

# Draft report of the CERP WG Policy meeting Warsaw, 2014, March 27

# **Participants:**

Chairmanship: Mrs Anna Karolak-Woźniak (Poland) Austria: Mr Andreas Hach (Vice-Chair), Mrs. Helena Moser Denmark: Mrs Benthe Bohn Hungary: Mrs Györgyi Csóka, Norway: Mrs Jenny Lønn Barvik Poland: Mr Piotr Łukomski, Switzerland: Mrs Marilena Corti United Kingdom: Mr Philip Groves CERP Chairman: Mr Ulrich Dammann

### 1. Opening of the meeting and adoption of the agenda.

Agenda was approved with no comments.

# 2. Report from the 4<sup>th</sup> meeting in Warsaw (September 2013).

The report was approved with no comments.

# **3.** A roadmap for completing the single market for parcel delivery – building consumer trust in delivery services and encouraging on-line sales.

Participants discussed a document prepared by European Commission in November 2013. It consists of five parts: context and problem definition, objectives of the initiative, options, initial assessment of impacts and evidence base, planning of further work and consultation. No legislative steps are foreseen in the nearest future, however quality of service is in Commission's focus and some legislative change is possible. Interest in WG's work concerning these issue was expressed during the meeting. It was agreed that these issues should be on the WG agenda in the future.

Technical aspects of postal services and adjustments in this regard are also possible.

It was also mentioned that EC will now collect statistical data instead of EUROSTAT and questionnaire in this regard is foreseen in the nearest future.

# 4. Cooperation CERP with UPU – CERP Guide for Postal Policy in developing UPU member countries.

Since 2011 CERP is providing expertise for UPU member countries and restricted unions in order to help and facilitate regulating of postal sector in member countries.

During the meeting a draft Guide was presented and discussed. The Guide will consist of four parts: foreword, preparatory activities before missions, planning of the project and preparation of the final document. Comments were gathered by the Chair of the Group and the final, agreed text will be presented for approval during CERP Plenary meeing in Skopje.

### 5. The reshaping of the Universal Postal Service in New Zealand.

Participants discussed document provided by Mr Robert Clarke from New Zealand "Legalising alternate day delivery. The reshaping of the Universal Postal Service in New Zealand". Decisions taken in New Zealand were compared with European Union's situation. It was agreed that, as long as third postal directive is in place, EU28 member states cannot lower weekly delivery to 3 times a week. Even though volumes are shrinking, they are obliged to provide home delivery at least 5 times a week.

# 6. Different organizational systems of the postal sector.

During the meeting Switzerland presented a document "Different organisational systems of the postal sector" which contains an analysis of relationship between NRAs independence and government's share in the USP. Participants of the meeting discussed the content of the document as well as hypothesises included in point 1.2 of the document. It was agreed that the subject is quite complicated and it is not always easy to determine the reasons of specific relations between ministries, NRAs and postal operators. The subject will be also dealt with during future meetings of WG Policy.

# 7. Working Methods for CERP in UPU matters.

Mr Ulrich Damman, the Chairman of CERP, presented a document concerning working methods within CERP concerning reaching common positions. The use of word "lobbying" and expression "lukewarm acceptance" was discussed. It was agreed that in order to keep the document consistent with the documents approved by Com-ITU and ECC, the wording will not ber changed.

#### 8. Recent regulatory developments in member countries.

Denmark – the evaluation of the postal law has taken place three years after the full market opening and possible changes in the Universal Service has been discussed among politicians. As a result the law has been amended allowing the USP to make changes to the obligatory delivery so that priority letters (A-prioritaire) are not delivered to private households on Mondays. Furthermore, the conveyance of non-priority letters (B-Economy) may take up to four days (3 days in the past). In addition the USP will have more flexibility concerning post offices and agencies – the USP can decide where such offices should be placed and if they should be changed into post shops offering basic services. As a result the number of post shops is expected to increase. In 2015 political discussions will take place again to evaluate the postal law.

United Kingdom – there are new access contracts considered which would allow higher prices for using postal infrastructure of Royal Mail. Ofcom is analyzing the issue now. Furthermore in UK efficiency of Royal Mail is being monitored (their work organization). Ofcom is looking also into agreements between Royal Mail asnd TNT Post.

