



**Draft Report of the 47th Plenary in Limassol,
08 – 09 November 2012**

1. Welcome

The CERP chairman welcomed the members and thanked the Cypriot hosts for organizing this plenary for a second time in Cyprus.

The Commissioner of the Office of the Commissioner of Electronic Communications and Postal Regulation, Mr. Polys Michaelides, welcomed the participants to Limassol and wished a fruitful meeting and a pleasant stay.

He gave a short overview regarding the Office, its structure and size, its activities and its strategy.

He emphasized that responsibility and professionalism, are the tools towards the promotion of healthy competition and consumer protection in the postal market of Cyprus which will lead to a greater choice of services, at a better quality and at affordable prices.

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

The agenda was adopted without any comments.

**3. Approval of the report of the 46th Plenary meeting in Belgrade on 24-25 May 2012
(Doc 2 E/F)**

The report was approved without any amendments.

4. Report of the Steering Group meeting on 4 September 2012 (Doc 3)

The CERP chairman reported about the meeting of the Steering Group. The most important topics were the activities and the future work of the Working Groups, the CERP Newsletters, the state of affairs on the MoU and the preparation of the 47th CERP Plenary in Cyprus.

5. Result of the meeting of the Contact Committee CERP/European Commission on 4 September 2012 (Doc 4)

The CERP chairman reported about the meeting Contact Committee CERP/European Commission. During this meeting, the representative of the European Commission provided information about the ongoing activities on the two studies. He also agreed to contribute to the forthcoming CERP Newsletter giving the view of the European Commission on the UPU Congress.

The next meeting of the Contact Committee will be fixed in the beginning of 2013.

6. Result of the meeting of the Contact Committee CERP/ PostEurop on 29 September 2012 (Doc 5)

The CERP chairman reported about the meeting of the Contact Committee CERP and PostEurop during the UPU Congress in Doha.

The discussions were mainly focused on the experiences with the Code of Conduct and on the Congress Proposals. The participants criticized the late dispatch of the documents by the IB so that it was difficult to receive member opinions in time.

The next meeting of the Contact Committee is foreseen for spring 2013.

7. Report of the Working Group Policy (Doc 6 Rev.1)

The WG chair, Ms. Anna Karolak, reported that due to a heavy workload before the UPU Congress in Doha, the WG Policy members did not meet after the plenary meeting in Belgrade in May 2012.

Nevertheless the WG distributed a questionnaire on ex-ante and ex-post price regulation. The questionnaire consisted of two parts: "Legal requirements" and "Experience". Ms. Karolak reported that only 13 member countries sent their answers and asked the members for more involvement because many views are necessary to make the results more complete.

The UK pointed out that first the impact of the 3rd directive should be analysed and draw the attention on a danger of overlap between CERP and ERGP.

Germany didn't see a need for a 4th directive. However, considerations about topics like the scope of the US regarding decreasing letter mail should be discussed.

8. Report of the Working Group UPU (Doc 7a/b)

The Chairman of the WG UPU, Mr. Egil Torstensen, reported about the meetings in July in Oslo and in September in Mainz.

The WG subgroup, chaired by Spain, distributed a list of proposals from Batch 3 considering proposals of important regulatory nature which should be interesting for CERP members. CERP members were asked to send their comments to the selected proposals but only a few answered.

At the 5th meeting of the subgroup in Mainz, the IB held a presentation regarding issues like "Situation of Congress Proposals", "Situation of Candidates of the CA and the POC", "Election of the Councils" and "Rules of Procedure".

Mr. Torstensen reported that because of some late-delivered documents, many countries had difficulties reaching a national referendum. Thus, given the need of 25 countries to obtain a quorum for the vote, it was not able to create a common European position.

The next meeting of the WG UPU will be held prior to the CA Plenary.

Belgium proposed, in order to improve the process, to make a comparison with the corresponding procedures at the ITU where the differences and their effects should be investigated and declared its willingness to undertake this analysis. The proposal is supported by Switzerland and the EU Commission.

