



EUROPEAN
REGULATORS GROUP
FOR POSTAL SERVICES

ERGP Report on Key Consumer Issues

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1. Introduction

1.1 Background

The digital transformation is affecting the postal sector from two sides. On the one hand, digital means of communication are replacing paper-based ones, decreasing the demand for letters through e-substitution. On the other hand, digitisation and automation together with innovation in terminal equipment (e.g. smartphones) have given the possibility to boost e-commerce and ignited both demand and innovation in parcel delivery methods, which is a competitive sector.

Along with these changes, the postal market has become less sender-oriented and more receiver-oriented. Postal services are, for example, increasingly focusing on the needs of the receiver as, for e-commerce purchases, the receiver is in fact the one who orders the product to be delivered.

Moreover, recipients of postal items are influencing more and more the delivery process as compared to traditional postal services, where the sender usually determines the delivery conditions. Nowadays consumers highly value access to quality delivery options in terms of specific delivery location, time slot, track and trace and reliable return management.¹

In an e-commerce transaction, it is the recipient who orders a shipment and pays for it (directly or indirectly) but it is the sender (e-webshop) who, in principle, concludes the contract with the delivery provider and has the choice of delivery method and the protection of rights stemming from the agreement or other general provisions. According to one of the European consumer surveys, the majority of European online shoppers (ca. 85%) would lodge an initial complaint about faulty delivery with the online shop or marketplace rather than with the delivery service provider².

¹ See: Development of Cross-border E-commerce through Parcel Delivery - Study for the European Commission, WIK 2019, p. 143-144

² Ibid, p. 166

Although both sender and recipient are still postal services users³, the rights of the recipient may not be completely taken into due account, since postal companies usually have a contractual obligation toward the sender (their customer).

Nevertheless, the recipient also has a right to receive information, to file a complaint and, in some cases where it is justified, to receive compensation damage. What is essential for the consumer is a solution to the problem, which lies very often with the concerned postal company and not the sender.

Protecting both individual and business end-users' rights is one of the most important regulatory objectives. It is essential to guarantee that all consumers are included and that their needs are satisfied. Assessing the challenges stemming from the technological change in postal services provision and the implications for market dynamics that may require adjustments to adequately safeguard consumers' interests, are also key points for the regulators.

Recently, the EC has commissioned a study of user needs in the postal sector in order to facilitate the evaluation of the Postal Services Directive, which is scheduled for 2020. According to the preliminary results of the study available at the time of drafting this report, the study acknowledged the need of further safeguarding the interest of consumers in the future regulatory framework.⁴

³ In this report users are defined in compliance with Art. 2.17 of Postal Services Directive, by being of any *natural or legal person benefiting from universal service provision as a sender or an addressee*, but extended for this report also for non universal service customers especially of parcel and express services;

⁴ As presented in the WIK Study for DG Grow "User Needs in the Postal Sector" - the PSD should strengthen user protection and clarify rights of receivers by explicitly including receivers in rules on user protection, mandatory compensation schemes and out of court resolution schemes.

The “ERGP Opinion on the review of the regulatory framework for postal services”⁵ published in 2019, stated that: *“provisions in a new regulatory framework will have to reflect the reorientation in postal markets from a “sender-oriented” to a “receiver-oriented” service provision and hence consider users’ rights and interests also concerning the digital services associated with the provision of postal services. To this end, it should identify the minimum requirements needed to protect postal users in terms of, for example, transparency of commercial offers and contracts in order to make informed choices, proof of delivery, compensation in cases of non-compliance (loss/damage/delay), track and trace options, corrective properties of complaint and compensation procedures to be offered by postal operators.”*

This ERGP report attempts to 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 other things, the recipient’s rights to choose the delivery provider, the mode of delivery, track and trace, proof of delivery, loss/damage/delay compensation, and to complain in case of damaged or missing e-commerce parcels.

The report delivers a compilation of the changes and developments in the postal markets with a special focus on the situation of consumers in this changing environment. It also compiles the views of NRAs and organisations dealing with consumer issues. However it must be mentioned that the postal NRAs’ competences in the matter of consumer issues differ substantially among ERGP Member States.

Based on the findings of this report, we suggest the continuation of the project, in which it will be necessary to analyse the overall legal and contractual situation of consumers in the field of postal services in the respective Member States in order to be able to assess the need for further harmonization and to develop recommendations for the revision of the European postal framework.

The report is structured in six chapters reflecting applied logic.

The introduction chapter (1) sets the aim and the background of the report as well as the working method applied.

⁵ ERGP PL I (19) 12 Opinion on the review of the regulatory framework, p.10

The market evolution and consumer expectations chapter (2) locates the analysis against current landscape of the postal market in EU supported by the selected facts and figures. The chapter provides insights into key customers' needs observed nowadays. Concluding among others that beside of more and more efficient and flexible delivery, consumers do care about how their complaints are handled and how potential disputes are settled. Finally, the chapter is supplemented with a selection of examples of how postal operators are taking initiatives to respond to those evolved consumer needs and market situation.

The market and consumer challenges chapter (3) presents in a broad approach some diverse challenges currently faced by operators and end-users in the field of postal services, in terms of economic accessibility, fast distribution process, return services, the possibility of tracking, complaints handling and redress procedures, as well as the geographic accessibility.

The next chapter (4) is dedicated to the current legal framework, divided into two subchapters. Subchapter 4.1 provides an overview of the European legislation that is in force regarding consumer protection in the field of postal services. It mainly focuses on the provisions set out by the Postal Services Directive, as well as on the consumer rights arising from the e-Commerce Directive. This subchapter also reflects on how contractual relationships influence the provision of postal services. It concludes with some brief considerations on possible improvements in the current legal framework. **Subchapter 4.2 is based on the results of the questionnaires about the transposition into the ERGP Member States' legislation of specific consumer issues** related Articles of the PSD, the Directive on ADR⁶ and Directive on consumer protection (EU) 2019/2161.

Then the report presents in the next chapter (5) an analysis of the responses on the questionnaires by NRA representatives based on their regulatory practices, as well as national consumer protection bodies and consumer association, which reflected the users' perspective.

The final chapter (6) presents the report's conclusions drawing attention to consumer aspects in the legal framework.

⁶ Alternative Dispute Resolution

1.2 Working method

The report was prepared by using a mix of desk research, data from previous ERGP reports and the analysis of the answers provided to the questionnaire regarding different aspects of the key consumer issues stemming from the transition from a “sender” to a “receiver” oriented postal market in a number of countries, submitted in March and April 2020 to ERGP members and its observers.

The NRAs from the following countries have replied to the questionnaire for NRAs: Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxemburg, Malta, the Netherlands, Republic of North Macedonia, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden and Turkey.

The NRAs from the following countries have received replies to the questionnaire for consumers from consumer organisations, alternative dispute resolution bodies, namely: Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, France, Greece, Lithuania, the Netherlands⁷, Portugal, Romania, Sweden and Turkey.

The report reflects the feedback in the first half of 2020.

⁷ The Netherlands’ NRA has the competence as the consumer authority and provided answers also to the consumers questionnaire

2. Market evolution and consumer expectations

2.1 Market trends & figures

E-commerce and digitisation are having a significant impact on postal markets. While on one hand the demand for parcels is growing due to the e-commerce boom, on the other hand digitalisation enables people to e-substitute letters. These trends are reflected in the transformation process of USPs, present on both segments. Indeed, USPs used to enjoy limited competition on the declining letter segment while they have to compete fiercely on the growing parcel segment.

Figure 1 below shows that in Europe, parcel volumes have gone up by 31% between 2014 and 2018, and prices have increased slightly, while letter volumes have declined by 17%, but a significant increase in prices compensated the decline in demand in terms of revenues.

Figure 1: Letters vs Parcels, total volume and average USP price⁸ evolution in Europe (2014-2018)



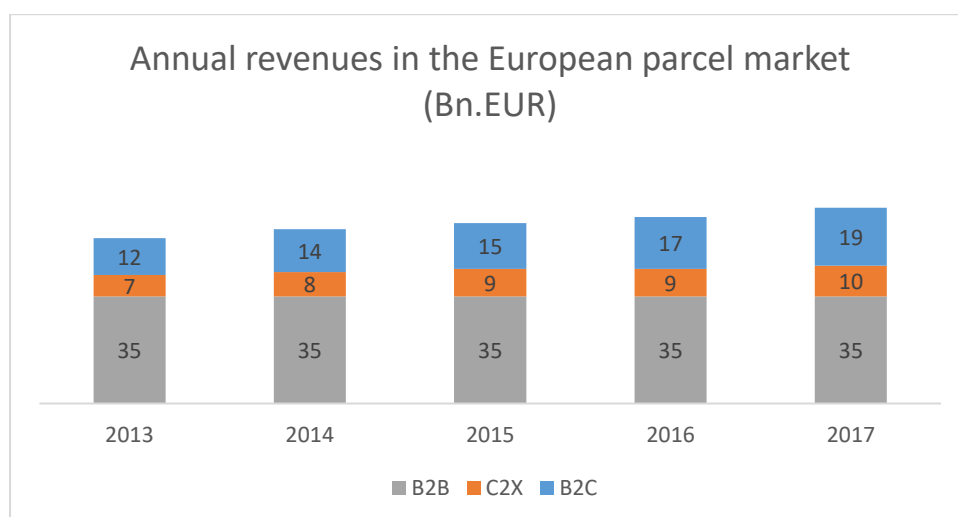
Source: ERGP market monitoring 2019

⁸ Price used in this comparison is for a single-piece product of the USP, domestic priority letters and domestic priority parcels (2kg). The scope of countries includes 33 countries in geographical Europe as in the market core indicators report. The price trend for large sellers may be different due to volume rebates.

Fierce competition on the parcels market has forced postal operators to innovate, reduce costs and increase operational efficiency. To control costs but also for company reputational reasons, postal operators are seeking alternative ways of transport that are more efficient and environmentally friendly. Hence, to meet these goals, postal operators have increased their investments over the past few years (capital expenditure from 4.2% of turnover in 2014 to 5% in 2018)⁹

As the increasing volume of parcels was triggered by the surge of e-commerce, it is the revenues from B2C parcels in Europe that have risen the most in the parcel market, from 12 billion EUR in 2013 to 19 billion EUR in 2017, which represents a 58% increase in this period. Although being the main proportion of the annual revenues, the B2B segment remained constant while the C2X market slightly increased.