Germany - in Germany there is a new Vice-President of Bundesnetzagentur.

Norway – Norway is currently working on a reform of the national postal legislation, among other taking into account the Third Postal Directive 2008/6/EC. The new Postal Act will shortly be sent on a public hearing

# 9. Next meeting.

Since this was the last meeting that was chaired by Anna Karolak-Woźniak, no details were given.

# 10. AOB.

No items were covered at that point of the agenda.

Anna Karolak-Woźniak WG Policy Chair

# **CERP Guide for Expert Missions**

(Working Draft for approval by CERP Plenary)

Table of content:

0. Foreword

- 1. First Phase preparatory activities
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- 2.1 Drafting of the project's objectives
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3. Third phase – Preparation of the final document

**3.1 Content of the final document** 

3.2 Compliance and presentation of the final document

Annex 1: Basic Questionnaire Annex 2: Detailed questionnaire

# 0. Foreword

The European Committee for Postal Regulation (CERP) came into existence in October 1992. There are 48 CERP members from European countries. For 22 years CERP has evaluated many issues concerning postal markets in Europe and developed many documents addressing regulatory issues in the postal field. Now CERP wishes to share the experience with other coutries, members of the Universal Postal Union (UPU).

In the recent years experts from CERP member countries have held missions to different countries aiming to develop a postal policy framework as well as they have organized workshops for regulators providing information developed by CERP working groups. The information covers i.e. sustainable development, cost accounting rules, universal service (financing, implementation), best practices for price regulation, consumer relations etc. Most member countries have liberalized postal markets and have big experience in organizing them as well as creating NRAs.

The aim of the following guide is:

- To establish a procedure for the implementation of projects in cooperation with the UPU, bilateral and multilateral projects,
- To provide detailed information for the CERP experts which issues they have to consider regarding the preparation, execution and the drafting of the final report for a specific mission,
- To provide a clear picture of foreseen results the benefiting and the sponsoring party can expect from the CERP experts.

It is essential for all parties involved, to conduct the project in line with the following stages and thus to monitor and support the implementation of the project. Doing so, this guide will allow all parties involved in the projects to know exactly what their responsibilities are, what their rights are and what their duties are, and from the other side what results one can expect from the mission (document, workshops etc.).

The guide is applicable to projects in CERP's cooperation with the UPU as well as to bilateral and multilateral projects with participation of CERP.

# 1. First Phase – Preparatory activities

The first stage includes the following organizational activities:

#### 1.1. Practical aspects of a mission

CERP experts shall ensure receiving practical information concerning the mission, including inter allia

- travelling: Flight connections and local transport,
- accommodation: Available hotels and distance to offices,
- budgetary: Daily allowance and compensation,
- health: Insurance and necessary vaccinations,
- country specific: Climate, national holidays and cultural aspects,
- visa requirements.

#### 1.2. Gathering information

To start any project it is necessary to get to know the country and its postal market as detailed as possible. Therefore questionnaires will be sent to the interested countries where they should give detailed information to help the CERP experts to assess the market and the relevant regulations in place (or in preparation already). The information should mainly include data concerning postal market as well as economic, political and business environment in which postal parties have to perform The level of detail of this information again is heavily depending on the outline of the terms of reference and of the documentation mentioned in point 2 of this Guide (Description of the issues to be covered by the project and detailed project work plan, indicating all different steps to be taken from the beginning until the end).

Exemplary questionnaires are attached to this Guide, where parts of the information asked for may be available in open source (depending on the subject and the country concerned).

# 2. Second phase - Planning a project

#### 2.1. Drafting of the project's objectives

The objectives of a project are prepared by CERP experts. Based on the terms of reference for a project the experts shall also develop, together with the benefiting country (and the sponsoring party), the following documentation (the responsible person from CERP is the expert team coordinator):

- Description of the issues to be covered by the project
- Detailed project work plan, indicating all different steps to be taken from the beginning until the end, including the number of visits, the organization of workshops, etc.,
- Project management plan, including estimated man-days, foreseen travelling phases and detailed budgeting information,
- Project team plan, fixing the roles and responsibilities among the experts as well as their counterparts in the benefitting country and the sponsoring party,
- Project risk evaluation (depending on the complexity of the particular task).

