



ERGP Work Programme 2020

Draft for Public Consultation



1. Introduction

The European Regulators Group for Postal Services (ERGP) was established by the Commission Decision 2010/C 217/07 of 10 August 2010.

The Group serves as a body for reflection, discussion and advice to the Commission in the postal services field. It facilitates consultation, coordination and cooperation between the independent national regulatory authorities (NRA) in the Member States (MS), as well in EEA and accession countries and between those authorities and the Commission, with a view to consolidating the internal market for postal services and ensuring the consistent application in all MS of Directive 97/67/EC.

ERGP's tasks, as outlined in Article 2 of the Decision establishing it, are to advise and assist the Commission:

- i) on any matter related to postal services within its competence;
- ii) in consolidating the internal markets for postal services;
- iii) on the consistent application in all MS of the regulatory framework for postal services.

ERGP carries out its tasks through consultation, in agreement with the Commission and stakeholders, in an open and transparent manner.

In order to ensure that ERGP work is relevant, transparent and efficient, ERGP has implemented from 2017 a two-step approach in planning its work.

Firstly, ERGP publishes the Medium-Term Strategy to be followed for the coming three year period, taking into account the changes in the postal markets and its implications for the regulatory strategy.

Then, each annual Work Programme in this 3 year period is based on the MTS, in the context of providing advice to the Commission and supporting the work of NRAs in implementing consistently the regulatory framework to pursue a competitive internal market for postal services.

Within ERGP's current MTS 2017 – 2019 [ERGP (16) 16] which was the first one, ERGP contributed to the consistent application of the regulatory framework for postal services in all MS, by producing a number of documents on different regulatory issues and exchanging best regulatory practices.

ERGP has provided also assistance and technical advice to the European Commission on issues related to the implementation of the Postal Services Directive and the Regulation (EU) 2018/644 on cross-border parcel delivery services and also to the future



regulatory framework (ERGP PL I (19) 12 Opinion on the review of the regulatory framework for postal services).

In addition to public consultations, ERGP has also organized open workshops and conferences with market stakeholders for a more efficient exchange of views.

2. Medium-Term Strategy (MTS) 2020-2022

As the current MTS will expire by the end of this year, ERGP has initiated the procedure for drafting the next three years MTS 2020 – 2022, which runs in parallel with the WP 2020, so that the two are consistent and relevant.

The draft MTS 2020-2022, (ERGP PL I (19) 7 MTS 2020-2022), that is also open for public consultation, describes the major challenges and opportunities for the European postal sector and has identified the following three Strategic Pillars, under which, ERGP work will be developed:

- Strategic Pillar I – Revisiting the postal sector;
- Strategic Pillar II – Promoting a competitive EU postal single market;
- Strategic Pillar III – Empowering end-users and ensuring a user-oriented universal service

In the course of pursuing the activities stemming from Strategic Pillars I, II & III, ERGP will focus on the provision of proactive and forward-looking support and advice to the European Commission in drafting a fit for purpose regulatory framework for the postal sector reflecting best regulatory practices. To ensure ERGP input will be duly taken into account, it is important to reference formal requests for ERGP input from the Commission explicitly in the legislation.

ERGP will pursue this goal through enhanced engagement with relevant stakeholders and international organisations.

Furthermore, ERGP will be supporting the three strategic pillars with the primary objective of efficiently carrying out its tasks.

3. Work Programme 2020

In WP 2020, ERGP work is prioritised in order to address in a future proof way, major current issues arising mainly from the market evolution and the new business models and international networks that are becoming increasingly important, as well as the significant changes to users' needs and the consequences thereof for the regulatory framework.

Another focus area of the activity in 2020 is the implementation of Regulation (EU) 2018/644 on cross border parcel delivery services.

Aforementioned activities will provide valuable input to the revision of the regulatory framework for postal services.

Continuation of collection and analysis of information regarding the market itself will also constitute an important part of the work to be developed in 2020, as input for evidence-based regulation.

Also, the engagement with all relevant stakeholders and international organisations should be further enhanced in line with the MTS 2020-2022.

The implementation of the 2020 WP will be entrusted to ERGP Work-Groups (WGs). Each WG, composed of experts from NRAs, members or observers, will address specific topics, analysing the relevant issues and preparing, inter alia, reports for discussion and adoption by the ERGP.

