the postal section and will in the future work on telecoms only. He thanked CERP members for the good working atmosphere during the last years. The Chairman wished him all the best for his future work. The Chairman also renewed his gratefulness to John Hearn (Ireland) and Alfred Stratil (Austria). He expressed his best wishes for their lives outside the postal affairs as both are going to retire within the next months.

5 July 2011

Annex

List of participants

A. Czauderna-Wanis  
CERP Secretariat

U. DAMMANN  
CERP Chairman