



ERGP (12) 31 – report on complaints handling

# **ERGP REPORT ON THE ASSESSMENT OF COMPLAINT HANDLING PROCEDURES AND CONSUMER PROTECTION**



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### **Terms and abbreviations**

CEN – Comité Européen de Normalisation / European Committee for Standardisation

NRA – National regulatory authority

US – Universal service

USP – Universal service provider

USO – Universal service obligation



**Country codes**

AT – Austria	BE – Belgium	BG – Bulgaria	CH – Switzerland
CZ – Czech Republic	CY – Cyprus	DE – Germany	DK – Denmark
EE – Estonia	EL – Greece	ES – Spain	FI – Finland
FR – France	FYROM – Former Yugoslav Republic of Macedonia <sup>1</sup>	HR – Croatia	HU – Hungary
IE – Ireland	IS – Iceland	IT – Italy	LT – Lithuania
LU – Luxembourg	LV – Latvia	MT – Malta	NL – the Netherlands
NO – Norway	PL – Poland	PT – Portugal	RO – Romania
RS - Serbia	SE – Sweden	SI – Slovenia	SK – Slovakia
UK – United Kingdom			

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<sup>1</sup> FY is used in tables and figures for the Former Yugoslav Republic of Macedonia



## 0. Executive summary

### - Background

Chapter 6 of the Directive 97/67/EC, as amended by Directives 2002/39 and 2008/6 (“Postal Directive”) stipulates that the national regulatory authorities (NRAs) shall ensure compliance with the obligation arising from the Directive, in particular through the follow-up of quality of service, complaint handling and consumer protection.

The Directive emphasises that the postal reform has brought significant positive developments in the postal sector, along with increased quality and better user-orientation. Increased competition will allow the service provided to ever more demanding users to be improved.

The ERGP will report on the end-user complaint procedures to ensure that transparent, simple and inexpensive procedures are available to users, particularly in cases involving loss, theft, damage or non-compliance with service quality standards.

### - Objective

The goal is to collect the necessary data to monitor and follow up the complaint handling and consumer protection within the context of the regulatory measures taken in that field.

### - Current situation regarding the complaint handling

The report examines five key issues in the field of complaint handling and consumer protection, namely:

- a) Legal framework on complaint handling
- b) Information provisions on complaint handling procedures
- c) Standard EN 14012 – complaint handling principles
- d) Compensation schemes for individual customers
- e) Collection of data of complaints

#### 1° Legal framework on complaint handling

This chapter deals with the legal framework on complaint handling. First of all it illustrates in some more detail the respective legal basis as set within the Postal Directives.

Article 19 of the Postal Directive states that transparent, simple and inexpensive procedures should be made available by all postal service providers in order to deal with consumer complaints as examined above. The Directive also aims at increasing user-orientation and puts consumer issues in the very centre.



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Secondly, it evaluates the scope and the competence of the NRAs in handling complaints on postal services and it looks at the other organisations a consumer can address himself to in case of a complaint. This chapter looks at the existence of complaint procedures in the NRAs and tries to determine whether the NRAs have the power to enforce their decisions. Also the competence of those NRAs that have the competence for dealing with user complaints are analysed.

In most countries the relevant NRA is generally responsible for dealing with complaints from users. The competence in handling the complaints, however, differ. In some countries this competence is restricted to services inside the universal service area that are provided by the USP or to services provided by the USP.

This survey has shown that in all Member States, customers have at least one possible contact point (other than the USP/postal operators) that they can address themselves to if they have a complaint on postal services. In most Member States, the NRA is one of these contact points. All of them can give information to the customers about their respective rights, postal regulation etc. Many have some kind of role in resolving consumer issues and complaints. This can take different forms, e.g. verifying if the law has been observed, mediation etc.

The other contact points are usually consumer boards or ombudsmen, but there are also other authorities involved in some countries (e.g. Chamber of Labour, Ministry). These other contact points can be specialised on postal complaints or be general consumer protection organisations. Most Member States also have alternative dispute resolution (ADR), which customers can use before or instead of going to court.

Finally, this chapter sheds some light on the task of the European Commission in complaints on postal services and gives a number of outcomes to conclude. This chapter summarises the results and looks if there are benefits for the consumers that can be measured.

### 2° Information provisions on complaint handling procedures

This chapter analyses the information available for users on complaint handling procedures, redress schemes and means of dispute resolution as well as on the number of complaints received by postal service providers and the NRAs.

In most countries (23 out of 31) there is an obligation for postal service providers to publish information about complaint handling procedures, redress schemes and means of dispute resolution.

This obligation covers at least the USP in almost all of these countries (19 out of 23). Only in 4 countries the USP is the only provider obliged to publish this information (Czech Republic, Luxembourg, Norway, Poland and Sweden). In 9 countries the obligation is applicable to all postal service providers.

The scope of the obligation to publish information varies from country to country. In general, it covers at least the complaint handling procedure of the provider and, in some cases, also the existing compensation schemes and out-of-court dispute resolution.





### 3° Standard EN 14012 – complaint handling principles

This chapter presents data on the situation regarding the implementation of the CEN Standard EN 14012:2008 (Postal Services - Quality of Service - Complaints handling principles) by postal service providers and the measuring of complaints according to this standard.

In nearly half the countries USPs have implemented the CEN standard. However, concerning other postal service providers active in the universal service area the standard is not implemented in any country, which is also the case for other postal service providers.

### 4° Compensation schemes for individual customers

In this chapter the scope of compensation schemes to be in place and the way they are disclosed to customers is analysed.

In most countries (20 out of 31) there is an obligation for a specific compensation scheme to be in place. That obligation is set out in primary legislation in most cases. Only in a few countries these schemes are laid down in secondary legislation. Some NRAs also mentioned this obligation being stated in decisions and guidelines issued by the NRA.

The scope of this obligation varies between countries as to the type of postal services and the type of service failures to which it applies.

### 5° Collection of data of complaints

This chapter looks at the data that NRAs collect and have available on complaints and disputes about postal services. Figures on the categories of complaints received by the USPs in 2011 are also shown.

Almost all NRAs collect data on complaints received by the USP on universal services (26 out of 30). Out of these 16 indicated to collect data by category and 12 by service, 9 NRAs collect these data split up according to total, category and service (Croatia, Cyprus, Greece, Former Yugoslav Republic of Macedonia, Hungary, Lithuania, Poland, Serbia and Sweden). Fewer NRAs collect data on complaints received by the USP about non-universal services (11 out of 31).

The majority of NRAs do not collect data on complaints received by other postal service providers active in the universal area about universal services or non-universal services (19 out of 29 and 21 out of 28, respectively). Also the majority of NRAs do not collect data on complaints received by other postal service providers (21 out of 31). Only 10 NRAs collect these data, 5 of which by category and service (Cyprus, Former Yugoslav Republic of Macedonia, Lithuania, Poland and Serbia).



- **Final conclusions**

A particular task of national regulatory authorities (NRAs) is to ensure compliance with the obligation arising from the Postal Directive, in particular through the follow-up of the complaint handling procedures and consumer protection.

This report describes in more detail the respective legal basis as set within the Directive. We also analyse the scope and competences of NRAs in handling complaints on postal services and it looks at the other organisations to which a consumer can address himself in case of a complaint.

In this report the ERGP has collected the core indicators and instruments to monitor complaint handling and consumer protection linked back to regulatory measures taken in that field.



## 1. Background

Chapter 6 of the Postal Directive 97/67/EC, as amended by Directives 2002/39 and 2008/6 stipulates that the national regulatory authorities (NRAs) shall ensure compliance with the obligation arising from the Directive, in particular through the follow-up of quality of service, complaint handling and consumer protection.

The Directive emphasises that the postal reform has brought significant positive developments in the postal sector, along with increased quality and better user-orientation. Increased competition will allow the service provided to ever more demanding users to be improved.