Based on this documentation the final evaluation may show the success or any shortcomings of a project.

Terms of reference is a document that CERP experts will use to guide the work during projects. It is a document that should be co-created with all of the project partners and give answers to questions such as: what does the mission/project mean to us? Why are we working together? What principles are underlying our partnership? How will we work together? It should also be considered a "living document" – one that you can come back to and revisit throughout the life of the project<sup>1</sup>.

It should also be set who is providing leadership in the project, whose responsibility it is to create final document, who is responsible for practical aspects of visits and travelling, etc.

#### 2.2. Subjects to be considered

In principle the subjects to be considered in the execution of any project depend on the outline of the terms of reference and of the documentation mentioned in point 2 of this Guide (description of the issues to be covered by the project and detailed project work plan, indicating all different steps to be taken from the beginning until the end).

Furthermore the question to what extent any subject may be dealt with is heavily dependent from the information available. Therefore it may be necessary to apply different types of approach:

- academic, when it comes to challenges in the field of market analysis (multidisciplinary orientated long run activities),
- theoretical, when the issue of allocation of costs and quality of universal service is elaborated (when operational issues are concerned, not being supported by appropriate data),
- operational (supported by appropriate data), discussing issues related to the organizational structure of the regulator, the licensing process, and recommendations for infrastructure development.

<sup>&</sup>lt;sup>1</sup> <u>http://depts.washington.edu/ccph/pdf\_files/MOU6.pdf</u>

The following list of subjects therefore is exemplary only for areas that may be considered within the execution of relevant projects:

- Postal market analysis, including
  - o definition of the objectives for market monitoring and analysis,
  - o organisation of market monitoring and analysis,
  - o organisation of data collection including analysis,
  - o publication.
- National Regulatory Authority issues
  - o organisation of the NRA including resource management,
  - o licensing of postal operators process,
  - o cost accounting,
  - o access to public postal network,
  - o price regulation,
  - o quality of service.
- Infrastructure for USO fulfillment
  - o contact points,
  - o transportation network,
  - o delivery network,
  - o staff's level of education.

# 3. Third phase - Preparation of the final document

#### 3.1. Content of the final document

CERP expert shall prepare final document (Report) that shall consist of several parts:

- description of the terms of reference and of the issues to be covered by the project,
- summary of the actions taken during the project, including issued questionnaires and the result of workshops (if applicable),
- information received within the data collection process, indicating strengths and weaknesses,
- recommendations (the subjects and level of detail depend on the terms of reference and of the issues to be covered by the project) including for example
  - o organization of the market and public entities
    - PPO,
    - private providers,
    - consumers,
  - o access to public postal network
    - infrastructure,
    - up / down stream access,

- o consumer aspects,
  - consumer protection,
  - surveys,
- o USO
  - scope,
  - infrastructure,
  - ways of fulfilling the obligation,
  - models,
- o regulatory aspects
  - cost accounting,
  - price policy,
  - compensation fund,
  - net cost calculation,
- o regulatory framework for postal sector
  - the role of the NRA,
  - the goals of its existence,
  - powers,
  - sources of knowledge,
  - strengthened position,
- o capacity building of universal service provider
- o strategic planning in the field of postal services
  - assessment study as a support for strategic planning,
  - review of the existing policy,
  - creation of a new policy document (if necessary),
- o risk statement
  - risk for the carrying out of the project (risk is an uncertain event that can be either positive or negative; and we should be aware that a certain amount of risk will always be present. (Examples of risk can be: unrealistic expectations, unrealistic schedules, changing requirements, sponsor leaves the project),
  - relevant statements can be provided, depending on the complexity of certain tasks and requirements of the beneficiary country.

#### 3.2. Compliance and presentation of the final document

CERP experts will present the agreed final document to the beneficiary country and to the sponsor, so that the stakeholders are informed.

