



**Best practices in the field of consumer protection,
quality of service and complaint handling
(developing comparative working measures for NRAs)**

FOR PUBLIC CONSULTATION

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Preliminary comments on the public consultation

The draft ERGP report on best practices in the field of consumer protection, quality of service and compliant handlings is submitted to public consultation between the 1 July 2014 and the 31 August 2014.

The ERGP will welcome any contribution from stakeholders of the postal sector, and invites the respondents to structure their answers based on the following questions.

The objective of this report is to identify and arrange an assortment of best practices in the field of consumer protection, quality of service and complaint handling, in order to develop a best practice framework.

Do you think that the report includes all the essential elements to create a framework of best practice?

If not, what are in your opinion the missing or redundant elements to be considered?



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Terms, abbreviations and definitions

- NRA – National regulatory authority
- US – Universal service
- USP – Universal service provider
- USO – Universal service obligation
- PSP – Postal service provider
- Users – Any natural or legal person benefiting from universal service provision as a sender or an addressee

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	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			



0. Executive summary

- Background and Objectives

In line with the ERGP commitment to continuously monitor the effects of the implementation of the Postal Directive through appropriate indicators and following the direction of the ERGP 2013 Work Programme, this report seeks to identify “best practices” for NRAs to consider adopting when implementing the provisions of the Directive with regard to Consumer Protection, Quality of Service and Complaint Handling.

A best practice should not be seen as being absolute, given the diversity of national legislative and regulatory frameworks that exist amongst Member States and the restrictions that may apply in implementing measures. Therefore, for the purpose of this report, a best practice is defined as a comparative working measure in which is highlighted suggested best ways to implement the requirements of the Directive by the NRA¹.

Against this background the report acknowledges that the European legal framework for the regulation of postal services is based on the legal instrument of a Directive which leaves Member States some degree of discretion on how to implement it into their national legislation. The report also recognises that it is for an NRA to consider how a specific regulatory measure may be considered to be a “best practice”, based on its own assessment and within the limits of the legal framework in place in its own country.

- Methodology

Section 2 of this report briefly describes the methodology used.

¹ Subject to the competencies of NRAs according to national laws.



- **Postal Directive**

Section 3 of the report recalls the objectives and aims concerning the issues of consumer protection, quality of service and complaint handling that are set out within the European framework covering the postal sector.

- **Principles for developing comparative working measures**

Section 4 identifies three guiding principles that NRAs should be aware of when implementing regulatory measures in the field of consumer protection, quality of service and complaint handling:

- Regulation, clarifying that the European Directive sets out the general requirements to be achieved and leaves it to Member States to decide on the best way to meet these requirements.
- Transparency, emphasising the importance of the clearness and accessibility of the whole decision-making and implementation process.
- User satisfaction, highlighting the need to ensure an environment suitable to meet user's needs.

- **Best practices (developing comparative working measures for NRAs)**

Section 5 sets out the best practices identified by ERGP in the field of consumer protection, quality of service and complaint handling.

1. Consumer protection

In the area of consumer protection this report identifies two best practices, namely:

- surveys regarding consumer needs;
- monitoring consumer satisfaction.



2. Quality of service

In the field of quality of service this report identifies best practices in the following four areas:

- Measurement of quality of service, in particular transit time;
- Exceptions to frequency of collection and delivery;
- Access points;
- Corrective measures in case of non-compliance with quality of service standards.

3. Complaint handling

In the field of complaint handling this report identifies best practices in the following three areas:

- complaint handling procedures, redress schemes and alternative dispute resolution;
- information on complaint handling and dispute resolution;
- collection and publication of information on complaints.

- Final conclusions

In the light of seeking to improve the effectiveness, efficiency and transparency of provisions arising from the Postal Directive, this report identifies comparative working measures which could be considered as best practices in the field of consumer protection, quality of service and complaint handling.

Given the diversity of national legislative and regulatory frameworks and constant market developments the report emphasises that the listed best practices are not to be seen as absolute and definitive and that they could evolve over time. In respect of this evolution it would be advisable to set up an activity of regular monitoring by ERGP.



1. Background and Objectives

Consumer issues and quality of service are at the heart of the European legislative framework for the development of the internal market of Community postal services, as set by Postal Directive 97/67/EC, amended by Directives 2002/39 and 2008/6, on common rules for the development of the internal market of Community postal services and the improvement of quality of service.

Against this background the main aim of this report is to identify in line with the ERGP 2013 Work programme best practices in the field of consumer protection, quality of service and complaint handling. Best practice is defined as a comparative working measure in which best ways to implement the provisions of the Postal Directive by NRAs are highlighted.

The report acknowledges the fact that the European legal framework for the regulation of postal services is based on the legal instrument of a directive which leaves the Member States some degree of discretion to implement it into national legislation. Thus, the NRAs can only act in accordance with the national legal framework transposing the Directive.

It is important at this stage to underline the purpose and aim of identifying best practices.

First of all and as a starting point for this report it is assumed that all Member States of the European Union have transposed the European legal framework into national legislation. A cost based analysis to assess the best practices implemented by NRAs within the constraints of their national legal framework was not conducted. The report looks solely at the question of which regulatory practices can be considered as effective in the light of the criteria and requirements set out within the European framework covering the postal sector and may, therefore, be identified as a best practice.



Secondly, it is important to recall that a certain regulatory practice can be effective on a national market in achieving the aims set out in the European framework but not in another national market because of the national peculiarities of each country. As there is no “one size fits all” solution, while identifying best practices this report identifies three guiding principles that NRAs should be aware when implementing regulatory measures in the field of consumer protection, quality of service and complaint handling.

Thirdly, we should take into consideration that the extent to which a practice complies with the principles will be subject to continuous developments in the European postal market, e.g. the decline in volumes due to, for example, electronic substitution or the growth of parcel markets due to evolving e-commerce activities.



2. Methodology

For the purpose of obtaining information an internal ERGP discussion document including a short questionnaire was issued in June 2013 focusing on the legislative and non-legislative framework put in place by ERGP Member States in all three areas: consumer protection, quality of service and complaint handling.

The analysis is also based on the ERGP reports regarding quality of service of 2011², 2012³ and 2013⁴, which in general reflect the legislation and practice in place at the time of response.

Of the 34 ERGP members and observers 32 NRAs provided feedback: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Former Yugoslav Republic of Macedonia, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom.

² ERGP Report on the quality of service and end-user satisfaction of 2011, http://ec.europa.eu/internal_market/ergp/docs/documentation/ergp-11-19_en.pdf

³ ERGP Report on the quality of service and end-user satisfaction of 2012, http://ec.europa.eu/internal_market/ergp/docs/documentation/2012/121130_ergp-12-30-quality-service-end-users-draft-report_en.pdf

⁴ ERGP Report on the quality of service and end-user satisfaction of 2013, http://ec.europa.eu/internal_market/ergp/docs/documentation/2013/2013_qos-indicators_en.pdf



3. Postal Directive⁵

As already pointed out in the background of this report the Postal Directive sets out a high-level role for the issue of consumer protection and its special aspects of quality of service and complaints handling. This fact is reflected within the mandate and Work Programme of the ERGP on “End-user satisfaction and monitoring of market outcomes” and its mission to undertake a best practice report in the field of consumer protection, quality of service and complaint handling.

Against this background it seems worthwhile to briefly recall the objectives and aims concerning the issues of consumer protection, quality of service and complaint handling that are set out within the European framework.