ERGP will report on the end-user complaint procedures to ensure that transparent, simple and inexpensive procedures are available to users, particularly in cases involving loss, theft, damage or non-compliance with service quality standards.

The European Commission established, by decision of 10 August 2010<sup>2</sup>, the European Regulators Group for Postal Services (ERGP). The ERGP's tasks are:

- a) to advise and assist the Commission in consolidating the internal market for postal services;
- b) to advise and assist the Commission on any matter related to postal services within its competence;
- c) to advise and assist the Commission as to the development of the internal market for postal services and as to the consistent application in all Member States of the regulatory framework for postal services;
- d) to consult, in agreement with the Commission, extensively and at an early stage of its expert work with market participants, consumers and end-users in an open and transparent manner.

The ERGP Plenary approved ERGP work programme for 2012. This programme includes the elaboration of a report on complaint handling and consumer protection. This ERGP report includes the measures in place at national level to ensure consumer protection and suggest best practices in this field. The ERGP will continuously monitor the effects of postal liberalisation through the assessment of end-user complaint procedures to ensure that consumers are protected according to the provisions of the Directive.

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<sup>2</sup> OJ C 217, 11.8.2010, p. 7.



## 2. Objectives

The report examines five key issues in the field of complaint handling and consumer protection, namely:

- a) Legal framework on complaint handling
- b) Information provisions on complaint handling procedures
- c) Standard EN 14012 – complaint handling principles
- d) Compensation schemes for individual customers
- e) Collection of data of complaints

The goal is to collect the necessary data to monitor and follow up the complaint handling and consumer protection within the context of the regulatory measures taken in that field.

The document aims at:

- a) following up the complaint handling and consumer protection measures taken;
- b) reporting on the core indicators to monitor complaint handling and consumer protection, evaluate the results of regulatory measures taken to protect consumer especially in the field of complaint handling;
- c) drawing up a consistent and if possible harmonised report regarding complaint handling and consumer protection, allowing as much as possible benchmarks at European level.

The report looks at the current legal framework on complaint handling and consumer protection and also the current scope, competenceies and powers of NRAs. Also the information provision on complaint handling procedures and implementation of the complaint handling standard EN 14012 is analysed in detail. Moreover, the document checks the compensation schemes in place and collect data regarding complaints.

This ERGP report describes also the current practices of NRAs concerning complaint handling and consumer protections.



### 3. Methodology

To obtain information, a questionnaire has been issued to collect information on the current situation regarding the complaint handling and consumer protection in the broad sense of the term.

Of the 33 ERGP members 32 NRAs provided feedback: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Former Yugoslav Republic of Macedonia, Germany, Greece, Hungary, Ireland<sup>3</sup>, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland and United Kingdom.

Furthermore, we would like to point out that the objective of the study is to have a picture of the current practices of NRAs regarding complaint handling and consumer protection and is not to determine at this stage of our work the most adequate instruments. **The country cases mentioned in the report are only examples of practices and cannot be interpreted as best practices.**

The analysis here into is primarily based on the answers provided to the questionnaires (June 2012), which in general, reflects the legislation and practice in place at the time of response.

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<sup>3</sup> Where there is no response from Ireland (IE), it is due to the fact that ComReg is currently putting in place the framework for dealing with consumer protection following the implementation of the Communication Regulation (Postal Services) Act 2011 and thus unable to answer the specific question



#### **4. Legal framework on complaint handling**

This chapter is dealing with the legal framework on complaint handling. First of all it is illustrating in some more detail the respective legal basis as set within the Postal Directives. Secondly, it evaluates on the scope and the competence of the NRAs in handling complaints on postal services and it is looking at the other organisations a consumer can address himself to in case of a complaint. Finally this chapter sheds some light on the task of the European Commission in complaints on postal services and concludes with some outcomes.

##### **4.1 Legal basis**

This section analyses the legal basis with regard to postal user's complaints as set out in Postal Directive. Hereby it recalls the basic principles enshrined within this legal framework. Furthermore it elaborates on the respective Recitals dealing with the issue of consumer protection/complaint procedures. Finally this section is referring to two Commission recommendations dealing with principles which are applicable to bodies responsible in the area of out-of-court settlement consumer disputes. And last but not least it highlights a recent decision by the European Court of Justice regarding especially the scope of consumer complaint handling.

Article 19, subparagraph 1, of the Postal Directive stipulates that “Member States shall ensure that transparent, simple and inexpensive procedures are made available by all postal service providers for dealing with postal users' complaints, particularly in cases involving loss, theft, damage or non-compliance with service quality standards (including procedures for determining where responsibility lies in cases where more than one operator is involved), without prejudice to relevant international and national provisions on compensation schemes”.

Furthermore, Article 19, subparagraph 2, of Directive 2008/6/EC provides that “Member States shall adopt measures to ensure that the procedures referred to in the first subparagraph enable disputes to be settled fairly and promptly with provision, where warranted, for a system of reimbursement and/or compensation. Member States shall also encourage the development of independent out-of-court schemes for the resolution of disputes between postal service providers and users.”

Finally, it is required to “ensure that users, acting individually or, where permitted by national law, jointly with organisations representing the interests of users and/or consumers, may bring before the competent national authority cases where users' complaints to undertakings providing postal services within the scope of the universal service have not been satisfactorily resolved”. (Article 19 (2))

Within recital 42 of Directive 2008/6/EC the following further information is provided with regard to consumer protection/complaint procedures: “In line with existing rules in other service areas and in order to increase consumer protection, it is appropriate to extend the application of minimum principles concerning complaint procedures beyond universal service providers.”



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Furthermore and with regard to the issue of complaint handling procedures, this recital is referring to two Commission recommendations dealing with principles which are applicable to bodies responsible in the area of out-of-court settlement consumer disputes. Within these recommendations various principles such as independence/impartiality, transparency, effectiveness, fairness and legality are stated and explained in more detail which should be observed by the responsible bodies for out-of-court settlement of disputes. In this context the recital is stating that “with a view to increasing the effectiveness of complaint handling procedures, it is appropriate to encourage the use of out-of-court settlement procedures as set out in Commission Recommendation 98/257/EC, of 30 March 1998, on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes and Commission Recommendation 2001/310/EC, of 4 April 2001, on the principle for out-of-court bodies involved in the consensual resolution of consumer disputes.”<sup>(4)</sup>

The recital is also expressing that: “Consumer interests would also be furthered through the enhanced inter-operability between operators resulting from access to certain elements of infrastructure and services, and the requirement for cooperation between national regulatory authorities and consumer protection bodies.” Finally it stipulates (again) that “in order to protect the interests of users in the event of theft or loss of, or damage to, postal items, Member States should introduce, where warranted, a system of reimbursement and/or compensation.”

In this context it is worth pointing out that Directive 2008/6/EC is differentiating in terms of wording with regard to the categories to be identified within the area of consumer issues. First of all it stipulates that Member States shall ensure that all postal service providers have procedures for complaints in place (Article 19, subparagraph 1). Secondly, it is requiring that Member States should ensure that users are permitted to bring before the competent national authority cases where user complaints to undertakings providing postal services have not been satisfactorily resolved (Article 19, paragraph 2). In the light of these requirements those categories within the field of consumer issues appear to be mandatory for the Member States.

On the contrary, the legislative basis concerning the independent out-of-court schemes for the resolution of disputes between postal service providers and users is only requiring an encouragement of the Member States towards such a development (Article 19, subparagraph 3). Against this background the development of the respective out-of-court schemes for the resolution of disputes between postal service providers and users is to be understood as a recommendation and not as an obligation for the Member States within their respective implementation processes.

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<sup>(4)</sup> As set out in Commission Recommendation 98/257/EC of 30 March 1998 on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes (OJ L 115, 17.4.1998, p. 31) and Commission Recommendation 2001/310/EC of 4 April 2001 on the principles for out-of-court bodies involved in the consensual resolution of consumer disputes (OJ L 109, 19.4.2001, p. 56).



