



ANNEX I

THE LIST OF THE REPLIES TO THE QUESTIONNAIRE

1° Does your designated Universal Service Provider offer discount for single piece mail and/or bulk mail (e.g. administrative mail and direct mail)? If yes, please briefly describe the contractual offer of the designated Universal Service Provider and indicate if the tariffs are publically available to all or individually negotiated?

EE

The designated USP does provide discount for bulk mail. For the discount the sender must presort the letters and prepare them as asked (incl. electronic data). There is also minimum amount requirement. The terms and tariffs are available on the website of the USP.

For clarification: every answer in this questionnaire corresponds to the non-universal letter service offered by the USP (activity outside Article 12). For the universal service the USP does not offer any discount.

IE

ComReg's remit is in relation to the universal postal services provided by the universal postal service provider. Universal postal services by their definition are publically available to all. Individually negotiated services are not universal postal services.

In relation to single piece universal postal service, a discount is offered by the universal postal service provider for payment by meter. In relation to bulk mail universal postal service, a discount is offered for by the universal postal service provider for minimum volume, presentation requirement, and delivery D+N requirement.

For more information and price list for single piece see:

<http://www.anpost.ie/AnPost/Downloads/Anpost/GuidetoPostalRates.pdf>

For more information and price list for bulk mail see:

http://www.anpost.ie/AnPost/Downloads/Anpost/New/2000_items_upwards_Bulk_Discounts_For_Mailers_An_Post.pdf

http://www.anpost.ie/AnPost/Downloads/Anpost/New/200_items_upwards_Bulk_Discounts_For_Mailers_An_Post.pdf

PL

The system of discounts is a part of the rules and regulations of the USP for the provision of universal services and is subject to approval by the President of UKE.

There are specific criteria of setting the special tariffs for 3 types of postal services:

- unrecorded items,
- registered items,
- postal parcels.

The system of discounts is applicable to all mail, provided certain operational and/or quantity criteria



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are met. The detailed information on the discount system of universal services is publically available.

Here is the link: <http://www.poczta-polska.pl/hermes/uploads/2014/09/Regulamin-%C5%9Bwiadczenia-us%C5%82ug-powszechnych.pdf>

Please note that this system of discounts under the scrutiny of the President of UKE is applicable to the universal service.

According to the Act of postal law bulk mail (incl. direct mail) is excluded from the scope of universal services.

The bulk sender is a sender posting postal items under a contract for the provision of postal services concluded in writing, who has exceeded 100 000 pieces of a given type of items in a given calendar year, excluding entities qualified as public finances sector and the state-owned public utility company.

It means that commercial agreements on discounts (bulk mailers, consolidators) are not supervised, only those which are a part of universal services.

Scope of the universal service – please see art. 45 of the mentioned act under the link:

http://en.uke.gov.pl/files/?id_plik=19382

PT

The universal service provider (USP) applies discounts to contractual tariffs, which are applicable to any individual or legal person who is party to a formal contract with the USP for the provision of postal services.

Contractual tariffs are applicable to all mail services. For bulk dispatches of standard mail (domestic and international) special tariffs are applied, subject to certain posting conditions of mail.

All tariffs are publically available in the USP's website. NRA's website also has a direct link to them.

MT

Currently the designated USP does not offer discounts for single piece mail and or bulk mail. It is noted that the price for 50 or more postal items of the same size, weight and format (referred to as Bulk Mail) is charged at a reduced price for each postal item.

BG

Yes, our designated Universal Service Provider (Bulgarian Post Plc.) offer discounts for single piece mail and direct mail (both operational and volume). The detailed information for different types of discounts is presented in the answers below

The tariffs are publically available to all.

AT

There are publicly available discounts for letters (minimum number necessary) as well as individually negotiated discounts.

GR

The USP does offer discounts for single piece mail and/or bulk mail, and they are publically available. According to Greek law no. 4053/2012 (transposition of the 3rd PD): „The universal service provider may apply special tariffs for certain services, such as services to undertakings, senders of large quantities of correspondence or agencies using part of the postal service provided. In such a case, the tariffs and terms of provision of services must comply with the principles of transparency and non-discrimination. Such tariffs must also apply both to third parties and to postal service providers



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that provide equivalent services. Each tariff must be at the disposal of users, especially of individual users and SME's that use postal services under similar conditions."

CZ

Yes, the USP offers discounts for single piece mail (Bulk mail is not any separate service in the Czech Republic.) for both administrative mail and direct mail. The USP offers by administrative mail these discounts: special tariff for users of franking machines, special tariffs for owners of customer card, quantity discount (letters, parcels). The USP offers by direct mail quantity discount only. All the tariffs and also discounts are publically available to all with some exceptions of individually negotiated tariffs. (These individual tariffs in the scope of the US must be under comparable conditions offered to anyone.)

SK

Yes, USP provides discounts for bulk mail (1class letter, 2 class letter, administrative mail, registered letter, insured letter, direct mail and parcels).

The contractual offer depends on kind of an item, specific technological activities and quantity of items. Some kinds of discounts are offered only for 2nd class letters up to 50 g on the base of contract.

Some discounts are public on USP's web site and some discounts are individually negotiated.

UK

Royal Mail, the designated USP, does offer discounts to businesses for both single piece mail and for bulk mail.

Single piece discounts are available through the franking systems commonly used by businesses. See http://www.royalmail.com/sites/default/files/Royal-Mail-Business-Price-Guide-30-March-2015_1.pdf

Bulk mail discounts are available on standard discount terms (see <http://www.royalmailtechnical.com/calculator/calculator.cfm>) or for larger customers individually negotiated terms.

LT

The universal services provider (hereinafter – USP) does not offer discount for universal postal services. USP applies discounts to contractual customers only (for additional information please refer to the answer to Q5).

Contractual tariffs are applicable to domestic non-universal letter-post items only.

Contractual tariffs are publicly available in the USP's website:
<http://www.post.lt/en/business/sending/letter-post-services/prices-lithuania>

DE

In Germany, Deutsche Post DHL Group offers discounts for so called work sharing services based on a delivery scenario. The contractual offer is formulated as an operational tariff for single piece mail and bulk mail and is publically available (general terms and conditions). There is an investigation of the NCA (Bundeskartellamt) dealing with allegedly individually negotiated offers. Based on these claims



the characteristics of these discounts are currently evaluated.

FR

The USP (La Poste) offers special prices for bulk mail (administrative and direct mail) only. For single piece mail, there are different prices depending on the franking method.

It offers both “avoided cost” type discounts (for preparation) and volume based discounts (strictly speaking, they are based on revenue spent with the USP). ARCEP’s missions are notably focussed on the offers in the US catalogue, which LP must prepare and keep up to date. The available bulk tariffs (for mail preparation) are included in the document (so publically available). The volume based discounts are also publically known, although not included in the catalogue.

RO

The Romanian USP (C.N. POSTA ROMANA) offers special tariffs for the following universal services: second class domestic letter mail services weighing up to 2 kg and second class domestic registered letter mail services weighing up to 2 kg. The USP has the obligation to submit to ANCOM’s approval the criteria and conditions based on which special tariffs are granted. These tariffs and the associated terms have to be applied without discriminating either between the various senders (end-users and bulk mailers) which access postal services under similar conditions, or between these senders and equivalent services supplied by the USP. Also, the tariffs shall be charged non-discriminatorily to all the postal users (residential and business users) under similar conditions throughout the entire national territory.

Furthermore, CNPR has the obligation to publish on its website and to post at its access points served by personnel all the information regarding the special tariffs: the postal service for which they are granted, the number and category of postal items for which they are granted, the deposit of the items and the area where the delivery is to take place, as well as any other issues relevant for the granting of special tariffs.

Whenever the postal items have other special characteristics, the USP does not grant any special tariffs.

The special tariffs are discounts ranging from 1 to 49p.p. off the postal item price, depending on the total monthly volume of postal items in each category of service the user/bulk mailer or consolidator sends. The volumes and discounts applied are detailed below:

a) For second class domestic letter mail services weighing up to 2 kg:

Discounted values depending on the different categories of sorting			
Number of items	County	Municipality	Postal Code
5.000-10.000	1%	2%	4%
10.001-100.000	3%	4%	8%
100.001-250.000	5%	8%	13%
250.001-500.000	8%	11%	16%
500.001-1.000.000	11%	15%	20%
1.000.001-2.000.000	14%	20%	25%
2.000.001-3.000.000	17%	25%	30%
3.000.001-4.000.000	20%	30%	37%
Above 4.000.000	24%	42%	49%



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In the case of applying a stamp on the envelope indicating the time of deposit and the name of the point of access there is an additional discount of 0,1 %.

b) For second class domestic registered letter mail services weighing up to 2 kg marked with a barcode and deposited based on an electronic registration document there are the same discounted tariffs. For this category an additional registration tariff of 1,1 RON/item is applied.

In the case of applying a stamp on the envelope indicating the time of deposit and the name of the point of access there is an additional discount of 0,1 %.

In order to establish the monthly volume of postal items for each category of service, the USP takes into account all the postal items deposited by users/bulk mailers/consolidators irrespective of the processing method and the weight.

In the case of postal items deposited by a beneficiary at different USP's points of access, the special tariff is established for each category of service by gathering all the volume of items deposited at all the points of access.

SE

Yes. The USP offers discounts on bulk mail products. There are both operational discounts and an annual volume discount. There is a official pricelist publically available to all, also the principles and conditions for the discounts are publically available to all, but the exact tariff for an individual customer is decided after negotiation (but should follow the published principles).

It should be noted that we have received information that the USP from January 1 , 2016, will treat a number of customers differently with respect to the annual volume discount, by offering consolidators, other postal operators and print shops a volume discount model similar to the bpost model that was cleared in the ECJ decision.

HR

Please note , there is no bulk mail in our PSA in Croatia.

Our designated Universal Service Provider (HP- Croatian post Inc.) offer discounts for universal service (including single piece mail) and discounts for other postal services. Discounts for universal service are publicly available on their website www.posta.hr . Discounts for other postal services which are applicable for contractual users are not publicly available, but individually negotiated.

NL

Yes. Tariffs for bulk mail are calculated according to average weight, volume and category (mixed, small, large or special postal items). These tariffs are publicly available on the website of PostNL (as far as we know only in Dutch: http://www.postnl.nl/Images/Tarievenboekje-januari-2015-PostNL_tcm10-18531.pdf ,).

Customers may be eligible for certain discounts on the prices resulting from these tariffs. These discounts are partly standardised, but as we understand it partly also subject to individual negotiation.

On discounts for single piece mail we have no information. Discounts for USO mail (by definition single piece tariff) is not possible as the Postal Act requires these to be uniform.



IT

NO for single piece mail.

In some case for bulk mail (see ansewers to the following questions).

BE

USP, bpost, applies three categories of tariffs:

- i) the standard tariff, which represents a price per item;
- ii) preferential tariffs granted to customers who deposit minimum quantities of pre-sorted mail, which can be therefore regarded as operational discounts;
- iii) contractual tariffs which are intended for very large volumes of mail ('bulk mail') and to benefit from these tariffs the client should sign a contract with bpost.

USP, bpost, offers contractual tariffs for administrative (ADM) and direct mail (DM) bulk mail services

For the contractual tariffs , bpost is granting two type of discounts, namely operational discounts and quantity discounts

- Operational discounts are more based on operational requirements. The operational discounts consists of two subcategories, namely:
 - + operational discounts per drop: Depending on the type of product (ADM or DM) the following drop discounts exist: data quality, early deposit and mail identification including sequence address database, booking.
 - + different sorting discount for ADM and DM mail based on the number of items per drop, type of sorting, type of DM product, etc.
- Quantity discounts reward the sending of large volumes of mail during one year reference period, irrespective of whether that mail is pre-sorted or not. They are purely commercial and depends on the annual volume. For administrative mail bpost has 8 class of discounts and for direct mail bpost has 4 class of discounts

All discounts are avialable on bpost website:

Administrive mail: <https://www.bpost.be/site/nl/business/pricing/pricingsearch/prices.html#>

Direct mail: <https://www.bpost.be/site/nl/business/pricing/pricingsearch/prices.html#>

LU

Yes, discount for bulk mail is offered by the USP. The offer consists of offering discounts based on the volume (quantity). The tariffs are publicly available on the website of the Luxembourg designated Universel Service Provider, Entreprise des postes et télécommunications, EPT, (www.post.lu) and can also be individually negotiated.