First of all, the issue of consumer protection is a rather general one in its nature and as such the consumer is mentioned explicitly within several provisions of the European framework on postal services. It can be considered as the overarching objective and rationale within the European framework and as such it is already included in detail within the aspects of quality of service and complaints handling. However, there are some examples illustrating the importance of consumer protection issues within the field of postal markets. For example, recital 42 of the 2008 Postal Directive⁶ specifically mentions consumer protection measures.

⁵ Directive 2008/06/EC which amends the initial Postal Directive (97/67/EC) as amended by Directive 2002/39/EC.

⁶ 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. 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 (1) 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 (2). 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. 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.



Furthermore, recital 20 of the Postal Directive⁷ stipulates that Member States should take appropriate regulatory measures, available under Directive 97/67/EC, to ensure that accessibility to postal services continues to satisfy the needs of users, “including, by ensuring, where appropriate, a minimum number of services at the same access point and, in particular, that there is an appropriate density of access points to postal services in rural and remote regions”.

Secondly, and with regard to the second aspect of quality of service one has to recall that improvement in the field of quality of service has always been a main pillar within the European framework and was enshrined as the guiding principle within the name of the first Postal Directive of 1997, the “Directive on common rules for the development of the internal market of Community postal services and the improvement of quality of service”. Since then it has always played an important role in terms of improving the quality of service level for the consumer and within recital 5 of the 1997 Directive⁸ it was underlined that the performance in terms of quality of service was, at that time, very unequal amongst Member States. In the light of this observation the necessity for harmonised quality of service standards and a common methodology for measurement were identified (recital 30 of 1997 Directive⁹). Moreover, it is stipulated within Article 16 of the Postal Directive that “Member States shall ensure that quality of service standards are set and published in relation to universal service in order to guarantee a postal service of good quality. Quality standards shall focus, in particular, on routing times and on the regularity and reliability of services”.

Quality of service standards shall be set by the Member States for domestic and cross-border services as stipulated within Annex II to the Postal Directive. Accordingly Annex II sets for the time limit D+3 the objective of 85% of items and for the time limit D+5 the objective of 97% of items for cross border services.

⁷ “In order to ensure that the opening of the market continues to benefit all users, in particular consumers and small and medium-sized enterprises, Member States should monitor and supervise market developments. They should take appropriate regulatory measures, available under Directive 97/67/EC, to ensure that accessibility to postal services continues to satisfy the needs of users, including, by ensuring, where appropriate, a minimum number of services at the same access point and, in particular, that there is an appropriate density of access points to postal services in rural and remote regions”.

⁸ “Whereas the current extent of the universal postal service and the conditions governing its provision vary significantly from one Member State to another; whereas, in particular, performance in terms of quality of services is very unequal amongst Member States”

⁹ “Whereas consideration should be given to the interests of users, who are entitled to services of a high quality; whereas, therefore, every effort must be made to improve and enhance the quality of services provided at Community level; whereas such improvements in quality require Member States to lay down standards, to be attained or surpassed by the universal service providers, in respect of the services forming part of the universal service”



Furthermore, independent performance monitoring shall be carried out at least once a year by external bodies having no links with the universal service providers under standardised conditions (Article 16, subparagraph 3, of the Postal Directive) and the national regulatory authorities shall ensure that this is carried out accordingly (Article 17, subparagraph 3, of the Postal Directive). Article 17 of the Postal Directive requires Member States to lay down quality standards for national mail and to ensure that they are compatible with those laid down for intra-Community cross-border services and to notify their quality standards for national services to the Commission for publication (Article 17, subparagraph 2, of the Postal Directive). National regulatory authorities are also required to ensure that corrective action is taken where necessary where the quality standards are not being met (Article 17, subparagraph 3).

Thirdly, and with regard to the issue of 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 the Postal Directive 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) Postal Directive)



In recital 42 of the Postal Directive¹⁰ the following further information is provided with regard to 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.”

In addition, the same recital 42 of the Postal Directive¹¹ refers to two recommendations which deal in more detail with various principles such as independence/impartiality, transparency, effectiveness, fairness and legality that should be observed by the responsible bodies for out-of-court settlement of disputes.¹²

¹⁰ See footnote 6

¹¹ See footnote 6

¹² 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).



4. Principles for developing comparative working measures for NRAs

Bearing in mind that the best practices identified in this report must not be regarded as absolute, but rather as a comparative working measure intended for NRAs to consider when implementing the provisions of the Postal Directive, according to their competencies entrusted by their national legal framework, we have identified some principles that NRAs should be aware of when implementing regulatory measures, as we describe below.

In general, a best practice should directly or indirectly comply with the requirements of the Postal Directive and has to take into account the needs of postal users, and the level of competition and developments in the market. It was important, therefore, that the objectives of this work, as a starting point, set out some guiding principles with regard to the fields of consumer protection, quality of service and complaint handling.

The identified principles are as follows:

4.1. Regulation

The best practices should be in line with the Directive's requirements and market reality. The European Directive lays down end results that must be achieved by each Member State. Member States have to adapt their laws to meet these goals, but are free to decide how to do so. Directives are used to bring different national laws into line with each other. Thus national legislation which transposes the Directive differs from Member State to Member State.

It is important to note that the powers attributed to the NRA vary in each country; however, their role is mainly to:

- give effect to the policy set out in national legislation;
- to monitor compliance with the universal service provision.

The European Directive sets out the general requirements to be achieved and leaves it to Member States to decide on the best way to meet these. The biggest challenge for Member States and NRAs in the creation of the single liberalised European market is identifying the best practices that can be instrumental in achieving this objective.



4.2. Transparency

The best practice should also satisfy the principle of transparency, so that there is visibility around the decision-making process and implementation of policies and procedures by national authorities which can be clearly and easily understandable by all the relevant parties¹³.

It is important that a transparent approach be adopted and that there is openness of communication and accountability for any subsequent actions performed. Relevant parties should be able to participate, for example, through public consultation undertaken by NRAs.

In addition, there is a need for cooperation between different public authorities¹⁴ that have or share responsibility for various aspects of postal regulation in the field of consumer protection, quality of service and complaint handling.

NRAs should take into account transparency and the need for cooperation between different public authorities when developing relevant measures.

4.3. User satisfaction

This principle implies that within the regulatory process, NRAs ensure a propitious environment for provisioning postal services in order to match users' needs. Based on this, a best practice as a regulatory measure must focus on meeting users' needs as a primary objective.

¹³ The Treaty of EU, Article 1 - This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen.

The Treaty of EU, Article 11 - The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.

¹⁴ According to the Postal Directive (Article 22, Paragraph 1), Member States are obliged to 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.



5. Best practices (developing comparative working measures for NRAs)

Drawing on the identified principles as set out previously section, this section sets out the best practices identified by ERGP in the field of consumer protection, quality of service and complaint handling.

Under the overall objective of consumer protection and end-user satisfaction, two best practices are identified:

- surveys regarding customer needs;
- measurement of consumer satisfaction.

Regarding quality of service four possible best practices are listed, concerning:

- measurement of quality of service, in particular transit time;
- exceptions to frequency of collection and delivery;
- access points;
- corrective measures in case of non-compliance with quality of service standards.

In relation to complaint handling, three measures are listed as best practices for dealing with complaint handling issues, concerning:

- complaint handling procedures, redress schemes, and alternative dispute resolution;
- information on complaint handling and dispute resolution;
- collection and publication of information on complaints.