Figure 2: B2X, C2X, B2B in Europe



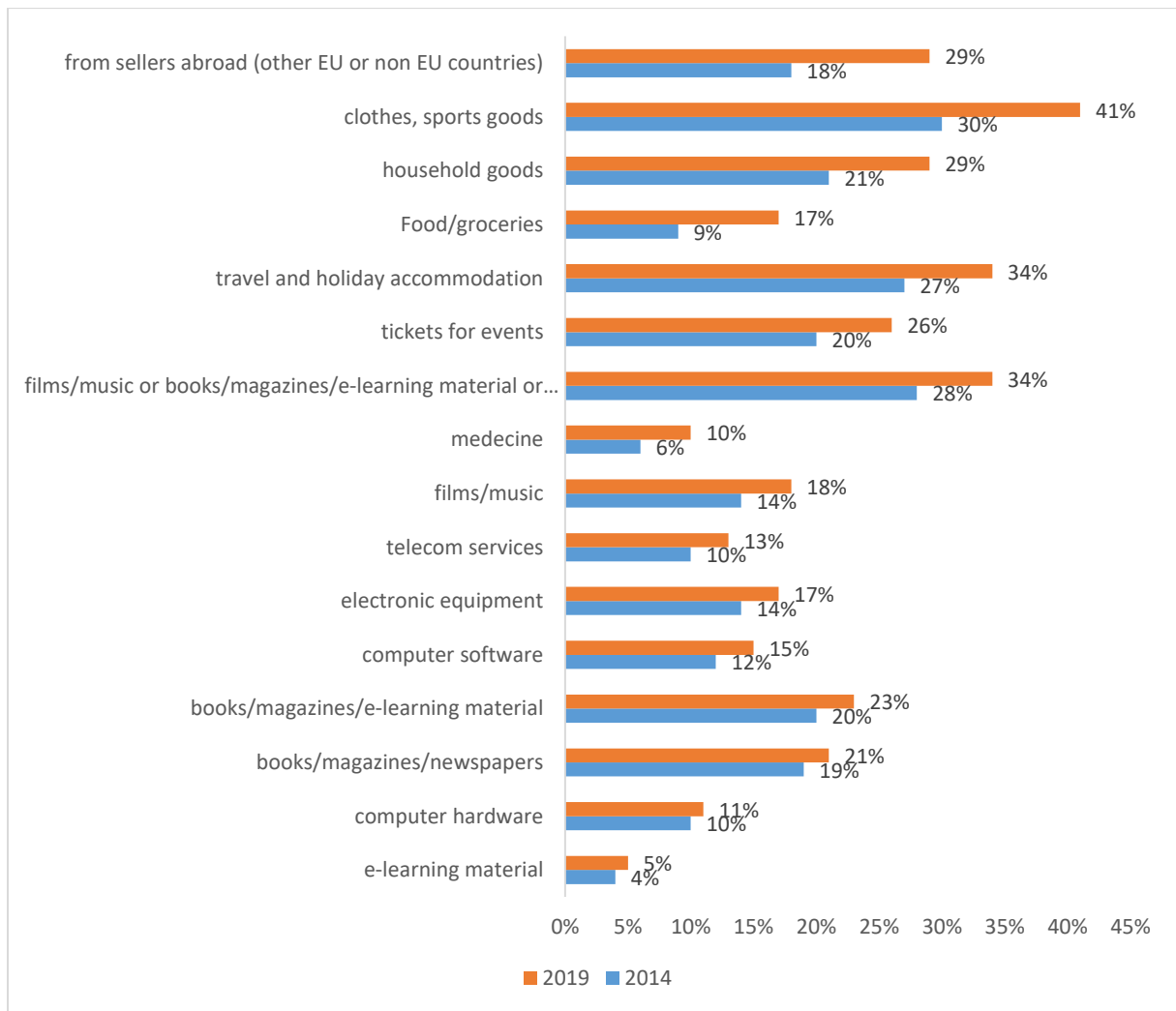
Source: WIK, report: *development of cross-border E-commerce through Parcel Delivery, 2018*

The data of the ICT survey provided by Eurostat give some insights into consumers' usage of e-commerce and thereby parcel delivery in Europe. The aim of the European ICT surveys is the timely provision of statistics on individuals and households regarding the use of Information and Communication Technologies at the European level.

⁹ idem

Figure 3 illustrates how online purchases are getting more and more widespread across the population and this for all segments of e-commerce. The most significant increase concerns purchases on foreign websites (non national), the purchase of clothes, household goods and food/groceries.

Figure 3: Share of individuals making online purchases in the different e-commerce segments (2014 vs 2019)



Source: Eurostat, ICT survey,

https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=isoc_ec_ibuy&lang=en

The following table shows the main barriers perceived by individual customers for buying or ordering online. Two of those barriers are directly linked to delivery services:

- trust in returning or receiving goods, which represented a barrier for 4%;
- too long delivery times or the problem to receive the ordered products at home represented a barrier for 2% of people.

Table 1: The main barriers perceived by customers who are not buying or ordering over the Internet (share of all individuals)

Individuals who, in the last 12 months, haven't ordered goods or services over the internet:	2019
because they prefer to shop in person, they like to see product, loyalty to shops or force of habit	18%
because: Payment security concerns	6%
because they lack the necessary skills	5%
because of trust concerns about receiving or returning goods, complaint / redress concerns	4%
because they don't have a payment card	3%
because of other reasons	3%
because of too long delivery times or because of the problematic to receive the ordered goods at home	2%
because the foreign retailer did not sell in my country	1%

Source: Eurostat, ICT survey,

https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=isoc_ec_inb&lang=en

The situation changes somehow if we compare these results regarding perceived barriers for customers with the actual barriers that customers have encountered when purchasing online shown in table 2.

The speed of delivery being longer than expected is the primary issue that was encountered by individuals (12%) and it is on the increase. Also 7% of individuals were faced with a damaged delivery. A higher final price of delivery than indicated is another issue faced by 3% of customers.

Table 2: The actual barriers that were faced by customers purchasing online (share of all individuals)¹⁰

Individuals who encountered the following problem when buying/ordering over the Internet:	2015	2016	2017	2019
Speed of delivery longer than indicated	8%	10%	10%	12%
wrong or damaged good/services delivered	4%	5%	5%	7%
technical failure	6%	8%	6%	7%
Complaints and redress were difficult or no satisfactory response received after complaint	2%	2%	2%	4%
Delivery costs or final price higher than indicated	2%	2%	2%	3%
difficulties finding information concerning guarantees, other legal rights	2%	3%	3%	3%
foreign retailer did not sell in my country	2%	2%	2%	3%
problems with fraud	1%	2%	2%	2%
Individuals who encountered the following problem when making purchases over the Internet: Other	1%	1%	1%	1%

Source: Eurostat, ICT survey,

https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=isoc_ec_iprb&lang=en

When focusing on deliveries, the results of table 1 and 2 show us that although concerns linked to postal deliveries do not constitute one of the main barriers for purchasing online, issues linked to deliveries constitute the main problem online customers are likely to face, noting that the % of individuals encountering a problem is relatively low but increasing

It is worth underlining that as individuals are making more and more purchases year after year, they are more likely to encounter one of the problems above. In other words, people with a high online purchases frequency are also expected to be more affected at some point by the issues mentioned above. As the data concern the share of individuals, the increase observed over the years in the data is not relevant to assess whether there is an increase in the share of e-commerce transactions that lead to one of the issues listed above.

Eurostat data provided in the following table, indicate that the evolution of e-commerce among customers differs across the population demographics. Indeed, Table 3 shows us that being younger, wealthier, more educated or living in cities makes one order online more than others.

¹⁰ 2018 data are not available.

Table 3: The use of e-commerce among customers differs across the population

Percentage of individuals with a last online purchase in the last 3 months	2010	2015	2019
Individuals, 16 to 24 years old	36%	51%	63%
Individuals, 35 to 44 years old	39%	51%	64%
Individuals, 45 to 54 years old	30%	44%	53%
Individuals, 55 to 64 years old	20%	30%	40%
Individuals, 65 to 74 years old	10%	19%	26%
Individuals with no or low formal education	13%	21%	28%
Individuals with medium formal education	33%	43%	53%
Individuals with high formal education	52%	64%	73%
Individual living in a household with income in first quartile	NA	27%	37%
Individual living in a household with income in second quartile	NA	32%	45%
Individual living in a household with income in third quartile	NA	43%	55%
Individual living in a household with income in fourth quartile	NA	56%	65%
Individuals living in cities	35%	47%	57%
Individuals living in rural areas	23%	36%	46%

Source: Eurostat, ICT,

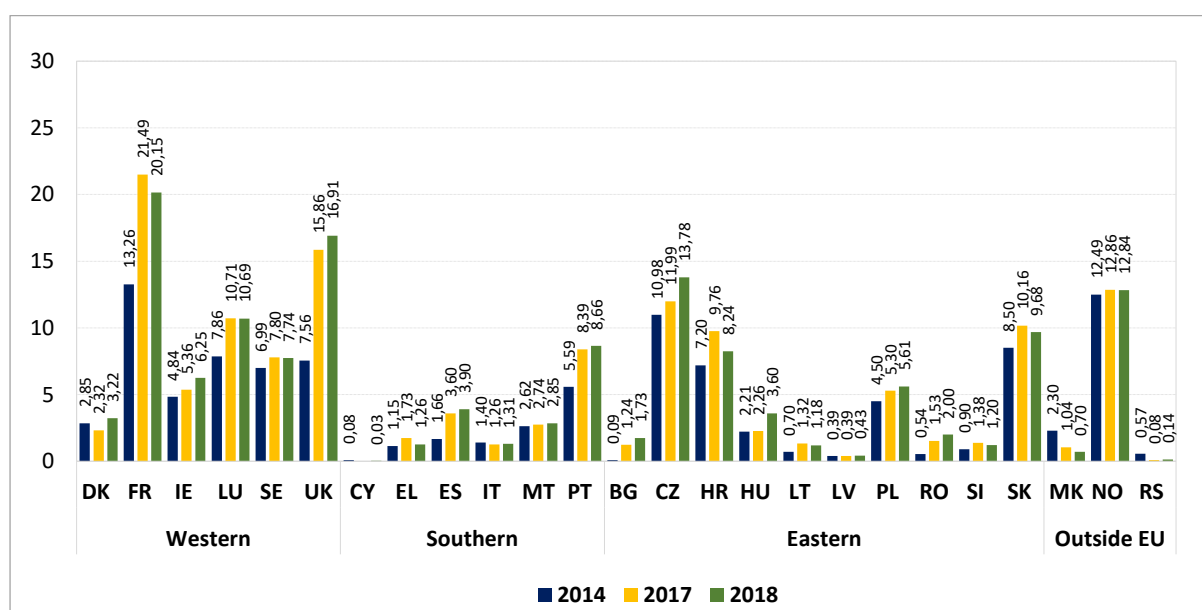
https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=isoc_ec_ibuy&lang=en

As people with a higher online purchases frequency are also more likely to be subject at some point to the issues mentioned in table 3 above, they might be willing to subscribe to a premium service to benefit from a better protection against those issues. Subscription services may provide free shipping, price advantages and a two-day or next-day delivery. The last IPC survey indicated that 28% of the respondents said they were members of Amazon Prime while only 3% said they were members of another similar delivery subscription programme. These figures might reflect the significant concentration and asymmetry of the e-commerce market.

A higher concentration on the retail market than on the parcels delivery market may provide an advantage to big e-retailers in their bargaining position with postal operators. Subscription services may increase this aspect of high concentration in the e-commerce market as the customer has the incentive of going through the same platform to which he has subscribed. This could pose a risk that operators competing fiercely for volumes from large e-retailers may tend to overstate their capacity in delivering within a certain specific time-lapse to obtain the contract.