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The NRA's and/or the other competent national bodies' different tasks within these 3 areas of consumer issues will be explained in more detail below within the respective answers.

Finally, with regard to the cooperation between different authorities in the Member States which are active in the field of consumer issues Article 22 stipulates that “Member States shall ensure, where appropriate, consultation and cooperation between those authorities and national authorities entrusted with the implementation of competition law and consumer protection law on matters of common interest.”

Furthermore, recital 48 of Directive 2008/6/EC clarifies the aspect of cooperation in the area of consumer issues as follows: “Due to the frequent involvement of different national bodies in the exercise of regulatory functions, it is appropriate to introduce transparency in the allocation of tasks and require the different relevant bodies charged with sector regulation, the application of competition rules and with dealing with consumer issues to cooperate in order to ensure the effective accomplishment of their tasks.”

In this context we can highlight a recent decision of the European Court of Justice regarding especially the scope of consumer complaint handling (Belgian State against DHL Express) under Article 267 TFEU, of 13 October 2011, in case C-148/10 DHL International NV v Belgisch Instituut voor Postdiensten en Telecommunicatie (ECJ C-148/10).

In this case of a preliminary ruling the Brussels Court of Appeal referred two questions to the ECJ asking if the provisions of the Directives are to be understood and interpreted as precluding Member States from imposing a mandatory external complaints scheme on providers of non-universal services on the grounds that as regards the applicable complaints procedures for the protection of the users of postal services, the Directive provides for full harmonisation or on the grounds that Member States may only encourage, but may not impose, the development of independent schemes for the resolution of disputes between the providers of postal services, other than universal postal services, and end-users.

In its judgement the Court stated that Directive 97/67, in its original version and in the versions as amended by Directives 2002/39 and 2008/6, must be interpreted as not precluding national legislation which imposes on providers of postal services which are outside the scope of the universal service a mandatory external procedure for dealing with complaints from users of those services.





## 4.2 Scope and competence

This section analyses the competence of the NRAs in handling complaints on postal services and looks at the other organisations a consumer can address himself to in case of a complaint. In the following section the competence of those NRAs that have the competence for dealing with user complaints are analysed.

In most countries the relevant NRA is generally responsible for dealing with complaints from users. The competence in handling the complaints, however, differ.

**Table 1 - NRA responsible for complaints**

Question	Answer	Count	Country	%
Is NRA responsible for complaints?	Yes	26	AT, BE <sup>5</sup> , BG, CH, CY, CZ, DE, DK, EE, EL, ES, FI, FR, FYROM, HR, HU, IT, LT, LU, LV, MT, PT, RS, SE, SI, SK	84
	No	5	NL, NO, PL, RO, UK,	16

Most countries still have bodies other than the NRA that are responsible for dealing with consumer complaints.

**Table 2 - Other entities than NRA dealing with complaints**

Question	Answer	Count	Country	%
Is there a mediator, ombudsman, consumer authority, complaint board, industry self-regulatory body etc. other than the NRA?	Yes	26	AT, BE, BG, CH, CZ, DE, DK, EL, ES, FI, FR, FYROM,, HR, IT, LT, LU, LV, MT, NL, PL, PT, RO, RS, SE, SK, UK	87
	No	4	EE, HU, NO, SI	16

These other bodies are mostly consumer protection bodies (authorities or associations). In some countries there (also) is an ombudsman. The ombudsman can be either a public or self-regulatory body (belonging to an operator/USP). In some countries there are other bodies consumers can address themselves to, e.g. the Chamber of Labour, a complaint board, a mediator or the Trade Inspection.

<sup>5</sup> BE = BIPT is only responsible for generic complaints, the specific complaints are handled by the mediator for the postal sector



**Table 3 - Type of other entities in charge of complaints of consumers**

Question	Count	Country	% <sup>6</sup>
Other body is a consumer protection body	19	AT, BG, CY, DE, DK, EL, ES, FI, FR, HR, LT, LV, MT, NL, PL, PT, RO, RS, SE,UK	73
Other body is a public ombudsman	13	BE, BG, CH, CY, DK, EL, FI, IT, LV, PL, PT, RS, SK	50
Other body is a self-regulatory body (ombudsman of the USP)	4	CZ, FR, PT,SE	15
Other than indicated	6	AT, CH, FR, FYROM, IT, SK,	23

Several countries have alternative dispute resolution (ADR). This can be both general or specific to the postal sector. Most of the countries having ADR have a general type of ADR and not one specific to the postal sector.

**Table 4 - Alternative (or out-of-court) dispute resolution (ADR)**

Question	Answer	Count	Country	%
Is there an alternative (or out-of-court) dispute resolution (ADR)?	Yes	17	BE, CH, CZ, DE, EL, ES, FI, FYROM, IT, LU, LV, MT, NL, PL, PT, SE, UK	55
	No	14	AT, BG, CY, DK, EE, FR, HR, HU, LT, NO, RO, RS, SI, SK	45

<sup>6</sup> Countries can indicate more than one answer. Therefore, the percentage is related to the full number of countries that have a body other than the NRA, i.e. 26.



More than half countries have an alternative (or out-of-court) dispute resolution mechanism in place.

**Table 5 - Type of alternative (or out-of-court) dispute resolution (ADR)**

Question	Count	Country	% <sup>7</sup>
General ADR	11	CH, CZ, DE, EL, ES, FI, FYROM, IT, MT, PT, SE	65
Sector-specific ADR	7	AT, BE, DE, IT, LV, NL, UK	41
Not indicated	2	LU, PL	12

If an alternative (or out-of-court) dispute resolution (ADR) is in place, in almost two third of the cases the ADR is general and in one third of the cases sector-specific.

All of the regulatory authorities that receive complaints have the competency to inform consumers on their existing rights and on regulation that is applicable to their cases. Most of the NRAs have the competency to act as an ombudsman/mediator or in some other way to solve complaint issues for consumers.

**Table 6 - NRA acts as an ombudsman/mediator or solves the issue**

Question	Answer	Count	Country	%
Act as an ombudsman/mediator or solve the issue (complaints resolution service)	Yes	19	AT, CH, CY, DE, DK, EE, EL, ES, FI, FR, HR, HU, IT, LU, LT, LV, MT, SI, SK	70
	No	8	BE, CZ, NL, NO, PT, RS, SE, UK	30

In some countries the NRA is not an ombudsman/mediator or other complaint resolution service or does not see itself in this role, but still has some powers to help consumers with complaints. E.g. the Bulgarian NRA stated that it gives an opinion, which is not binding, and notifies the parties in writing of the accepted opinion.

In the same way, since 1 January 2011, postal service users can submit to ARCEP the complaints that could not be resolved by the procedures implemented by the postal service providers. The board of ARCEP then issues an opinion on the complaints that is not binding. ARCEP is not an ombudsman considering that consumers can submit their complaint to ARCEP only when they have gone through every complaints handling process put in place by postal operators including the ombudsman for complaints concerning La Poste.

<sup>7</sup> There are countries that have both a general and a postal-specific ADR. Therefore, the total number is higher than the number of countries with ADR. 100% is the number of countries that have ADR, i.e. 17.



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Luxemburg can take corrective measures. In the Netherlands, the NRA does not have the competency to act as a complaint resolution service, but may take corrective measures if the complaint concerns non-compliance with the postal service operator’s legal obligations. Spain can impose sanctions and fines. Serbia monitors if the postal operators respond to complaints.

**Table 7 - NRA has other powers concerning complaints**

Question	Answer	Count	Country	%
Other powers concerning complaints	Yes	6	BG, ES, FR, LU, NL, RS	60
	No	4	BE, HR, HU, PT	40



### 4.3 Powers of NRAs with regard to complaint procedures

This section looks at the existence of complaint procedures in the NRAs and if the NRAs have the power to enforce their decisions.

In some countries this competence is restricted to services inside the universal service area that are provided by the USP or to services provided by the USP.