It is worthwhile to remember that a best practice should not be seen as being absolute, given the diversity of national legislative and regulatory frameworks that exist amongst Member States and the restrictions that may apply in implementing measures. Therefore, a ‘best practice’ should be seen as a comparative working measure in which are highlighted suggested best ways to implement the requirements of the Directive by the NRA. However, it should also be recognised that a best practice can evolve and be improved upon over time, and that comparative analysis can be developed in ways that will help NRAs to better interpret the requirements of the Directive and its implementation within their territory.



5.1. Consumer protection

It is important for consumer welfare that postal liberalisation be able to deliver effective outcomes for consumers which meet their needs and expectations. It is also important that consumers be adequately protected from harm and have access to suitable redress mechanisms and complaint procedures when service standards fall short of advertised standards.

Empowering consumers with the information, skills and knowledge necessary to engage effectively with the competitive process is essential for delivering improved levels of satisfaction for consumers of postal services.

In addition, NRAs need to be creative and innovative in their approaches in assessing consumer needs and use of postal services and how these may change in future in order to provide proportionate cost effective outcomes.

In essence, regarding consumer protection we would like to highlight two best practices:

- Surveys regarding consumer needs;
- Measurement of consumer satisfaction.

5.1.1. Surveys regarding consumer needs

A programme of consumer research allows consumer issues with post and/or postal suppliers to be identified and tracked, which in turn helps NRAs to make informed decisions about whether or not regulatory intervention is required. Research can also help NRAs to monitor levels of consumer satisfaction, and assess the impact of regulatory measures.

The 2012 and 2013 Quality of Service reports¹⁵ identified that a number of NRAs conduct market surveys. Among those NRAs, market surveys are mostly carried out annually or on an ad-hoc basis to serve regulatory needs. Usually, the surveys are conducted by an independent body. Different methodologies are used, including telephone interviews, computer-assisted telephone interviews (CATIs), standardised questionnaires and face-to-face interviews.

¹⁵ See footnotes 3 and 4



In relation to surveys regarding consumer needs, NRAs conducted surveys to understand the needs of postal users. Regular surveys can be used to obtain trend data to monitor the postal market over time, and examine the use and attitudes of consumers and businesses.

Consumer research may also be used to gain an insight into the needs of postal users and how these may change in the future. By understanding the needs of users, NRAs can assess how well the market and the universal postal service are able to meet those needs. This can help NRAs to model regulatory requirements and gauge reactions to any potential changes that may be required to postal services.

The type of research used by an NRA should be appropriate in scale, scope and methodology for the objectives of the research and the market which is being investigated.

In terms of best practice for consumer research, the research should be carried out by an expert with knowledge of methodologies, sampling, and being capable of undertaking any necessary fieldwork in order to provide robust results.

Best Practice 1 regarding surveys regarding consumer needs:

The following could be considered as best practices:

- **Research is based on a nationally representative sample, with the ability to analyse sub-groups, such as vulnerable or elderly consumers. This ensures that analysis can be undertaken to examine how particular demographics are affected by regulatory decisions or market developments;**
- **Surveys are regular so that findings can be tracked over time;**
- **The methodology for the surveys is robust and the results are a credible and useful evidence base which will stand up to scrutiny and challenges;**
- **Research is transparent and the findings are made public (e.g. Publishing the data tables from the research on the NRAs website is a good way to do this).**

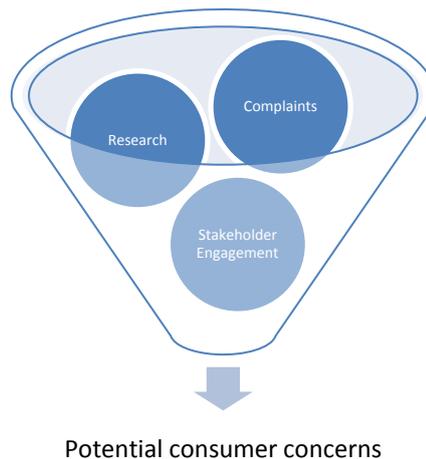


5.1.2. Measurement of consumer satisfaction

Research can help NRAs to monitor levels of consumer satisfaction and assess the impact of regulatory measures but complaint information and stakeholder engagement can also provide NRAs with a valuable source of information and data to help them to identify and address potential consumer harm.

In measuring consumer satisfaction, there are a number of ways NRAs can monitor and evaluate consumers' concerns and identify demand side market failures. These include:

- Research
- Complaints
- Stakeholder engagement



Market research can help NRAs' policy and decision making processes by providing valuable data on market trends and consumer habits on a generic level and also on a more specific country relevant basis, but it is up to NRAs to determine what they can and cannot do within their own regulatory framework and available resources.



The 2012 Quality of Service report¹⁶ shows that of the NRAs that use/monitor indicators of consumer satisfaction, market surveys are used as a principal method to identify levels of consumer satisfaction and this ranges in frequency from ad-hoc to annual to twice yearly surveys. The number of satisfaction indicators varies between NRAs depending on the nature of the research being undertaken and the size of their postal market.

Some NRAs require the USP by legal obligation to report on consumer satisfaction measures it has taken during the reporting year. The use of surveys by NRAs appears to be an effective way of capturing data on levels of consumer satisfaction and arguably is a more flexible regulatory tool for the NRA to use.

Best Practice 2 regarding measurement of consumer satisfaction:

The following could be considered as best practices:

- **USP monitors and reports on levels of consumer satisfaction to the NRA;**
- **Research is conducted by an independent third party for the NRA;**
- **NRAs supervise the survey or are conducting the survey.**

¹⁶ See footnote 3



5.2. Quality of service

This section aims to identify best practices in the field of quality of service, also considering in its scope collection and delivery.

Regulatory schemes that incentivise the operator to be more efficient and/or to decrease costs may lead the operator to try to lower the quality of service in order to maximize profits.

In a framework of full market opening, competition may increase the quality of service provided by operators to users or play a role in limiting or decreasing it. Lack of effective competition may, however, require greater regulation to improve service quality or maintain service quality (as in a situation of “legal” monopoly or in a transition to full market opening).

In general, quality of service regulation shall at least involve the following elements:

- Identifying users’ needs and the preferred level of service quality, e.g. through public consultations, surveys, complaints process (see point 5.1.);
- Designing a system that incentivises the operator to provide the service quality through the definition of performance (quality of service) targets. If the targets are not achieved a correction system should be installed. Penalties should reflect the value lost by users;
- In the case of definition of performance targets, the measurement of the performance achieved by the operator should be based primarily on European standards, e.g. EN 13850, and if not available, on domestic standards or Technical Specifications;
- Publication of quality of service performance of the operator can provide an incentive to meet quality of service targets, especially if there is competition/alternative operators, since (prospective) customers learn from existing customers’ experience and make choices among service providers in situations where customers have competitive choices;
- Implementing a system for monitoring regularly the quality of service, which can be done on a small number of core quality indicators taken into account applicable European or national standards. When a problem is identified, a more thorough analysis can be done, including collection of additional data.



Regarding quality of service, we would like to highlight best practices in the following areas:

- Measurement of quality of service, in particular transit time;
- Exceptions to frequency of collection and delivery;
- Access points;
- Corrective measures in case of non-compliance with quality of service standards.