The figure below shows the number of complaints received per 1,000 inhabitants in Europe. The performance varies a lot across countries, but a comparison between countries would be misleading and inaccurate, as there are significant differences not only in data collection methods, but also in the national regulatory frameworks and practices. The evolution of the data suggests that after a surge between 2014 and 2017 complaints remained more steady between 2017 and 2018.

Figure 4: Complaints received by USPs about universal services per country per 1,000 inhabitants, 2014, 2017, 2018



Source: ERGP report on QoS, consumer protection and complaint handling of 2019

2.2 What are the customers' needs?

In this section we focus on customers' needs mainly from an e-commerce boom perspective as it is expected to provide the key momentum to the process of transition of the postal market from "sender-oriented" to "receiver-oriented". We realise that at the same time, important social developments such as increased urbanisation and population aging also will influence customer needs¹¹ in the field of postal universal service, but we consider this to be beyond the scope of this report.

When consumers buy goods online, they have an almost unlimited choice in terms of what, where, and when they buy. According to many surveys¹², e-shoppers also expect a similar choice and control when it comes to delivery of the products purchased.

However, merely offering a wide range of delivery options is no longer enough. Delivery has become the defining moment of a consumer's overall online shopping experience – the differentiating factor that influences the entire purchasing transaction¹³. Undoubtedly, consumers will base their judgement of the performance and reputation of an online seller mostly on the transparency, ease and accuracy of his delivery process.

Consumers expect seamless and straightforward processes for receiving the goods they purchase. They expect the process to feature sufficient and necessary interactions that keep them informed of delivery progress and to have the opportunity to reschedule delivery.

Furthermore, the way a merchant handles and manages the returns of products has become one of the decisive factors for shoppers, when it comes to where they shop. Therefore, this requirement creates additional complexity for e-sellers, who will need to improve their delivery capabilities as to speed, flexibility and reliability in order to remain relevant and competitive. Consumers will not tolerate unfulfilled promises, expect to encounter the right delivery options for their needs, are not prepared to pay over the odds for the services they expect to have, and will not accept any

¹¹ "Postal services in the EU" Research for the TRAN Committee, Copenhagen Economics, 2019.

¹² See eg. "State of e-commerce delivery - consumer research report", Metapack 2016.

¹³ Idem

unnecessary complications. In an increasingly competitive online marketplace, consumer loyalty is difficult to win and even harder to maintain.

All the above puts new challenges on delivery operators, as they need to develop new customer-oriented delivery solutions that offer convenient delivery options at reasonable prices. These are being met in the competitive parcel delivery sector.

According to the report on “E-commerce and Delivery”¹⁴, delivery conditions are relevant for consumers’ decisions to buy online:

- At least 90% of e-shoppers mention low delivery prices and convenient return options as important for their decision to buy from the same web shop again. ‘Free’ delivery or flexible and convenient deliveries are also important as mentioned by 85-90% of e-shoppers.
- The delivery aspects most important to e-shoppers are:
 - low delivery prices,
 - home delivery,
 - access to electronic delivery notifications and track and trace,
 - convenient return options.
- The main drivers of delivery preferences seem to be the age of e-shoppers as well as their residential location. Indeed fast delivery is more important to younger e-shoppers than to older ones, as well as to people residing in urban areas.
- An interesting finding is that e-shoppers find time-specific delivery more critical than fast delivery.

This evolution also highlights the importance of useful information flows between delivery operators, e-retailers and e-shoppers during the delivery process, e.g. access to real-time information, track and trace and electronic delivery notifications.

According to the report on “State of E-commerce Delivery”¹⁵, consumers have come to expect free and easy options for receiving the products they have purchased, so retailers are obliged to maintain these services because when consumers see something they like, they must have it. Once disruptive new services are being quickly adopted by consumers when these suit their needs.

¹⁴ “E-commerce and Delivery” Copenhagen Economics for European Commission, 2013

¹⁵ “State of E-commerce Delivery - Consumer Research Report”, Metapack, 2016

The need to deliver more parcels faster and at a lower cost to meet customer expectations is increasing the pressure on delivery providers and especially on the “last mile” – the final phase in the delivery process when the parcel reaches the end-customer –, which is the most expensive and time-consuming step of the delivery process.

According to the Accenture report¹⁶, as the rapid growth of e-commerce continues to fuel consumer expectations for faster, more flexible delivery, current delivery models may be forced to effectively adapt to sustain prosperity.

As technology further reduces over time the cost of fulfilment and delivery, retail will continue to evolve to a marketplace model that intelligently arranges multiple inventory sources and delivery providers while meeting customer expectations for increased choice, speed, flexibility and personalization. As a result, the battle for customers may be increasingly won or lost in the last mile.

In addition to needs concerning the flexibility of delivery, expectations of consumers also include procedures for delivery failures. Easily accessible information on liability issues as well as redress procedures are important for consumers in case of lost and damaged parcels. Consumers also care about how their complaints are handled and how disputes are settled.

¹⁶ “Last Mile Delivery Meet Customer Expectations?” Accenture, 2017.

2.3 Examples of changes applied by operators

Postal operators have already been acting and taking initiatives to respond to consumer needs reflecting the competitive dynamics of the sector. The rapid emergence of e-commerce is boosting parcel volumes and at the same time opening a chance for market players to reinvent themselves to meet customers' needs. To compete, the postal operators start to transform their traditional role as domestic mail providers into e-commerce delivery partners, often becoming parcel operators.

The rise of e-commerce and new technologies applied in the postal delivery chain have been changing the postal industry. The market players, including postal operators are aware of the need to put the customer first or face losing valuable trade in the competitive sector.

Digitally connected consumers, looking for lower prices, greater convenience and seamless service when buying, receiving and returning products, are forcing the companies to rethink traditional parcel delivery. As the consumer is at the heart of change across the world, to meet this demand, the market players are using a combination of technology and forward-thinking strategy¹⁷.

The overwhelming majority of postal operators are using or planning to use data analytics for better customer awareness and to prepare to meet future consumer demand, expanding capacity and modernizing networks¹⁸.

Technology is becoming a key digital solution and plays a critical role in improving efficiency. Priorities in this transformation include making it easier for customers to access postal services through greater automation of counter transactions and greater use of self-service technology as well as modernizing branch facilities. In particular, mobile technology and integrated IT solutions are key drivers in the postal sector.

At the same time, it is important to realize that technological innovations are mainly introduced in the parcel segment of the postal market, which is much more competitive than the letter segment. In addition, not all solutions are widespread enough to talk about permanent, well-established

¹⁷ The Future of Posts 2019 report, Escher Group.

¹⁸ The Future of Posts 2019 survey, Escher Group.

technological changes. There is still a lot to be done, but clear technological progress is undoubtedly noticed.

Below you will find some of the operators' new solutions to respond better to the change of consumer needs in the following areas:

- Last mile delivery options
- Tracking
- Improving postal services and other solutions
- Environmentally friendly postal operators

The examples presented in the report are only an illustration of some market initiatives and the ERGP does not put any value assessment on these measures. These examples aim to provide an idea of the developments going on in the postal industry.

2.3.1. Last mile delivery options

Last-mile delivery in e-commerce is evolving at a rapid pace, with advanced analytics, dynamic route optimization and AI, so that postal providers can now offer better speed and flexibility for deliveries.

“The last mile” is one of the main challenges in logistics today, both in terms of efficiency and costs. Delivery of the parcels directly to the consumers is the most expensive element of the supply chain. It is much cheaper (on average 25-40%) if parcels are transported to a pickup point instead of to the door of the addressee.¹⁹

At the same time, customers want to have more control over the whole delivery experience. Real-time tracking and the ability to redirect orders are becoming more important. On top of this, some of them want same-day delivery as well.

Although consumers are increasingly demanding and aware of their rights, their needs are diverse. That is why the market is trying to give an adequate answer by offering flexible solutions. Examples illustrating such trends are presented further in the text.

¹⁹ <https://wyborcza.biz/biznes/7,147743,23837225,zaczela-sie-rewolucja-na-ryнку-paczek-nadchodza-drony-przymierzalnie.html?disableRedirects=true>

In the competitive environment, successful postal companies have to focus on the recipient taking into account three factors: delivery control, delivery locations and delivery timing²⁰. There is no doubt that consumers are expecting a better last-mile service, which keeps them in control of how, when and where the parcels are delivered.

As choices broaden, some consumers want new delivery options such as lockers or pickup locations that enable a secure, 24 hour and 7 days a week delivery option. While there is a significant investment in speed, postal operators focus on providing consumers a range of delivery times (often at different price levels), which provides flexibility. Parcel lockers and autonomous stations that can be used to receive or send a parcel are among the several plausible alternative solutions that customers can select to manage their deliveries or dispatches. For logistics companies, investment in parcel lockers can reduce costs in the logistics chain, increase delivery efficiency and generate new market opportunities²¹.

Postal operators now offer a range of services, innovative solutions and delivery options that consumers may select based on their specific needs. They expand their networks through new automated channels such as automated self-service kiosks that provide customers with always available postal services in multiple locations, thus offering additional services at a reduced cost. Such solutions ensure more efficient parcel deliveries and return to meet the growing demands of consumers.

La Poste, the designated operator of France, for instance, is a pioneer in postal self-service, having installed 5,000 self-service post kiosks in its branches to shorten queuing time, improve process efficiency and increase overall customer convenience. Australian Post has also integrated self-service terminals as an integral component of their retail outlets²².

²⁰ Accenture report (2015) “Adding Value to Parcel Delivery”

²¹ IPC – Delivery Choice – Parcel lockers 2018 Overview

²² Pierre Audion Consultants (PAC) market research 2014

In Spain, Correos has installed 5,000 delivery devices called *CityPaq* across the country. Located in stations, shopping centres, gas stations or companies, even in residential communities of owners, they allow consumers to receive their 'online' purchases at any time of the day²³.

Royal Mail (together with its Parcelforce business) has conducted trials of a new type of street-level infrastructure providing access to its delivery network: parcel postboxes²⁴ and kiosks. Users can drop off their parcels in them in much the same way as they would do with a traditional letter postbox, having paid for the postage in advance by printing a label at home and fixing it to the parcel before posting it.

The e-commerce market is a demanding business. It is to be a place of safe and convenient online shopping that ensures customers freedom, including choosing the method of delivery of ordered items.

Their choice is also determined by the short delivery time. For urgent occasions consumers want postal items to arrive on the same day. E-Sellers' response is delivery on the same day, which is provided for instance by "Poczta Polska" - the designated operator in Poland – by way of its "Pocztex" courier service. Same-day delivery is an attractive solution for both e-Shop customers and e-Shops themselves. Consumers receive purchased items within a few hours of ordering. For e-Shops, same-day delivery is a saving, because the goods ordered by the consumer are immediately ready to be sent, and the quickly finalized purchase is cash on the e-seller's bank account²⁵.