9. Memorandum of Understanding between CEPT and UPU (Doc 8)

The CERP Chairman informed the members that 25 CEPT Administrations replied to the written consultation of the CEPT members to approve the MoU between CEPT and UPU.

As soon as at least 60% of CEPT members (29) have responded, the MoU can be signed.

10. Recent developments in UPU – Presentation by the International Bureau

Ms. Won-Ja Lee reported about the recent developments in the UPU.

The POC will meet from 08-15 April 2013 and the major tasks will be to draw up the new regulations taking into consideration Congress decisions, to set up all groups and to establish and agree on the work plan of the POC.

She reported that till now 192 proposals to modify provisions in the Regulations have been sent to the IB. She pointed out that the deadline for proposals is 7 February 2013 and that only those proposals handed in by governments will be accepted.

Ms. Lee reported that the CA meeting will take place from 22 till 25 April 2013. The major tasks will be the designation of Chairmanships and/or Vice-Chairmanships of various Project Groups, the consideration and approval the 2013 Programme and Budget of the UPU and the establishment and agreement on the work plan of the Council of Administration.

The regular meeting of the CA will start on 25 of October 2013.

She reported further about some highlights of the Doha Congress decisions, like Governance, UPU finances and decisions related to future activities.

The presentation is attached.

11. Report of the Task Force Communication

The CERP chairman informed about the latest activities of the task force. The second newsletter in 2012 with the contributions of the candidates for Director General and Deputy Director General of the UPU was published in September 2012. A third newsletter with an assessment of the UPU Congress and contributions of different stakeholders is foreseen for end of 2012.

12. State of affairs in ERGP

This point of the agenda was presented together with point 13 “European regulatory matters”.

13. European regulatory matters – Presentation by the European Commission

The representative of the European Commission, Mr. Robert Pochmarski, gave a presentation including the recent regulatory developments in the European Union, related amongst others to the issues of the implementation process, market monitoring, the forthcoming Green Paper on e-commerce and the UPU Congress in Doha.

He highlighted the excellent state of affairs of the implementation process towards full market opening in 2013. The 5th application report is scheduled for the end of 2012.

Regarding the future work he underlined that the work is based on continuous assessment of the statistics relevance, continuous improvements of the methodological framework and on the close cooperation with ERGP and DG MARKT on methodological development.

Mr. Pochmarski mentioned that the workshops regarding the Studies start on 20 November 2012.

Regarding the ERGP he highlighted that the meeting of CN on 25 October 2012 expressed a strong support and appreciation for the hard work of all the sub-groups and that the Plenary meeting on 22 November 2012 in Stockholm will endorse report(s)/opinion(s) and decide on the work programme 2013.

In 2013 the currently existing structure of sub-groups will be maintained and the ERGP will be involved in the follow-up of the Green Paper on cross-border parcel delivery.

Regarding the UPU Congress in Doha he informed that the EU is now a full observer to all bodies of the UPU and informed about the change of the UPU convention by introducing advanced electronic information as a future requirement for postal traffic.

Hungary and Lithuania informed the members about the implementation in their countries.

14. Forum

The forum “UPU, Quo Vadis” was held in a panel discussion and was moderated by John Hearn. The discussants were Egil Thorstensen from Norway, Jean-Paul Forceville from PostEurope, Murray Buchanan from the International Bureau of the UPU and Robert Pochmarski from the European Commission.

The discussion included the most important achievements of the UPU, the most important goals of the Doha strategy and the question how to respond to the weaknesses like for example the general lack of flexibility in decision making, the difficulty in attracting interest of member countries or the inability to prioritize.

Mp3 files of the discussion can be found on the CERP website

15. Exchange of information between regulators/ministries

Czech Republic: In June 2012 the Parliament of the Czech Republic adopted the substantial amendment to the Act on Postal Services, transposing Directive 2008/6/EC. On the basis of this amendment, which will enter into force on 1 January 2013, the last part of the monopoly of the postal licence holder, i.e. Czech Post, will be removed and the Czech postal market will be fully liberalized. The universal service obligation will be imposed on Czech Post for a five-year period, it means to the end of 2017; after that, a new entity to ensure the universal service will be chosen on the basis of the public procurement. Above the framework of the universal service scope as specified in the Postal Directive, also money orders are a part of universal services.