5.2.1. Measurement of quality of service, in particular transit time

For measuring quality of service performance, Official European Standards (EN), whose main purpose is to set harmonised specifications, should be used when possible. With national transposition, EN standards become official national standards and no other conflicting national standard should be used. For example, the mandatory European standard EN 13850¹⁷ is used to measure quality of service for single piece priority mail. That standard is used for quality of service measurement of domestic and cross-border mail flows. Other EN standards are available, such as:

- the European standard EN 1450818 for second class mail;
- the EN 14534 for bulk mail.

In the absence of EN standards, national standards, Technical Specifications (which are normative documents - the main purpose of it being to experiment with new standards on a non-exclusive basis) or Technical Reports (which are informative documents that provide information on the technical content of standardization work), should primarily be used.

Measuring the transit time is the most common regulatory objective (32 countries)¹⁹ in the countries of the NRAs which are members and observers of ERGP.

¹⁷EN 13850:2012 Measurement of the transit time of end-to-end services for single piece priority mail and first class mail. This is the revised version of EN 13850:2002, and is being implemented by NRAs over the course of 2013/2014

¹⁸ EN 14508:2007 Measurement of the transit time of end-to-end services for single piece non-priority mail and second class mail

¹⁹ See footnote 4, ERGP report 2013 on the quality of service and end-user satisfaction, pages 20 and 21.



Best Practice 3 regarding measurement of transit time:

Measurement of transit time should be made using EN standards when possible.

In the absence of EN standards, national standards, Technical Specifications (TS) or Technical Reports (TR) should primarily be used.

Notwithstanding the verification of the aspects of the specifications which are not open to deviations, NRAs should pay particular attention to the aspects of the specifications which require adaptation to national particularities or may require some level of discretion in their implementation. In particular, as a minimum (please note that this is not an exhaustive list):

- NRA should have an adequate knowledge of the structure of the domestic sample for which its agreement is required on many aspects, e.g. the geographical stratification, the postal areas and the discriminant mail characteristics;
- NRA should be informed about the national peculiarities which are accounted for in the measurement for which its agreement is required;
- NRA should be informed about force majeure days/events for which its agreement is required for the deduction of days/events of force majeure;
- The audit cycle should be agreed with the NRA and the NRA should approve the auditor;
- NRA should be informed about how the audit is organised and what the audit is checking (design basis, geographical stratification, discriminant mail characteristics). NRA should take into account the general audit, the methodological audit and the re-audit at least every 3 years.



5.2.2. Exceptions to frequency of collection and delivery

Depending on what the provisions of national legislations are the universal service obligation requires one clearance and one delivery of universal postal services every working day (on working days as determined by national legislation), to the home or premises of every natural or legal person. The frequency of collection and delivery is in almost all countries one collection/delivery per day and five collections/deliveries per week for correspondence items and for parcels except in such circumstances or geographical conditions that are considered to be exceptional.

Best practice 4 regarding exceptions to collection and delivery

The definition of exceptions to the clearance, to the daily delivery or to the delivery to the home or premises of every natural or legal person, should involve the following elements:

- Identifying objective criteria for accepting or applying any exception, thus introducing transparency, objectivity and predictability to the operator entrusted with the USO, to users of postal services and to the body responsible for supervising its compliance. The criteria could be related, for example, to geographical characteristics (e.g. mountain areas, islands), to the existence of access (e.g., roads) to the home or premises of users, or to the security of the mailman delivering the postal item.
- The analysis of any application from the USP would then be limited to verifying if the situations fulfil the criteria;
- Monitoring regularly the exceptions applied in practice by the USP. This could include the monitoring of the number of exceptions by type of criteria, the dimension of the number of natural or legal persons affected (for example measured by the percentage of the population affected), the number and percentage (in relation to total traffic) of the postal items affected, etc.;
- Implementing control mechanisms to verify the compliance with the exceptions allowed. This could be done through the implementation of verifications in the field, initiated by complaints received or own verification plans;
- Publication of the criteria and of the exceptions allowed.



5.2.3. Access points

Depending on what is permitted by national legislation, the access point issue is very sensitive. This is shown by the fact that the majority of countries of the ERGP²⁰ consider it necessary to regulate the number of collection post-boxes and/or points of contact/postal establishments. The following best practices result from the NRA's feedback concerning access points.

Best Practice 5 regarding access points

Depending on what is required by national legislation, best practices for regulation of collection post-boxes may include the following requirements:

- **Number of collection post-boxes per locality by density criteria;**
- **One collection post-box per number of inhabitants depending on the type of the settlement (difference is marked between urban and rural areas);**
- **Maximum distance²¹ that one has to travel to the collection post-boxes;**
- **Maximum distance between neighbouring collection post-boxes (difference between urban and rural areas);**
- **To have on an aggregated level a schedule of how many collection post-boxes have to be emptied by the USP before certain times.**

Of course the USP is free to choose if it wishes to include access points over and above the regulated density.

Depending on what is required by national legislation, best practices for regulation of points of contact²² may include the following requirements:

- **Total number of points of contact;**
- **Total number of points of contact with full range of services;**
- **Maximum distance/time that one has to travel to the postal office.**

²⁰ See footnotes 2, 3 and 4

²¹ It is recommended to determine way distance (especially referring to consumer needs)

²² Point of contact includes: Permanent post office full range of services / Permanent post office limited range of services / Mobile post office / Mailman offering the full range of services at home / Mailman offering the basic services at home / Seasonal post / Office Permanent managed by 3rd entity - For more information: http://ec.europa.eu/internal_market/ergp/docs/documentation/2012/121130_ergp-12-30-quality-service-end-users-draft-report_en.pdf (page 52)



5.2.4. Corrective measures in case of non-compliance with quality of service standards

In cases of non-compliance with the quality of service standards, corrective measures should be taken by the NRA, in accordance with legislation in place. The corrective remedy that is most often used is a financial sanction (e.g. when the quality of service targets regarding transit time are not achieved) but also other corrective measures have been developed, depending on national legislation.

Best Practice 6 regarding corrective measures in case of non-compliance with quality of service standards:

It should be a policy that ensures that corrective measures can be taken by NRAs in cases of postal operators' non-compliance with quality of service standards.

The corrective measures should be proportionate and the NRA should take into account factors such as the duration of the non-compliance, submissions by the postal operator, the effect of non-compliance on the consumer, and the likely benefit to consumers as a result of the corrective action.

The most common corrective sanction regimes (dependent on national legislation) in place are²³:

- financial sanctions;
- rectification/ improvement actions;
- recommendations;
- progressive improvement scheme;
- impact on the pricing scheme/price level.

²³ http://ec.europa.eu/internal_market/ergp/docs/documentation/2012/121130_ergp-12-30-quality-service-end-users-draft-report_en.pdf



5.3. Complaint handling

This section focuses on identifying practices in the field of complaint handling procedures, redress schemes²⁴ and alternative dispute resolution²⁵ mechanisms that can be seen as effective in ensuring that postal services' consumers can resolve disputes with service providers and, where appropriate, obtain redress in an accessible, transparent, effective, inexpensive, timely and fair manner, and also that they are aware of their rights and means of response to service providers when service compliance falls short.

In this field and in the light of the Postal Directive the importance of the role of NRAs in complaint handling and dispute resolution between consumers and service providers should be noted, particularly within the universal service, which should be transparent to consumers. For this purpose, it is important that NRAs cooperate with other entities responsible for consumer affairs and, within their powers of intervention, take, facilitate or encourage, whenever necessary, measures destined to strengthen consumers' protection in this matter.

