Transposition of Directive
2008/6/EC
Dr. Robert Pochmarski, LL.M. (EUI)
CERP Plenary 18 – 20 May, Dublin

(*) The views expressed herein do not necessarily reflect those of the DG Internal Market, the Commissioner or the Commission.
Transposition Plan
Assistance Activities
Article 23a:

The Commission shall provide assistance to the Member States on the implementation of this Directive, including on the calculation of any net cost of the universal service.
Reminder on transposition risks...

- a particular challenge given the specific length of the transposition period and the interest(s) of the actors involved;
- a litmus test for both Member States and the Commission as to whether they take postal reform seriously and take all necessary steps to ensure real market opening (Art 23a);
- legislative transposition in itself is unlikely to be sufficient to reap the substantive economic gains from market opening in a core network industry;
- risk that the transposition period will not be used to assure full liberalisation but rather to erect/maintain market entry barriers.
...activities undertaken...

<table>
<thead>
<tr>
<th>Year</th>
<th>Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>4th Application Report</td>
</tr>
<tr>
<td></td>
<td>1.Conference Brussels</td>
</tr>
<tr>
<td>2009 - 2011</td>
<td>2.Conference Valencia</td>
</tr>
<tr>
<td>2012 - 2013</td>
<td>5th Application Report</td>
</tr>
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<td></td>
<td>FMO Conference</td>
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<tr>
<td>2014 -</td>
<td>Application Reports</td>
</tr>
<tr>
<td></td>
<td>Legal Acts?</td>
</tr>
</tbody>
</table>

Sector Studies

Assistance to Member States in implementation

Market monitoring and screening of legislation

ERGP

Gradual Market Opening

Internal Postal Market

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2011 FMO 16 MS

2013 FMO 11 MS
…and some preliminary conclusions

- Transposition Plan and continuous cooperation during transposition - roadmap to successful implementation;
- Weighting of elements (actions) required some flexibility;
- Calibration of transposition plan was needed (e.g. follow-up ERGP);
- Overall transposition statistic positive (13 MS now implemented the Third Postal Directive);
- But further activities required.
State of Play 2011 – market opening and transposition
Reminder on market opening...

- 7 Member States have opened their postal markets to competition before the formal deadline 1 January 2011:

  1. Finland (1991)
  2. Sweden (1993)
  5. Netherlands (2009)
  7. Spain (local mail liberalised)
Reminder on market opening...

<table>
<thead>
<tr>
<th></th>
<th>Weight limit</th>
<th>Price limit</th>
<th>Reserved % of volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998 - 2002</td>
<td>350 gram</td>
<td>5 x stamp</td>
<td>91 %</td>
</tr>
<tr>
<td>2003 – 2005</td>
<td>100 gram</td>
<td>3 x stamp</td>
<td>79 %</td>
</tr>
<tr>
<td>2006 - 2010</td>
<td>50 gram</td>
<td>2,5 x stamp</td>
<td>72 %</td>
</tr>
<tr>
<td>2010- 2012</td>
<td>Derogation for 11 MS</td>
<td></td>
<td>5%*</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>*of overall EU postal volume</td>
</tr>
</tbody>
</table>
Full market opening – state of play today

- Member States that opened their market on 1.1.2011:
  - 7. Spain (remaining parts)
  - 8. Austria
  - 9. France
  - 10. Belgium
  - 11. Denmark
  - 12. Slovenia
  - 13. Bulgaria
  - 14. Italy

- Member States that have formally not yet opened their postal markets according to Directive 2008/6/EC (in the absence of transposition) – yet, the legal position is that Article 7 of the Postal Directive is directly effective and that therefore there is *de iure* no more reserved area also in these Member States
  - 1. (15.) Ireland
  - 2. (16.) Portugal
Market Opening - derogations

- Member States that have a derogation to open their postal markets only by 31 December 2012 according to Directive 2008/6/EC

- 1. Greece
- 2. Luxembourg
- 3. Poland
- 4. Latvia
- 5. Lituania
- 6. Czech Republic
- 7. Slovak Republic
- 8. Hungary
- 9. Romania
- 10. Cyprus
- 11. Malta
## Transposition of Directive 2008/06/EC – state of play

<table>
<thead>
<tr>
<th>Member State</th>
<th>Notification/Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>Complete / 12.10.2009</td>
</tr>
<tr>
<td>Belgium</td>
<td>Complete / 04.01.2011</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>Complete / 05.01.2011</td>
</tr>
<tr>
<td>Denmark</td>
<td>Complete / 31.12.2010</td>
</tr>
<tr>
<td>Finland</td>
<td>Adopted / 09.03.2011</td>
</tr>
<tr>
<td>France</td>
<td>Complete / 23.12.2010</td>
</tr>
<tr>
<td>Germany</td>
<td>Complete / 22.12.2010</td>
</tr>
<tr>
<td>Ireland</td>
<td>Absence</td>
</tr>
<tr>
<td>Italy</td>
<td>Complete / 06.05.2011</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Complete / 25.06.2009</td>
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<tr>
<td>Portugal</td>
<td>Absence</td>
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<tr>
<td>Slovenia</td>
<td>Complete / 28.09.2009</td>
</tr>
<tr>
<td>Spain</td>
<td>Complete / 10.01.2011</td>
</tr>
<tr>
<td>Sweden</td>
<td>Complete / 14.09.2010</td>
</tr>
<tr>
<td>United Kingdom*</td>
<td>Partial / 17.12.2010</td>
</tr>
</tbody>
</table>
ERGP – state of play
Short reminder…

- **Commission Decision of 10 August 2010.**

- **Expert advisory group consisted of independent NRAs** (Member States + candidate countries + EEA countries).

- **Inauguration meeting on 1 December 2010:**
  - Adoption of the Rules of Procedures
  - Adoption of the Work Programme 2011-2012
  - Election of the Chair and Vice-chairs
Meeting of the chairs of the five sub-groups to finalize Project Requirements Documents (PRDs) on 7 February 2011.

- WG1: cost allocation/price regulation
- WG2: net cost of USO
- WG3: end users/market monitoring
- WG4: cross-border products
- WG5: access

PRDs confirmed in the electronic voting procedure on 7 March 2011.

Kick-off meetings of sub-groups organized and substantive work initiated (e.g. collection of data; preparation of draft documents).
Further information

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Renata Malinovska
Telephone: + 32 2 299 65 76
http://ec.europa.eu/internal_market/ergp/ (yet to be finalized)
External Dimension
Conclusions:

The EU and Member States should improve coordination in the development of international postal policies.

The EU and Member States should develop coordinated positions in advance of the 2012 Doha Congress of the UPU.

Identify level of coordination required by EU law (competences of Member States and EU).

Identify governmental issues for which coordination is required.

Develop appropriate reservations and/or common declarations if needed.

Develop a coordinated position on role of MS plenipotentiaries and postal operators with respect to operational issues presented at Doha.
(Some) Selected Regulatory/Policy Issues

- terminal dues system and costs based tariffs;
- quality of services and measurement systems;
- standardisation;
- role of the electronic services in the postal sector;
- separation of regulatory and operational functions;
- mandate of the UPU.
Thank you for your attention!

Website of the European Commission, Directorate General for Internal Market and Services, Postal and Online Services:

http://ec.europa.eu/internal_market/post/index_en.htm