# <u>Annex 1</u>

# Basic questionnaire for the preparation of CERP expert projects (example)

<u>l.</u>	POSTAL SECTOR POLICY		
1)	Did the government define a postal sector policy?	Yes	No
2)	Was there a regulatory system for the postal sector?	Yes	No
3)	Was there a mechanism for UPS funding?	Yes	No
4)	Was the postal sector included in the National Development Plan?	Yes	No
<u>II.</u>	GENERAL INFORMATIONS		
5)	Are postal services provided within:		
•	a) Postal law		
	b) Business law		
	c) Other kind of law or acts – if so, please specify		
	Do you have any plans for changes to the existing legislation?		
6)	If you have, please provide the details and schedule of activities	Yes	No
<u>III.</u>	UNIVERSAL POSTAL SERVICE		
7)	Is the definition of universal service obligation (USO) at place?	Yes	No
	Is USO defined by the law mentioned ?		
8)	If no, please briefly describe current legal framework of the postal services	Yes	No
9)	Are services within USO provided by:		
	a) Governmental body		
	b) Governmental enterprise		
	c) Other, please specify		
10)	What kinds of services are defined within the USO scope?		
	Please specify:		
11)	Which traditionally postal services are out of US scope?		
	Please specify:		
12)	Are any important features of USO provisions defined?	. Yes	No
	If so, please specify (min. number of delivery in week, min. number of letter boxes collection daily, quality of service standards and targets, accessibility of the services etc.)		
13)	Are the postal services provided within USO scope covering whole territory of the country?	. Yes	No
	If not, please specify		
14)	How universal service provider supervising the provision of universal services?		
	Please specify:		
15)	Do you approve of exceptions or deviations from the requirements to be met by universal service?	. Yes	No
16)	Do you supervise the obligations of the universal service and the exceptions?	. Yes	No

17)	If your anower is you, placed anosify who?		
17)	If your answer is yes, please specify who?		
	- The NRA		
	- Other national authorities		
18)	What kind of postal services are provided out of USO scope?		
<u>IV.</u>	RESERVED AREA		
19)	Is there any reserve area of services (monopoly) declared by law?	. Yes	No
20)	If so, is reserved area covering whole USO?	. Yes	No
	If no, please specify:		
	How are reserved services area defined in national Postal act		
21)	Please specify:		
<u>V.</u>	UNIVERSAL SERVICE PROVIDER (USP)		
22)	Does the universal postal provider have all necessary resources to meet it postal		
	obligations?	. Yes	No
23)	Does the universal postal provider have a feasible business plan	. Yes	No
<u>VI.</u>	NATIONAL REGULATHORY AUTHORITY (NRA)		
24)	Are postal services performance supervised and/or regulated by any institution? If so, please specify	. Yes	No
25)	Is regulatory authority independent from government?	. Yes	No
26)	How is the NRA financed?		
	- Budget		
	- Contribution of operators		
	- Other (please specify)		
	What are the responsibilities of NRA? (briefly)		
27)	Briefly explain:		
28)	Please provide some brief information about the NRA organization structure (includi employees responsible for postal services)	ing the num	ber of
29)	Are there other regulatory bodies that deal with different aspects of postal services		
	such as: prices, competition?	. Yes	No
	If so, please specify:		
30)	Does NRA have a legal power of sanctions against the illegal operators?	. Yes	No
	If not, who have (please specify)		
31)	Is regulatory authority issuing any regulations documents obligatory for postal operators?	Yes	No
	If so, please specify:		
<u>VII.</u>	ACCOUNTING		
32)	Does the universal service provider have an obligation to keep separate accounts for universal service and other postal services?	. Yes	No
33)	Are postal fees for universal service cost based?	. Yes	No
34)	If you have, indicate, whether there is a system for monitoring and control of the accounting requirements for universal service providers (accounting system and accounting separation)?		
	Please specify:		