Furthermore, it should be kept in mind that the CEN Standard 14012:2008²⁶ specifies complaints handling principles related to domestic and international postal services, applying to both national and cross border services, giving attention to how to handle complaints in multiple operator situations and guidance for compensation and redress procedures.

In this context, best practices on this matter are related to the access of consumers to complaint handling procedures, redress schemes and alternative dispute resolution mechanisms and to information about their existence, functioning and results, and focus on three main points:

- existence of complaint handling procedures, redress schemes and alternative dispute resolution;
- access to information on complaint handling and dispute resolution;
- collection and publication of information on complaints.

²⁴ A redress scheme could be seen as a set of rules under which a service provider is required to take the following steps: (i) investigate whether it has failed to comply with particular requirements that are applicable to the service provision (legal or contractual); (ii) determine whether the failure has caused (or may cause) loss or damage to consumers; (iii) determine what the redress should be in respect of the failure; and (iv) make the redress to the user (whether in the form of a monetary remedy or a conduct remedy).

²⁵ Alternative dispute resolution (ADR) can be seen as an independent body which operates an alternative dispute settlement mechanism and is a “third party” to a complaint between a customer and a service provider. It can be privately-owned or a public organisation.

²⁶ CEN Standard 14012:2008 “Postal services – Quality of service – Complaints handling principles”.



5.3.1. Complaint handling procedures, redress schemes and alternative dispute resolution

The time and effort required for the consumer to make the complaint to the supplier is a barrier, in particular when a lower priced item is involved²⁷.

The efficient and effective handling of consumers' complaints can bring benefits both to service providers and consumers, reducing the need to recur to more costly and time-consuming external mechanisms. Additional dispute resolution procedures, contained within a service providers code of practice, provide further protection to postal service users. On the other hand, access to effective redress by consumers when their rights are violated by service providers can promote consumer confidence in the markets and improve their performance, encouraging fair business practices²⁸.

Also, the establishment of independent alternative dispute resolution mechanisms is widely accepted as allowing for low-cost and efficient resolution of disputes when complaints are not resolved through complaint handling procedures²⁹.

We are also refer in this perspective to the new European Directive on Alternative Dispute Resolution (ADR) for Consumer Disputes (Directive 2013/11/EU)³⁰ and associated regulation on Online Dispute Resolution (ODR) of Consumer Disputes (Regulation No. 524/2013)³¹ which are “interlinked and complementary legislative instruments.

²⁷ Eurobarometer Quality Study on Consumer Redress in the EU: Consumer experiences, perceptions and choices, 2009 (page 30)

²⁸ Recognizing this importance, the EU regulatory framework on postal services establishes concrete determinations for Members States on the availability of fair and prompt dispute resolution between consumers and service providers (Article 19, Postal Directive). There also have been efforts at different forums such as the EU, the OECD and the UN to produce recommendations and guidelines for governments and companies in this field (see references).

²⁹ “Whereas the experience gained by several Member States shows that alternative mechanisms for the out-of-court settlement of consumer disputes - provided certain essential principles are respected - have had good results, both for consumers and firms, by reducing the cost of settling consumer disputes and the duration of the procedure” (L115/31) – 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).

³⁰ Directive 2013/11/eu of the european parliament and of the council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR)

³¹ Regulation (eu) no 524/2013 of the european parliament and of the council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR)



Therefore, consumers should have access to complaint handling procedures, redress schemes and alternative dispute resolution mechanisms that enable them to resolve disputes with service providers and, where appropriate, obtain redress in an accessible, transparent, effective, inexpensive, timely and fair manner. Depending on countries' specific market conditions, the powers and competencies of the NRAs, this may be ensured by mandatory and/or voluntary (self-regulatory) means.

The 2013 report on quality of service and end-user satisfaction³² identified that in two thirds of the countries the universal service providers' internal complaint handling procedures are regulated. Also, concerning the accessibility of complaint handling, this report indicates that in the vast majority of countries, at least 4 or 5 channels are available to complain to the universal service provider and the NRA. When focusing on access to redress and alternative dispute resolution, this report shows furthermore that over half of the countries have mandatory compensation schemes and alternative dispute resolution for postal services.

Best Practice 7 regarding complaint handling procedures, redress schemes and alternative dispute resolution:

The existence of accessible, transparent and effective complaint handling procedures and redress schemes, as well as independent alternative dispute resolution mechanisms, including the following elements:

- **Formal complaints handling procedures and redress schemes should be put in place by all postal service providers and take into account international standards;**
- **Postal service consumers should be provided with a reasonable range of channels by which to lodge a formal complaint and the needs of postal service consumers with special needs should be taken into consideration³³;**
- **Postal service consumers should not be subject to any unnecessary costs or burden to resolve disputes with service providers or to obtain redress;**
- **Responses to complaints should be expeditious and not limit consumers rights or interests to appeal to external mechanisms such as alternative dispute resolution;**
- **A procedure to designate the responsible provider in cases where two or more providers are involved should be in place;**
- **Periodical internal and external monitoring of complaint handling procedures should exist;**
- **Simple, inexpensive and independent alternative dispute resolution mechanisms should be in place and available for all consumers when complaints are not settled through the providers' complaint handling procedure.**

³² ERGP 2013 report on the quality of service and the end-user satisfaction (chapters 5.1.2, 5.2 and 5.4).

³³ CEN Standard 14012:2008 recommends the following channels for postal organisations to offer users who wish to make a complaint: by telephone; in writing; by e-mail (or similar electronic means, such as SMS); making a formal complaint face-to-face at an outlet of the organisation that is dedicated to contact with customers; by Braille and audio; other facilities if offered. It is also recommended that at least one free of specific charge access channel is available to users to complain.



5.3.2. Information on complaint handling and dispute resolution

The lack of information on how to complain, obtain redress and, if necessary, settle a dispute with the service provider is perceived as one of the main barriers to access effective complaint handling and dispute resolution³⁴. For this reason, the existence of complaint handling procedures and dispute resolution mechanisms cannot be dissociated from the disclosure of information about their existence and functioning.

The 2013 report on quality of service and end-user satisfaction³⁵ shows that in most countries universal postal service providers are generally obliged to publish information about complaint handling procedures and redress schemes. This information is also published by most NRAs. In a smaller number of countries there is an obligation covering information on means of dispute resolution.

Best practice 8 regarding information on complaint handling and dispute resolution

It concerns the availability to consumers of clear, transparent and easily accessible information on complaint handling procedures, redress schemes and alternative dispute resolution mechanisms. This information should:

- a. Be available:**
 - **On access points (where appropriate);**
 - **On providers' website pages, if applicable.**
- b. Be provided:**
 - **When the service is provided;**
 - **When making a complaint;**
 - **In general contract terms and conditions.**
- c. And include:**
 - **The channels available for making a complaint;**
 - **The deadlines for making a complaint and to get a final response;**
 - **A description of the complaint handling procedure;**
 - **A description of the specific procedure to ask for compensation;**
 - **Access conditions to alternative dispute resolution;**
 - **The cost and time expenditure of using alternative dispute resolution.**

³⁴ For further information on barriers to access complaint handling, see Eurobarometer Quality Study on Consumer Redress in the EU: Consumer experiences, perceptions and choices, 2009.

³⁵ See footnote 4, ERGP 2013 report on the quality of service and the end-user satisfaction (chapter 5.2).



5.3.3. Collection and publication of information on complaints

The collection and publication of comparable data on complaints, collected through all of the complaint channels, can improve consumers' choice and awareness, promote competition and allow for the better assessment of problems and areas of intervention by NRAs, other competent entities and also postal service providers.

In almost all countries, NRAs collect data on complaints received by universal service providers on universal services. However, the majority of NRAs do not collect data on complaints received by other postal service providers. Postal service providers are also obliged to publish, at least annually, information on the number of complaints received and in half of the countries NRAs publish figures regarding complaints received by them. However, regarding the comparability of the data, there is no common definition of complaint being used across countries and in each country between NRAs and postal service providers.³⁶

Best practice 9 regarding collection and publication of information on complaints

The availability to consumers of information on the number and subject of postal services complaints and the way they were handled in a transparent and comparable way, for which all postal service providers should adopt:

- **A broad and harmonised definition of complaint³⁷;**
- **Common rules to collect and publish data on complaints³⁸.**

³⁶ ERGP 2013 report on the quality of service and the end-user satisfaction (chapters 5.2 and 5.5).

³⁷ CEN Standard 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.”

³⁸ CEN Standard 14012:2008 is also a reference for this point, particularly Annex I.



6. Conclusions on the best practices in the field of consumer protection, quality of service and complaint handling

A particular task of national regulatory authorities (NRAs) is to ensure compliance with the obligations arising from the Postal Directive, as set by national legislation, on consumer protection, quality of service and complaint handling issues.

In the light of seeking to improve the effectiveness, efficiency and transparency of provisions arising from the Postal Directive, this report provides a list of best practices, seen as a comparative working measures in the field of consumer protection, quality of service and complaint handling.

Acknowledging that European legal framework allows Member States to choose the most appropriate tool to efficiently enforce the provisions of the Directive in their national markets, and that due to national particularities the effectiveness of such tools varies from country to country, this report recognises that best practices could not be applied generally to all member states equally.

Due to the existing national particularities and constant market developments it is in the nature of the best practices to change and evolve over time. Considering that measures in the area of postal service should be designed in a way to ensure harmonious, balanced and sustainable development of economic activities it would be advisable to also encompass the activity of regular monitoring in the development of best practice framework. Such activity would provide the NRAs with appropriate selection of tools to cope successfully with continuous changes of the European postal market.



7. Country examples

Please note that the references below are not meant to be considered as « best practices » as described in chapter 5 of this report. They are just references to existing practices of NRAs.

7.1. Surveys regarding consumer needs

Studies undertaken by NRAs:

Belgium: a detailed description of the results of the survey regarding consumer needs of professional users of 2010 (Dutch/French - 2011)

<http://www.ibpt.be/nl/operatoren/post/universele-en-niet-universele-postdiensten/mededeling-van-de-raad-van-het-bipt-met-betrekking-tot-de-enquete-over-de-universele-postdienst-in-belgie-gedrag-en-wensen-van-de-professionele-gebruikers>

Croatia: During 2008 and 2010 field research about consumer satisfaction as well as consumer needs was conducted. The first report relates to private costumers, their satisfaction and needs, and the second one to business customers. Those reports are to be found on these websites:

<http://www.hakom.hr/UserDocsImages/dokumenti/Istraživanje%20o%20zadovoljstvu%20i%20korištenju%20poštanskih%20usluga%20u%20RH.pdf>

and

<http://www.hakom.hr/UserDocsImages/Istraživanje%20o%20zadovoljstvu%20i%20korištenju%20poštanskih%20usluga%20u%20Republici%20Hrvatskoj%20-%20dio%20II%20-%20poslovni%20subjekti.pdf>

France: a link toward the edition of the ARCEP news that contains an article on a study on the needs of postal users.

http://www.arcep.fr/uploads/tx_gspublication/Cahiers_ARCEP_05_medium.pdf

Portugal: Survey on the consumption of postal services for residential consumers. The survey analyses the usage and the perception that users have of the quality of these services.

<http://www.anacom.pt/render.jsp?contentId=1166565&languageId=1>

UK: The NRA in the UK has undertaken (2013) a review of postal users' needs, an assessment of the reasonable needs of users in relation to the market for the provision of postal service in the United Kingdom. The review concluded that the consumers' needs are being met and generally users are satisfied with the services they receive but that users' needs and preferences are changing.

<http://stakeholders.ofcom.org.uk/consultations/review-of-user-needs/statement/>



7.2. Measurement of consumer satisfaction

Studies undertaken by NRAs:

Belgium: a detailed description of the results of the consumer satisfaction survey of 2012. (Dutch/French - December 2013)

http://www.bipt.be/nl/operatoren/post/universele-en-niet-universele-postdiensten/advies-van-de-raad-van-het-bipt-van-24-december-2013-met-betrekking-tot-het-verbeteringsplan-2012-en-het-actieplan-2013-naar-aanleiding-van-het-klantentevredenheidsonderzoek-2012?sid=%2FIBPT-CMS%2FIBPT-documents-AvecDoc%2F%7C21138-nl-document_page-%2F1%2F3%2F11%2F20507%2F

Greece:

http://www.eett.gr/opencms/export/sites/default/EETT/Events/Events/PostForum2011/Papavissarion_130411.pdf

Lithuania:

<http://www.rrt.lt/lt/apzvalgos-ir-ataskaitos/rrt-uzsakymu-atliktu-ph6r.html>

Netherlands:

<https://www.acm.nl/nl/publicaties/publicatie/11052/De-Nederlandse-postmarkt-in-2011/>

Portugal: Survey of the consumption of postal services for residential consumers. The survey analyses the usage and the perception that users have of the quality of these services.

<http://www.anacom.pt/render.jsp?contentId=1166565&languageId=1>

Serbia:

http://www.rapus.rs/download/Istrazivanje-Izvestaj-Pravna_lica-2011.pdf
<http://www.rapus.rs/o-nama/projekti>

Slovenia:

<http://www.apek.si/raziskave-o-zadovoljstvu-uporabnikov>

UK: the NRA publishes an annual Communications Market Report (CMR), which includes research data on key metrics of the communications market developments, including Post. It uses surveys to collect data on how consumers' use of post fits in with other methods of communication and the problems and frustrations of using the post consumers may face.

<http://stakeholders.ofcom.org.uk/market-data-research/market-data/communications-market-reports/cmr13/>



7.3. Measurement of quality of service, in particular transit time

Measurements undertaken by NRAs:

Belgium:

A detailed description of the survey regarding transit time of 2012 (Avril 2014 in Dutch/French)

http://www.bipt.be/nl/operatoren/post/universele-en-niet-universele-postdiensten/besluit-van-de-raad-van-het-bipt-van-21-maart-2014-met-betrekking-tot-de-controle-van-de-verzendingstermijnen-voor-het-jaar-2012-van-de-binnenlandse-prioritaire-stukpostbriefwisseling-de-binnenlandse-niet-prioritaire-stukpostbriefwisseling-de-binnenlandse?sid=%2FIBPT-CMS%2FIBPT-documents-AvecDoc%2F%7C21233-nl-document_page-%2F1%2F3%2F11%2F20507%2F

Croatia:

Croatian Post started with measurement of transit time according to EN 13850 and EN 14508 in 2010. In that time experience of Slovenian colleagues was continuously used and this collaboration could therefore be pointed out as an example of good practice.

Czech Republic

Measurement of transit time is done in accordance with EN 13850. According to the Czech legislation (§ 22 of edict 464/2012) the requested time is D + 1 for 92 % of items. The link to information about postal services is at CTO pages here: In this page there are also links to the postal legislations (via links to Ministry of Internal Affairs) (in Czech).

<http://www.ctu.cz/pusobnost-ctu/postovni-sluzby/informace-pro-zakazniky.html>

France:

Dashboard of the universal service that contains relevant information for postal users on quality of service, accessibility or collection time (March 2013 in French)

<http://www.arcep.fr/fileadmin/reprise/secteurpostal/rapport-qualite-SU-postal-2012.pdf>

Greece

Measurement of domestic first priority mail transit time according to EN 13850 is conducted in Greece on an annual basis.

Detailed data for year 2012 are available on page 83 in the following link (in English):

http://www.eett.gr/opencms/export/sites/default/EETT_EN/Publications/Proceedings/PDFs/2012.pdf



Italy:

Regulatory objective for priority mail routing time (transit time) (October 2008 in Italian)

<http://www.gazzettaufficiale.it/eli/id/2008/10/15/08A07405/sg;jsessionid=3C1sJeogBxEz-1MWT2uTfA...ntc-as4-guri2b>

Regulatory objective for parcels and registered items (transit time) (November 2009 in Italian)

http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2009-12-01&atto.codiceRedazionale=09A14510&elenco30g

Portugal:

Regulatory objectives for priority mail transit time, non-priority mail transit time, newspapers and periodicals transit time, non-priority parcels transit time, non-priority mail not delivered within 15 working days, priority mail not delivered within 10 working days and queuing time at post offices:

<http://www.anacom.pt/render.jsp?categoryId=191422&languageId=1>.

The results of year 2013 are published in www.dre.pt/pdf2sdip/2014/04/071000000/1010110102.pdf (please see “Aviso n.º 4958/2014” in PT)

Slovakia:

The Postal Regulatory Office determines the quality requirements for providing the universal service and controls observation of them. The results of measurement of transit time are published on (in English)

<http://www.posturad.sk/en/fulfilment-quality-standards-transit-time-postal-items>

Switzerland:

Directive concerning quality indicator of transit time (June 2013 in German, French and Italian)

http://www.postcom.admin.ch/de/dokumentation_weisungen.htm



7.4. Exceptions to frequency of collection and delivery

Surveys undertaken by NRAs:

Belgium:

A detailed report of the BIPT control of 2011 regarding bpost including control of collection, namely details regarding the collection of postboxes (March 2013 in Dutch/French)

http://www.bipt.be/nl/operatoren/post/universele-en-niet-universele-postdiensten/mededeling-van-de-raad-van-het-bipt-omtrent-de-controle-van-de-kwaliteit-van-de-dienstverlening-van-bpost-uitgevoerd-door-het-bipt-in-het-jaar-2011?sid=%2FIBPT-CMS%2FIBPT-documents-AvecDoc%2F%7C20888-nl-document_page-%2F1%2F3%2F11%2F20507%2F

France: see 7.3

Slovakia:

The quality requirements for providing the universal service content, the specification of delivery conditions and exemptions. Requirements are published in the Ministry's Bulletin and on the website. Conditions of delivery are in Article 6 (in English).

http://www.posturad.sk/sites/default/files/files_en/requirements_on_quality_annex.pdf



7.5. Access points

Surveys undertaken by NRAs:

Belgium:

A detailed report of BIPT control of 2011 including access points, namely post offices and post points (March 2013 in Dutch/French)

http://www.bipt.be/nl/operatoren/post/universele-en-niet-universele-postdiensten/mededeling-van-de-raad-van-het-bipt-omtrent-de-controle-van-de-kwaliteit-van-de-dienstverlening-van-bpost-uitgevoerd-door-het-bipt-in-het-jaar-2011?sid=%2FIBPT-CMS%2FIBPT-documents-AvecDoc%2F%7C20888-nl-document_page-%2F1%2F3%2F11%2F20507%2F

France: see 8.3

Greece:

In 2012 and 2013, EETT upgraded its Geographic Information System (GIS) for the postal network. Through this tool, consumers can seek the closest postal service point in their area of interest.

<http://mapsrv6.terra.gr/eettpostssl/> (in Greek)

Italy:

Access points distribution criteria (October 2008 in Italian)

http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2008-10-27&atto.codiceRedazionale=08A07769&elenco3

Portugal:

Report by the NRA on the network of postal establishments, under responsibility of the universal service provider, end of 2013 (<http://www.anacom.pt/render.jsp?contentId=1185808&languageId=1>, in English).

Slovakia:

Accessibility of access and contact points of public postal network is content of Article 4 and Article 5 of the Quality requirements (in English).

http://www.posturad.sk/sites/default/files/files_en/requirements_on_quality_annex.pdf

Switzerland:

Directive concerning quality indicator of accessibility (June 2013 in German, French and Italian)

http://www.postcom.admin.ch/de/dokumentation_weisungen.htm



7.6. Corrective measures in case of non-compliance with quality of service standards

Corrective measures undertaken by NRAs:

Belgium:

A detailed description of the BIPT action points (see page 21) due to the control of the transit time of 2012 (Avril 2014 in Dutch/French)

http://www.bipt.be/nl/operatoren/post/universele-en-niet-universele-postdiensten/besluit-van-de-raad-van-het-bipt-van-21-maart-2014-met-betrekking-tot-de-controle-van-de-verzendingstermijnen-voor-het-jaar-2012-van-de-binnenlandse-prioritaire-stukpostbriefwisseling-de-binnenlandse-niet-prioritaire-stukpostbriefwisseling-de-binnenlandse?sid=%2FIBPT-CMS%2FIBPT-documents-AvecDoc%2F%7C21233-nl-document_page-%2F1%2F3%2F11%2F20507%2F

Croatia:

Although corrective measures have not been imposed yet in the postal law the following is stipulated:

(1) A fine in the amount of 50,000.00 to HRK 1,000,000.00 shall be imposed on a legal person: ...

5th failing to ensure the quality of provision of universal services (Article 40, paragraph 1);

6th if the quality of provision of universal service is not measured, if an annual report on the quality of provision of universal service is not submitted in a timely manner, or if a report is not made in the prescribed manner (Article 41). The postal law is to be found on this website (December 2012 Croatian version)

http://www.hakom.hr/UserDocsImages/2012/propisi_pravilnici_zakoni/Zakon%20o%20postanskim%20uslugama%20NN%20144_12.pdf

Portugal:

The corrective measures are referred to in Article 5 and in the Annex to the Universal postal service quality convention (<http://www.anacom.pt/render.jsp?contentId=980404>, July 2008, in English)

Slovakia:

The universal service provider meets the quality of service standards. During the measurement, the USP checks the delayed items, depressions of technological and working process and takes corrective measures.



7.7. Complaint handling procedures, redress schemes and alternative dispute resolution

Actions undertaken by NRAs and ADRs:

Belgium:

The Office of the Ombudsman for the Postal Sector is the Belgian ADR for the postal sector.

www.smspo.be/welcome_lng.aspx?language=en

Croatia:

HAKOM provides consumers with information and advice and helps them understand the conditions and manners of postal services provision with emphasis on protection from potential abuses. HAKOM resolves disputes between consumers and postal services providers.

www.hakom.hr/default.aspx?id=1298

Former Yugoslav Republic of Macedonia:

The Agency administers a procedure for amicable dispute settlement in cases prescribed in the Law on postal services between the universal service provider and postal service providers regarding access to the postal network, as well as between postal service providers and postal service users.

www.ap.mk/resource/legislativa/pravilnik_postapuvanje_pri_spor.pdf

http://ap.mk/resource/legislativa_en/complaint_handling_procedures.pdf

France:

Handbook published by ARCEP for complaining to ARCEP, including the conditions in which the complaint is receivable.

www.arcep.fr/uploads/tx_gspublication/guide-pratique-traitement-reclam-juil2013.pdf

Greece:

In 2013, EETT issued three regulations regarding redress schemes, code of conduct and compensation schemes.

Redress schemes regulation link (in Greek):

<http://www.eett.gr/opencms/export/sites/default/admin/downloads/PostLegalFramework/AP687-327.pdf>

Code of conduct link (in Greek):

<http://www.eett.gr/opencms/export/sites/default/admin/downloads/PostLegalFramework/AP687-327.pdf>

Compensation schemes regulation link (in Greek):

<http://www.eett.gr/opencms/export/sites/default/admin/downloads/PostLegalFramework/FEK14122013.pdf>



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Italy:

Regulation on disputes resolution between users and providers.

www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2013-03-26&atto.codiceRedazionale=13A02560&elenco30giorni=false



7.8. Information on complaint handling and dispute resolution

Actions undertaken by NRAs and ADRs:

Belgium:

A detailed report about the application of the legal framework and the obligations of the postal provider including information on complaint handling and dispute resolution.

http://www.bipt.be/nl/operatoren/post/universele-en-niet-universele-postdiensten/mededeling-van-de-raad-van-het-bipt-betreffende-de-controle-van-de-aanbieders-van-postdiensten-uitgevoerd-door-het-bipt-in-2011?sid=%2FIBPT-CMS%2FIBPT-documents-AvecDoc%2F%7C20887-nl-document_page-%2F1%2F3%2F11%2F20507%2F

Croatia:

HAKOM provides consumers with information and advice and helps them understand the conditions and manners of postal services provision with emphasis on protection from potential abuses. HAKOM resolves disputes between consumers and postal services providers.

www.hakom.hr/default.aspx?id=1298

France:

Annual report on complaint handling by ARCEP including data on the number of complaints and some of the conclusions of the opinions expressed by ARCEP.

www.arcep.fr/uploads/tx_gspublication/bilan-reclamations-postal-2012.pdf

Greece

On line complaint form available on EETT's website.

http://www.eett.gr/opencms/opencms/EETT_EN/AdviceForConsumers/query_complaint_form.html



Italy:

Application form for dispute resolution available to users on Agcom website.

www.agcom.it/Default.aspx?message=visualizzadocument&DocID=10681

Application form available to users on Agcom website to report on non-compliance with postal regulations.

www.agcom.it/Default.aspx?message=visualizzadocument&DocID=8728

Slovakia:

Procedure of the Postal Regulatory Office for solving the complaints.

The Regulations on Complaints of the postal company within the scope of the Postal Act regulate details of the extent of the postal service user's right to complain, the method of making complaints, the time limit for making and handling complaints and other details.

www.posturad.sk/en/procedure-postal-regulatory-office-handling-applications-suggestions-and-other-presentments (point 3)

Under the Postal Act the postal companies are required to keep records of the filed complaints, their contents and method of handling. Annually, not later than on 31 March of the previous calendar year, they have to prepare a report on the results of the examination of complaints and publish it on their websites or in another suitable manner.

www.posturad.sk/en/complaints-petitions



7.9. Collection and publication of information on complaints

Actions undertaken by NRAs and ADRs:

Belgium:

The annual report 2011 of the Office of the Ombudsman for the Postal Sector which includes information on collection.

www.smspo.be/welcome_lng.aspx?language=en

Croatia:

Data on complaints for each operator are available on their website. For example, the universal service provider publishes in his annual report on the quality, data on complaints and compensation claims.

<http://hrvatska.posta.hr/default.aspx?id=551>

HAKOM collects and publishes data on disputes in its annual report.

www.hakom.hr/default.aspx?id=557

France:

Annual report on complaint handling by ARCEP including data on the number of complaints and some of the conclusions of the opinions expressed by ARCEP.

www.arcep.fr/uploads/tx_gspublication/bilan-reclamations-postal-2012.pdf

Greece:

Postal Services complaint incidents are included in EETT's annual report presenting data on the number of complaints and types of postal incidents (loss, damage, delay). (Pages 70&71 on the following link), in English.

http://www.eett.gr/opencms/export/sites/default/EETT_EN/Journalists/MarketAnalysis/MarketReview/PDFs/2012.pdf

Italy:

Data on user complaints published in Agcom 2013 annual report.

www.agcom.it/Default.aspx?message=downloadpdf&DocID=162 (par. 3.3.3. - pages 324-326)



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Portugal:

Report of complaints and requests for information received by ANACOM in 2013 is available in:

http://www.anacom.pt/streaming/Relatorio_Solicitacoes_2013.pdf?contentId=1199613&field=ATTACHED_FILE (in Portuguese).

The results of the complaints and requests for information received by the universal service provider are published www.dre.pt/pdf2sdip/2014/04/071000000/1010110102.pdf (please see “Aviso n.º 4958/2014”, in Portuguese) and in the NRA’s website.



Annex References

- Directive 2013/11/eu of the european parliament and of the council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR), available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:165:0063:0079:EN:PDF>
- Regulation (eu) no 524/2013 of the european parliament and of the council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR), available at http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2013_165_R_0001_01&from=EN
- 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), available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1998:115:0031:0034:EN:PDF>
- 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), available at http://ec.europa.eu/consumers/redress/out_of_court/adr/acce_just12_en.pdf
- CEN Standard 13850:2012 “Postal services – Quality of service – Measurement of the transit time of end-to-end services for single piece priority mail and first class mail”
- CEN Standard 14012:2008 “Postal services – Quality of service – Complaints handling principles”
- United Nations Guidelines for Consumer Protection, 2001, available at <http://unctad.org/en/docs/poditccclpm21.en.pdf>
- Leuven Study on alternative means of consumer redress other than redress through ordinary judicial proceedings, 2007, available at http://ec.europa.eu/consumers/redress/reports_studies/comparative_report_en.pdf
- OECD Recommendation on Consumer Dispute Resolution and Redress, 2007, available at <http://www.oecd.org/sti/consumer/38960101.pdf>
- Eurobarometer Quality Study on Consumer Redress in the EU: Consumer experiences, perceptions and choices, 2009, available at http://ec.europa.eu/consumers/redress_cons/docs/cons_redress_EU_qual_study_report_en.pdf
- ERGP Report on the assessment of complaint handling procedures and consumer protection [ERGP (12) 31], available at http://ec.europa.eu/internal_market/ergp/docs/documentation/2012/121130_ergp-12-31-complaints-hanling-draft-report_en.pdf
- ERGP report on the Quality of Service and the end-user satisfaction, 2012 http://ec.europa.eu/internal_market/ergp/docs/documentation/2012/121130_ergp-12-30-quality-service-end-users-draft-report_en.pdf
- Extracts from the Commission staff working document [SEC (2008) 3076] accompanying the report from the Commission to the European Parliament and the Council on the application of the Postal Directive {COM(2008) 884 Final}³⁹

³⁹ From chapters 3.8 and 3.10 of the Commission staff working document.
http://ec.europa.eu/internal_market/post/reports/index_en.htm