ERGP WP 2020 is organized based on the three Strategic Pillars of MTS 2020-2022, yet the planned work may be relevant to all Pillars.

Strategic Pillar I - Revisiting the postal sector

3.1 Revision of definitions suitable for the postal sector

A number of business models for parcel delivery services have emerged in the recent past and continues to emerge. Therefore it is necessary to have a clear and consistent understanding throughout all EU Member States on their definitions, classification and regulatory framework.

This is especially relevant for avoiding the application of different regulatory frameworks and potential distortions of the market, the aim is to provide a level playing field for all providers, whether they are courier and express, universal service providers that also fall under the UPU framework, transport and logistics providers or on-line platforms.

Respectively, letter post services and the relevant universal service definitions in the Member States have evolved significantly in the last years, by i.e. the provision of value-added services, such as track and trace and hybrid solutions.



Deliverable #1

ERGP Report exploring the possible definitions in the postal sector.

This ERGP Report will explore possible definitions for the services and the providers of the postal sector, that may be suitable for a future regulatory framework and could be consistently applied in all Member States. To this end, the Report will take into account the different business models and neighbouring markets in letter and parcel deliveries, mainly in terms of service characteristics, customer base and interchangeability.

The NRAs' competences and experiences in implementing Regulation 2018/644 on cross-border parcel delivery services and the key issues of other regulatory frameworks that may apply, will be taken into account also.

Adoption Plenary I

3.2 Advice to the European Commission in drafting a fit for purpose regulatory framework for the postal sector, reflecting best regulatory practices

Following the "ERGP PL I (19) 12 Opinion on the review of the regulatory framework for postal services", ERGP expects that the EC may have specific targeted requests in the run-up to the revision of the regulatory framework.

Deliverable #xx

ERGP input to the EC for the future regulatory framework

ERGP will provide support and advice to the European Commission in drafting a fit for purpose regulatory framework for the postal sector reflecting best regulatory practices, as per specific, targeted requests from the EC.

Adoption depending on eventual EC request

Strategic Pillar II - Promoting a competitive EU postal single market

3.3 Promoting competition

The challenges of a transitioning market require that regulators need to establish a level playing field allowing innovative services to emerge, and promote a fair and competitive European single postal market. To achieve that, existing and new regulatory instruments and methods, need to be introduced, while constantly monitoring the evolution of the market. NRAs need to have the competence to apply procompetitive regulatory tools like access to postal networks and services.

Deliverable #2

ERGP Report on the suitability of regulatory tools to promote competition

ERGP will analyse in how far the concept of the regulation of the telecommunications market, namely the SMP concept and the regulatory tools such as access obligation, price regulation, non-discrimination, accounting separation and transparency are suitable to promote competition in the postal markets bearing in mind the development of the markets as identified above. The report will also look alternatively at other regulatory concepts taking into account the postal sector's development and characteristics.

Adoption Plenary II

3.4 Access to international networks

It is important for the development of competition and the availability of choices for the users, that there are no unjustified, discriminatory conditions for access of postal operators to international networks and agreements. While in the telecoms sector we consider it obvious that consumers can choose the provider they prefer and still communicate with any other person and provider, domestically or internationally, this not the case in the postal sector.

Especially in the e-commerce market, where consumers would prefer to have the choice of their preferred delivery method and/or provider, this could be possible with the development of postal networks fully interconnected and interoperable, where the senders could choose their provider and the recipients could also choose their own.

Deliverable #3

ERGP Report on Interconnection models and access to international postal networks.nl

The ERGP Report will explore the existing situation and agreements between network operators and propose best practices for providing freedom of choice to the consumers. Furthermore, this report will analyse potential competition issues (i.e. discriminatory access), stemming from international agreements.

Adoption Plenary II

3.5 Monitoring of the main market developments

Having accurate and comparable information about the postal market and its developments is essential for NRAs to ensure that they perform effectively their regulatory duties and promote competition.

Deliverable #4

ERGP Report on postal core indicators

This report will describe the main conclusions on trends and evolution of the European postal market, based on the collected data. The core indicators include namely, prices, market structure indicators, volumes, revenues, employment and postal network. It will also report specific country cases if they are relevant. It will focus on aspects of the emergence of new trends in the market in terms of e-commerce and new solutions for the delivery, for example, parcel lockers.

Cooperation with the EC regarding the data collection process is also expected to continue with a view to ensure consistency of the data collected and aiming at further streamlining and simplifying the data collection process.

Adoption Plenary II

Strategic Pillar III - Empowering end-users and ensuring a user-oriented universal service

3.6 Regulation (EU) 2018/644 on cross-border parcel delivery services

The increased transparency and market oversight stemming from the Regulation (EU) 2018/644 on cross-border parcel delivery services is a key priority for ERGP work and ERGP will continue to contribute to its harmonized implementation. The work to be carried out in the evaluation of the implementation of Regulation 2018/644 (EU), will also be input, to the extent possible, to the Commission's Report on the implementation of the regulation (see Article 11 of the Regulation).

Deliverable #5 (carry on from WP2019)

ERGP Report on the provision of information on parcel delivery services (article 4 of Regulation 2018/644)

The Report will be also an input for the evaluation report of the EC according to Art 11 lit c)

Adoption 1st Quarter 2020

Deliverable #6 (carry on from WP2019)

ERGP Report on the assessment of cross-border single-piece parcel tariffs (article 6 of the Regulation 2018/644)

The Report will be also an input for the evaluation report of the EC according to Art 11 lit c)

Adoption 1st Quarter 2020

Deliverable #7

ERGP Report on the improvement of cross-border parcel delivery services.

The ERGP Report will analyse data (based on Article 4, 5 and 6 of the Regulation 2018/644) from the first two years (2019 and 2020) of full implementation of the Regulation. This will be mainly in view of evaluating the improvement and trends of cross-border parcel delivery services, taking into account the impact on cross-border parcel delivery levels and e-commerce, affordability, transparency and delivery charges. The Report will be an input for the evaluation report of the EC according to Article 11 lit a) to c).

Adoption 2nd semester 2020

3.7 Quality of service and consumer issues

Empowering both individual and business end-users is one of the most important regulatory objectives.

A task of the national regulatory authorities is to monitor the quality of service in order to guarantee a postal service of specified quality and to ensure that transparent, simple and inexpensive procedures are available to users, particularly in cases involving loss, theft, damage or non-compliance with service quality standards.

Assessing the challenges stemming from the technological change in the provision of postal services and the implications for market dynamics that may require adjustments to adequately safeguard consumers' interests are also key points for the regulators. In the e-commerce context, it is the recipient that orders for a shipment and pays for it (directly or not) however it is the sender (e-shop) that in principle concludes the contract with the delivery provider and has the choice of delivery method and the protection of rights stemming from the contract or other general provisions.

Deliverable #8

ERGP Report on key consumer issues

The ERGP Report will identify key consumer issues reflecting the changes in the market and the gradual transition from a "sender" to a "receiver" oriented postal market, concerning, among others, recipient's rights in choice of delivery provider or mode of delivery, terms and conditions, track & trace, proof of delivery, loss/damage/delay compensation, complaints in case of broken or missing e-commerce parcels, returns etc.

Adoption Plenary I

Deliverable #9

ERGP Report on Quality of service, consumer protection and complaints handling



This report represents the continuing of the work that has been developed during the last few years, presenting main conclusions on the quality of service, consumer protection and complaints handling.

It will also report on specific country cases if they are relevant and the impact of e-commerce developments on Quality of Service (QoS), consumer protection and complaint handling.

Adoption Plenary II

3.8 Other ERGP activities

Enhancing engagement with stakeholders

ERGP will focus on enhancing engagement with stakeholders and international organizations in the course of pursuing the activities of the WP2020.

Stakeholders Forum

ERGP organises, once a year, a Stakeholders Forum with the main objective of having a dialogue with all stakeholders on specific strategic issues.

The ERGP Stakeholders Forum is an important communication tool to be used by ERGP as a way to engage with stakeholders, ensure that ERGP's work remains relevant to the market in general, and promote ERGP's work.

The ERGP Stakeholders Forum 2020 will be held in Brussels as most of the associations active on the European level have an office in Brussels or are frequently present in this city. ERGP will also promote the participation of national operators and consumer associations, as well as market participants and regulators from other regions of the world.

The ERGP Stakeholder Forum will be organised as a one-day event in September 2020.