All operators intending to provide postal services will need to be registered at the NRA – Czech Telecommunication Office, which will be at the same time the price regulator, but only for the universal services provided by the postal licence holder, i.e. Czech Post. Czech Telecommunication Office will also be the supervisory body for consumer protection.

The mechanism of financing possible net costs of the universal service obligations is based on the universal service fund. The new legal regulations include also obligation for the postal licence holder to give other operators access to elements of postal infrastructure.

At present, adoption of secondary legislation prepared by Czech Telecommunication Office is being finished. It relates e.g. to the methodology for calculating net costs, register of postal services providers, basic services (universal services) specification etc. Those regulations will as well enter into force on 1 January 2013.

Germany: The German Cartel-Office has introduced a claim against Deutsche Post AG for applying predatory pricing in the business mail segment by offering unjustified discounts to large customers so that competitors are pushed outside the market.

Greece: In the context of the full implementation of the third postal Directive, which was adopted by law 4053/2012 at a national level, and the liberalisation of the postal market, the Ministry, in collaboration with the NRA, is in the process of issuing the relevant secondary legislation as follows:

1. Ministerial Decision regarding the determination of the content of the Universal Postal Service.
2. Joint Ministerial Decision regarding the determination of methodology of the procedure of sharing part of the net cost of the provision of universal postal service charged on operators providing postal service.

The above draft has been sent to DG Competition of the European Commission in the context of the prenotification procedure.

The NRA (EETT) on its behalf has concluded public consultations regarding the methodology of universal service net cost calculation, the licensing regime and consumer protection issues, with the aim of having all necessary legislation ready by 1/1/2013

Lithuania: In order to go in line with the international obligations assumed by the Republic of Lithuania, and from the 1st of January 2013 to liberalize the country's postal sector, on 8 November 2012 the draft of the revised version of the Postal Law was adopted in the Seimas (Parliament) of the Republic of Lithuania. Currently the secondary legal acts are in the process of preparation.

In addition information was provided, that Lithuania takes over the presidency of the Council of the European Union on 1 July 2013. During its presidency, Lithuania will host the ICT'2013 conference under the title "ICT 2013: Create, Connect, Grow", which will take place on the 6–8 November next year in Vilnius, the capital city of Lithuania. The main issues to be discussed are: future trends, scientific researches, socio-economic benefits of ICTs, etc. In the name of the authorities of the Ministry of Transport and Communications, Lithuania would like to invite the representatives of the CERP member countries to take an active part in the ICT'2013 conference."

Norway: Last spring the Norwegian Government put forward to the Parliament a proposal to abolish most of the obligations for Norway Post to offer banking services throughout its network.

The proposal was adopted by the Parliament in June.

Now the banking obligation only remains with the rural postmen. In the next two years, Norway Post will as a result of this reduce the number of regular post offices with almost 150, keeping only 30 post offices in the whole country. Instead, all the 150 offices are contracted to food stores, kiosks etc. Thus, the number of contact points will not be reduced.

16. Programme of Plenaries (Doc. 9)

The CERP chairman introduced Doc 9 and reminded CERP members that from 2014 onwards CERP will organize one plenary meeting per year only. He asked CERP members to evaluate if they could offer to host this meeting in spring 2014.

The next plenary meeting will be organized by Norway on 23-24 May 2013. The representative of Norway introduced Kristiansand as the Plenary venue and gave a presentation showing the beauty and explaining opportunities of the location.

The presentation is attached.

17. AOB

Ms. Karine Portelli will take over other functions and is not in the position to represent France in CERP anymore. These tasks are performed in the future by Michèle Pauliat from the French Ministry of Economy.

Annex

Presentation by European Commission

Presentation by UPU

Presentation by Norway

Bonn, 27 November 2012

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