SI

USP in Slovenia offer discount for single piece mail (letters) but for agreed annual quantity. Minimum quantity for granting discount is 250.000 items of letters. In Slovenia bulk mail is not defined.

One of the conditions for discounts is also basic presorting on sorting centers. That discount scheme is mentioned for large customers. Minimal discount rate is 3 % and maximal is 12 %.



CY

Local Bulk Mail Discounts for first and second class mail

- 1% discount upon monthly bill between €10.000 and €50.000
- 2% discount upon monthly bill over €50.000

International Mail Discounts for first and second class mail

- 5% discount upon monthly bill between €1.000 and €5.000
- 10% discount upon monthly bill over €5.000

Local Direct Mail Discounts

- 10% discount upon number of postal items between 10.000 and 50.000
- 20% discount upon number of postal items between 50.001 and 100.000
- 25% discount upon number of postal items over 100.000
- Additional 5% discount for postal items over 1.000.000 within a year

EMS/Datapost Mail Discounts

- 15% discount upon number of postal items per month between 11 and 30
- 20% discount upon number of postal items per month between 31 and 100
- 25% discount upon number of postal items per month over 100

The tariffs are publically available to all. Furthermore the USP may grant further discounts related to the number of postal items, or revenue or both, always in compliance with the relevant legislation of OCECPR.

ES



Tariffs for individual users are publically available. Tariffs for big clients/bulk mailers are, on the contrary, [REDACTED] not publically available. In its Decision on US tariffs for 2014 the CNMC pointed out the lack of transparency of effective prices of US services, and in the Decision on US tariffs for 2015² the CNMC has required the USP to publish his discount model. The same Decision concluded that final prices paid by clients benefiting from discounts do not comply with the cost-orientation principle (effective prices being below costs), which poses problems regarding the financing of the USP and the introduction of competition.

¹ Confidential. May be used for ERGP internal purposes only.

² Decision of June 18. See here: <http://www.cnmc.es/CNMC/Prensa/TabId/254/ArtMid/6629/ArticleID/1335/La-CNMC-analiza-los-precios-de-Correo-para-los-servicios-postales-incluidos-en-el-servicio-universal-para-el-a241o-2015.aspx>. Translation into English will follow



Operational Discounts

2° Does the discount scheme/policy offered by the designated Universal Service Provider include operational discounts (discounts which seek to reward/reflect costs avoided by the USP linked to operational activities, e.g. presorting, use of trays, use of electronic data, etc.) in the contractual tariffs? If yes, please sum up and briefly describe the operational discounts scheme/policy and also indicate the percentage of the discount (minimal and maximum discount rate in %) and/or the range of the discount for the different categories of operational discounts. Where these tariffs are public, please provide the link.

EE

Discount scheme is operational based (presorting lowers the costs) but it also involves volume discount factor. If a sender meets all the criteria, it gets the discount. Depending on the postal item, the discount is from 5% to 20%.

Link to terms and tariffs (only in Estonian):

<https://www.omniva.ee/public/files/failid/allahindlusekord-kiri-arikiri-ari-est-ee-new.pdf>

IE

As noted in 1. above, bulk mail universal postal service has discount related for minimum volume, presentation requirement, and delivery D+N requirement. See:

http://www.anpost.ie/AnPost/Downloads/Anpost/New/2000_items_upwards_Bulk_Discounts_For_Mailers_An_Post.pdf

http://www.anpost.ie/AnPost/Downloads/Anpost/New/200_items_upwards_Bulk_Discounts_For_Mailers_An_Post.pdf

PL

Discounts on the charges for unrecorded items are given to the senders who post a considerable number of mail within a period agreed with the operator and performs activities agreed with the operator related to the preparation or processing of postal items.

For unrecorded items these performed activities are for example as follows:

- Automated addressing ensuring its reading by a special reader of letter distribution machines,
- Franking of postal items,
- Sorting into categories of economic and priority mail,
- Sorting according to the postal codes,
- Posting of mail in the post office agreed with the operator,
- Preparation by the sender of the summary table according to the categories, types of sizes and weight thresholds
- Informing the post office of the planned posting in advance

The operational discount, provided the above mentioned activities are performed, amounts to 4%, respectively of the volume range (a fix rate).

The operational discounts are combined with the volumes: if up to 30 000 000 pcs. per year posted, no discount is given. In case of range between above 30 000 000 pcs. and over 50 000 000 pcs. a 4%



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discount is given (only a single rate).

They may also vary depending on the way of channelling the mail (posted in the postal point located by the expedition-distribution hub (WER), local items, items suitable to automated processing and to be delivered in the urban area). Under such circumstances, to the fix rate additional discounts are granted, ranging from 1% to 10%.

Operational criteria for registered mail and postal parcels are different, adjusted to the specifics of these items and are combined with the volumes and the way of channelling.

The discounts range for registered mail: from 1% up to 10% in case of posting at least of 3 000 000 pcs. (up to 3 000 000 pcs. no discount). Maximum volume threshold: over 25 000 000 pcs.

The discount range for postal parcels: from 0.50% up to 2% in case of posting minimum of 25 pcs. Maximum volume threshold: over 5 000 pcs.

Here is the link: <http://www.poczta-polska.pl/hermes/uploads/2014/09/Regulamin-%C5%9Bwiadczania-us%C5%82ug-powszechnych.pdf>

PT

The USP offers discounts based on monthly turnover and subject to compliance with certain requirements of presorting and method of payment. Discounts depend on the service.

For domestic non-priority (D+3) standard mail, discounts vary between 0.3% and 5%.

For bulk mail dispatches of domestic standard mail additional discounts are also assigned for automatic address reading, based on the quality of addresses (between 3.0% and 6.5%).

The prices and discounts of mail services are available at:

<http://www.ctt.pt/correio-e-encomendas/ajuda/lista-precos.html> (this section of the website is not available in English).

MT

No operational discounts are currently offered by the designated USP in its contractual tariffs.

BG

Discounts for weight:

* For automatic charged with franking machines, owned by the user under the control of the postal service, unregistered and / or registered mail without precedence, depending on the monthly volume discounts for weight of 7 to 27%.

* For automatic charged with franking machines owned by the user and sorted in ascending order of unregistered postal code and / or registered mail without precedence, additional discount of 2.0 per cent of the price per weight.

* When submitted billed machine registered items described in the handover protocol in unique number of barcode labels that are affixed or automatically generated, an additional discount of 2.0 per cent by weight prices.

* In order submitted to the post office once a month or number of packages, unregistered and / or registered non-priority shipments discounts for weight and recommendation of 0.5 to 7%.

* For a single or monthly amount sorted unregistered and / or registered mail without precedence, discounts for weight from 1.5 to 32%.

* For a single or monthly amount and sorted non-priority shipments recommended described in packing slip on the unique number of barcode labels, additional discount for a recommendation from 3.5 to 32%.

* For contractual combined transport of consignments to exchange sorting center or a processing



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unit and a monthly volume over 300 000 non-priority items, discounts for weight of 1 to 5%.

* For line and met other specific conditions, an additional discount Weight: 100 001 to 300 000 number of items - by 1.0% for each condition fulfilled; 300 000 - by 2.0%. Other specific conditions are laying the footprint of the date of consignment; preparation of packages containing items for delivery of individual post offices; print service guidelines; agreed terms on charging items; opportunities for performing complex services; submission of true coded items; submission of items, properly addressed and with complete and correct address of the recipient; for submission of items matching your standard of "Bulgarian Posts" for automatic reading of addresses; agreed conditions for regular submission of shipments; when using two or more services included in the universal postal service.

Listed above discounts could be accumulated – maximum discount rate 57%

You can find more information on the following link <http://www.bgpost.bg/?cid=208&NewsId=369>

Information in question is available only in Bulgarian.

AT

There are components related to operational activities as well as volume/revenue related discounts. Publicly available discounts for services within the scope of US range up to 3,75% (volume and operational together max. 7,5%).

https://www.post.at/downloads/PPV_zu_AGB_Brief_National_ab_1.3.2015.pdf?1431431862

GR

The USP offers discounts which seek to reward/reflect costs avoided linked to operational activities (e.g. presorting, use of trays, etc.), for a variety of services. For each service there are different discount rates according to volume ranges. For example, for 1st & 2nd class priority letter post services, the discount rates for presorted, in tray mail items is as follows:

Lower limit	Upper limit	Discount rate for 1st& 2nd class priority domestic letter post services
		In Trays
5.000	10.000	0,50%
10.001	25.000	1,00%
25.001	50.000	1,50%
50.001	75.000	3,00%
75.001	100.000	4,00%
100.001	150.000	
150.001	200.000	4,50%
200.001	-	5,00%



CZ

Discount scheme generally does not include special operational discounts (discounts for presorting etc.) except for discount for owners of the franking machine. Only some type of discount are used, for all customers, all tariffs are publically available to all, published in price list.

Direct mail – special tariff – see at

https://www.ceskaposta.cz/documents/10180/282441/kompletni_cenik.pdf/528acb00-cbab-450e-8a94-90add1cf405b, page A11, Franking machine – see page A7, A8.

SK

Discount scheme/policy includes following types of discounts:

Technological discount

Technological bonus

Logistical bonus

Bonus for long-term cooperation

One shot bonus for franking machines

Discount for franking machines

These tariffs are public on USP's web page (but only in Slovak version):

<http://www.posta.sk/subory/842/cennik-vs-pdf.pdf>

The percentage of the discount (minimal and maximum discount rate in %) and the range of the discount for the different categories of operational discounts you can see in attachment

UK

Discounts are available for operational preparation – specifically destination sorting and nature of marking on the envelope.

Key divisions are

- Low Sort (sorted up to 88 ways), printed with an OCR font
- Low Sort (sorted up to 88 ways), printed with a barcode
- High Sort (sorted up to 1,525 ways)

It is difficult to distinguish the specific discount related to sortation and other operational actions. But the price of a low volume business bulk mail with sortation will typically be around 50% of the stamp price (compared to a standard franking discount of around 14%) but will vary by volume, content category (i.e. publishing or advertising etc.) and degree of sortation – see examples here <http://www.royalmail.com/business/system/files/Royal-Mail-Publishing-Mail-Rate-Card-30-March-2015.pdf> and http://www.royalmail.com/sites/default/files/Royal-Mail-Advertising-Mail-and-Sustainable-Admail-Rate-Card-30-March-2015_0.pdf

There is no published maximum discount rate but Royal Mail retail services are constrained by a margin squeeze test with an individual contract price needing to recover at least 50% of the upstream (i.e. collection and processing to the outward mail centre) costs once the downstream costs have been deducted from the retail revenue.



LT

Conditions for setting additional discounts or non-standard tariffs for postal services:

1. Should the sender bring letter-post items to the specific addresses (10 county centers, the tariffs will be reduced by EUR 0.01)
2. Should the sender sort letter-post items according to the list of municipalities, the tariffs will be reduced by EUR 0.01)
3. Should the sender present postal items with barcodes affixed or printed, the tariffs will be reduced by EUR 0.0029)
4. The tariffs may be subject to change taking into account the following factors: the average number of items submitted at one time; the average number of items submitted within one month; the time of submission (the period of light/average/heavy workloads); the type of items; distribution in weight; collection area; distribution area; distribution in addresses in rural and urban localities; sorting level in accordance with criteria given in advance; advance information from the customer on the number of items to be submitted; delivery terms; specific customer's requirements; the customer's potential; payment terms; duration of relationship; the scope of services purchased by the customer; other significant criteria and circumstances.

Taking into account all conditions listed in points 1-4 above for setting additional discounts and non-standard tariffs, the tariffs for postal services in Lithuania may not be lower than EUR 0.17 with VAT excluded (EUR 0.21 with VAT included).