**Table 8 - Procedures to resolve complaint for universal services, services outside universal services, USP and non USP**

Question	Answer	Count	Country	%
Procedures to resolve complaint for universal services provided by the USP	Yes	22	BE, CH, CY, CZ, DE, EE, EL, ES, FI, FR, FYROM, HR, HU, IT, LU, LT, LV, MT, RS, SI, SK, UK	88
	No	3	AT, DK, NL <sup>8</sup>	12
Procedures to resolve complaint for universal services provided by operators other than the USP <sup>9</sup>	Yes	16	BE, CH, CY, DE, EE, EL, FI, FYROM, HR, HU, IT, LT, LU, LV, MT, SI	80
	No	4	AT, DK, ES, SK	20
Procedures to resolve complaint for services outside the universal service provided by the USP <sup>10</sup>	Yes	17	BE, CY, DE, EE, EL, FI, FR, FYROM, HR, HU, IT, LT, LV, MT, RS, SK, UK	74
	No	6	AT, CH, DK, ES, LU, SI	26
Procedures to resolve complaint for services outside the universal service provided by operators other than the USP <sup>11</sup>	Yes	16	CY, DE, EE, EL, FI, FR, FYROM, HR, HU, IT, LT, LV, MT, RS, SK, UK	73
	No	6	AT, CH, DK, ES, LU, SI	27

Most NRAs have the power to enforce their decisions regarding complaints. Even those NRAs that cannot enforce their decision often have some other powers to impact on the USP (e.g. launching disciplinary procedures or imposing penalties). This is usually the case for all services and all postal operators.

<sup>8</sup> Unless the complaint has to be considered to be an official request to take corrective measures within the competency of the NRA.

<sup>9</sup> Not applicable to FR, NL and UK: in France, only the USP delivers universal services; for the Netherlands see explanation above.

<sup>10</sup> Not applicable to NL: see explanation above.

<sup>11</sup> Not applicable to NL: see explanation above.



**Table 9 - Power to enforce the decision for universal services, services outside universal services, USP and non USP**

Question	Answer	Count	Country	%
Power to enforce the decision for universal services provided by the USP	Yes	17	CH, CY, EE, ES, FI, FYROM, HR, HU, IT, LT, LU, LV, MT, RS, SI, SK, UK	77
	No	5	CZ, DE, EL <sup>12</sup> , FR <sup>13</sup> , SE	23
Power to enforce the decision for universal services provided by operators other than the USP <sup>14</sup>	Yes	13	CH, CY, EE, FI, FYROM, HR, HU, IT, LT, LU, LV, MT, SI	81
	No	3	DE, EL <sup>15</sup> , SE	19
Power to enforce the decision for services outside the universal service provided by the USP <sup>16</sup>	Yes	13	CY, EE, FI, FYROM, HR, HU, IT, LT, LV, MT, RS, SK, UK	76
	No	4	DE, EL <sup>17</sup> , FR <sup>18</sup> , SE	24
Power to enforce the decision for services outside the universal service provided by operators other than the USP <sup>19</sup>	Yes	13	CY, EE, FI, FYROM, HR, HU, IT, LT, LV, MT, RS, SK, UK	76
	No	4	DE, EL <sup>20</sup> , FR <sup>21</sup> , SE	24

<sup>12</sup> No power to enforce the decision, but NRA may impose a penalty if resolution procedures were inappropriate.

<sup>13</sup> Opinion is not mandatory, but ARCEP may launch a disciplinary procedure after issuing its opinion if the matter is within the scope of powers of ARCEP.

<sup>14</sup> Not applicable to FR, NL and UK: in France, only the USP delivers universal services; for the Netherlands see explanation above.

<sup>15</sup> No power to enforce the decision, but NRA may impose a penalty if resolution procedures were inappropriate.

<sup>16</sup> Not applicable to NL: see explanation above.

<sup>17</sup> No power to enforce the decision, but NRA may impose a penalty if resolution procedures were inappropriate.

<sup>18</sup> Opinion of ARCEP not mandatory, but ARCEP may launch a disciplinary procedure after issuing its opinion if the matter is within the scope of the powers of ARCEP.

<sup>19</sup> Not applicable to NL: see explanation above.

<sup>20</sup> No power to enforce the decision, but NRA may impose a penalty if resolution procedures were inappropriate.

<sup>21</sup> Opinion of ARCEP not mandatory, but ARCEP may launch a disciplinary procedure after issuing its opinion.



#### 4.4. Outcome

This section summarises the results and looks if there are benefits for the consumers that can be measured.

Article 19 of the Postal Directive states that transparent, simple and inexpensive procedures should be made available by all postal service providers in order to deal with consumer complaints as examined above. The Directive also aims at increasing user-orientation and puts consumer issues in the very centre.

This survey has shown that in all Member States, customers have at least one possible contact point (other than the USP/postal operators) that they can address themselves to if they have a complaint on postal services. In most member states, the NRA is one of these contact points. All of them can give information to the customers about their respective rights, postal regulation etc. Many have some kind of role in resolving consumer issues and complaints. This can take different forms, e.g. verifying if the law has been observed, mediation etc.

The other contact points are usually consumer boards or ombudsmen, but there are also other authorities involved in some countries (e.g. Chamber of Labour, Ministry). These other contact points can be specialised on postal complaints or be general consumer protection organisations. Most Member States also have alternative dispute resolution (ADR), which customers can use before or instead of going to court.

This report has not yet looked at the cooperation and consultation between these organisations and the NRA in complaint procedures. As Article 22 of the Directive highlights the importance of such a cooperation and stipulates that the Member States should ensure such a cooperation if necessary, this might be a field for further investigation in the future.

If the NRAs are involved in resolving complaints, they usually have procedures in place for these issues. However, in some countries these procedures are restricted to certain parts of complaints, e.g. only where the provision of universal services is concerned.

Some NRAs have the power to enforce their decisions. However, even those that do not have this competence still have some influence on the postal operators. Some of them can launch disciplinary procedures against the operators or impose fines and sanctions, and most of them can inform consumers of their rights in a complaint case. This results in the operator changing its behaviour and improves the general situation of the customers, even if the NRA has no direct impact in the concrete disputes presented by the consumers.



Only few NRAs have the means/competence of measuring consumer benefits from actions taken by them, e.g. by regulatory impact assessment, consumer inquiry. Examples of the measurement are given below.

**Table 10 - Measuring consumer benefits**

Question	Answer	Count	Country	%
Means to measure consumer benefits	Yes	6	CH, ES, IT, LT, MT, PT	19
	No	25	AT, BE, BG, CY, CZ, DE, DK, EE, EL, FI, FR, FYROM, HR, HU, IE, LU, LV, NL, NO, PL, RO, RS, SE, SI, SK	81

In Lithuania, the NRA has an impact assessment, which is given in its annual reports. The sort and number of consumer complaints are analysed. Besides, consumer surveys are carried out. In Portugal, the NRA does not make a formal regulatory impact assessment. However, any decision or action by the NRA takes into account expected consequences on consumer benefits.

However, some NRAs can identify specific consumer benefits thanks to their own actions (e.g. decisions, inspections, regulatory measures) taken from the handling of complaints made by users to the NRA in the last 12 months. However, this is not the majority of countries. This might partly be explained by the fact that only few countries carry out some sort of (formal) measurement of consumer benefits. Examples of specific consumer benefits are given below.

**Table 11 - Identification of specific consumer benefits due to actions from complaint handling by NRA in the last 12 months**

Question	Answer	Count	Country	%
Identification of specific consumer benefits due to actions from complaint handling by NRA in the last 12 months	Yes	10	CH, EL, ES, FR, HU, IT, LT, PT, SE, SK	34
	No	19	AT, BE, CY, CZ, DE, DK, EE, FYROM, HR, LU, LV, MT, NL, NO, PL, RO, RS, SI, UK	66





In **Bulgaria**, there are no examples of specific consumer benefits by actions of the NRA taken during the last 12 months. However, due to many complaints concerning non-refunding of the amount of the cash on delivery to the sender, the last amendment of the Law included a requirement for publication of an amount of compensation for such breach in the General terms and conditions.

