



Brussels, 1 July 2022
(OR. en)

10764/22

LIMITE

POSTES 2
TELECOM 301
MI 520
COMPET 555
CONSOM 174

NOTE

From:	Presidency
To:	Delegations
Subject:	COUNCIL DECISION (EU) 2022/XXX Requesting the Commission to submit a study on the Union's situation concerning the application of the Postal Service Directive (97/67/EC), and a proposal if appropriate, in view of the outcomes of the study

1. Delegations have signalled to the Presidency that the current Postal Service Directive¹ needs to be revised to adapt to the significant changes that took place concerning the postal market, the preferences of the customers and the COVID-19 epidemic.
2. The Commission is entitled to submit such legislative proposal to the Council and the European Parliament. However, as the next European Parliament elections will take place in 2024, Delegations believe that unless such a proposal is tabled not later than 2023, the co-legislators will not be able to adopt it in this legislative cycle, which would have adverse effects on customers and the providers of different postal services.

¹ 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, as amended by Directives 2002/39/EC and 2008/6/EC

3. The aim of this draft Council Decision is to invite the Commission to start the process of the reform of the current Postal Service Directive urgently, with the aim of submitting a proposal to the Council and Parliament in time, so that it could be discussed and adopted before the expiry of the current term of the European Parliament.
 4. Article 241 of the TFEU provides that the Council, acting by a simple majority, may request the Commission to undertake any studies the Council considers desirable for the attainment of the common objectives, and to submit to it any appropriate proposals. If the Commission does not submit a proposal, it shall inform the Council of the reasons.
 5. The intention of the Presidency is to submit the Decision in Annex to the Coreper as an 'A' item, with the adoption without debate by the Council in view.
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COUNCIL DECISION (EU) 2022/XXX

Requesting the Commission to submit a study on the Union's situation concerning the application of 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, as amended by Directives 2002/39/EC and 2008/6/EC, and a proposal if appropriate, in view of the outcomes of the study

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty of the Functioning of the European Union (TFEU), and in particular Article 241 thereof,

Whereas,

- 1) The letter mail has experienced a yearly decline of 4,9% in the EU since 2008, and this tendency has been accelerated with the contraction of the economy due to the COVID-19 pandemic, during which letter mail volumes dropped between –12% and -26 % between 2019 and 2020.
- 2) The parcel delivery services have experienced a yearly increase of an estimated 9% per cent in the EU from 2008, and this tendency has been accelerated due to the COVID-19 pandemic.
- 3) In each Member State the universal postal services are provided nationwide, while the needs of the users have significantly changed.
- 4) The cost of the universal service obligation, based on cost scale, has increased due to the sharp decline of the letter mail market.
- 5) The concept of the universal service shall reflect changing user needs and be flexible and sustainable.
- 6) The development of the e-commerce and digitalization has introduced new players, products and services on the market.

- 7) 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, as amended by Directives 2002/39/EC and 2008/6/EC has partially fulfilled its objectives and there might be a need to revise it to ensure that it is future-proof and that it addresses the above-mentioned challenges in a sustainable way.
- 8) A detailed analysis would justify a need to revise Directive 97/67/EC in order to reflect technological development and changes in the postal market and would allow its adoption still within the ongoing European legislative cycle,

HAS ADOPTED THIS DECISION

Article 1

The Council hereby requests the Commission to submit a study on the situation of the internal market of the Union postal service, in particular regarding the application of 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, as amended by Directives 2002/39/EC and 2008/6/EC.

Article 2

1. The Council requests the Commission to submit a proposal, if appropriate in view of the outcomes of the study, or otherwise to inform the Council of alternative measures required as a follow-up to the study.
2. In accordance with the usual practice, the Council requests the Commission to ensure that the proposal is accompanied by an impact assessment.

Article 3

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, xx xx 2022.

For the Council

The President

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