Many other postal operators try to attract customers with fast delivery option. For example, TNT in the UK is offering Same Day delivery and courier service. TNT can guarantee the package reaches its destination in time²⁶.

²³https://www.correos.es/ss/Satellite/site/producto-1363190934474-productos_az/detalle_de_producto-sidioma=en_GB#

²⁴ Ofcom Annual monitoring update on the postal market, Financial year 2017-18

²⁵<http://www.pocztex.pl/aktualnosci/z-kurierem-pocztex-nadane-dzis-przesylki-zostana-doreczone-jeszcze-tego-samego-dnia-do-ich-adresata/>

²⁶ <https://direct.tnt.co.uk/services/same-day-delivery>

2.3.2. Tracking

E-commerce is stimulating various parcel operators to invest in new infrastructure and new services, especially tracking software, to meet growing consumer demand for these services and gain market share.

The back-end infrastructure provides tracking capabilities, so customers can track the status of their mail from the moment they drop it in the post box. Track and trace is a service commonly adopted by the operators to enable consumers to track their postal items online. This is a valuable solution also for web shops to know that their parcels have arrived at their customers.

In 2018, UK operator Yodel announced the launch of its “Inflight” service on its smartphone application, allowing customers to track the delivery driver in real-time and to change their delivery options and preferred address up to an hour before the delivery is due²⁷. Other parcel operators have invested in new software platforms to improve parcel tracking, allowing customers to track the delivery driver in real-time and to change their delivery options and preferred address up to an hour before the delivery is due.

2.3.3. Improving postal services and other solutions

Postal operators are trying to improve their services, using a variety of solutions, ranging from the simplest, well known for quite a long time, such as SMS.

SMS notification is a fast way for customers to choose when and where to collect a letter or parcel, know when it has been delivered and at what time it is ready for pickup. Likewise, the sender can be alerted by an SMS as soon as a mailing has been collected. Other options include the SMS being sent to a third party and concurrently an email notification submitted²⁸.

Apart from SMS notification, communication with consumers is increasingly being done through the mobile application of the postal operator. The online mobile app “Poczta Polska” is a modern tool that

²⁷ Ofcom Annual monitoring update on the postal market, Financial year 2017-18

²⁸ Realising Europe’s potential: E-commerce and the Postal Operators - IPC/PostEurop

allows remote access to information about parcels and parcels sent via “Poczta Polska” or its foreign partners at any time. Thanks to the mobile application, customers using a wide range of devices gain quick and easy access to information about their shipments. They can check via their phone whether the parcel has already been delivered. Just by entering the number, the system provides all information about the stage of the service. The history of searched mail is saved and presented each time the app is started. The application also allows location on a digital map of a post office located in the circle of customer interest, along with information about the office's opening hours and contact phones²⁹.

In the Netherlands, thanks to the My Post application of PostNL - the Dutch designated USP - customers receive a notification as soon as the mail is on its way and they know early in the morning which mail is in the mailbox that day. They will immediately see a picture of the card or envelope³⁰.

Some companies have introduced new Point-of-Service (POS) software, which allows them to engage customers as they enter the post office, increasing efficiency and improving customer experience. Consumers get immediate service and real-time information, making them more likely to return.

Today there are more than 11,000 post offices across the UK, which are increasingly adopting automated checkouts, which improves the customer experience by reducing waiting times and giving them control over their payment process.³¹ Implementing self-service POS solutions is one way the postal industry is upgrading in-store operations.

In addition to the solutions presented earlier, postal operators undertake many other initiatives on their markets, trying to meet the expectations of consumers.

Austrian Post has introduced “Drop-Off Box” for 24/7 returns, and “Parcel Box” - parcels are placed in a secure box within selected apartment buildings. The customer is provided with a secret access code to access the safe box³².

²⁹ <https://www.poczta-polska.pl/aplikacja-mobilna/>

³⁰ <https://www.postnl.nl/campagnes/mijn-post-in-de-app/>

³¹ <https://www.information-age.com/postal-services-reinventing-customer-service-123483178/>

³² Realising Europe’s potential: E-commerce and the Postal Operators - IPC/PostEurop

In the UK, Royal Mail has trialed a 'delivery to neighbour' initiative where a neighbour can receive a parcel if the intended recipient is not at home. Initial trials revealed a 92% satisfaction rate³³.

Through its "Colissimo" offering Le Groupe La Poste in France offers several innovative IT solutions to e-retailers to help them expand consumer choice when it comes to e-commerce, including a selection of delivery methods and pickup locations³⁴.

Nordic consumers often prefer parcels to be delivered to a designated service point rather than at home; therefore, PostNord created "MyPack", a service in which the operator delivers to 4,450 local service points within the Nordic countries, provides longer operating hours, accurate tracking along the entire delivery chain and SMS notification³⁵.

The traditional solution, where mail is delivered by postal operators, raises increasing complications. The largest cities in the world have been struggling with the problem of growing traffic. On the other hand, it is not easy to reach certain remote areas. The use of drones to provide transport services may be the answer to some of these challenges. Delivering goods by drone is no longer science fiction, but a real scenario, which several postal operators are trying to implement.

The Finnish Post e.g. delivers packages using drones. The designated operator in Finland, Posti Group, has begun tests in which drones deliver parcels to residents living in built-up areas. That initiative is the first project of this type in Europe³⁶. In an official announcement, Posti Group announced the start of drone testing; machines will deliver parcels to selected customers who, when ordering goods in online stores, choose the option of postal delivery.

³³ Realising Europe's potential: E-commerce and the Postal Operators - IPC/PostEurop

³⁴ Realising Europe's potential: E-commerce and the Postal Operators - IPC/PostEurop

³⁵ <https://docplayer.net/8612583-Realising-europe-s-potential-e-commerce-and-the-postal-operators.html>

³⁶ <https://ecommercenews.eu/finnish-postal-service-tests-drone-to-deliver-online-purchases/>

2.3.4 Environmentally friendly postal operators

Due to increasing pressure and consumer ecological awareness, postal operators attach great importance to the issue of sustainable development and environmental protection. Such initiatives mainly apply to the use of environmentally-friendly vehicles such as electric cars and bicycles. The postal operators are also able to track, report, record and study their ability to reduce their emissions through for example the UPU “Online Solution for Carbon Analysis and Reporting”, known as OSCAR³⁷.

This free online tool puts sustainability at the heart of postal operations by enabling postal operators to calculate their greenhouse gas emissions and compare their results year on year. With the launch of OSCAR, postal operators have access to an easy to use, interactive calculator that enables them to evaluate in detail their most significant environmental impacts and where the most environmental gains can be achieved, whether it be by taking measures to save fuel or electricity, or by making transports between facilities more efficient.

Deutsche Post AG has launched a new “circular economy” green logistics model to help organisations implement or improve practices reducing raw material energy consumption. The new model provides logistics companies with a reverse logistics solution to collect used, unwanted or damaged goods for refurbishment, recycling, redistribution or re-use³⁸.

Many other postal operators have been going in the same direction for years and look forward. For example, PostNL aims to deliver carbon neutral in ten years; it wants to deliver all parcels and mail without emissions in the Benelux by 2030. The Dutch postal operator wants to achieve this through better cooperation in the supply chain, bundling postal items so that the delivery person can pick up and deliver everything along the route, and with solutions such as less air in the package. In addition, PostNL strives to make every kilometre travelled as economical and ecological as possible. Postal suppliers have been doing their work for years on foot or by bicycle (electric). For the remaining kilometres, PostNL uses cars with low fuel consumption, as well as vehicles powered by green gas and electricity. It also helps its customers with its own products and services to make the sending and receiving chain as balanced as possible³⁹.

³⁷ UPU Magazine, Spring 2019

³⁸ <https://www.dpdhl.com/en/sustainability/environment-and-solutions/green-products-and-services.html>

³⁹ <https://www.postnl.nl/over-postnl/over-ons/mvo/duurzaam-in-logistiek/videos-duurzaam/>

It is worth pointing out the importance of the existing infrastructure of the USPs, which still remains a key element of the postal network, with its easily accessible post offices, essential to consumers, especially in terms of universal services provision. We may expect that the USPs will continue to rely on their traditional capabilities, such as their universal physical delivery network. However, the designated postal operators will also need to acquire new technical capabilities related to data processing and management as well as technology standards.

To sum up, all these developments have to be seen against the background of market trends set by digitization and changing consumer habits. The downward trend of the USPs' letter mail traffic is slowing down, while parcel mail continues to perform strongly⁴⁰. The USPs remain dominant in letter mail, but the picture is different when it comes to parcels - the segment that is growing fastest with strong competitive dynamics. Therefore, the efforts of all postal operators are concentrated and most visible for consumers precisely in this part of the market.

⁴⁰ 2019, Latest trends in an evolving sector Bern, Switzerland – February 2019 UPU.

3. Market and consumer challenges

3.1 General matters

While the decline in postal volumes has shaped the postal market and continues to lead to change, the growing e-commerce industry is creating new opportunities and requirements for the postal market to respond to and lessen the adverse effects of the decline in letter post by becoming more efficient to compete in the competitive parcel delivery.

This transfer, taken together with the findings from a study published by the European Commission⁴¹ on the development of cross-border e-commerce through parcel delivery, indicate that the postal industry deals, at the Community level, with increasingly high volumes of items generated by electronic commerce, which may explain the constant growth of the parcel traffic.

As technology evolves so do the users' expectations, who want high quality and rapid postal services. In this context, most of the postal service providers have adopted - as part of their business development strategy - the massive mechanization of the postal item processing flows, in order to be able to respond to the more complex needs of the users and to maintain the economical sustainability of postal service provision.

3.2 Economic accessibility

The economic dynamics of the postal services in recent years show that the financial effort corresponding to the parcel processing grows steadily (the cost price), and this could put pressure on the providers to remain competitive if the increased parcel traffic revenue is not sufficient to cover these parcel delivery investments costs. In other words, increasing the speed of parcel processing means constant investments for optimizing the postal networks costs that are not always covered by increasing the parcels traffic, especially if there is strong competition on prices and resultant profit margin to deliver e-commerce parcels. In this context, the economic challenge in the market is to keep

⁴¹ <https://op.europa.eu/en/publication-detail/-/publication/3fd47ff1-574d-11e9-a8ed-01aa75ed71a1/language-en/format-PDF/source-search>;

the lower cost price concomitant with an accessible service tariff for all categories of users, including those with low incomes.

3.3 Fast distribution process

Some users may wish their postal services to be delivered as fast as possible. In the case of users willing to pay a higher tariff to benefit from the rapid distribution of their parcels, the parcel delivery requirements have evolved to being measured according to just two parameters: next working day delivery or same-day delivery.

This requirement becomes an issue, especially in times when the consumption behaviour characteristic to the users who buy goods online generates huge short-term traffic increases (e.g. during winter holidays).

3.4 Return services

In the e-commerce context, providing the return service for the product purchased online becomes a multiple challenge: both from the perspective of the postal operator and the e-commerce retailer. In general terms, the return service is one of the essential stages in fulfilling the contract between sender and the postal operator and comes with additional costs in this contractual relation.