Complaints handling has enabled **France** (ARCEP) to identify areas for improvement in the way postal services are provided. The implementation of those improvements is subject to ongoing work with La Poste.

Among the improvements that are foreseen thanks to the handling of complaints in 2011, we may mention the fact that recipients of parcels will be able to express reservations regarding the general condition of the parcel when they receive it. This measure will constitute an evidence of a possible deterioration of the package due to the postal operator in case of complaints or disputes.

As an other example, inhabitants of residential communities (eg student residences), in which mail is delivered indiscriminately to all people, will have access to the redirection service offered by La Poste in the universal postal service, which was not the case before.

This new competence for handling complaints by the French NRA is then a lever action for a better functioning of the postal services and good consideration of users' expectations.

In **Greece**, the NRA issued several decisions that had an impact on consumer benefit: the USP used to charge an extra 3 euros for customs services. That proved to be against the law. The USP was obliged to abolish this charge and to pay a considerable fine to the NRA. The USP has also been obliged to follow the delivery procedures for registered letters after a fine had been imposed on it. Other benefits for customers due to NRA actions include the improvement of delivery times (smaller or no delays) and the compensation to customers by the USP in cases of loss or damage.

In **Hungary**, significant changes happened in the complaint counting method of the USP as a consequence of the action of the NRA.

In **Lithuania**, consumers have become more aware about their rights and the power of the NRA. Consumers can receive redress. Out-of-court procedure of disputes resolution has become faster and easier.



In **Portugal**, if the NRA identifies a matter that has a significant number of complaints, the USP is informed and asked to provide information on it. As a result, the USP almost always informs the NRA that the individual complaints have been resolved and if actions (and what actions) have been taken to resolve this specific sort of problem. That happened around 30 times in the last 12 months (the USP sometimes was informed of several complaints simultaneously and other times of individual complaints). The actions by the NRA were related to complaints on mis-delivery, items arriving late, lack of attempt to deliver to the home and other irregularities on mail delivery.

In **Slovakia**, in cases when the NRA qualifies a complaint as justified (against the statement of the USP), a relevant compensation was paid. In 2010, there were 7 cases, in 2011 there were 4 cases.

In **Spain**, the situation regarding exceptions to address delivery in “special environments” has improved.

In **Sweden**, the most notable change is the introduction of an ombudsman at Sweden Post.

These examples show that in countries where the NRA has no power to enforce its decisions in the resolution of complaints and even in countries where the NRA has no role in resolving (all) complaints, they have other means to ensure that the operators keep to the rules and remove the reasons for complaints, so that ultimately the situation for consumers improves.



#### **4.5 Task of the European Commission in complaints on postal services**

This section looks at the role of the European Commission in complaint procedures.

The European Commission has a website regarding complaints on postal services: [http://ec.europa.eu/internal\\_market/post/complaints\\_en.htm](http://ec.europa.eu/internal_market/post/complaints_en.htm). On this website, it is explained that under Community rules, members of the public and businesses who are dissatisfied with the quality of service provided by universal service providers and other postal services providers are entitled to complain to the postal complaint authority in each Member State in particular in cases involving loss, theft, damage or non-compliance with quality standards.

It is pointed out that dissatisfied customers should in the first instance make their complaint to the postal operator that is responsible for providing the universal service in their country. If the postal operator is unable or unwilling to provide a satisfactory solution to such complaint, customers can then move to the second step by contacting the national public complaints authority (usually National Postal Regulator) in their own Member State. In the event that the complaints authority fails to act on, or follow up to, complaints, customers can seek redress under national or Community law. They may complain to the European Commission if the competent national authority has ignored or failed to investigate the complaint.

Furthermore, the website gives a list of all national contact points that are competent in the Member States. Although this list is primarily designed to tell consumers about their relevant national contact point for complaints, this list could also be used for cross-border issues. However, in any case the consumer who has a complaint on a cross-border service has to address his national postal operator or the respective complaint body.

As cross-border traffic inside the EU increases, it would be useful to further investigate the cross-border procedures for complaints between EU operators.



## 5. Information provisions on complaint handling procedures

This chapter analyses the information available for users on complaint handling procedures, redress schemes and means of dispute resolution as well as on the number of complaints received by postal service providers and the NRAs.

In most countries (24 out of 32) there is an obligation for postal service providers to publish information about complaint handling procedures, redress schemes and means of dispute resolution.

This obligation covers at least the USP in almost all of these countries (20 out of 24). Only in 4 countries the USP is the only provider obliged to publish this information (Czech Republic, Luxembourg, Norway, Poland and Sweden). In 9 countries the obligation is applicable to all postal service providers.

The scope of the obligation to publish information varies from country to country. In general, it covers at least the complaint handling procedure of the provider and, in some cases, also the existing compensation schemes and out-of-court dispute resolution.

**Table 12 – Postal service providers obliged to publish information about complaint handling procedures, redress schemes and means of dispute resolution**

Question	Answer	Count	Country	%
Obligation to publish information?	Yes	24	BE, BG, CH, CZ, EE, EL, ES, FR, FYROM, HU, IE, IT, LT, LU, MT, NO, PL, PT, RO, RS, SE, SI, SK, UK	75
	No	8	AT, CY, DE, DK, FI, HR, LV, NL	25
If yes:	USP	20	BE, BG, CZ, EE, EL, ES, FYROM, HU, IE, IT, LT, LU, MT, NO, PL, PT, RO, SE, SI, SK	83
	Other postal service providers active in the universal service area	14	BE, BG, EE, EL, ES, FYROM, HU, IE, IT, LT, MT, PT, RO, SI	58
	Other postal service providers	9	BE, EL, ES, FR, FYROM, LT, PT, RO, SK	38

Note: "If yes" = question with multiple answers.



See specific information from Bulgaria and Portugal:

**Table 13 – Country cases: Bulgaria and Portugal**

<p><b>Bulgaria:</b> “All postal operators are obliged to publish information about complaints and redress procedures with particular amounts of compensations for delayed, lost, fully or partially damaged or stolen postal items and post parcels and non-refunding of the amount of the cash on delivery to the sender; schemes for resolution of disputes. This information is included in the General terms and conditions of the contract with the users of postal services.”</p> <p><b>Portugal:</b> “The new postal law stipulates that all postal service providers shall make available to users, both on their websites and establishments, updated information on complaint handling procedures and on reimbursement and compensation systems set up pursuant to the preceding paragraphs, as well as on out-of-court schemes available to users.”</p>
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Also in most countries (20 out of 28) NRAs check how the information on complaint handling procedures, redress schemes and means of dispute resolution is published by postal service providers.

In 15 of these countries this information is checked at least for the USP. This check is extended to other postal service providers active in the universal service area and to other postal service providers in 9 and 5 countries, respectively.

The means of information checking most used by NRAs is the monitoring of postal service providers’ websites. Postal offices visits, inspections and other supervising actions of the postal activity were also mentioned.

**Table 14 – NRA checks how information is published by postal service providers**

Question	Answer	Count	Country	%
Information check?	Yes	20	BE, BG, CZ, EE, EL, FR, HU, IE, IT, LT, LU, MT, NO, PL, PT, RO, RS, SI, SK, UK	71
	No	8	CH, CY, DE, DK, FYROM, HR, LV, SE	29
If yes:	USP	15	BE, BG, CZ, EL, HU, IE, IT, LT, LU, MT, NO, PL, RS, SI, SK	75
	Other postal service providers active in the universal service area	9	BE, BG, EL, HU, IE, IT, LT, MT, SI	45
	Other postal service providers	5	EL, LT, PL, RS, SK	25

Note: “If yes” = question with multiple answers.



Most NRAs (21 out of 31) receive and/or publish information on complaint handling procedures, redress schemes and means of dispute resolution.

The scope of that information varies from country to country, meaning that NRAs indicated very different types of information received and/or published in this matter. Some NRAs publish information on how to complain to the NRA; others on how to complain to the NRA and to postal service providers, as well as on redress and dispute resolution; and other NRAs mentioned only to receive information about procedures to complain, redress and dispute resolution from the postal service providers through general terms and conditions, codes of practice or reports communicated to these authorities.

NRAs that do not receive or publish information on this matter indicated that it can be found on postal services providers' websites, in standard service conditions, in postal offices and by contacting consumer authorities.

**Table 15 – NRA receives/publishes information about complaint handling procedures, redress schemes and means of dispute resolution**

Question	Answer	Count	Country	%
NRA receives/publishes information?	Yes	21	AT, BE, CH, CZ, EL, FI, FR, FYROM, HR, HU, IE, IT, LV, LT, MT, PL, PT, RO, RS, SK, UK	68
	No	10	CY, DE, DK, EE, ES, LU, NL, NO, SE, SI	32

Turning to the publication of information regarding the number of complaints received, we find that in most countries (21 out of 32) postal service providers are obliged to publish, at least annually, information on the number of complaints received.

This obligation covers at least the USP in all of these countries. In very few cases other postal service providers (active or not in the universal service area) are also covered by this obligation.

In general, this information has to be sent to the NRA by postal service providers, sometimes also including information about how complaints were handled, and be a part of an annual report. The instrument of publication most indicated was the providers' websites.



**Table 16 – Publication of the number of complaints by postal service providers**

Question	Answer	Count	Country	%
Postal service providers obliged to publish information at least annually?	Yes	21	CH, DK, EE, EL, ES, FR, FI, FYROM, HR, HU, IE, IT, LT, MT, PT, RO, RS, SE, SI, SK, UK	66
	No	11	AT, BE, BG, CY, CZ, DE, LU, LV, NL, NO, PL	34
If yes:	USP	21	CH, DK, EE, ES, FI, FR, FYROM, EL, HR, HU, IE, IT, LT, MT, PT, RO, RS, SE, SI, SK, UK	100
	Other postal service providers active in the universal service area	5	ES, FI, FYROM, HU, IT,	24
	Other postal service providers	3	DK, FYROM, SK	14

Note: “If yes” = question with multiple answers.

NRAs publish figures regarding complaints in most countries (20 out of 32). These figures are related to the complaints received by the USP in 17 countries. Only in 5 and 8 countries, respectively, NRAs publish figures regarding complaints from other postal service providers active in the universal service area and other postal service providers. Over half of these NRAs publish figures regarding complaints received by the NRA.

**Table 17 – Publication of the number of complaints by NRAs**

Question	Answer	Count	Country	%
NRA publishes figures?	Yes	20	BG, CH, CZ, DE, EL, FR, FYROM, HR, HU, LT, LV, MT, NO, PL, PT, RO, RS, SE, SI, SK	63
	No	12	AT, BE, CY, DK, EE, ES, FI, IE, IT, LU, NL, UK	37
If yes:	From USP	17	BG, CH, CZ, EL, FR, FYROM, HU, LT, MT, NO, PL, PT, RO, RS, SE, SI, SK	85
	From other postal service providers active in the universal service area	5	BG, FYROM, LT, MT, RO	25
	From other postal service providers	8	BG, EL (courier companies), FYROM, LT, MT, PL, RO, SK	40
	From NRA	11	BG, DE, EL, FR, FYROM, HR, LT, LV, MT, PT, SK	55

Note: “If yes” = question with multiple answers.



## 6. Standard EN 14012 – Complaints handling principles

This chapter presents data on the situation regarding the implementation of the CEN Standard EN 14012:2008 (Postal Services - Quality of Service - Complaints handling principles) by postal service providers and the measuring of complaints according to this standard.

In nearly half the countries USPs have implemented the CEN standard. However, concerning other postal service providers active in the universal service area the standard is not implemented in any country, which is also the case for other postal service providers.

**Table 18 – Implementation of standard EN 14012**

Question	Answer	Count	Country	%
Implemented for the USP?	Yes	14	BE, EL, FR, HR, HU, IE, LT, MT, NO, PT, SE, SI, SK, UK	47
	No	16	AT, BG, CH, CY, CZ, DK, EE, ES, FI, FYROM, IT, LU, LV, PL, RO, RS	53
Implemented for other postal service providers active in the universal service area?	Yes	0	-	0
	No	28	AT, BE, BG, CH, CY, CZ, DK, EE, EL, ES, FI, FR, FYROM, HR, HU, IE, IT, LT, LU, LV, MT, NO, PL, RO, RS, SE, SI, SK	100
Implemented by other postal service providers?	Yes	0	-	0
	No	28	AT, BE, BG, CH, CY, CZ, DK, EE, EL, ES, FI, FR, FYROM, HR, HU, IE, IT, LT, LU, LV, MT, NO, PL, RO, RS, SE, SI, SK	100

In 8 countries the measurement implemented by the USP is fully compliant with the CEN standard. Minor changes for full compliance are needed in 6 countries and only 3 countries mentioned the need for significant changes to occur.





**Table 19 – Measurement according to standard EN 14012**

Question	Answer	Count	Country	%
Measurement according to the standard for the USP?	Fully	8	HR, FR, HU, MT, NO, SI, SE, UK	47
	Partly (minor changes needed)	6	BE, BG, EL, LT, PT, SK	35
	Partly (significant changes needed)	3	CY, IE, FYROM	18
Measurement according to the standard for other postal service providers active in the universal service area?	Fully	1	UK	25
	Partly (minor changes needed)	1	BG	25
	Partly (significant changes needed)	2	CY, FYROM	50
Measurement according to the standard by other postal service providers?	Fully	0	-	0
	Partly (minor changes needed)	1	BG	30
	Partly (significant changes needed)	2	CY, FYROM	70



## 7. Compensation schemes for individual customers

In this chapter the scope of compensation schemes to be in place and the way they are disclosed to customers is analysed.

In most countries (20 out of 31) there is an obligation for a specific compensation scheme to be in place.

That obligation is set out in primary legislation in most cases. Only in a few countries these schemes are laid down in secondary legislation. Some NRAs also mentioned this obligation being stated in decisions and guidelines issued by the NRA.

The scope of this obligation varies between countries as to the type of postal services and the type of service failures to which it applies.

**Table 20 – Compensation schemes for individual customers**

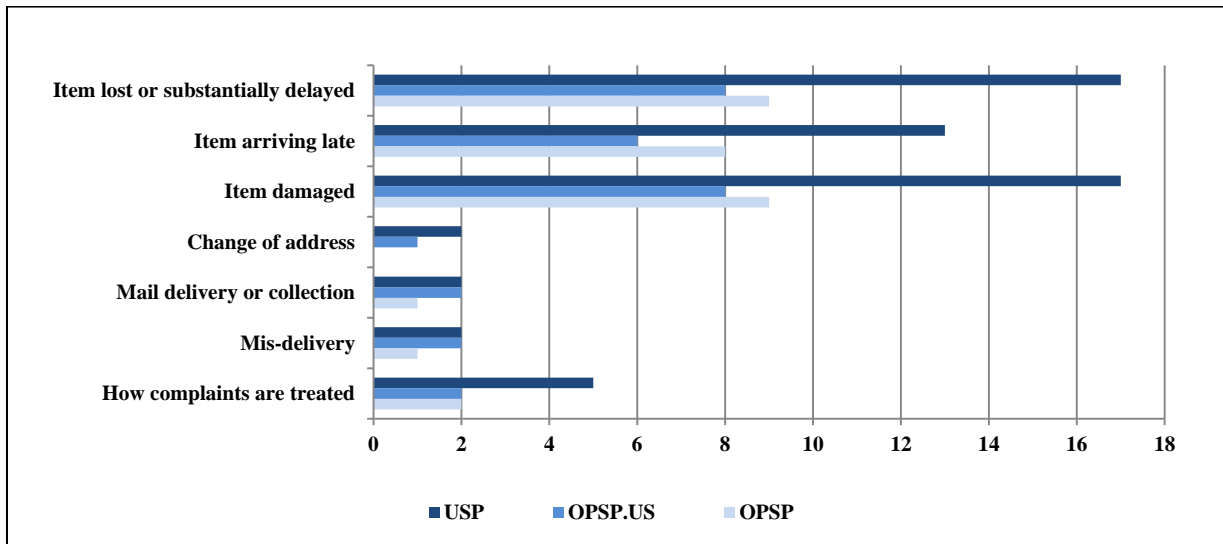
Question	Answer	Count	Country	%
Is there an obligation for a specific compensation scheme to be in place?	Yes	21	BE, BG, CZ, EL, ES, FR, FYROM, HR, HU, IE, IT, LT, MT, NO, PL, PT, RO, RS, SI, SK, UK	66
	No	11	AT, CH, CY, DE, DK, EE, FI, LU, LV, NL, SE	34

In the vast majority of countries (17 out of 20) that have an obligation for a specific compensation scheme to be in place, this obligation covers, for the USP, items lost or substantially delayed and items damaged. Also for the USP, items arriving late were mentioned as being covered by 13 NRAs, followed by how complaints are treated mentioned by 5 NRAs.

In nearly half of the countries this obligation also covers items lost or substantially delayed and items damaged for other postal service providers active in the universal service area and for other postal service providers (8 and 9 out of 20, respectively).



**Figure 1 – Compensation schemes for individual customers by type of service failure**



Source: ERGP (18 NRAs) – BE, BG, CZ, EL, ES, FR, FYROM, HR, HU, IE, IT, LT, MT, PL, PT, RO, SK, UK.

Legend: USP (Universal Postal Service Provider); OPSP.US (Other Postal Service Providers active in the Universal Service area); and OPSP (Other Postal Service Providers).

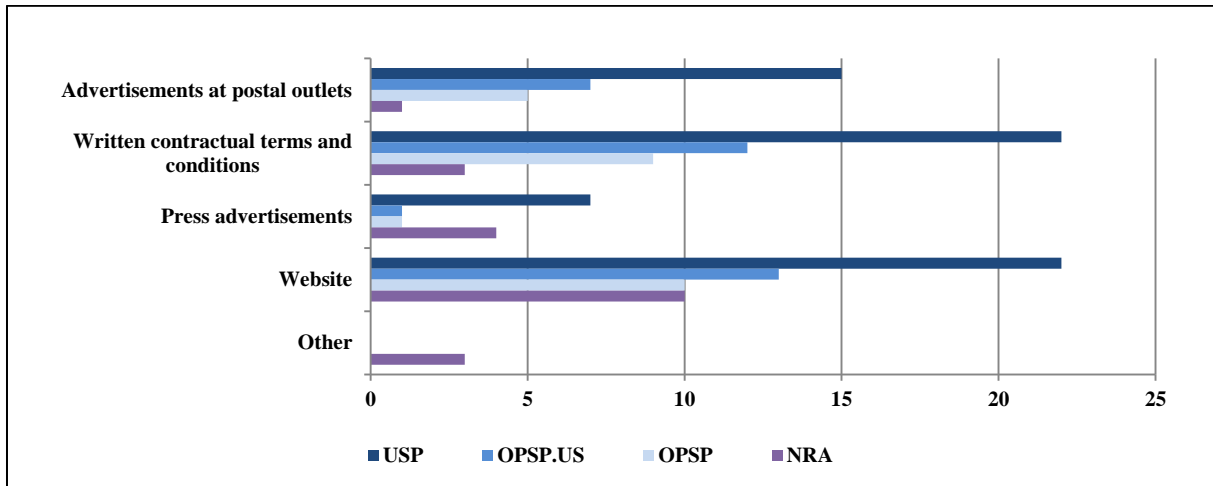
Note: Question with multiple answers.

The majority of NRAs identified written contractual terms and conditions as well as the website as the mechanisms mostly used by USPs to make customers aware of existing compensation schemes (22 out of 24, respectively), followed by advertisements at postal outlets (15 countries) and press advertisements (7 countries). This “ranking” remains the same for other postal service providers active in the universal service area and for other postal service providers also, but with fewer NRAs indicating their use by these providers.

The mechanism of information mostly used by NRAs is the website, having been mentioned in 10 out of 24 answers.



Figure 2 – Mechanisms to make customers aware of compensation schemes



Source: ERGP (25 NRAs) – BE, BG, CY, CZ, EE, EL, ES, FR, FYROM, HR, HU, IE, IT, LT, LV, MT, NO, PL, PT, RO, RS, SE, SI, SK, UK.

Legend: USP (Universal Postal Service Provider); OPSP.US (Other Postal Service Providers active in the Universal Service area); OPSP (Other Postal Service Providers); and NRA (National Regulatory Authority).

Note: Question with multiple answers.

Only 3 countries indicated they monitored the process for the payment of compensations to customers, 2 of which in cases of loss, damage and delay.

Table 21 – NRA monitors the payment of compensations

Question	Answer	Count	Country	%
Does the NRA monitor the process for payment of compensation?	Yes	4	EL, HU (for loss, damage and delay), IT (for loss, damage and delay), LT (for loss, damage and delay)	33
	No	8	CY, EE, FI, IE, NO, PL, RO, UK	67



## 8. Collection of data on complaints

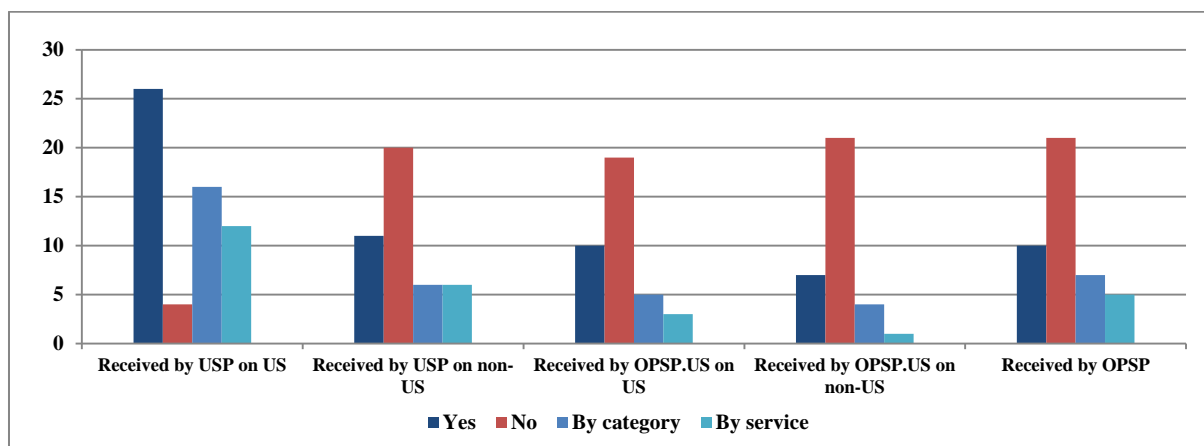
This chapter looks at the data that NRAs collect and have available on complaints<sup>22</sup> and disputes about postal services. Figures on the categories of complaints received by the USPs in 2011 are also showed.

Almost all NRAs collect data on complaints received by the USP on universal services (26 out of 30). Out of these 16 indicated to collect data by category and 12 by service. 9 NRAs collect this data by total, category and service (Croatia, Cyprus, Greece, Former Yugoslav Republic of Macedonia, Hungary, Lithuania, Poland, Serbia and Sweden). Fewer NRAs collect data on complaints received by the USP about non-universal services (11 out of 31).

The majority of NRAs do not collect data on complaints received by other postal service providers active in the universal area about universal services or non-universal services (19 out of 29 and 21 out of 28, respectively).