35)	If not, what is the deadline for their implementation?		
<u>VIII.</u>	LICENCING REGIME AND AUTHORITY		
36)	Do you have a regime of licence issuing?	. Yes	No
37)	Please shortly described the procedures of:		
	- Issuing permits		
	- Supervising licences issued		
	- Revocation of licences		
38)	Are there more than one postal operator providing postal services in the country? <i>If so, please specify:</i>	. Yes	No
39)	Is licensing or approval procedure for USO provider obligatory?	. Yes	No
40)	Is the licensing or approval procedure for non USO provider obligatory?	. Yes	No
<u>IX.</u>	POSTAL MARKET ISSUES		
41)	Is there clear definition of the postal item applied?		
	Notice: clear definition of postal item should enable to distinguish postal items from non postal items on logistic market	. Yes	No
42)	Are non addressed items (leaflets) considered as postal items?	. Yes	No
43)	Are domestic courier services considered as postal services?	. Yes	No
44)	Is bulk mail considered as part of universal service?	. Yes	No
45)	Is downstream access model (to public postal network) applied on postal market?	. Yes	No
46)	Is statistical monitoring of the postal market provided?	. Yes	No
	If so, by which body please specify:		
47)	Are data on USO services available (by products)?	. Yes	No
	If so, please specify:		
48)	Are data on services out of USO scope available (by products)?	. Yes	No
	If so, please specify:		
49)	Are financial results of USO provider (s) available?	. Yes	No
	If so, please specify:		
50)	Are financial results of non USO providers available?	. Yes	No
	If so, please specify:		
51)	Are data on market shares available (by operators)?	. Yes	No
	If so, please specify:		
52)	Are data on revenues related to USO provider (s) available (by products)?	. Yes	No
	If so, please specify:		
53)	Are data on revenues related to non USO providers available (by products)?	. Yes	No
	If so, please specify:		
54)		. Yes	No
	If so, please specify:		

55)	Please indicate below how many operators have an authorization or license:		
	Authorization:		
	- Letters		
	- Parcels		
	- Other		
	License:		
	- letters		
	- parcels		
	- Other		
<u>X.</u>	QUALITY OF POSTAL SERVICES		
56)	Do you have established quality standards for the services from USO?	. Yes	No
	If so, please specify:		
57)	Who is responsible for monitoring of quality measurement procedure?		
	Please specify:		
	Note: all responses will be treated as highly confidential	•	

# Annex 2

Detailed questionnaire for the preparation of CERP expert projects (example)

# A. Postal market analysis

Postal market indicators

I. Geographic and Demographic indicators	
Area:	
Population:	
Age structure:	
0 - 14 years	
15 - 64 years	
over 65 years	
Population growth rate:	
Birth rate:	
Death rate:	
Net migration rate/1000 population:	
Population density:	
Population of the capital city	
Number of:	
- regional capitals	
- inhabitants per region	
% of rural area	
% of urban area	
Labour force:	
Labour force by occupation:	
Unemployment rate:	
% working population/% GDP:	
- Agriculture	
- Industry	
- Trade	
- Service industries	
Ethnic divisions %:	
Religions %:	
Languages %:	
	in USD/EUR

II. Economic indicators	
Average annual population growth:	
GDP: purchasing power parity	
GDP: real growth rate:	
GDP: per capita:	
GDP: composition by sector:	
- agriculture:	
- industry:	
- services:	
Inflation rate:	
Illiteracy rate:	
Foreign trade:	
Imports	
- Commodities	
- Partners	
Exports	
- Commodities	
- Partners	
External debt in:	
Economic aid:	

# Postal market indicators

Postal traffic

Volumes							
	U	SP	Other providers		Тс	Total	
Domestic items	Year x	Yearx+1	Year x	Year x+1	Year x	Year x+1	
Items of correspondence*)							
Direct Mail							
Printed matters**)							
Parcels & logistics							
EMS items							
Courier items							
Money orders							
Unaddressed items							
International items							
Items of correspondence*)							

Volumes								
	U	SP	Other p	providers	Тс	Total		
Domestic items	Year x	Yearx+1	Year x	Year x+1	Year x	Year x+1		
Direct Mail								
Printed matters**)								
Parcels & logistics								
EMS items								
Courier items								
Money orders								
Revenue								
Domestic revenue								
Items of correspondence*)								
Direct Mail								
Printed matters**)								
Parcels & logistics								
EMS items								
Courier items								
Financial services								
Unaddressed items								
International revenue								
Items of correspondence*)								
Direct Mail								
Printed matters**)								
Parcels & logistics								
EMS items								
Courier items								
Financial services								

\* Items of correspondence include: ordinary letters, postcards, registered mail and insured mail

\*\* Printed matters include: books, catalogues, newspapers and periodicals/magazines