From the perspective of the e-commerce platform, providing this service for free is also a marketing strategy. In this context, the online retailer is the one who usually incurs the additional costs caused by the return service.

3.5 The possibility of tracking

The online track & trace service has become for many operators a standard component of the service, being implemented on a large scale as a result of the pressure that users have put on the way operators provide their services.

We can say that this reality presents a win-win situation. The T&T service brings more efficiency in the parcel delivery process, increasing the possibility for the recipients to be at the delivery place and thus decreasing the operators' effort by the fact that a second delivery attempt is no longer needed.

3.6 Complaints handling and redress procedures

In the event of loss or damage of a postal item, the handling of complaints and possible remedies are also important. This is particularly true in cases where consumers have bought not from a large e-commerce platform but from a private seller on an auction platform or online marketplace.

3.7 Geographic accessibility

From the geographic accessibility standpoint, at first sight, the unprecedented development of electronic commerce, the massive automation of postal production flows and the implementation of automatized delivery solutions are premises for the social and economic integration of the inhabitants living in badly accessible geographic areas.

Practically, however, the situation is slightly different in some Member States⁴²: services for hard-to-reach geographical areas are inherently more expensive than the average postal services ensured by service providers, while low-income inhabitants regularly live in these geographic areas.

⁴² https://ec.europa.eu/growth/sectors/postal-services/ergp_en ERGP Report on the quality of service, consumer protection and complaint handling 2018 – an analysis of trends, p. 26, 4.2.2 Exceptions to collection and delivery due to exceptional geographical conditions.

4. Current legal framework

4.1 EU level

4.1.1. Current legal framework at EU level

The Postal Services Directive (PSD)⁴³ has been in force since 1997 and was amended twice in 2002 and 2008. The transformations having occurred in the postal sector since then, mainly due to technological development and the exponential growth of e-commerce, have made consumer demand evolve and, thereupon, the protection of their rights and interests has never been more challenging.

Despite the concern for consumer protection underlying the rules set out in the directive, the PSD does not include a specific chapter on consumer protection.

On the other hand, the e-Commerce Directive⁴⁴ goes a little further with regard to consumer protection, since it sets out basic requirements on mandatory consumer information, namely pre-contractual information requirements. But with regard to postal services, the e-commerce related framework does not convey any specific rights so far.

4.1.1.1. Contractual relationships relevant for consumer issues in the field of postal services

Different contractual relationships influence the provision of postal services. First, the sender enters into a contract with the postal service provider concerning the delivery of postal services.

⁴³ Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service. Amended by: Directive 2002/39/EC of the European Parliament and of the Council of 10 June 2002, Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003, Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008. Available at <http://data.europa.eu/eli/dir/1997/67/2008-02-27>.

⁴⁴ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce). Available at <http://data.europa.eu/eli/dir/2000/31/oj>.

When consumers conclude a contract for postal services over-the-counter, the agreement is generally oral, although the consumer receives a receipt from the cashier. However, in those cases the general terms and conditions of the postal service provider often apply variously depending on the specific product of the postal service provider. Increasingly, contracts for postal services can also be concluded online. The terms and conditions in those cases provide specific consumer rights applying to distance selling contracts⁴⁵. In general, the position of consumers in the provision of postal services is influenced by the particular contractual relationship and the relevant terms and conditions.

Other contractual relationships may also influence the position of consumers. For example, in the e-commerce context the underlying distance selling contract conveys specific consumer rights for buying products or services online. Those contractual relationships and their respective consumer rights are outside the scope of the national regulatory authorities for the postal sector set up under Art. 22 of the PSD. Indeed, the powers of the national regulatory authorities for the postal sector are limited to the provision of postal services.

Contractual relations are also relevant if postal items are lost or damaged during transport. If the goods have been purchased from a major commercial e-commerce platform, the latter will regularly arrange for a replacement. However, this may be different if the goods were purchased from a private seller, e.g. on an auction platform or an online marketplace. In this case, the contractual relationship with the postal service provider very often comes into play. In the case of cross-border purchases, it is often even more difficult for the consumer to assert claims because multiple postal service providers are involved.

4.1.1.2. Scope of consumers protection

The postal legal framework does not include protective regulations linked to the specific position as a consumer of postal services. Nevertheless, the PSD stipulates several safeguards also ensuring consumer protection attached to the provision of postal services.

⁴⁵ Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts. Amended by: Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002; Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005; Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007. Available at <http://data.europa.eu/eli/dir/1997/7/2007-12-25>.

The provisions of the PSD do not mention consumers as such. **Nevertheless, all consumers are included in the broader term “users”, defined in Art. 2, No. 17 as “any natural or legal person benefiting from universal service provision as a sender or an addressee”.** All provisions addressing and/or protecting users therefore also cover consumers.

More specifically, Art. 6⁴⁶ and Art. 19⁴⁷ include provisions that improve the position of users as a party in the provision of postal services. **Art. 6 provides for adequate information on the features of the universal services including the general conditions of access to these services as well as prices and quality standard levels.**

Also, Art. 19 PSD provides for transparent, inexpensive and straightforward complaints procedures for dealing with user complaints about cases involving loss, theft, damage or non-compliance with service quality standards. This provision has undergone some changes during the revision of the PSD in that the focus on universal service in paragraph 1 has gradually dropped. While in 2002 the first revision added that the Member States may provide in national legislation that the complaint procedures can also be available for services outside the scope of universal services and/or for services within the universal services but not provided by the universal service provider, the revision of the PSD in 2008 includes that paragraph 1 of Art. 19 PSD no longer is connected to universal services only but addresses all postal service providers According to subparagraph 2 of Art. 19 (1) PSD the complaint procedures should enable disputes to be settled fairly and promptly including, where warranted, a system of reimbursement and/or compensation. **According to subparagraph 3 of Art. 19 (1) PSD the Member States are also required to encourage the development of independent out-of-court schemes for the settlement of disputes between postal service providers and users.**

⁴⁶ *“Member States shall take steps to ensure that users and postal service providers are regularly given sufficiently detailed and up-to-date information by the universal service provider(s) regarding the particular features of the universal service offered, with special reference to the general conditions of access to these services as well as to prices and quality standard levels. This information shall be published in an appropriate manner. Member States shall notify the Commission, of how the information to be published in accordance with the first paragraph is to be made available.”*

⁴⁷ *“Member States shall ensure that transparent, simple and inexpensive procedures are made available by all postal service providers for dealing with postal users' complaints, particularly in cases involving loss, theft, damage or non-compliance with service quality standards [...]. Member States shall also encourage the development of independent out-of-court schemes for the resolution of disputes between postal service providers and users.”*

The national regulatory authorities are tasked to ensure compliance with the obligations arising from the postal legal framework (Art. 22, No. 2 of the PSD⁴⁸). Thus, the transparency obligation in Art. 6 as well as the provisions on complaints procedures in Art. 19 have to be supervised by designated national authorities.

4.1.2. Other European provisions

Other European provisions fostering consumer protection are applicable in the field of postal services to the degree that the PSD conveys a protective shield for consumers. For instance, Directive (EU) 2019/2161⁴⁹ introduces an online entry point enabling consumers to access up-to-date information about their Union consumer rights and to submit complaints through the designated online dispute resolution platform and to the competent centre of the European Consumer Centres Network.

Based on Art. 2, Directive 2013/11/EU⁵⁰ on alternative dispute resolution is also applicable to disputes between consumers and postal services providers concerning contractual obligations stemming from a contract on the provision of postal services.

⁴⁸ *“The national regulatory authorities shall have as a particular task ensuring compliance with the obligations arising from this Directive, in particular by establishing monitoring and regulatory procedures to ensure the provision of the universal service. They may also be charged with ensuring compliance with competition rules in the postal sector.”*

⁴⁹ Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules. Available at <http://data.europa.eu/eli/dir/2019/2161/oj>.

⁵⁰ Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR). Available at <http://data.europa.eu/eli/dir/2013/11/oj>.

4.1.3. Possible changes to the legal framework

Considering the current legal framework, the ERGP Opinion on the review of the regulatory framework for postal services⁵¹ reflects on whether the existing provisions regarding postal services, namely in the **Consumer Rights Directive⁵², are sufficient or whether specific or additional provisions are needed, stating that the future framework for the postal market will need to address this question.** The same question arises in relation to the **Directive on alternative dispute resolution and the possible need for additional special provisions for the postal sector.**

In the PSD Art. 19 was widened in 2002 and 2008 so that in its scope the provision on complaints procedures was included for all postal service providers. Art. 6 PSD on the transparency requirements has not been extended equally. The provision of information still only refers to universal services. For postal services outside the universal services the postal legal framework does not lay down an obligation to provide information on the features of the services, prices, quality standards or other. As a consequence, for postal users outside the universal service and/or postal users in interaction with postal service providers other than the universal service provider it is very difficult to base their complaint rights on solid information provided by the respective provider. The level of knowledge of postal users lags behind the level of knowledge of those who make complaints in the field of universal service. This not only raises equality issues, but is also important for a level playing field, especially in a competitive environment like the parcel sector.

To counteract this imbalance and to ensure a consistent consumer protection, the scope of the existing provision in Art. 6 could be extended to all postal services corresponding with the extension already undertaken in Art. 19, so that this would ensure a harmonised protection of consumer rights.

⁵¹ ERGP PL I (19) 12 Opinion on the review of the regulatory framework. Available at <http://ec.europa.eu/docsroom/documents/36162/attachments/2/translations/en/renditions/native>.

⁵² Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights. Amended by: Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015. Available at <http://data.europa.eu/eli/dir/2011/83/2018-07-01>.

Furthermore, the list of information obligations could be extended. Given the fact that the complaint procedures in Art. 19 especially involve loss and damage, the information required could also include simple and easily accessible information on liability and compensation issues, on agreed or regular transit times and complaint procedures and the accessibility of the relevant corporate offices. These adaptations would be helpful in light of the increasing parcel volumes through e-commerce and platformisation.

Further improvements of the position of consumers could include provisions on the mode of delivery of letter mail and parcels as well as provisions on parcel tracking and investigation procedures in case of loss or exceeding of transit times.

A general improvement for consumers could be a clarification that the receivers of postal items have the same set of rights as senders, and fall under the same protective shield for consumers, even if they may not be a party in the contractual relationship with the postal service provider. In order to develop concrete legal concepts and recommendations for the revision of the PSD, in a second project it would be necessary to analyse in detail the overall legal and contractual situation of consumers in the field of postal services at the member state level. A harmonised common approach with regard to strengthening the position of receivers of postal items would reflect the changes in the market and the observed transition from a sender to a receiver oriented European postal market.

Another option for improvements could be the promotion of interprofessional agreements between the postal provider and the professional seller as the sending party. This option would take into account that the contractual obligations still lie between the sending professional seller and the postal company, and that a solution to a delivery problem very often lies with the concerned postal company but not the sender. Such interprofessional agreements could possibly be an effective way to empower the receivers. It could also help smaller e-commerce businesses by transferring parts of the complaints procedure to the postal companies.

Finally, a clarification on the competencies of NRAs concerning monitoring and enforcement of consumer protection in the postal sector could lead to a harmonized European approach in support of consumers. So far, NRAs' competencies concerning consumer protection in the field of postal services are very diverse. The monitoring of NRAs could be improved by specific obligations for postal operators to publish annually and submit to the NRA the complaints received from consumers segmented into the specific postal services provided by the postal operator⁵³. This publication could also include information on the significant reasons for the complaints and on the average time for answering the complaints.

The possible changes to the legal framework presented here are some first ideas and would need to be further discussed and elaborated. In a detailed check on the proportionality principle it would need to be elaborated in how far future measures and proposals could be a suitable, necessary and proportional step to foster consumer protection and tackle the problems, experienced by consumers when using postal services.

The NRAs and the ERGP will continue to monitor closely and act regarding all key consumer issues in order to be ahead of a situation that would result in many consumer complaints.

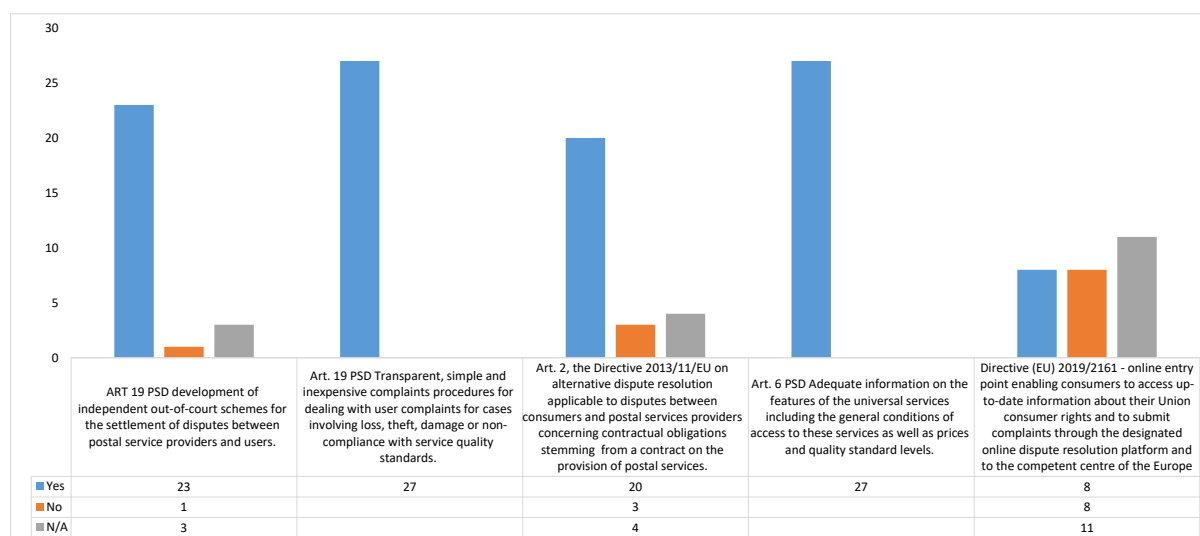
⁵³ According to the ERGP Report on the quality of service, consumer protection and complaint handling 2018: An analysis of trends - ERGP PL II (19) 35 - in most countries (59%) USPs are obliged to measure and/or publish indicators on the complaints received. Available at <http://ec.europa.eu/docsroom/documents/38864/attachments/2/translations/en/renditions/native>.

4.2 National State level

To sustain the study on consumer needs, the WG has prepared and conducted questionnaires among ERGP member countries (NRAs). The first part of the questionnaire is related to the legal framework aspect that is the specific articles of the directives (Postal Service Directive, Directive 2013/11/EU (on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC) and Directive (EU) 2019/2161 (amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules)) and their transposition into the legislation of the ERGP Member State.

In a nutshell, almost all countries have transposed the majority of the articles from the Postal Service Directive. The following figure reflects the share of the articles that have been transposed:

Figure 5: The articles that have been transposed among ERGP member countries^{54 55}



⁵⁴ 27 counties: BE, BG, CY, CZ, DE, DK, EE, EL, ES, FR, HR, HU, IE, IT, LT, LU, RNM, MT, NL, PL, PT, RO, RS, SK, SI, SE, TR

23 countries: : BE, BG, CY, CZ, DE, EE, EL, ES, FR, HU, IE, IT, LU, RNM, MT, NL, PL, PT, RS, SK, SI, SE, TR

20 countries: BE, BG, CZ, DE, EE, EL, ES, FR, HU, IE, IT, LT, LU, MT, NL, PL, PT, SK, SI, SE

8 countries: BE, BG, EE, EL, HU, LT, MT, SK

⁵⁵ N/A implies that the NRA did provide any form of feedback.

All respondents have transposed Article 6 PSD, which refers to adequate information on the features of the universal services, including the general conditions of access to these services as well as prices and quality standard levels. The same goes for the transposition of Article 19 PSD, which refers to transparent, inexpensive and straightforward complaints procedures for dealing with user complaints about cases involving loss, theft, damage or non-compliance with service quality standards.

Around 85% of the countries have transposed Art. 19 PSD, referring to the development of independent out-of-court schemes for the settlement of disputes between postal service providers and users.

More than 72% of responses refer to the transposition of Art. 2 of Directive 2013/11/EU on alternative dispute resolution applicable to disputes between consumers and postal services providers concerning contractual obligations stemming from a contract for the provision of postal services.

So far, seven countries (Belgium, Estonia, Greece⁵⁶, Hungary, Lithuania, Malta and Slovakia) have supported Directive (EU) 2019/2161, by measures concerning the online entry point enabling consumers to access up-to-date information about their Union consumer rights and to submit complaints through the designated online dispute resolution platform and to the competent centre of the European Consumer Centres Network.

This project focussed on the transposition of the current EU legal framework on the national level. In a second project, it would be necessary to analyse the legal situation of consumers (senders and receivers) on the member state level in order to allow for a discussion on possible ways for a harmonized EU approach. This analysis should focus on the specific rights of consumers stemming from the national legal framework and the contractual relationship on the national level, covering for example liability regulations and disclaimers in national laws and/or terms and conditions of postal providers, and should also elaborate on the specific position of the receiver as a third party in the national context.

⁵⁶ Greece highlighted that there is also the possibility to communicate directly to the Hellenic Consumer's Ombudsman (Independent Authority), which is a member of the European Consumer Centres Network.

5. NRAs' and consumer protection bodies' perspective on users' expectations

In order to underpin this ERGP report, ERGP has conducted research among ERGP members on major user-related topics, from an NRA perspective on the one hand and experiences shared with us by national consumer protection bodies about the main expectations of users on the other hand.

The following is the analysis of the responses obtained from the two questionnaires, which is a mix of quantitative and qualitative since specific questions are subjective based on the consumers' perspective of the postal service provided. From the questionnaires feedback, certain factors cropped up from both questionnaires such as the importance that the item is not delivered damaged and that the item is delivered in its due date. Apart from these the following sections provide insight on each questionnaire outcome.

5.1. NRAs' views on consumers' needs in the contemporary environment

The NRA questionnaire is composed of four topics on NRA views of what consumers require from the postal industry, namely:

- What are the issues that consumers encounter with the postal service delivery
- Which are the possible solutions that the NRAs can implement to topics that are most relevant to the customers
- Which kind is the protection of the users' rights in the field of e-commerce transactions
- Which is the situation related to the delivery to parcel lockers and pick-up locations (considering that only few NRAs have answered this question, we concluded that this is not a topic that needs to be further analysed in this report).

The sections mentioned above provided a perspective of what the NRAs encounter or perceive of the issues within the postal delivery service. As will be explained further, what is/are the primary concern that the NRAs perceive: is it an issue of timing, issue of delivery service, a concern of high tariffs or something else?

5.1.1. Issues that consumers encounter with the postal service delivery

This section dealt with various issues that consumers encounter with the postal service delivery. The NRAs were requested to select and rank specific situations according to their experience about the most significant issues that consumers are encountering in the changing postal market. Grades were given from 1 (major significant) to 5 (least significant).

It should be noted that all listed scenarios were offered in questionnaire and evaluated by NRAs, but some new cases were highlighted by various NRAs. Also, some NRAs identified some cases which were of no relevance mainly: 'the parcel could not be delivered to a pickup point' and 'no choice of delivery method/provider on the platform of trader'.

Below is an analysis of the NRAs' responses to the situations that they have flagged as significant. The table below lists the issues that had the highest number of rates with its average rate.

Table 4: The most significant consumer issues from the NRA perspective

Issues	No. of responses	Average rate
The promised delivery date not met	21	2.52
The purchased item was damaged	20	2.35
The parcel service failed to deliver the parcel	20	2.25
No compensation in case of delay or irregular service	19	3.16
The packaging was damaged	17	3.24
The parcel could not be tracked	14	3.14
The parcel was left in an inappropriate location	13	3.08
2nd try of delivery after the first failed failed	9	3.00

As shown in the above table, the most identified case is 'the promised delivery date not met' with an average rate of 2.67.

The following two cases are the second-ranked cases; ‘the parcel service failed to deliver the parcel’ and ‘the purchase item was damaged’ recorded less spotlight from the countries but those countries that marked them highlighted them as significant cases (the average rates are lower than the most identified cases).

The next four cases (rate between 3.08-3.25), which are important for less number of countries, are :

- No compensation in case of delay or irregular service (i.e. delivery to neighbour without approval, damaged parcel)
- The packaging was damaged,
- The parcel could not be tracked,
- The parcel was left in a location that was not the one the consumer chose

It is important to mention that six⁵⁷ countries have indicated other reasons, and those include high prices for postal services, problems regarding customs and VAT fees, loss of items, lack of clarity on costs, tariffs, etc.

It will be interesting that the report should explore more “not obvious” issues like the possibility of the recipient to select the provider / point of delivery that suits him. This is a ground-breaking or innovative proposal that would require all postal networks to be interconnected. Of course, such issue and possible some others could not be emerge from a questionnaire focusing on the major problems of an existing situation.

5.1.2. Possible solutions that the NRAs can implement for topics that are most relevant to the customers

The second part concerned possible solutions that the NRAs can implement for the listed topics that are most relevant to the customers. For the chosen cases in the previous question, each NRA had to provide a possible solution to the problem. Various solutions were provided for the identified cases and hence to enhance the analysis of the various approaches, the feedback was clustered in five areas, namely Obligations, Legal provisions, NRA action, Compensation is or should be available and Schemes

⁵⁷ BE, GE, MT, LT, PT, and SE.

offered by the operator. For those cases that were identified as the most relevant, the solutions were analysed and grouped accordingly.

In order to be able to compare data, similar answers are presented in a common cluster. The following provides an understanding of each cluster:

- Obligations: answers which were related saying that mandatory measures should be taken
- Legal provision: answers which indicated that listed issues already are or need to be set up in national law
- NRA action: answers saying that NRA should have the possibility of monitoring and implementing restrictive measures in order to protect the user's rights.
- Compensation is or should be available: answers in which the NRA stated that compensation is or should be established (either NRA guidelines or in the operator's schemes) in order to protect the interests of users
- Schemes offered by the operator: answers stating that these issues concern decisions and actions taken by the operator during the operational process of providing the service.

Table 5: Possible solution based on clusters regarding consumer issues

ISSUES	Obligations	Legal provisions	NRA action	Compensation is or should be available	Schemes offered by the operator
The promised delivery date not met	5	7	3	3	1
The purchased item was damaged	6	5	2	3	1
The parcel service failed to deliver the parcel even though I was at home and I had to pick it up from a pick-up point	5	4	5	1	1
No compensation in case of delay or irregular service	5	7	1	2	1
The packaging was damaged	5	4	3	1	1
The parcel could not be tracked	4	3	1	0	1
The parcel was left in a location that was not the one I chose or was left with a neighbour without prior approval	4	2	5	1	1
2nd try at delivery after the first try failed	5	3	2	1	1
No choice of delivery method/provider on the platform of trader	4	3	1	0	1
The parcel could not be delivered to a pickup point	5	2	0	0	1
Total	48	40	23	12	10

For the situations rated with the highest rate of significance ('the purchased item was damaged' and 'the promised delivery date not met'), respondents explained that there is already or there should be a compensation procedure. This also refers to statements that there is no compensation in case of delay or irregular service (i.e. delivery to a neighbour without approval, damaged parcel), that there should be a compensation procedure. Most of the responses concerned the need to treat the above-listed issues as obligations (mandatory) in law, and to require, respectively, future competencies for the NRA.

All NRAs answered that the issues should be incorporated as part of a legal provision, and 15 NRAs stated that currently there isn't any legal provision for all of them. Hence it is considered as a matter related to "legal provision". Some NRAs indicated that in their countries there are or at least should exist some form of compensation schemes that should protect the customer in such cases. These NRAs are recorded within the 'Compensation is or should be available' column. Finally, 10 NRAs indicated that their local operators have some form of scheme that caters to such issues.

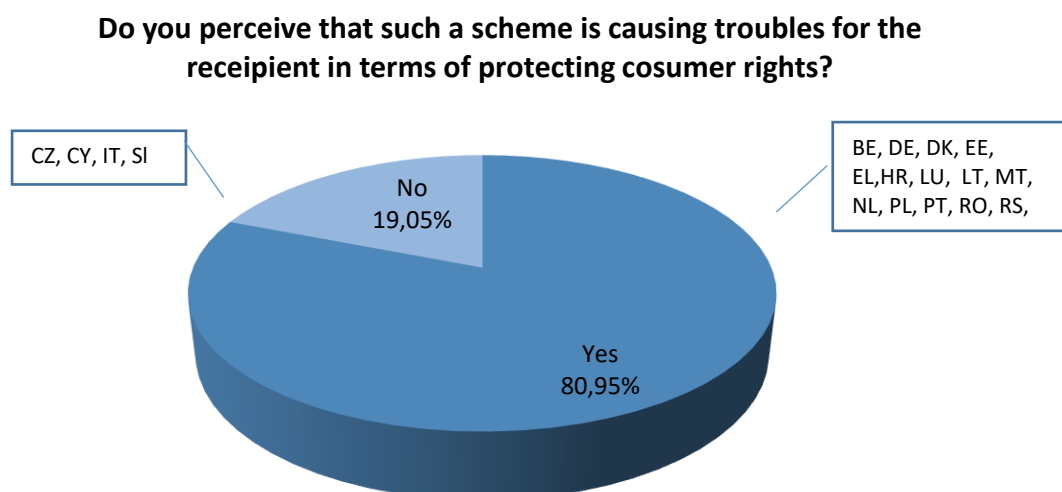
One NRA has provided a unique answer for all selected topics. This NRA stated that the mentioned issues are considered sufficient and under the current scope, namely that compensation schemes are determined by the postal operator and included in the contract for the provision of services, that there are alternative (or out-of-court) dispute resolution schemes and that postal service providers are obliged to publish information about complaint procedures, therefore, the consumer can make an informed decision before choosing a provider.

5.1.3. The protection of the users' rights in the field of e-commerce transactions

The third section dealt with the protection of the users' rights in the field of e-commerce transactions. Nowadays, in the majority of e-commerce transactions, it is the recipient who orders a shipment and pays for it. However, it is the sender (e-shop) that, in principle, concludes the contract with the delivery provider and has the protection of the rights stemming from it.

From the feedback obtained, more than 80% of the responses stated that such a scheme is causing trouble to the recipient to protect its consumer rights; the majority of countries who answered positively mark it with a high priority average rate (2.53).

Figure 6: NRAs' perception of protection of the users' rights in the field of e-commerce transactions (sender not receiver has protection of rights from shipping product)



Furthermore, the countries were queried on how their NRA settles such potential problems. Thirteen countries provided feedback, and they all vary from one another. The following is a grouped list of the feedback obtained by the 13 NRAs.

Table 6: NRAs' settlement approach to the various identified issues

NRA settlement approach	Country
Changing the legislative framework	Croatia
Often leads to mediation procedures	Luxemburg & Portugal
These are treated on a case by case basis	Lithuania, Malta & Romania
This is out of the competence of our NRA	Netherlands & Poland
Sometimes the problem can be solved if the local USP is willing to make a compromise if it is to blame	Estonia
Lack of rules that solve this problem in cross-border services	Slovakia
Beyond competence of NRA. In some cases, a receiver could file a claim with the National Board for Consumer Disputes	Sweden
In the case of loss or damage of postal items, the receiver can submit a request for conciliation	Germany, Slovenia & Republic of North Macedonia

Based on the information obtained, it shows that there is a lack of rules under which the competent body could act to protect consumer rights, especially in the case of cross-border services. The most common answer on settling such problems is that this is out of the competence of the NRA.

5.2. A view from the consumer perspective on consumers' needs

We received 14 responses to the questionnaire representing the customer perspective completed by consumer organisations, alternative dispute resolution bodies, national consumer protection bodies or NRA themselves.

Furthermore, other NRAs are not able to provide feedback since they do not have the regulatory competencies to provide such information.

The Consumer questionnaire is composed of three topics on consumer views of what they require from the postal industry, namely:

- What are the issues that consumers encounter with the postal service delivery
- Which are the issues related to shortcomings in the current postal service provided
- Which are the issues related to mitigate the shortcomings on the current postal service provided

5.2.1. Issues that consumers encounter with the postal service delivery

The consumer questionnaire consists of three parts, the first one referring to the essential expectations from the postal service provider. so the consumers had to choose and rank the top five of various expectations.

The following table provides an overview of the expectations the consumer has from the postal operator.

Table 7: Consumer perspective of the importance of various identified expectations

Expectation	YES	NO
The promised delivery date is met	14	
The purchased item is not damaged	13	
Compensation in case of delay or irregular service (i.e. delivery to neighbour without approval, damaged parcel)	12	1
The parcel can be tracked	11	2
The parcel service delivers the parcel at home or at the agreed pickup point	11	1
The packaging is not damaged	9	1
Notification, when/where the parcel can be collected (paper or digital)	9	1
Choice of delivery method/provider on the platform of trader	7	3

Choice of selection from multiple providers on the platform of trader	6	4
The parcel can be delivered to a pickup point	6	2
The parcel is left in a location that is the one I chose or is left with a neighbour with prior approval	6	3
2nd try at delivery after the first try failed	6	3
Customer service of the parcel service provider handles complaints of consumers	1	
Return sending does arrive in time	1	

All respondents have an expectation that the promised delivery date has to be met, followed by the fact that the purchased item is not damaged, which was an expectation of 13 respondents. Next three expectations: 'Compensation in case of delay or irregular service', followed by 'The parcel can be tracked' and 'The parcel service delivers the parcel at home or at the agreed pickup point'

Table 8: The most significant expectations from the consumers' perspective⁵⁸

Expectation	No. of answers	Average rate
The purchased item is not damaged	12	1.9
The promised delivery date is met	13	2.08
The packaging is not damaged	6	2.2
Compensation in case of delay or irregular service (i.e. delivery to neighbour without approval, damaged parcel)	11	2.4
The parcel service delivers the parcel at home or at the agreed pickup point	12	2.6
Notification, when/where the parcel can be collected (paper or digital)	7	3.1
Choice of delivery method/provider on the platform of trader	7	3.6
The parcel can be tracked	10	3.8
Choice of selection from multiple providers on the platform of trader	6	3.8
The parcel can be delivered to a pickup point	7	4.0
2nd try at delivery after the first try failed	8	4.1
The parcel is left in a location that is the one I chose or is left with a neighbour with prior approval	5	4.4

The consumers' perspective on the most important expectation is that the purchased item is not damaged, with an average rate of 1.9. The promised delivery date being met is also rated as very

⁵⁸ Average rate is calculated as the sum of all rates divided by the number of responses per expectation. A lower rate means higher relevance, and vice versa higher rate reflects lower importance.

important. The same applies to the expectation that the day of delivery is respected and that the packaging is not damaged. Considering that eleven responders rated the expectation of compensation in case of delay or irregular service with an average score of 2.4, this could also be considered as having a very high significance.

The expectations with the least significance can be considered as having an average rate higher than

4. Two expectations rated higher than 4:

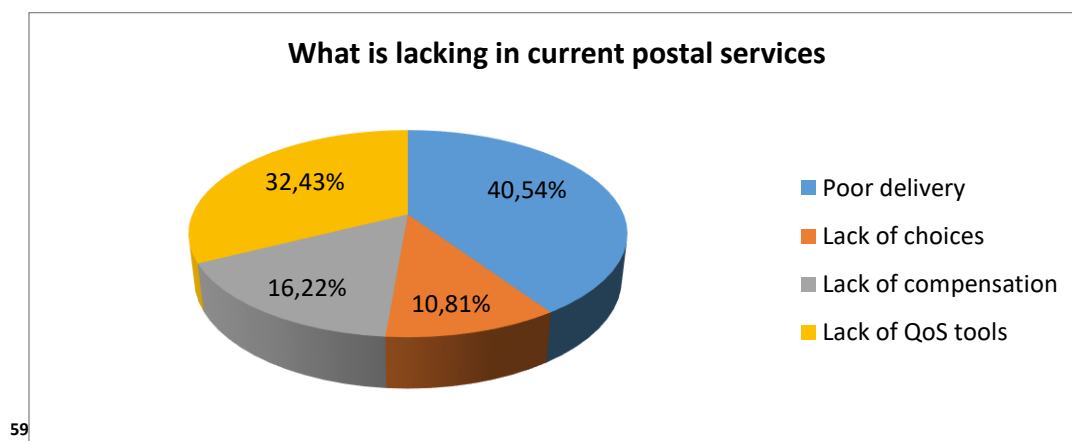
- "2nd try at delivery after the first try failed "with an average rate of 4.7.
- And considered the least important expectation is that the parcel is left in a location that is the one chosen or is left with a neighbour with prior approval, with a medium rate of 4.4.

5.2.2. Issues related to shortcomings in the current postal service provided

Consumers were asked to list a maximum of 5 shortcomings, if something was lacking in the current postal service provided so far.

Considering that there were many different answers to this question, these are grouped into clusters for analysis purposes. The graph below shows the percentage of reported shortcomings.

Figure 7: Consumers' perception about the disadvantages in provided postal services



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⁵⁹ Poor delivery refers to the operator's inability to respond to the requested delivery service.

Lack of choices - reduced choice of options for sending or disposing of a item.

Lack of compensation - there are poor or no schemes for compensation from the user's perspective.

Lack QoS tools - there is some space for improvement of the service, but also for additional quality control of the performed service.

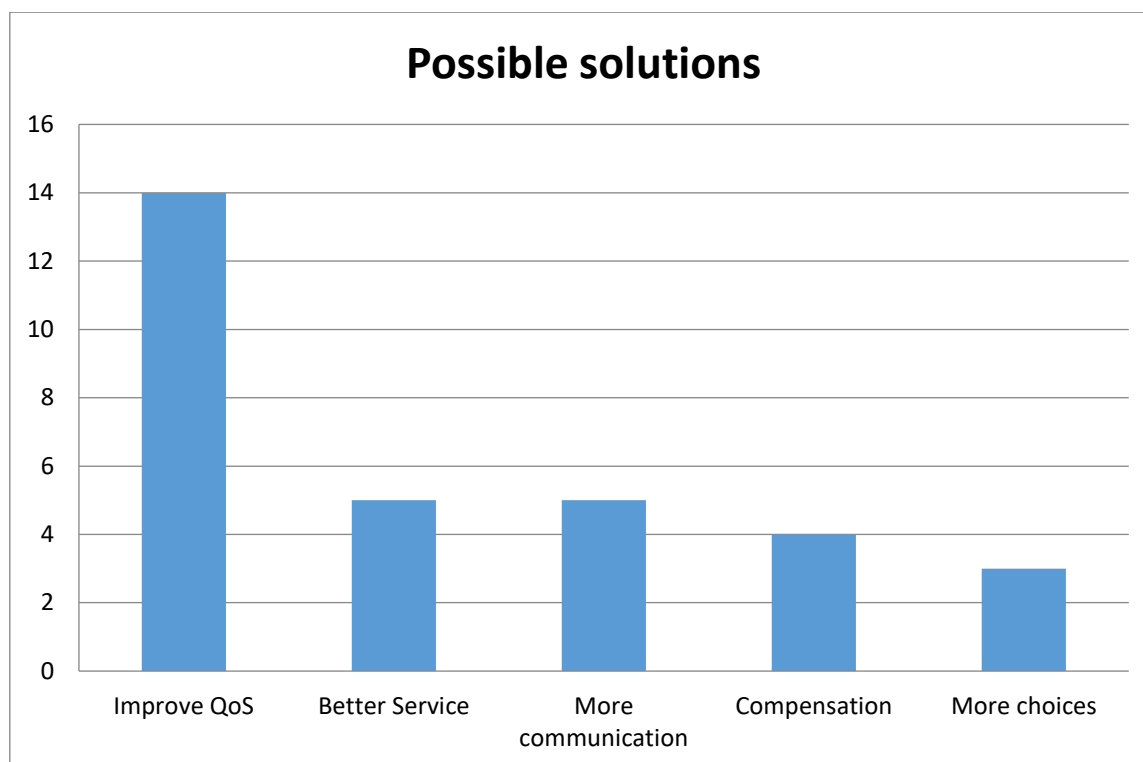
The majority of the feedback refers to the poor delivery, with over 40%, and this is the most common shortcoming in the postal service. The lack of QoS tools indicated by more than 32% of the responders was followed by the lack of compensation, which represents more than 16% of the answers. The smallest sector refers to the lack of choice, which was highlighted by 10.8% of respondents.

5.2.3. Issues related to mitigating the shortcomings of the current postal service provided

The last issue refers to the possible solutions which postal service providers could implement to mitigate disadvantages that consumers encounter in postal service delivery. These replies were clustered, and the following provides a description of the various clusters:

- Improving QoS: the postal operator should focus on using existing tools but also develop new ones to improve quality of service
- Better service: some disadvantages can be overcome by improving existing services
- Compensation: should expand and cover those cases that have arisen using online ordering and purchasing platforms
- Better communications: accurate and clear information should be available to consumers, as well as the ability to communicate in order to obtain reliable information
- More choices: the postal service provider should offer more choices for users, and purchasing platforms should offer more choices for shipment of items.

Figure 8: Consumer perspective on possible solutions which postal service providers could implement to mitigate disadvantages



The majority of the feedback indicates a necessity to improve QoS (more than 45%). The second place is taken by two statements, “better service” and “better communication”, having the same share in answers. Compensation was suggested by almost 13% of the respondents. More choices is suggested to postal providers in less than 10% of consumers answers.

From the feedback, it can be concluded that all the answers indicate that clear, transparent procedures need to be defined to ensure that the consumers achieve the rights and that they have full confidence that the chosen service will be provided in the manner required by the consumers.

Also, consumers point out that it is significant for the postal operator to keep track of changes in consumer requirements and to adapt to them on time through investment in infrastructure, training of employees and new business models.

5.3 Joint issues from the NRA and consumer perspective on consumers needs

The comparison of average rates on issues important from an NRA perspective and expectations from a consumer perspective indicates that in both surveys, the following statements were rated as most important.

Table 9: Joint issues from the NRA and consumer perspective on consumers' needs

Expectation /Issue	Average rate /Consumer	Average rate/NRA	Average rate
The purchased item is not damaged	1.92	2.35	2.13
The promised delivery date is met	2.08	2.52	2.30
The packaging is not damaged	2.17	3.24	2.70
Compensation in case of delay or irregular service	2.36	3.15	2.76
The parcel service delivers the parcel at home or at the agreed pickup point	2.58	2.25	2.42

The table lists cases ranked by importance from the perspective of the Consumer as well as the NRA. The expectations for which the average grade from both perspectives is below 3 were compared, which we characterized as significant for the research.

The most important expectation is that the purchased item is not damaged, followed by the promised delivery day is respected, and the shipment is delivered at home or at the agreed place.

The issues 'The parcel was left in a location that was not the one I chose or was left with a neighbour without prior approval' and '2nd try at delivery after the first try failed' are classified in the same order with the lowest importance from both perspectives (Consumers and NRA).

6. Conclusions

Following the impact of e-commerce and platformisation the influence of recipients of postal items on the delivery process is increasing, as compared to traditional postal services, where the sender usually determines the delivery conditions. The postal market has thus become less “sender-oriented” and more “receiver-oriented”.

An illustration of the above can be a situation in which in the majority of e-commerce transactions, the ultimate receiver orders and pays for delivery, but the sender (e-shop) has the full protection stemming from the contract with the delivery provider. This may constitute a potential risk for protecting the recipient’s consumer rights.

The focus on exploring more “not obvious” issues like the possibility of the recipient to select the provider / point of delivery that suits him would be an opportunity. This is a ground-breaking or innovative proposal that would require all postal networks to be interconnected. Of course, such issue and possible some others could not be emerge from a questionnaire focusing on the major problems of an existing situation.

From the feedback obtained to the questionnaire used in preparation of this report about whether challenges for protecting user rights in the above-mentioned scheme are real, more than 80% of the NRAs acknowledged the existence of the potential problem but ranked its priority as around medium.

This has already been recognised by the ERGP, as according to the its Opinion on the Review of the Regulatory Framework for Postal Services, provisions in a new regulatory framework will have to reflect this market reorientation and should identify the minimum requirements needed to protect postal users.

It should be mentioned that consumer rights threat risks are mitigated to some extent by the market itself. In an increasingly competitive online marketplace, where consumer loyalty is difficult to gain and maintain, substantial market power lies with the consumers. How an e-shop handles and manages the delivery problems is one of the deciding-factors for the shopper’s experience. On the

other hand, this creates additional pressure on parcel delivery operators, who usually have less bargaining power than large e-sellers.

From the survey questionnaires we have identified joint issues from the NRA and consumer perspective on consumers' needs in the contemporary environment. The results we obtained acknowledged that the most important expectations are that the purchased item is not damaged, followed by the shipment is delivered at home or at the agreed place and the promised delivery day is respected.

Considering the current legal framework, the ERGP Opinion on the review of the regulatory framework for postal services reflects on whether the existing provisions regarding postal services, namely in the Consumer Rights Directive, are sufficient or whether specific or additional provisions are needed, stating that the future framework for the postal market will need to address this question.

The same question arises in relation to the Postal Services Directive on alternative dispute resolution and the possible need for additional special provisions for the postal sector.

The provision of information only refers to universal services in the majority of countries. For postal services outside the universal services the postal legal framework does not foresee an obligation to provide information on the features of the services, prices, quality standards or other. In case that information is published consumers therefore have a different information base between the universal service and other postal services, which can become a problem if something goes wrong during the execution of the postal services. It would have to be further analysed in how far the competitive environment outside the universal service comes up with a comparable or a higher level of transparency and consumer protection. The latter will be particularly relevant in light of the increasing parcel volumes through e-commerce and platformisation.

A general improvement for consumers could be a confirmation and clarification that the receivers of postal items have the same set of rights as senders, and fall under the same protective shield for consumers, even if they may not be a party in the contractual relationship with the postal service provider.

Therefore, the new postal framework should ensure users' rights and interests concerning that the postal market shall become less "sender-oriented" and more "receiver-oriented". The provisions laid down in the PSD do not fully meet the demands that emerged from the new consumer issues. The improvement may include ensuring that recipients have the same rights as senders as consumers, even though the nature of the contractual relationship with the service provider is different.

Any concrete proposal or recommendation for a future regulatory framework requires an analysis of the situation of consumers in the field of postal services with a special focus on recipients. It is necessary to get an overview on the specific rights of consumers stemming from the national legal framework and the contractual relationship on the national level in order to be able to assess whether further harmonisation on the European level will be needed to improve the protection of consumers in the postal sector.

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COUNTRY CODES AND NRA ACRONYMS

Country	Acronym	NRA
Austria	AT	RTR
Belgium	BE	BIPT
Bulgaria	BG	CRC
Croatia	HR	HAKOM
Cyprus	CY	OCECPR
Czech Republic	CZ	CTU
Denmark	DK	FSTYR
Estonia	EE	ECA
France	FR	Arcep
Germany	DE	BNetzA
Greece	EL	EETT
Hungary	HU	NMHH
Ireland	IE	COMREG
Italy	IT	Agcom
Latvia	LV	SPRK
Lithuania	LT	RRT
Luxembourg	LU	ILR
Malta	MT	MCA
Netherlands	NL	ACM
Republic of North Macedonia	MK	Postal Agency
Norway	NO	Nkom
Poland	PL	UKE
Portugal	PT	ANACOM
Romania	RO	ANCOM
Republic of Moldova	MD	ANRCETI
Republic of Serbia	RS	RATEL
Slovakia	SK	RU
Slovenia	SI	AKOS
Spain	ES	CNMC
Sweden	SE	PTS