Also the majority of NRAs do not collect data on complaints received by other postal service providers (21 out of 31). Only 10 NRAs collect this data, 5 of which by category and service (Cyprus, Former Yugoslav Republic of Macedonia, Lithuania, Poland and Serbia).

Figure 3 – Collection of data on complaints by NRAs



Source: ERGP (32 NRAs) – AT, BE, BG, CH, CY, CZ, DE, DK, EE, EL, ES, FI, FR, FYROM, HR, IE, IT, HU, LT, LU, LV, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, UK.

Legend: USP (Universal Postal Service Provider); US (Universal Service); OPSP.US (Other Postal Service Providers active in the Universal Service area); and OPSP (Other Postal Service Providers).

Almost all NRAs have data on complaints made by users to the USP (25 out of 31). The situation is different for other postal service providers, where the majority of NRAs do not have data on the complaints received by those providers (21 out of 31).

<sup>22</sup> The CEN Standard EN 14012:2008 defines complaint as the “expression of dissatisfaction made to an organisation, related to the perceived failure of its products, services or policies, or the complaints-handling process itself, where a response or resolution is explicitly or implicitly expected.”.



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Regarding complaints received by the NRAs, the vast majority has data (22 out of 31), 15 of which have data on complaints regarding USP and other postal service providers and 4 have only data on complaints regarding the USP.

Almost all NRAs (29 out of 31) indicated not to have data on complaints made by postal users to other entities that have responsibility in handling complaints. In some countries there are no other entities responsible for handling postal service users' complaints besides the NRA.

**Table 22 – NRA has data for 2010/2011 on the number of complaints made by users**

Question	Answer	Count	Country	%
To the USP?	Yes	25	AT, BG, CH, CY, CZ, DK, EL, FI, FR, FYROM, HR, HU, IE, LT, LV, MT, NO, PL, PT, RO, RS, SE, SI, SK, UK	81
	No	6	BE, DE, EE, ES, LU, NL	19
To other postal service providers?	Yes	10	BG, CY, EL, FYROM, LT, PL, RO, RS, SI, SK	32
	No	21	AT, BE, CH, CZ, DE, DK, EE, ES, FI, FR, HR, HU, IE, LU, LV, MT, NL, NO, PT, SE, UK	68
To the NRA?	Yes	22	AT, BG, CH, CY, CZ, DE, DK, EE, EL, ES, FI, FR, FYROM, HR, HU, LT, LU, MT, PT, RS, SI, SK	71
	No	9	BE, IE, LV, NL, NO, PL, RO, SE, UK	29
To other entities responsible for handling users' complaints?	Yes	2	BE, FR	6
	No	29	AT, BG, CH, CY, CZ, DE, DK, EE, EL, ES, FI, FYROM, HR, HU, IE, LT, LU, LV, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, UK	94

The vast majority of NRAs (26 out of 28) indicated not to have data on disputes regarding postal services received by alternative dispute resolution (ADR) entities.



**Table 23 – NRA has data for 2010/2011 on the number of disputes received by ADR entities**

Question	Answer	Count	Country	%
NRA has data for 2010/2011 on the number of disputes?	Yes	2	BE, PL	7
	No	26	AT, CH, CY, CZ, DE, DK, EE, ES, FI, FYROM, HR, HU, IE, LT, LU, LV, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, UK	93

The data on complaints that was sent by the countries following the questionnaire is too diverse to allow a comprehensive picture of this information or any data comparisons. Generally, NRAs do not receive data from the same types of agents (USP, other postal service providers, other entities, etc.) and do not record the same type of data on complaints. These are also classified according to different criteria.

For example, some NRAs sent data only on justified complaints; others include only complaints within the scope of universal services; while others include complaints on financial services provided at postal offices which are generally considered to be excluded from the scope of postal services. Other examples of different criteria used in the collection and presentation of data can be found.

In this matter, the CEN Standard EN 14012:2008 states that “all complaints should be recorded and if possible also whether they are justified” (Annex D, point D.2).

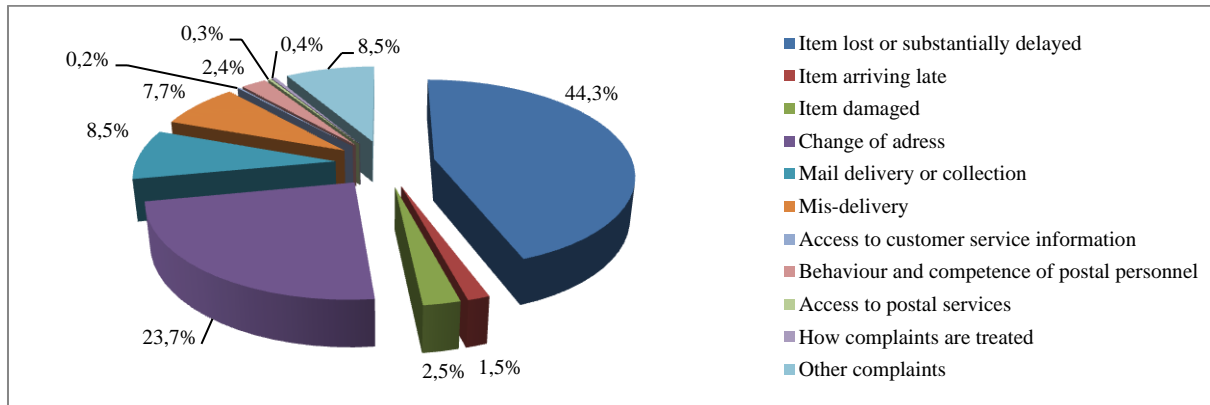
It is useful that NRAs make an effort to follow common criteria in the collection of data and in recording and classifying complaints<sup>23</sup>. Differences in the scope of intervention and in the powers of the NRAs also have a significant impact on the information that can be gathered on this matter.

Article 19 of the Postal Directive requires that “universal service providers and, wherever appropriate, undertakings providing services within the scope of the universal service, publish, together with the annual report on the monitoring of their performance, information on the number of complaints and the manner in which they have been dealt with.”. This data is the most consistent that was sent by the NRAs, but still differences in the way the data is presented were registered.

<sup>23</sup> Commission Recommendation of 12.5.2010 on the use of a harmonised methodology for classifying and reporting consumer complaints and enquiries [C(2010)3021 final], available at [http://ec.europa.eu/consumers/strategy/docs/consumer-complaint-recommendation\\_en.pdf](http://ec.europa.eu/consumers/strategy/docs/consumer-complaint-recommendation_en.pdf) also appeals to the importance of the adoption of common criteria in the record and classification of complaints by public authorities, including NRAs. The expert group in charge of the follow-up of this recommendation is working closely with public authorities to ensure this objective in order to be able to start publishing data on complaints at the European level.



**Figure 4 – Complaints received by the USP by category in 2011**



Source: ERGP (12 NRAs) – BG, FR, HR, HU, IE, LT, NO, PL, PT, RS, SE, SI.

Note: Not all the NRAs had data on every category listed.

Other notes regarding NRAs:

BG indicated that the data included only justified complaints.

NO indicated that some categories have all complaints, others include only universal services.

PT indicated that the data includes the number of complaints answered (final reply) by the USP in the year; that the category “item lost or substantially delayed” includes item arriving late; and that complaints concerning delivery and mis-delivery do not include collection.





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## **9. Conclusion**

A particular task of national regulatory authorities (NRAs) is to ensure compliance with the obligation arising from the Postal Directive, in particular through the follow-up of the complaint handling procedures and consumer protection. This report describes in more detail the respective legal basis as set within the Directive. We also analyse the scope and competence of NRAs in handling complaints on postal services and the report looks at the other organisations to which a consumer can address himself in case of a complaint.

In this report ERGP has identified the core indicators and instruments to monitor complaint handling and consumer protection linked back to regulatory measures taken in that field.

ERGP has also collected data regarding these core indicators.