The minimum and maximum discount rate for the operational discounts - from 4 to 5 %

Contractual tariffs are publically available in the USP's website:

<http://www.post.lt/en/business/sending/letter-post-services/prices-lithuania>

DE

The discount scheme in Germany is based on a combination of operational aspects (e.g. presorting and delivery), destination of the items (regional or nationwide), format and volumes. Discounts for nationwide sending vary between 22 and 37 % for standard size and between 20 and 35 for other formats. Discounts for regional sending are 40 % for standard size and 38 % for other formats. Due to this discount logic the volume aspect cannot be singularly extracted.

Link: https://www.deutschepost.de/de/b/brief_postkarte/teilleistungen_brief.html

FR

Yes, the USP offers operational discounts, which for the US are summed up in the US catalogue (publically available – see below). There are many different offers, but generally they consist of:

- A minimum drop volume to have access to the offer (such as 400 units intra-department or 1000 in all metropolitan France (and other minimum criteria relating for example to the presentation of mail – same envelopes, same trays...).
- A matrix of prices depending on weight (0-35g...) and notably the degree of preparation by geographical code (sorted by 'all of France', 'department' or 'post code').

There are again many offers so no one maximum and minimum discount range can be given. As one example, the 'Tem'post G' offer is available for minimum 1000 items per drop. For this offer, for automated items 0-35g D+2, with no geographical preparation ('All France') the tariff is € 0.533 per item and with total post code preparation the tariff is € 0.502, a difference of 5.8%.

The catalogue with all offers can be found at <http://legroupe.laposte.fr/Profil/Les-missions-de-service-public/Le-Service-Universel-Postal> - clicking on the link "Les offres commerciales de La Poste



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relevant du Service Universel Postal”.

RO

Yes.

See the above answer.

The link is available only in Romanian: <https://www.posta-romana.ro/cnpr-data/editor/files/CUANTUMURILE%20EFFECTIVE%20ALE%20REDUCERILOR%20TARIFARE%2001%20iunie%202014%281%29.pdf>

SE

Yes.

*sorting discount (max 44% as compared to unsorted bulk mail, the discount increases with volume per drop)

*extra-sorting rebate (max 0,21 SEK per item)

Public link (example for addressed direct mail):

<http://services3.posten.se/ptm/bin/ptmpdf?objectid=5307.17160>

*weight discount (“viktrabatt”, max 10% on weight component in tariff)

*additional operational discounts (“prestationsrabatter”, max 14 %)

These two discounts are publically presented in this document (not available in English):

<http://services3.posten.se/ptm/bin/ptmpdf?objectid=5184.17155>

HR

The discount scheme/policy offered by the our designated Universal Service Provider (HP- Croatian post Inc.) include operational discounts based on avoided costs and quantity discounts. Discounts are publicly available on website <http://www.posta.hr/help-amp-info/price-list>

NL

Yes.

- KIX-discount (discount if the customer prints a special barcode with the address), 0,5%.
- Location discount large batches. This discount applies when the customer meets certain criteria in delivering his post at a sorting center of PostNL, 1%.

This information is also available on the website of PostNL (see the URL under 1).



Note that for all discounts more detailed stipulation may apply.

From the aforementioned website publication of PostNL (page 15) it follows that other more client specific tariffs, discounts and conditions may be negotiated. As yet we have no information on this.

IT

Among US products, Poste Italiane offers operational discounts for the following products including



some level of preparatory task:

- Bulk mail;
https://www.poste-impresa.it/online/pmi/postali/italia/postamassiva_documentazione.shtml
- Smart Registered mail (tariffs vary according to weight , type and insured value);
 - o http://www.poste-impresa.it/online/pmi/postali/italia/assicuratsmart_prezzi.shtml
- Registered mail for judicial procedure (first group > 8 millions items);
 - o http://www.poste.it/impresepa/altri-servizi/cartelle_esattoriali.shtml

BE

Discounts depends on type of services namely:

1° Administrative mail: The following discounts are granted:

- data quality: 0.5 or 1 % depending on the data quality
- early deposit: 1 %
- Mail ID including sequenced address database: 2 %
- sorting discounts: 3% till 5%

2° Direct mail: The following discounts are granted:

- depending on the DM mail service which is often link to frequency per year: up to 35% compare to the basic DM services
- for some DM mail services based on the pre-sorting: up to 29 % in combination with volumes in each pre-sorted drop
- for some DM mail also some discounts as for administrative mail are applicable

All discounts are available on bpost website:

Administrative mail: <https://www.bpost.be/site/nl/business/pricing/pricingsearch/prices.html#>

Direct mail: <https://www.bpost.be/site/nl/business/pricing/pricingsearch/prices.html#>

LU

When negotiating contractual tariffs with its clients, EPT offers discounts which also take into account operational aspects.

SI

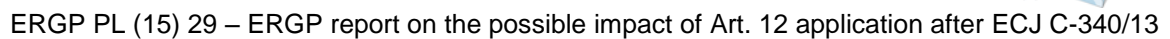
USP include also operational discounts but under access to the network regime. This regime is based on avoided costs and not on quantity. This is possible only through the contract between USP and providers of substitute USO services.

On following link are available GTC. At the end of the GTC are also available prices for access.

<http://www.posta.si/opis-storitve/495/Zakon-in-splosni-pogoji>

CY

The local Bulk Mail is offered in two types non sorted or fully sorted. The two types have a different price scheme based upon the cost that is related to the activities of each type. The difference between the non sorted and fully sorted varies from 2 to 22% depending upon upon the weight, size



and priority of the postal item.

The tariffs are publicly available at the following link

[http://www.mcw.gov.cy/mcw/postal/dps.nsf/all/52A9EA4275318539C2257E280041A4E2/\\$file/Price%20list%20Final.pdf?openelement](http://www.mcw.gov.cy/mcw/postal/dps.nsf/all/52A9EA4275318539C2257E280041A4E2/$file/Price%20list%20Final.pdf?openelement)

ES

3° Are different discounts applicable for operational discounts based on the nature of the sender/body that deposits the mail (e.g. direct customer versus mailhandler/consolidator/router)? If yes, please explain briefly how the discount system functions for the different categories of clients.

EE

Discounts are applicable for the original sender. If a consolidator brings the letters, then they are treated sender based.

IE

No; they are universal postal services.

³ Confidential. May be used for ERGP internal purposes only.



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PL
No

PT
According to the USP, this is not applicable since there are only direct customers.

Furthermore, as far as we know, there are mail handlers that execute the printing, enveloping, ordering (sequencing) of the senders' mail and its delivery to the USP, acting solely as subcontractors of the sender and having no contractual relation with the USP.

MT
There is no mailhandler/consolidator/router and the discounts are offered for all retail customers.

BG
NO

AT
NO

GR
According to the EETT's Decision 697/130/18-7-2013 regarding the evaluation and approval of the universal services tariffs of the USP, the USP was informed that in compliance with the principles of transparency and non-discrimination, universal services tariffs for certain services, such as services to undertakings, senders of large quantities of correspondence or agencies / mailhandlers should be provided uniformly in comparable situations.

CZ
All discounts are published and publically available for direct customers and also for mailhandlers.

SK
For sender and consolidators there are applied the same discounts and conditions.

UK
No, not by the sender but do vary by the nature of the mail – e.g. advertising versus transactional.

LT
No

DE
No differentiation applicable. Any form of discounts equivalent to the per sender model would not be in compliance with the criteria of non-discrimination laid down in the German Postal Act because the relevant cost factor for each per sender discount cannot be identified as a tariff principle. While cost orientation is the main focus, sender characteristics and properties are not relevant for the process-related costs linked to the insertion process. For mailings of consolidators or large mailers the same costs occur, so that, in line with the principle of non-discrimination, only equivalent tariffs can be applied.



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FR
No

RO
No. The users/bulk mailers/consolidators receive discounts depending on the total monthly volume of each category of items (from those mentioned on 1^o) inserted in the USP's network irrespective of the sender (the clients of the bulk mailer).

SE
No difference between direct customers and others.

HR
Discounts applicable to the universal service are applied in the same way for all users/consumer/clients and depends on the total mail amount during the year.

NL
Not to our knowledge. However, PostNL stipulates that bulk mail conditions and discounts apply only to batches consisting of postal items that have the same sender address. By definition this affects the position of customers (in particular other postal operators) that combine batches of different senders (and therefore with different sender addresses), comparable to the recent bPost/BiPT case of the ECJ. [REDACTED]

Discounts are also relevant for the SMP decision we are currently preparing on the basis of the new chapter 3a of the Postal Act 2009. The draft decision we published on our website in December last year (<https://www.acm.nl/nl/publicaties/publicatie/13664/ACM-wil-PostNL-verplichting-opleggen-om-post-van-concurrenten-te-accepteren/>) proposes to impose certain access obligations on PostNL.

IT
Poste Italiane' different operational discount are not based on the nature of the sender.

BE
No, due to the BIPT decision on the per sender model of 20 July 2011.
Now we have to wait of the final judgement of the Belgian Court based on the recent ECJ judgement of 11 February 2015 due to prejudicial question of the Belgian Court at the ECJ.

LU
There is no difference based on the nature of the senders/depositors.

SI
All discounts are applicable for all clients. But in case of consolidation of mail from different clients the mail can sum up (consolidate) if the companies are in Joint Venture.
For the access to the network the discounts are available only with the contract between USP and providers of substitute USO services.

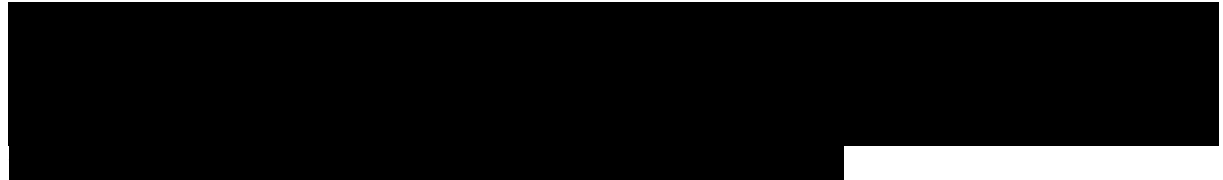


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CY

There is no mailhandler / consolidator / router in Cyprus. The discounts are offered for all retail customers.

ES



4° If the mail handler/consolidator/router deposits mail from different senders (in the same expedition or reference period), does he receive operational discounts based on total volumes deposited or based only on the specific volumes for each sender?

EE

Volumes based on each sender.

IE

The universal postal service discounts are based on minimum volume deposited.

PL

The mail handler/consolidator/router receives operational discounts based on the specific volumes for each sender.

PT

Not applicable according to the USP.

Please refer to previous answer.

MT

N/A

BG

Not applicable. In Bulgaria we don't have mail handlers and consolidators.

AT

As far as we know, total volumes are the basis.

GR

According to the afore mentioned EETT's Decision the mail handler/consolidator/router who deposits mail from different senders should receive operational discounts based on total volumes deposited, should the mail items be deposited under specific standardization provided by the USP.

⁴ The USP has submitted the model to the NRA for analysis. The NRA has not yet verified whether the discount model is being implemented in equal terms to all different types of big clients.



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CZ

No special operational discount, except for discount for owners of the franking machine. All quantity discounts are the same for consolidators and senders, for both categories are counted from total volumes per year.

SK

Consolidator receives discounts based on total volumes.

UK

A consolidator can benefit from a higher discount. A consolidator can merge mail from say multiple advertisers into a single postage for a greater discount if this is operationally practical.

LT

The mail handler/consolidator/router receives operational discounts based on total volumes deposited.

DE

The operational discount is based on total volumes deposited at one sorting facility.

FR

Based on total volumes (see 3, above), for a constant degree of mail preparation.

RO

See the answer above.

SE

Operational discounts are based on total volumes for all.

HR

No, this refers to the total mail amount. For more details please see website <http://www.posta.hr/help-amp-info/price-list> ; Head IX, items 1.18

NL

We understand this to refer to the total volume in one batch. In that case the discount is based on that total volume. However as referred to under 3 PostNL has introduced in the beginning of 2014 the stipulation that each batch has to consist of postal items with the same sender address.

A customer may still deliver batches with different sender addresses, but in that case higher rates will apply.

IT

No answer



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BE

Until now yes due to the BIPT decision on the per sender model of 20 July 2011.

Now we have to wait of the final judgement of the Belgian Court based on the recent ECJ judgement of 11 February 2015 due to prejudicial question of the Belgian Court at the ECJ.

LU

He receives operational discounts based on total volumes deposited.

SI

See previous answer.

CY

N/A

ES

Volume (quantity) Discounts

5° If yes on 1°, does the discount scheme/policy include volume (quantity) discounts (e.g. per drop, per year, etc.) in its contractual tariffs? If yes, please sum up and briefly describe the volume discounts scheme/policy and also indicate the percentage of the discount (minimal and maximum discount rate in %) and/or the range of the discount for the different categories of volume discounts. Where these tariffs are public, please provide us with the link.

EE

Domestic ordinary standard letter 7000 items per month – 17,5% or 19,5% depending on the zone

Domestic ordinary maxi-letter 500 per drop – 10%

Cross-border ordinary letter 100 items per drop – hard to point out the exact discount %, because standard tariffs are item based depending on individual weight, discount prices can also be weight based (price for 1 kg).

Domestic and ordinary registered letter, no volume requirement – 5%

Standard tariffs are available in Estonian:

<https://www.omniva.ee/public/files/failid/hinnakiri-kiri-arikiri-kmta-ari-est-ee-new.pdf>

Discount terms and tariffs are available in Estonian:

<https://www.omniva.ee/public/files/failid/allahindlusekord-kiri-arikiri-ari-est-ee-new.pdf>

IE

See

http://www.anpost.ie/AnPost/Downloads/Anpost/New/2000_items_upwards_Bulk_Discounts_For_Mailers_An_Post.pdf

http://www.anpost.ie/AnPost/Downloads/Anpost/New/200_items_upwards_Bulk_Discounts_For_Mailers_An_Post.pdf

PL

The criteria of the quantity discounts for unrecorded items (based on the volumes) take into account



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the elements as follows:

- Number of unrecorded items posted in the postal point located by the expedition-distribution hub (WER)
- Number of unrecorded items posted and delivered in the area covered by the same WER (unrecorded local items)
- Number of unrecorded items suitable to automated processing
- Number of unrecorded items to be delivered in the urban area

Minimal discount: 3% (over 35 000 000 up to 40 000 000 pcs. per year)

Maximum discount: 39% (over 50 000 000 pcs. per year)

The pure discounts range from 7% to 24% (registered items) and from 1% to 2.7% (postal parcels). However, depending on the way of channelling the mail, additional discounts are granted, ranging from 1% to 10%.

Again, the criteria for registered items and postal parcels slightly differ from those applied for unrecorded items. They are adjusted to the specifics of these items, but are basically built on the same concept of WER posting, reflecting the way of channelling the mail. Nevertheless the basic reference is still the volume.

The quantity discount system does not reflect the nature of the sender – whether it is direct sender or consolidator, the rates are the same.

PT

Please refer to the answer to the 2nd question.

Discounts based on monthly turnover are (indirectly) related to volume discounts.

MT

Refer to response to Question 1

BG

Yes,

For domestic items: f For volume from 1001 pieces to over 1 000 000 pieces discount rates are from 0.5% to 7%.

For international outgoing items

For priority items

For volume from 1001 pieces to over 5000 pieces discount rates are from 1% to 9%.

For non- priority

For volume from 1001 pieces to over 5000 pieces discount rates are from 7% to 15%.

You can find more information on the following link <http://www.bgpost.bg/?cid=208&NewsId=369>
Information in question is available only in Bulgarian.

AT

There are components related to operational activities as well as volume/revenue related discounts. Publicly available discounts for services within the scope of US range up to 3,75% (volume and operational together max. 7,5%).



https://www.post.at/downloads/PPV_zu_AGB_Brief_National_ab_1.3.2015.pdf?1431431862

GR

Yes, the discount scheme/policy includes volume (quantity) discounts.

The USP considers that operational discount is due to both volume and mail preparation (work-sharing), since from both there is an avoided cost (i.e. the collection of one or a few letters is much higher than the collection of a large volume of mail, deposited directly to the USP sorting center and larger volume per deposit reflects to lower cost per item)

However USP applies the discount in two steps

- Discount per drop as in q.2
- Discount per 6month periods revenues (as directly linked to volume) as following

Lower limit (6 month revenue in €)	Upper limit (6 month revenue in €)	Revenue Discount percentage %	Step
5.000,01	40.000	2,00%	35.000
40.000,01	110.000	2,50%	70.000
110.000,01	200.000	3,00%	90.000
200.000,01	400.000	3,50%	200.000
400.000,01	600.000	4,00%	200.000
600.000,01	900.000	4,50%	300.000
900.000,01	1.200.000	5,00%	300.000
1.200.000,01	1.700.000	5,50%	500.000
1.700.000,01	2.200.000	6,00%	500.000
2.200.000,01	3.100.000	6,50%	900.000
3.100.000,01	4.000.000	7,00%	900.000
4.000.000,01	4.900.000	7,50%	900.000
4.900.000,01	5.900.000	8,00%	1.000.000
5.900.000,01	6.900.000	8,50%	1.000.000
6.900.000,01	7.900.000	9,00%	1.000.000
7.900.000,01	8.900.000	9,50%	1.000.000
8.900.000,01	10.100.000	10,00%	1.200.000
10.100.000,01	11.300.000	10,50%	1.200.000
11.300.000,01	12.500.000	11,00%	1.200.000
12.500.000,01	13.700.000	11,50%	1.200.000
13.700.000,01	14.900.000	12,00%	1.200.000
14.900.000,01	16.200.000	12,50%	1.300.000
16.200.000,01	17.500.000	13,00%	1.300.000
17.500.000,01	18.800.000	13,50%	1.300.000
18.800.000,01	20.200.000	14,00%	1.400.000



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20.200.000,01	21.600.000	14,50%	1.400.000
21.600.000,01	-	15,00%	Without limit

Eligibility to the discounts above is granted according to the table below:

Objects successfully sorted through the Automatic Sorting Mail Machines (%)		Percentage of revenue for granting 6 month revenue discount
from	to	
0%	59%	0%
60%	69%	25%
70%	79%	50%
80%	89%	75%
90%	100%	100%

CZ

Quantity discount is from 1% to 22 % see page A9 (the link above), same for all categories, different percentage for different total annual spending.

SK

 See in attachment.



Attachment_
Questionary_finalnev

UK

Yes, volume levels do increase discounts, as discussed above. The level of discount for a given volume will depend on the mail format and content but typically in the public rate cards the maximum discount above that already applied to a bulk business letter of the minimum level of volumes is around 5%, clearly individually negotiated discounts could be greater. See links to rate cards and business calculators previously supplied in response to earlier questions.

LT

Contractual tariffs are applicable, when:

1. The sender has concluded a written agreement, and more than **1000 small* letter-post items** are submitted for sending within a calendar month.
2. The sender has concluded a written agreement, and he present for posting at least **5 postal items** at one time with a duly completed document of a special standard form that can be submitted by electronic means or in a data storage device.



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The range of discounts for different volume categories is uniform. But, depending on weight and sort of letter-post items the minimum and maximum discount rates varies from 12 to 26 %

*Maximum dimensions: length 381mm, width 305mm, height 20mm. Maximum weight: 500g.

Contractual tariffs are publically available in the USP's website:

<http://www.post.lt/en/business/sending/letter-post-services/prices-lithuania>

DE

N.a.

FR

Yes, La Poste offers volume based discounts also (strictly speaking, they are based on the amount spent with the USP per year). They take the form of a discount that increases progressively according to the amount spent per year with the USP, with a minimum spend of € 800 000. They are available only to the sender (not to a mail house), as they aim to stimulate demand (see below for related jurisprudence). There are two sets of discounts, for marketing direct and administrative mail respectively. They both range from 3% to 12% but the (spend) thresholds for each percentage are not the same. The discount matrices can be found on the following link to opinion n° 2010-1352 (so they are publically available) – see notably page 3:

http://www.arcep.fr/uploads/tx_gsavis/10-1352.pdf

The above document dates from 2010, but the same discounts still apply.

Jurisprudence and related analysis: as previously noted in various GREP work/ documents, these discounts (volume based discounts that, in 2010, concerned only large clients – about 200) have been the object of jurisprudence and also of an 'opinion' by the competition authority in 2007 (Avis n° 07-A-17). The NCA concluded that the fact to give the volume (demand) based discounts only to senders (and not to consolidators) was not per se, given the analysis at hand, anti-competitive (roughly translated - did not show "characteristics generally seen as anti-competitive"), would not have the effect of encouraging senders to not use mail houses and was not discriminatory. Also, the supreme court concluded that the discounts were not discriminatory (there can only be discrimination between like parties in like circumstances and mail houses and senders were not like parties in like circumstances – mail houses not being the same source of demand). The related jurisprudence is summed up in the 2012 GREP report, of which the version submitted to consultation can be found here:

http://ec.europa.eu/internal_market/ergp/docs/consultations/report_access_postal_en.pdf

RO

See the answer on 1^o.

The link is available only in Romanian: <https://www.posta-romana.ro/cnpr-data/editor/files/CUANTUMURILE%20EFFECTIVE%20ALE%20REDUCERILOR%20TARIFARE%2001%20iunie%202014%281%29.pdf>

SE

Yes.

Annual volume discount ("årsvolymrabatt"), minimum 1 % - maximum 15 %.

Link (not available in English):



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<http://services3.posten.se/ptm/bin/ptmpdf?objectid=5184.17155>

HR

Volume (quantity) discounts are also publicly available on website <http://www.posta.hr/help-and-info/price-list>

NL

Annual discounts are possible. The discount scheme is rather complex and can be found in the website publication mentioned under 1 [REDACTED]

IT

Poste Italiane offers volume discounts on the following products:

- Smart Registered mail (tariffs vary according to weight , type and insured value);
 - o http://www.poste-impresa.it/online/pmi/postali/italia/assicuratsmart_prezzi.shtml
- Registered mail for judicial procedure (first group > 8 millions items);
 - o http://www.poste.it/imprespa/altri-servizi/cartelle_esattoriali.shtml

BE

Quantity discounts reward the sending of large volumes of mail in the course of a given reference period of one year, irrespective of whether that mail is pre-sorted or not.

For administrative mail bpost has 8 class of discounts (up to 6% discount) and for direct mail bpost has 4 class of discounts (up to 8% discount)

But also in the operational discounts there are volume discounts, namely:

- Administrative mail: sorting discounts increase based on the number of pre sorted items per drop. To benefit you need minimum 10.000 items (maximum 3 % by a deposit of 10.000 items). If you have 25.000 items you benefit from an increased discount (maximum 5 % by a deposit of 25.000 items). In administrative mail services we have two classes of pre sorted drop discounts.
- DM mail: For some DM services the sorting discounts increase based on the number of pre sorted items per drop. To benefit you need minimum 10.000 items (maximum 2.2 % by a deposit of 10.000 items). If you have 800.000 items you benefit from an increased discount (maximum 29 % by a deposit of 800.000 items). In DM mail bpost has seven classes of drop (10.000, 25.000, 50.000, 100.000, 200.000, 400.000 and 800.000)

All discounts are available on bpost website:

Administrative mail: <https://www.bpost.be/site/nl/business/pricing/pricingsearch/prices.html#>

Direct mail: <https://www.bpost.be/site/nl/business/pricing/pricingsearch/prices.html#>

LU

Yes, the discount scheme/policy includes volume (quantity) discounts. Please find underneath the requested link:

<http://www.post.lu/documents/10181/2311651/Liste+de+prix+r%C3%A9duits/8652cfc7-295e->



4281-8000-dd88b196f0a7?param=0.43163930077000523

SI

Annual (per year) discounts on the following link.

<http://www.posta.si/seznam-dokumentov/799/Informativni-ceniki>

Lestvica popustov:

Letna oddana količina (v kos)	% popusta za prenos po Sloveniji
nad 250.000 do 500.000	3,00%
nad 500.000 do 1.000.000	4,00%
nad 1.000.000 do 2.000.000	5,00%
nad 2.000.000 do 3.000.000	6,00%
nad 3.000.000 do 4.000.000	7,00%
nad 4.000.000 do 5.000.000	8,00%
nad 5.000.000 do 6.000.000	9,00%
nad 6.000.000 do 8.000.000	10,00%
nad 8.000.000 do 10.000.000	11,00%
nad 10.000.000	12,00%

CY

Please see answer 1

ES

[REDACTED]

[REDACTED]			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]

⁵ Confidential. May be used for ERGP internal purposes only.

⁶ See footnote 5 above.



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6° Are different discounts applicable for volume discounts based on the nature of the sender/body that deposits the mail (e.g. direct customer versus mailhandler/consolidator/router)? If yes, please explain briefly how the discount system functions for the different categories of clients.

EE

No. Consolidator volumes are treated as separate senders.

IE

No; they are universal postal services.

PL

No

PT

Please refer to the answer to the 3rd question.

MT

N/A

BG

NO

AT

NO

GR

No

CZ

No different discount are based on nature of the sender.

SK

No, the same discounts are applicable for both.

UK

No

LT

No

DE

N.a.

FR

See above, question 5.



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RO

These tariffs and the associated terms have to be applied without discriminating either between the various senders (end-users and bulk mailers) which access postal services under similar conditions, or between these senders and equivalent services supplied by the USP. The users/bulk mailers/consolidators receive discounts depending on the total monthly volume of each category of items (from those mentioned on 1^o) inserted in the USP's network irrespective of the sender (the clients of the bulk mailer).

SE

Currently no – but from 1 January 2016 a model discriminating consolidators and other postal operators is reported to be implemented. We have not seen details, but is said to be similar to the bpost model that was cleared in the ECJ decision.

HR

No . For details please see website <http://www.posta.hr/help-amp-info/price-list>

NL

Not to our knowledge. See however also under 4.

IT

Poste Italiane' different volume discount are not based on the nature of the sender.

BE

No, due to the BIPT decision on the per sender model.

Now we have to wait of the final judgement of the Belgian Court based on the recent ECJ judgement of 11 February 2015 due to prejudicial question of the Belgian Court at the ECJ.

LU

There is no difference based on the nature of the senders/depositors.

SI

In the volume discount regime there are 7 points of discount terms written as the annex to the discount scheme, but mainly it is important that:

All discounts are applicable for all clients. But in case of consolidation of mail from different clients the mail can sum up (consolidate) if the companies are in Joint Venture. In one shipment there should be minimum 1000 items. The volume met for different discounts should be made/agreed on annual basis.

CY

There is no mailhandler / consolidator / router in Cyprus. The discounts are offered for all retail customers.

ES

[REDACTED]



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7° If the mail handler/consolidator/router deposits mail from different senders (in the same expedition or reference period), does he receive volume discounts based on total volumes deposited or based only on the specific volumes for each sender?

EE

Discounts are based on specific volumes for different senders.

IE

The universal postal service discounts are based on minimum volume deposited.

PL

The mail handler/consolidator/router receives volume discounts based on the specific volumes for each sender.

PT

Please refer to the answer to the 4th question.

MT

N/A

BG

Not applicable. In Bulgaria we don't have mail handlers and consolidators.

AT

As far as we know, total volumes are the basis.

GR

Yes (see q.4)

CZ

He will receive quantity discount based on his total volumes.

SK

Consolidator receives discount based on total volumes.

UK

A consolidator can benefit from a higher discount. A consolidator can merge mail from say multiple advertisers into a single postage for a greater discount if this is operationally practical.

LT

The mail handler/consolidator/router receives volume discounts based on total volumes deposited.

DE

N.a.

FR

See above, question 5.



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RO

See the answer above.

SE

Currently on total volumes, but from 1 January 2016 based on volumes for each sender if the discriminatory model is implemented as reported.

HR

For this type of users/consumer/clients applies only discount based on avoided costs. For more details please see website <http://www.posta.hr/help-amp-info/price-list>

NL

As we understand it the discount is at present still calculated on the basis of total annual volume.

IT

No answer

BE

Until now yes due to the BIPT decision on the per sender model of 20 July 2011.

Now we have to wait of the final judgement of the Belgian Court based on the recent ECJ judgement of 11 February 2015 due to prejudicial question of the Belgian Court at the ECJ

LU

He receives volume discounts based on total volumes deposited.

SI

Please see answers written above.

CY

N/A

ES

Legal Framework and NRA role

8° Can you briefly describe how article 12 of the Directive has been transposed in the relevant law of your country?

EE

Minister sets the affordable tariffs of universal services with a decree. USP may not exceed those tariffs.



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IE

Article 12 was transposed into Irish Law as s.28 of the Communications Regulation (Postal Services) Act 2011. S.28(1)(e) states *“where postal service providers apply special tariffs, including special tariffs for postal services for businesses, bulk mailers or consolidators of mail from different postal service users, tariffs and associated conditions shall be transparent and non-discriminatory.”*

PL

Please see art. 54 of the Act of Postal law as well as Chapter 9 of the said act.

Here is the link: http://en.uke.gov.pl/files/?id_plik=19382

PT

Article 12 of the Postal Services Directive has been transposed into two different provisions: articles 14 and 14-A of Law n. 17/2012, of 26th of April, amended by Decree-Law n. 160/2013, of 19th of November, and by Law n. 16/2014, of 4th of April (<http://www.anacom.pt/render.jsp?categoryId=333450&languageId=1>).

Article 14 contains the general regime applicable to prices of postal services in the scope of the universal service, corresponding to the first four indents of article 12 of the Directive. These prices shall be affordable, cost-oriented, transparent and non-discriminatory. ANACOM establishes for a three-year minimum multiannual period the criteria governing the setting of these prices. The USP shall notify the tariffs to ANACOM at least 30 working days in advance (it's an „ex-ante” regime).

Article 14-A (added by Decree-Law n. 160/2013) sets forth the regime applicable to special tariffs, corresponding to the fifth indent of article 12 of the Directive. According to this provision, special tariffs and associated conditions of postal services that integrate the universal service provision, applied by universal service providers, namely for services for businesses, bulk mailers or consolidators of mail from different users, shall comply with the principles of transparency and non-discrimination, taking account of the avoided costs, as compared to the standard service covering the four operations integrated in the postal service. They shall be applied equally, regardless of the type of beneficiary, and shall be available to users who post under similar conditions, in particular individual users and small and medium-sized enterprises.

Universal service providers shall notify ANACOM of said special tariffs to be applied before the date on which such prices take effect. After they take effect, ANACOM may determine their amendment, as well as the amendment or removal of conditions associated to prices, duly substantiated as regards compliance with the above mentioned principles, taking into account the quality of service provided, to the extent necessary to promote effective competition or to protect the interest of users. (“ex-post” regime)

MT

Postal Services Act, Cap 254

Article 21.

The tariffs for each of the services provided by a universal service provider which form part of its universal service shall comply with the following principles:

(a) prices must be affordable and must be such that all users have access to the services provided;

(b) prices must be cost-oriented and give incentives for an efficient universal service provision;
 (c) with the consent of the Minister, the Authority may decide that a uniform tariff shall be applied throughout Malta to services provided at single piece tariff and to other postal articles;
 (d) the application of a uniform tariff shall not exclude the right of the universal service provider to conclude individual agreements on prices with customers;
 (e) tariffs must be transparent and non-discriminatory; (f) whenever universal service providers apply special tariffs, for example for services for businesses, bulk mailers or consolidators of mail from different users, they shall apply the principles of transparency and non-discrimination with regard both to the tariffs and to the associated conditions:
 Provided that the tariffs together with the associated conditions, shall apply equally both as between different third parties and as between third parties and the universal service provider supplying equivalent services:
 Provided further that any such tariffs shall also be available to users, in particular individual users, small and medium sized enterprises who post under similar conditions.

BG

The article 12 of the Directive has been transposed in the Bulgarian Postal Services Act (art. 66, para 2 and 3) and accordingly in the secondary legislation “Ordinance on specification of the rules for the formation and application of the prices of the services included in the universal postal service” (Ordinance).

Ordinance is available only in Bulgarian but the provisions relevant to the art. 12 of the Directive are as follow:

Tariffs for the services under art. 66, para 3 of the Postal Services Act are public and can't be lower than the costs of each service. Tariffs are formed by applying discounts from prices for the services within the UPS (i.e. retail prices) subject to fulfillment of some conditions (defined in advance by the UPS provider) by end-users.

The UPS provider's tariffs, the applicable conditions for their application and conclusion of contracts should be applied non-discriminatory to all end-users.

AT

Art 21 of the Postal Market Act:

Section 21. (1) The tariffs for the Universal Service shall be established in such a way that they are generally affordable, cost-oriented, transparent and non-discriminatory.

(2) The tariffs for the Universal Service shall be applied to all users identically.

(3) The application of a uniform tariff for the Universal Service shall not exclude the right of the operator to conclude individual price agreements with users. With the exception of newspapers and periodicals, the criteria for such individual price agreements and special tariffs including the amount of the price reductions granted for such individual price agreements shall be reported to the National Regulatory Authority and published in a suitable form; they shall be equally applied to all users and comply with the principle of non-discrimination.

(4) If facts become known to the National Regulatory Authority which justify the assumption that the Universal service provider's tariffs for services in the universal service sector (Section 6 paragraphs 2 and 3) are not in compliance with the standards of paragraphs 1 to 3, a review of the tariffs shall be initiated and reported to the universal service provider. The report shall indicate the reasons justifying the National Regulatory Authority's assumption and grant the universal service provider the opportunity to make a statement on the National Regulatory Authority's intentions within a period of at least one month.



(5) If in the scope of a procedure pursuant to paragraph 4 the National Regulatory Authority establishes that the tariffs for services in the universal service sector (Section 6, paragraphs 2 and 3) fail to comply with the standards of paragraphs 1 to 3, it shall request, by decision, that the universal service provider immediately adapt its tariffs to the indicated standards. This request shall be published on the website of the National Regulatory Authority.

(6) If the adaptation requested pursuant to paragraph 5 is not carried out within two weeks, the National Regulatory Authority shall prohibit the objectionable conduct by decision and declare the tariffs for invalid.

GR

According to article 9 of Law 4053/2012:

“1. The tariffs of postal services provided in the context of universal service must be affordable, and if possible, reflect the cost and provide incentive for effective provision of universal service.

2. Tariffs must observe the principles of transparency and non-discrimination, be uniform for the entire territory and cross-border services, when provided with charging per postal item unit.

3. The universal service provider may apply special tariffs for certain services, such as services to undertakings, senders of large quantities of correspondence or agencies using part of the postal service provided. In such a case, the tariffs and terms of provision of services must comply with the principles of transparency and non-discrimination. Such tariffs must also apply both to third parties and to postal service providers that provide equivalent services. Each tariff must be at the disposal of users, especially of individual users and SME's that use postal services under similar conditions.

4. Universal service providers arrange the terminal dues for the intra-Community cross-border services, so that:

- a) they are adapted to the processing and distribution cost,
- b) they are proportionate to the quality of services provided, and
- c) they are transparent and without discriminations.

CZ

Article 12 of the Directive has been transposed to Postal Service Act,

- prices must be affordable and must be such that all users have access to the services provided,
- prices must be cost-oriented;
- the application of a uniform tariff does not exclude the right of the universal service provider(s) to conclude individual agreements on prices with customers (these special tariffs must be under comparable conditions offered to anyone),
- tariffs must be transparent and non-discriminatory.

SK

Article 12 of Directive has been transposed in the Act No. 324/2011 on Postal Services, § 24 and § 15, par. 2

UK

The following text is taken from the explanatory notes to the Postal Services Act 2011:

“Article 12: Tariff principles and transparency of accounts



Objective

541. Article 12 provides that member States must take steps to ensure that tariffs for each of the services forming part of the universal service are affordable and that prices are cost oriented and give incentives for a universal service provision. The tariffs must be such that all users independent of geographical location and in the light of specific national conditions have access to the service provided. Article 12 goes on to provide that member States may provide for a uniform tariff and may maintain a free postal service for the blind or partially sighted.

542. The requirement for transparency of accounts requires member States to take steps to ensure that tariffs for each of the services forming part of the universal service are transparent and non-discriminatory and that if special tariffs are applied the principles of transparency and non-discrimination are applied.

Implementation

543. Section 31 provides that OFCOM must include in its universal service order the services and standards it considers should be part of the universal postal service in the United Kingdom. Section 32 (read with sections 33 and 34) describes the minimum such services, and includes a service of conveying postal packets at affordable prices in accordance with a uniform public tariff. Section 36(4) provides that a designated USP condition may make provision as to the tariffs to be used for determining prices in accordance with which the universal service is provided. Section 36(5) provides that OFCOM must seek to ensure that the prices are affordable, take account of the costs of providing the service and that the prices provide incentives to provide the services efficiently.

544. The requirement for transparency of accounts (Article 12 fourth and fifth indent) is implemented by section 39 of the Act. This confers on OFCOM the power to require a universal service provider to maintain separate accounts between different matters and comply with rules for determining costs and allocating costs, and may require the publication of such accounts and other related information as OFCOM consider appropriate and to submit to regular independent audit of its compliance."

It should be noted that in the UK, all the end-to-end services which are to be provided as universal services are defined (in legislation) as single-piece services. (See Schedule 1 paragraph 1 of the Postal Services (Universal Postal Service) Order 2012 (SI 2012/936) (the "Order")). A single piece service is:

"a postal service for the conveyance of an individual postal packet to the addressee, for which the price per postal packet is not subject to any discounts related to—

- (a) the number of postal packets sent in connection with the person who paid for the service;
- (b) the positioning or formatting of text on the postal packet;
- (c) the use of markings which facilitate the use of machines to sort postal packets;
- (d) pre-sortation into geographical areas for delivery; or
- (e) the purchase of any other conveyance of the same or any other postal packet."

The Order states that universal services must be provided at affordable uniform prices throughout the UK. Ofcom is required to carry out its functions so as to secure the provision of the universal service, and has powers to impose regulatory conditions to this end including conditions making provision as to tariffs (Section 36(4) Postal Services Act 2011.) In exercising that power, Ofcom must seek to ensure that the prices are affordable, take account of the costs of providing the services or part of a service, and provide incentives to provide the service or part of a service efficiently (section



26(5) Postal Services Act 2011).

LT

According to the Lithuanian Postal Law (Article 16, Paragraph 3), the universal postal service provider may apply special tariffs in accordance with agreements entered into with users. The universal postal service provider shall apply to these tariffs and related conditions the principles of transparency and non-discrimination. Such tariffs must be set taking account of avoided costs, as compared to standard costs of the normally provided universal postal service. The tariffs shall be the same for all users of the universal postal service of the same category.

Postal Law of the Republic of Lithuania

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=467253

DE

The tariff principles as well as the rules for the approval system have been transposed in sections 19 to 27 of the German Postal Act (Postgesetz). Section 28 para. 2 of the German Postal Act states that the rules in sections 19, 20 and 25 also apply for the ex-ante and ex-post approval of tariffs for work sharing services (i.e. discount schemes).

FR

It is transposed as article L. 2-1 of national postal law (CPCE), which indicates (see original text below) that the USP can conclude, with senders of bulk letter mail, intermediaries grouping letter mail of various clients or the holders of an authorisation, contracts derogating from the general conditions of the US offer and including special tariffs for services for companies, in the respect of the rules in the fourth paragraph of article L. 1 (which speaks of quality, equality, continuity, social and economic efficiency...). The USP must determine the tariffs and related conditions of these offers according to objective and non-discriminatory rules. ARCEP can request copy of the contracts.

Article L. 2-1 of the CPCE : « *Le prestataire du service universel peut conclure, avec les expéditeurs d'envois de correspondance en nombre, les intermédiaires groupant les envois de correspondance de plusieurs clients ou les titulaires de l'autorisation prévue à l'article L. 3, des contrats dérogeant aux conditions générales de l'offre du service universel et incluant des tarifs spéciaux pour des services aux entreprises, dans le respect des règles énoncées au quatrième alinéa de l'article L. 1.*

Le prestataire détermine les tarifs et les conditions de ces prestations selon des règles objectives et non discriminatoires. Ces contrats sont communiqués à l'Autorité de régulation des communications électroniques et des postes à sa demande ».

RO

According to article 17 of the Government Emergency Ordinance no. 13/2013 on postal services in Romania:

(1) The universal service provider has the right to apply special tariffs for all users and consolidators, respecting the principles of transparency and non-discrimination in what concerns both the tariffs and the conditions related to them.

(2) The special tariffs granted in accordance with the provisions of paragraph (1) shall cumulatively meet the following requirements:

a) the special tariffs and their associated conditions are applied non-discriminatorily to both users and consolidators and between these third parties and the equivalent services offered by the universal service providers;



b) the special tariffs are available to all users, natural or legal persons, which deposit postal items in the public postal network in similar conditions;
c) the tariff facilities are made public under the terms established by the regulatory authority and on the expense of the universal service provider.
(3) In order to ensure compliance with paragraph (2) provisions, the universal service provider has the obligation to submit for approval to the regulatory authority the criteria and conditions based on which special tariffs are granted as any modifications and completions.

SE

The requirements in article 12 have been included in the Postal Services Act, particularly in Chapter 3, 2n paragraph.

HR

Article 12. of the Directive are fulfilled/described in our PSA (Postal Service Act) Article 46. named "Price for postal services"

NL

As article 12 relates to the universal postal service this concerns several articles of the Postal Act 2009. However, as bulk mail in the Netherlands is not part of the universal service, article 12 is in that respect not relevant. In relation to the fifth indent of article 12 article 9 of the Postal Act 2009 may be of some relevance:

Article 9

1. If a Postal Conveyance Company with a network allowing the delivery of Postal Items to all addresses in the Netherlands on at least five days per week uses that network to convey mail on special conditions and for special tariffs, it shall perform such Postal Conveyance for other Postal Conveyance Companies on/for non-discriminatory and transparent conditions and tariffs as compared to other Senders and other Postal Conveyance Companies. Other Postal Conveyance Companies include group companies that are connected as part of a group within the meaning of Section 2:24(b) of the Civil Code [*Burgerlijk Wetboek*] to the Postal Conveyance Company that has a network as referred to in the first sentence of this paragraph.
2. If it appears that there is a lack of actual competition on the national market for postal services, or a part thereof, specific rules may be set by a general administrative order in respect of the conditions and tariffs that will apply to the provision of Postal Conveyance Services on special conditions and for special tariffs by Postal Conveyance Companies that have a network within the meaning of paragraph 1 of this article.
3. A Postal Conveyance Company within the meaning of paragraph 1 of this article shall ensure that the applicable special conditions and tariffs are made known to the general public.
4. In addition to the provisions of paragraph 1 of this article, rules may be set by ministerial regulation for the provision of access to the network referred to in that paragraph. These rules may be to the effect that:
 - a. a Postal Conveyance Company with a network of this nature shall, at the request of categories of third parties to be designated under the said regulation, provide access to that network for/on reasonable, transparent, and non-discriminatory tariffs and conditions, insofar as the efficient and continuity-based operation of that network allows.
 - b. the Postal Conveyance Company within the meaning of paragraph 4(a) of this article shall ensure that the applicable conditions and tariffs referred to therein are made known to the general public.
5. The Board shall, within a year of this article coming into force, submit a report to Our



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Minister on the practical effectiveness and effects of paragraph 1 of this article, together with recommendations regarding the desirability of applying paragraph 4 of this article. Our Minister shall submit the report, accompanied by his findings, to the States General.

IT

Art. 12 of the Directive has been literally transposed in national law *art. 13 of D.L. 22 luglio 1999*

BE

The Belgian postal law has transposed article 12 of the Directive literally in the Belgian Postal Act.

LU

Article 12 of the Directive has been implemented into Article 29 of the Luxembourg law of 26 December 2012 on postal services according to which, in case that the USP applies special tariffs, the latter must respect the principles of transparency and non-discriminatory as regards the tariffs and the related conditions. The tariffs take into consideration the avoided costs and are available for users of postal services and under similar conditions.

SI

Article 35 of our Postal Act (ZPSto-2).

Whenever universal service providers apply special tariffs, for example for services for businesses, bulk mailers or consolidators of mail from different users, they shall apply the principles of transparency and non-discrimination with regard to tariffs and conditions related thereto. The tariffs, together with the associated conditions, shall apply equally, both as between different third parties and as between third parties and universal service providers supplying equivalent services. Any such tariffs shall also be available to users, in particular individual users and small and medium-sized enterprises, who post under similar conditions.

Article 32

(Access of providers of interchangeable services to the postal infrastructure or services within the scope of the universal service)

(1) Concerning access to parts of the postal infrastructure or services falling within the scope of the universal service, such as the postcode system, address databases, post office boxes, delivery boxes, information on change of address, redirection service and return to sender service, the universal service provider must conclude a contract with another provider of interchangeable services at its request; the contract shall regulate the method and conditions for the access to the postal network, the price of access to be based on costs, the calculation and payment methods and other access-related issues, thereby taking into account the provisions of confidentiality of postal items and personal data protection referred to in Chapter X of this Act. The universal service provider shall send a copy of this contract and its amendments, if any, to the Agency within eight days following the conclusion of the contract.

(2) On the basis of the general conditions for the provision of postal services and the prices of these services, the universal service provider must publish transparent and non-discriminatory conditions for the access referred to in the first paragraph of this article, together with the access price and method.



(3) In determining the price of and conditions for access referred to in the first paragraph of this article, the universal service provider may not discriminate between different providers of interchangeable services.

CY

Article 124.- (1) Having regard to the provisions laid down in Articles 20 (R), (23) and (24), the charges. Commissioner shall ensure that in these provisions fees and prices —

- (a) be accessible and allow access of all users in 2013. Services provided, independent of geographical location, and, in light of the specific circumstances, if any;
- (b) cost-oriented and give incentives for efficient 2013. Provision of universal service;
- (c) are transparent and non-discriminatory;
- (d) is evenly anywhere in Cyprus, but also for cross-border services, when provided at single piece tariff postal item.

(2) The implementation of uniform fees and charges, as referred to in subparagraph (b) would not exclude the right of the universal postal provider service to conclude individual agreements with clients in terms of prices.

(3) The universal service provider may apply special invoices, in accordance with the principle of cost orientation, for certain services, including services supplied to businesses, bulk mailers Users or consolidators of mail from different users. In that case, invoices and the conditions of supply of services should comply with the principles of transparency and non-discrimination. Equally, they should apply equally to equivalent services, both as between different third parties and as between third parties and universal service provider. Any such tariffs shall be available to users, in particular individual users and small and medium-sized enterprises, who post under similar conditions.

ES

Article 34 of the national Postal Act transposes article 12 indents 1 to 4 of the Postal Directive. Article 35 transposes article 12 indent 5 of the Directive.

Article 34 adds a procedure for verification, by the NRA, of prices of services rendered under public service obligations (not only Universal Service⁷) according to the four principles, as well as the possibility for the Government (after a report from the NRA and, in this case, only for USO) to set minimum and maximum prices in order to guarantee compliance with the four principles.

Article 35 adds the possibility for the NRA to require from the USP its contracts with clients in order to verify compliance with the principles of transparency and non-discrimination, as well as the obligation for the NRA to verify that special prices and discounts do not cause bigger net cost of the Universal Service⁸.

⁷ According to this, we are verifying election prices as a service rendered under public service obligations although not included in the US.

⁸ Act 43/2010, of 30 December, on the universal postal service, user rights and the postal market.

CHAPTER IV

Prices and other tariff conditions of postal services

Article 34. Prices.

1. The prices of the postal services provided under the public-service obligation system must be affordable, transparent and non-discriminatory and be set in accord with the real costs of the service, so that they offer incentives for its efficient provision.

2. The universal service provider must inform the National Postal Sector Commission both of the setting of new prices and of the amendment of the current prices for the services provided with public-service obligations at least three months in advance of their introduction. This information shall be accompanied by a justificatory report on compliance with the principles of the present Article.

If price verification leads to the assumption that these principles have not been observed, the National Postal Sector Commission shall give the provider 15 days to state what it deems convenient and shall issue the corresponding decision declaring whatever is appropriate, for the purposes of its consideration in calculating the burden to which Article 28 refers. The prices shall be published on the websites of the Commission and the universal service provider.

3. The following services provided by the universal service provider shall be exempt from payment:



In the context of the procedures opened by the CNMC to verify compliance of US prices to the four principles of article 12 of the Postal Directive, the USP has claimed that only full tariffs -and not effective tariffs (after discounts)- of US services are object of the verification exercise under article 34 of the national Postal Act, and that under article 35 of the same Act effective tariffs could be verified to comply with the transparency and non-discrimination principles only -and not the cost-orientation principle-. In its Decisions on 2014 and 2015 US prices the CNMC made clear that under article 34 both full and effective tariffs are object of verification of compliance with the four principles.

9° Do you monitor/verify/approve the discount policy (operational and volume discounts) on the contractual tariffs? If yes, please explain briefly how this monitoring/verifying/approving system functions. If yes, please explain if it is an ex ante or ex post system?

EE

Ex post regulation, in case of a complaint.

IE

Ex-post. s.28(5) of the 2011 Act states where ComReg “is of the opinion that a universal postal service provider is failing, or has failed, to comply with any of the requirements specified in” s.28(1), ComReg “may give a direction to the universal postal service provider to ensure compliance with the requirement concerned.”

PL

Art. 54 - the designated operator shall be obliged to specify in the rules and regulations referred to in Article 49 (1) the criteria for setting special tariffs and the percentage level of discounts on the existing charges for a given type or manner of universal service provision corresponding to those criteria, taking into account of the rules referred to in paragraph 1. The levels of discounts may be set range-wise.

Please see the art. 54 and 49 under the link: http://en.uke.gov.pl/files/?id_plik=19382

PT

Discount policy applied to prices of universal services under article 14, referred in the answer to question 8, is subject to an ex ante system.

Discount policy applied to special tariffs under article 14-A referred in the answer to question 8, is

a) The sending of cecogrammes.

b) Postal items to which the Universal Postal Union confers such a right, with the scope established in the international instruments which have been ratified by Spain.

4. For services subject to public-service obligations within the universal service, the Government Representative for Economic Affairs, at the proposal of the Ministry of Development and following a report by the National Postal Sector Commission, may establish maximum and minimum prices in order to guarantee compliance with the principles indicated in section 1 of the present Article. Similarly, for this scope, the application of uniform prices throughout national territory may be determined.

Article 35. Discounts and special prices for users.

1. When the universal service provider applies discounts to the senders of mass postal items, in the provision of services for which it has been designated, it must respect the principles of transparency and non-discrimination, both in terms of prices and associated conditions. The provider shall offer the same discounts or special prices, together with associated conditions, to other users, such as individuals and small and medium companies or foundations and associative entities declared as public interest, provided they send postal items under similar conditions.

2. The National Postal Sector Commission may require from the universal service provider the submission of the contracts to which the preceding section refers in order to verify compliance with the principles and obligations indicated in the present Article.

3. The National Postal Sector Commission shall verify that special prices and discounts do not suppose an increase in the financing needs of the universal service and the unfair financial burden compensable to the universal service provider.



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subject to an ex post system.

MT

Approval by the Regulator is required for any discounts or special considerations that the USP offers and the requirements that must be satisfied to obtain these discounts.

It is noted that ex-ante price control is applicable in those cases where the USP has Significant Market Power (SMP) in a particular postal services market. In those cases when a postal service market is effectively competitive, ex-ante price control is no longer applied. It is noted that the USP is currently designated as having SMP in all the identified postal services markets.

BG

No.

According to the ordinance (mentioned in the answer of the previous question):

1 We collect annually reporting data revenues, expenses and number of items from the implementation of contracts. Data is presented by type of services of the universal postal service together with the application to compensate for unfair financial burden of performing the universal postal service.

2 Bulgarian post is obliged to submit for consideration to the CRC certified copies of the signed contracts and all amendments and annexes to them within 14 days after their signing.

AT

Discounts for US-products are approved ex ante. The prices (including discounts) have to be cost oriented, affordable and non-discriminatory. The discount itself is not subject to the approving.

GR

The NRA, according to the Postal Law, evaluates and approves the universal services tariffs of the universal service provider, according to article 9 (see q.8).

The approval of the price list for all services including also bulk mail is made with the following method:

The result for the total universal services must be positive, (no specific margin is required). We also calculate the Total Derived Efficiency Ratio in order to evaluate whether the budget cost (which is calculated by from the approved costing system of the USP) of the universal services, is for regulatory purposes efficient. The calculation of the ratio is: the difference between the percentage change of the total volume of universal services minus the percentage change of the operating expenses of the universal services. The percentage change takes into account the actual prices of the costs for the period under consideration and the previous fiscal period costs. The result of the ratio must be positive in order that the NRA approves the USP pricing list for USO products.

CZ

We monitor the discount policy, only ex post like a part of testing cost oriented prices.

SK

NRA monitors the discounts ex post. USP has to announce to NRA all discounts.



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UK

No, except to the extent that Royal Mail must comply with a margin squeeze test that compares its bulk retail contract prices with its charges for access services. As noted earlier, Royal Mail must recover at least 50% of the upstream costs in a given service from the revenue received after deduction of the relevant access contract costs, and overall it must recover total upstream costs from the revenue received from bulk retail services after deducting access charges that would be required to deliver the services.

LT

According to the Lithuanian Postal Law the Communications Regulatory Authority shall approve tariff ceilings for the universal postal service according to the weight steps of postal items and supervise compliance with the tariffs of the universal postal service. At the moment, the USP does not offer any discount for universal postal services. USP applies discounts to contractual customers only; contractual tariffs are applicable to domestic non-universal letter-post items. We monitor only, when NRA receives a complaint, accusing the USP's for not applying the principles of transparency and non-discrimination to the special tariffs (ex-post regulation).

DE

The discount policy of the dominant postal operator is subject to ex-post control by the NRA according to section 25 of the German Postal Act (Postgesetz). For the scope of the control, section 20 para. 2 of the German Postal Act (Postgesetz) stipulates that rates may not contain any surcharges prevailing solely as a result of the provider's dominant position in the market; may not contain any discounts prejudicing in anti-competitive manner the competitive opportunities of other companies in a postal services market; and/or may not create any advantages for individual users in relation to other users of postal services of the same type.

FR

ARCEP produces 'opinions' on LP's tariff related decisions for the US offer but not for items outside the US. As regards the volume based discounts, they were the subject for example of document n° 2010-1352 (link above), which gave a favourable opinion. ARCEP is an ex-ante regulator. As with all sectors, postal activities are covered by ex-post competition law (see above for description of and link to the related 2007 competition authority decision).

RO

The USP has the obligation to submit to ANCOM's approval the criteria and conditions based on which special tariffs are granted (excluding the values of the discounts). It is an ex ante mechanism. Furthermore, ANCOM has to monitor if these criteria and conditions are correctly applied by the USP.

SE

Discount policy monitored on an ex post basis so that prices fulfill the requirements of postal act (and article 12). If not, we may order USP to change discount policy.

HR

For monitor/verify/approve the discount policy of our designated Universal Service Provider (HP-Croatian post Inc.) are relevant Croatian competition agency (AZTN).

HAKOM as NRA for postal services performs control price(s) of designated Universal Service Provider



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which must conform to the model of cost accounting.

NL

No. We have no direct powers to that effect. In case of complaints or disputes however we can of course investigate whether PostNL complies with legal obligations. So this would be an ex post verification. Analysis of the discount policy and tariffs of PostNL is however also part of the (ex ante) SMP procedure mentioned under 3.

IT

Agcom , with decision n. 385/13/CONS, disciplined prices that Poste Italiane may apply to clients or groups of clients.

More precisely, art. 7 of said decision states that *“Poste Italiane may apply to clients or groups of clients special prices, in respect of art. 13 (3-bis) of D.L. 22 luglio 1999, n. 261”*.

Agcom monitors ex post the respect of such provision.

BE

Verification based on complaints or own investigations but it is more an ex post system.

LU

The Luxembourg NRA does not approve or monitor the discount policy on the contractual tariffs. However, if the Luxembourg NRA finds that the designated Universal Service Provider has not fulfilled the transparency and non-discrimination requirements relating to the contractual tariffs, it may impose administrative penalties, such as a fine up to EUR 500,000, and/or a temporary ban on providing certain postal services for up to one year and/ or a warning.

SI

Ex ante regulation at volume discounts regime and ex post at the access regime.

CY

The tariffs as well the related discounts are approved ex ante based upon the results of the audit of the USP costing systems and OCECPR bottom up models.

ES

CNMC's Decisions regarding compliance of US prices with the four principles of article 12 of the Directive are not binding but allow us to examine the results of discounts on prices. Ideally the verification exercise should be done ex ante, i.e., before the period starts when the prices are to be applied. The CNMC published its Decisions on 2014 and 2015 US prices in May 2014 and July 2015 respectively.

On the other hand, article 35 of the national Postal Act entitles the NRA to verify whether special tariffs and discounts, and also other service conditions, are transparent, non-discriminatory and do not cause bigger net costs of the US. This is the proper legal tool to examine whether discounts really respond to avoided costs and if they comply with the non-discrimination principle. As mentioned above, the CNMC is planning to start this exercise.



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10° Has your designated Universal Service Provider introduced a per sender model (which allows differentiation on volume or operational discounts based on the nature of the sender/body that deposits the mail) or does your designated Universal Service Provider have the intention to introduce a per sender model (which allows differentiation on volume or operational discounts based on the nature of the sender/body that deposits the mail)?

EE

No. If a sender meets the criteria, it gets the same amount of discount as others. Consolidator volumes will be split into different senders.

IE

Not for universal postal service.

PL

The USP is applying a per sender model, irrespective of the nature of the sender.

PT

According to the USP, in the context of a volume decrease and as a way to stimulate demand, the assessment of the introduction of a per sender model, could be pondered in the future.

MT

N/A

BG

NO

AT

n/a

GR

The USP was implementing a per sender discount model, until EETT's Decision 697/130/18-7-2013 regarding the evaluation and approval of the universal services tariffs of the USP, in which the NRA requested the USP to refrain from the introduction of a per sender discount model, following the provisions of art. 9 of Law 4053/2012.

CZ

No

SK

No, model is not based on nature of senders.

UK

No. And we are not aware of any plans to do so.

LT

No. If other postal operator or consolidator meets the specific terms or conditions, they get the same discounts.



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Recently RRT received a new request from USP, related to the domestic non-universal letter-post items specific tariffs (for business customers and bulk mail). USP has proposed a new zonal pricing system, consisting of three parts: the 5 biggest cities, other towns, and rural areas. USP indicated that delivery costs are much higher in rural areas. Also, USP has proposed new differentiation on volumes and operational discounts. RRT has analyzed the claim and didn't find an intention to introduce a per sender model.

DE

At the moment, there is no indication that the dominant postal operator, Deutsche Post DHL Group, plans to introduce a per sender model.

FR

See above, question 5. ARCEP is not aware of any intention by La Poste to modify its discount policy.

RO

An investigation of the Competition Council showed that between 2005 and 2009, the Romanian Post has granted to one of its clients preferential treatment on the market of direct mail. At the same time, the Romanian Post has granted discriminatory tariff rebates to intermediaries for the standard postal commercial correspondence and direct mail. The Competition Council concluded on the existence of an abuse of dominance on the relevant markets analysed and imposed a fine of € 26 000 000 as well as appropriate remedies in order to restore competition on the market. After the Competition Council investigation ANCOM amended the secondary legislation, stating that no differentiation on volume or operational discounts based on the nature of the sender/body that deposits the mail is possible.

SE

The USP has, as mentioned above, the intention to introduce a per sender model per 1 January 2016.

HR

No

NL

See in this context also the answers to questions 4, 6 and 7.

That a per sender model would differentiate based on the nature of the sender/depositor of the mail, may be debatable.

IT

NO for services included in the US scope

BE

Yes but due to the BIPT decision of 20 July 2011 on the per sender model bpost was obliged to withdraw the per sender model.

Now we have to wait of the final judgement of the Belgian Court based on the recent ECJ judgement of 11 February 2015 due to prejudicial question of the Belgian Court at the ECJ.



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LU
Not applicable.

SI
No.

CY
No

ES

11° Do you think that the recent ECJ judgement could have a potential impact on commercial discounts practice in your national market? If yes, please can you briefly describe your impact assessment? If no, please explain why it has no impact on your national market.

EE
No, because USP does not provide discounts for universal service. Discounts are offered for non-universal letter only.

IE
ComReg's remit concerns universal postal service. Commercial discounts are commercial matters for those involved (subject to any competition law considerations). ComReg does not have competition law powers.

PL
We do not think that the recent ECJ judgement will have serious impact on the commercial discounts practice in our national market as the existing practice is in line with this decision. It will rather perpetuate the status quo.
Moreover, commercial agreements - a major part of the market, are beyond the regulatory powers of the President of UKE - they are out of the scope of the universal service.

PT
If the USP introduces a per sender model, discounts may need to be reformulated in a way that operational and volume discounts become completely distinguishable.

MT
No impact is expected on the national market as a result of the ECJ judgment.

BG
NO.
As we mentioned above, in Bulgaria there are no acting mail consolidators so the interpretation of the Postal Directive should not in general affect the commercial practice of the UPS provider. As far as the ECJ discusses the evaluation of all discount schemes, the UPS provider must ensure strict equal treatment of all end-users in order to comply with the Ordinance on specification of the rules for the formation and application of the prices of the services included in the universal postal service.



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AT

Art 21 para 3 PMG stipulates a non-discrimination rule. This rule is rather general so it does cope with the aim of the ECJ judgement, as the wording stipulates “all users”. So this does not make any distinction between “consolidators” and “other users” and the non-discrimination rule applies to both. Also the Austrian law text requires in Art 21 para 2 PMG an obligation to publish such specific prices, so it may be checked for discriminatory elements within the text of the price agreement.

GR

We do not believe there could be an impact in the national market since the USP considers all discounts they apply as operational, due to avoided cost.

CZ

Change of the system of discounts cannot be ruled out, but we do not expect any substantial change at this time.

SK

Yes, because USP’s current discount scheme/policy is based on the same principles for sender and consolidators. USP’s could change this policy.

UK

No.

The UK market is not solely reliant on mail consolidators as the basis of competition in mail services. They exist in the UK market but we have intervened at a deeper level to ensure competition, namely through imposing on Royal Mail “USP access conditions” under section 38 of the Postal Services Act 2011. These conditions create obligations on Royal Mail to offer services to access operators. Such operators may provide bulk mail services to multiple companies and consolidators without Royal Mail being able to identify that this is the case. Royal Mail cannot therefore price discriminate on the basis of the volumes sent by or the nature of the individual businesses being served by the access operator.

Even if RM were to seek to discriminate against consolidators, such consolidators would have the option of using an access operator instead (which they frequently do) or becoming an access operator themselves.

LT

At the moment we do not observe any changes on the commercial discounts practice in our national market. In Lithuania there are no signs that USP will introduce a per sender model.

However, this state of play does not preclude that the USP would introduce a per sender model. The per sender discount model would have an impact on the consolidators only, as now they act as intermediaries between senders and postal service providers; they are not postal services providers. If the USP would replace the current model of discounts and would introduce a per sender model, consolidators would be pushed out of the postal market.

DE

So far, BNetzAs impression is that there will be no immediate change in the discount policy of Deutsche Post DHL Group. The tariff system in place seems to be quite successful for the incumbent and the market.



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FR

No. The transposition of article 12 in France, national jurisprudence, and USP practice seem to conform to the ECJ interpretation of article 12.

RO

Yes, the recent ECJ judgement could encourage the USP to request the modification of the above mentioned national legal provisions in order to allow for different discount policies.

SE

Yes it will have a strong impact as consolidators may be driven out of the market. Many senders will face higher end prices as their own volumes will not qualify them for volume discounts.

HR

No. Discounts for the access to the postal network are based on the avoided costs

NL

Yes. It has already affected our draft decision on SMP mentioned under 3. [REDACTED]

[REDACTED] This will affect the position of in particular other postal operators that combine postal items of different senders in one bulk mail batch. They (and ultimately their customers/ senders) will evidently no longer be able to profit from annual volumes discounts calculated over the total of their delivered (combining different senders) annual volume. As mentioned before it is not yet clear how this relates to the stipulation of PostNL that all postal items in batches of bulk mail need to have the same sender address. The actual effects of the ECJ judgment may therefore depend on numerous factors, such as the (administrative) possibility and costs of differentiating between senders in the same batch of bulk mail (if said stipulation is not permitted) and the extent to which other postal providers on the one hand provide and end- to end service to their customers and on the other depend on access to the network of PostNL for the delivery of their mail.

IT

Request for a preliminary ruling from the Cour d'appel de Bruxelles to the Court of Justice assumes undeniable relevance for Agcom, as the European rule has been literally transposed in national legislation (art. 13 of d.l. n. 261/1999) therefore same doubts as those of the belgian judge may emerge.

Agcom maintains that, by excluding quantitative discounts from the special tariff category provided for by art. 12, fifth indent, of the postal directive, the "sender model" would violate anyhow the general non-discrimination principle set forth by said provision.

BE

Yes, as we think that can have impact of the activities of routers, consolidators and mailhandlers on the one hand and on end-to-end competitors on the other hand.

LU

According to the current discount policy of the Luxembourg designated Universal Service Provider, the recent ECJ judgment shall not, in our opinion, have a direct impact on commercial discounts



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practice in Luxembourg.

SI

Hard to say, it is very much dependent on the situation, how the market will react on that judgment. So far there has not been a bigger change because of that.

CY

Please see answer 6, there is no consolidators right now in Cyprus.

OCECPR is implementing on an annual basis the audit of the costing systems of the USP as well as it had develop a bottom up costing system which calculates the cost of each provided postal service. Due to this fact, any discounts given for any product or services are approved based upon these results. Furthermore, OCECPR is under the procedure to publish the Decree for the Access to the Network of the USP. The access to the network will be based upon the principles of non discrimination, cost orientation and transparency.

The implementation of these provisions, as stated above, will provide to the market the necessary framework in order to avoid any damage to the competition due to any commercial discount policy.

ES

If a 'per sender' model was applied, alternative/access operators could have great difficulty in pooling competitive mail volumes.

Our thoughts about the bpost case are the following:

- 'Operational' and 'quantity' discounts in the bpost case are both cost-based in the end, because the second would reflect savings derived from bigger economies of scale due to new volumes received in the network.
- However, volume discounts designed as they are usually designed (and as they were designed by bpost), do not reward increasing volumes but just big volumes, and thus we would say that all clients introducing big volumes in the network should in principle be entitled to benefit from them.
- In any case, in the present circumstances we doubt that any incentive to increase letter volumes could really be successful.
- [REDACTED]

12° Based on the recent ECJ decision, do you think that actions are needed by the EC, ERGP and/or NRAs? If yes, please briefly describe what actions are needed and the reasons for it. If no, please explain why no actions are needed.

EE

No, because our USP does not provide discounts for universal service.

IE

No answer



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PL

As the ECJ decision is legally “sanctioning” the existing practice of the USP, ERGP could concentrate on economic and financial aspects of the functioning of the discounts schemes in the UE.

The title of the new project – a study/report could be, for example: “Aggregated discounts model vs. per sender model – regulatory, economic and financial implications”.

PT

In general NRAs should at least gather information and monitor the discounts scheme/policy of the USP, taking into account the tariff principles set in the postal directive and taking into account the ECJ decision.

MT

Possibly by the ERGP depicting guidelines on the application of Article 12.

BG

Based on the information collected by the current questionnaire and outlined conclusions ERGP could consider the necessity to continue analyzing the application of special tariffs.

AT

Yes; action is needed by EC and ERGP as it needs to be ensured that the national transposition of Art 12 of the Directive into national law in each individual member state includes 1) a non-discrimination clause and 2) the wording needs to be checked if a discrimination is possible because of different user types.

GR

Our regulatory approach is that the publicly available US pricelist and discounts for meeting specific requirements (volumes, pre-sorting, trays etc) should be available to all, regardless their nature (i.e. big mailers, consolidators or private postal operators) since they are due to avoided cost.

USP can offer individually negotiated prices different from the public pricelist under competitive terms and these prices are subject to ex-post competition law examination.

In this context we would be interested to hear the EC/ERGP opinion.

CZ

We believe that further actions are not necessary at this time.

SK

Yes, by EC/ERGP, because current application (understanding) of fifth par. of Article 12 of Postal Services Directive is different in NRA's.

UK

No action is required from a UK perspective.

LT

There is no common understanding of the status of consolidators – whether their activities fall under the definition of the postal service. Their business cores are based on the reselling postal product to the user, therefore in some segment they compete with postal service providers. Depending on



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national legal framework, each EU country treats these market participants differently. Therefore, it might be needed to determine these market participants place in the postal market.

Overall, the main task for the NRA is to supervise pricing regime and the discounts scheme applied by the USP, and to examine its' influence or other barriers to further competition.

DE

From BNetzAs point of view immediate actions on the national level are not indicated as the ECJ decision does not have immediate impacts on the German market at this juncture. The question whether actions on the European level are needed should rather be answered after this questionnaire has been thoroughly analysed and the findings have been discussed in the relevant fora.

FR

It seems appropriate to consider if 1. Any national transpositions of article 12 may not be conform in light of the ECJ decision or 2. If USP practice may not be conform. The current questionnaire seems appropriate to this ends and replies could be summed up in a report. Unless a particularly problem is identified, the work should be limited to this report in 2015.

RO

The only effective action would be to address this issue in the future postal service directive.

SE

The ECJ decision and its consequences are in conflict with the interests that should be safeguarded by the principles laid down in Article 12 of the Postal Service Directive. Furthermore it is hard to see a possibility to eliminate or even reduce the negative consequences through appropriate application of national law. Consequently we believe that the ECJ decision further underlines the urgency to initiate the work on the amendment of the Directive. An amendment should make clear that non-discrimination is a general principle applicable irrespective the nature of the body that deposits mail and to all kinds of terms and conditions including volume discounts. It should then also be clarified how the non-discriminatory concept of the Directive differs from the concept in general competition law.

The ERGP could look further into this issue as a preparation for the amendment of the Directive with the aim to provide analyses and also shed light on alternative ways to solve the issue on the European level.

HR

No. For our point of view each of the Member States must be adjusted in accordance with national law and the market rules.

NL

At this moment in time we do not think there is a clear and present need for actions. But this is a complex issue. Need for action will e.g. depend on the actual effects on the development of competition, the sort of competition we would want to engender (infrastructure or services), the possibilities to intervene on the basis of existing regulatory instruments etc. etc. We would therefore like reserve our answer to this question.



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IT

In Agom's opinion, when reforming the Postal Directive, it would be advisable to clarify how the non-discrimination principle should be interpreted both for quantitative and qualitative discounts.

BE

Yes, we need a revision of article 12 of the Directive

LU

A potential effect from the recent ECJ decision would be a modification by the designated Universal Service Provider in the tariff policy applicable to consolidators which could potentially result in less favorable tariffs and to significant differences from one Member State to another.

The Luxembourg commercial discount practice should however not be modified as a result of the recent ECJ decision for the time being.

SI

We should monitor closely the situation and develop relevant communication between NRA's about what is happening on the market because of that issue.

CY

The actions needed to be taken are those stated in Q11 namely audit of the costing systems, calculation of the cost oriented prices of each product and service, approval of each discount scheme so that the main principles of non discrimination, cost orientation and transparency are met.

ES

Yes, clarification of the scope and possible consequences of the bpost case is crucial in order to avoid steps backwards when applying the non-discrimination principle.