#### Postal market indicators

<b>Operators</b>	% of market share*)										
	Items of correspondence	Parcels & logistics	EMS items	Courier items	Money orders	Unaddressed items	Direct mail/ printed matters				
Xxx1											
Xxx2											
Xxx3											
Xxx4											
Xxx5											
Xxx6											
Xxx7											
Xxx8											
Xxx9											
Хххх											
Customers											
% of items from business % of items from private											
% of revenue from business % of revenue											
from private											

\* If you do not know exactly, please estimate

Please specify the 5 biggest business customers, indicating the kind of product they most frequently use:

# Employment

Number of persons employed	Year x	Year x + 1	Year x + 2
PPO			
Other postal operators			
Total			

# Access points

	Number	of postal outle	ts	Postal C postal ou	overage (I utlets per 1	Number of 00 km <sup>2</sup> )	Postal de postal ou		abitants per
	Year x	Year x+1	Year x+2	Year x	Year x+1	Year x+2	Year x	Year x+1	Year x+2
PPO									
Other postal operators									
Total									

# B) Costs accounting and pricing

1.	Are there longer term data of profit/loss of the PPO available?	Yes	No
2.	Is the PPO profitable at present?	Yes	No
		do not kno	wc
3.	Does the existing accounting system used by the PPO enable a separation of as?	of basic cost o	drivers
	a) Labour costs	Yes	No
	b) Equipment (depreciation)	Yes	No
	c) Accommodation (renting the facilities)	Yes	No
	d) Sub-contracted services	Yes	No
	e) Miscellaneous operating services	Yes	No
	f) Other costs	Yes	No
	g) Energy (fuel, electricity, gas, etc.)	Yes	No
4.	Does existing accounting system used by the PPO enable to separate revenues by products (letters, parcels, money orders, etc.)?	Yes	No
5.	Is there obligation to issue the Annual report of the PPO with financial statement?	Yes	No
6.	What is the procedure for changes of prices of USO services?		
	Describe briefly, please		
7.	Are USO service price changes based on any financial analysis?	Yes	No
	C. Quality of Service		
1.	What domestic USO quality of service standards should be preferred?		
	a) Speed of delivery		
	b) Reliability of delivery		
	c) Security		
2.	What domestic non USO quality of service standards should be preferred?		
	a) Speed of delivery		
	b) Reliability of delivery	<u>.</u>	
	c) Security	<u>.</u>	
3.	What is the most usual way of posting of ordinary letter mail items?		
	Describe briefly, please		
4.	What is the most usual way of posting of registered letter mail items?		
	Describe briefly, please		
5.	What is the most usual way of posting of parcels?		
	Describe briefly, pleas		
6.	What are quality of service features perceived both by the PPO and NRA at	present?	
	Describe briefly, please		
7.	Is the speed of delivery the only one feature or are there any other?		
	Describe briefly, please		
8.	What are the geographical areas with similar quality of service targets (numb	per of areas)?	1

8. What are the geographical areas with similar quality of service targets (number of areas)?

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9.	Is there any department within the PPO dealing permanently with quality of service issues?	Yes	No
10.	Is there any intention to have a person within the NRA dealing permanently with quality of postal services issues?	Yes	No
11.	Is there any standardized procedure for solving claims both within the PPO and NRA?	Yes	No
	If so, please describe briefly		
12.	Is there any standardized procedure for solving complaints within the PPO?	Yes	No
	If so, please describe briefly		
13.	Could you specify proportions of mail categories posted by individuals and by State Offices)	companies	s (or by
14	Could you specify proportions of mail (letter mail, parcels, express mail) delivered to P.O. boxes?	ered to horr	ne (or
	D. Regulatory activities		
	Status of the NRA:		
1.	The source of budget		
	- Fee from operators (what's the share of public postal operator)		
	- Government budget		
	- Parliament budget		
	- Other		
2.	Budget adoption (level)		
	- Company level		
	- Government		
	- Parliament		
3.	Approval for NRA decision (postal part)		
	- Final instance		
	- Government approval		
	- Parliament approval		
4.	Please specify for which kind of decision the NRA needs government/parliamer	nt approval:	
-	No		

5. Number of employees dedicated to postal services and available budget per employer: