



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.04.2002
COM(2002) 217 final

2000/0139 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

**amending Directive 97/67 EC with regard to the further opening to competition of
Community postal services**

AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty

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1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the 3 amendments proposed by Parliament.

2. BACKGROUND

- On 30 May 2000 the Commission adopted a Proposal for a European Parliament and Council Directive amending Directive 97/67 EC concerning the further opening to competition of Community postal services¹. The Proposal was submitted to the European Parliament and Council on 14 July 2000.
- At its 377th plenary session on 29 November 2000², the Economic and Social Committee delivered its opinion on the proposal;
- At its 36th plenary session on 4 December 2000³, the Committee of the Regions delivered its opinion on the proposal;
- The European Parliament adopted a legislative resolution⁴ embodying its opinion on the Commission's proposal at its plenary session on 14 December 2000;
- On 21 March 2001, the Commission adopted an amended proposal⁵ in the light of the positions of the Parliament, the Economic and Social Committee and the Committee of Regions;

¹ COM(2000) 319 final, OJ C337, 28.11.2000

² OJ C 116, 20/04/2001 P. 0099 - 0105

³ OJ C 144, 16.5.2001, p20

⁴ OJ C 232, 17.8.2001, p244, 287

⁵ COM(2001) 109 final, OJ C 180 E, 26/06/2001 P. 0291 - 0300

- On 6 December 2001, the Council adopted the common position⁶ (qualified majority) which is the subject of this communication;
- On 10 December 2001, the Commission adopted its communication to the European Parliament⁷ on the Council’s common position;
- On 13 March 2002, the European Parliament voted on second reading 3 amendments to the common position⁸.

3. PURPOSE OF THE PROPOSAL

The Directive aims to fulfil the mandate of Directive 97/67 EC to provide for a further gradual and controlled liberalisation of postal services, to take effect from 1 January 2003 and to set out a timetable for further opening. It also proposes to resolve various ancillary issues relating to the smooth functioning of the Internal Market in postal services.

4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

4.1. Amendments accepted by the Commission

On second reading the European Parliament adopted 3 amendments to the Council’s common position.

For the reasons set out below, the Commission is able to accept these amendments.

Amendment 1 introduces in a new Recital the requirement for the Commission to regularly submit reports to the EP and Council on the application of the Directive. This amendment is acceptable as it will allow both the European Parliament and the Council to be kept informed of the evolution of the sector within the existing framework (I.e. extending existing provisions of the 97/67 EC Directive in Recital 40).

Amendment 2 introduces drafting modifications to the new Article 7(1) of the Directive aiming at ensuring better compliance with drafting of existing Article 7 of the 97/67 EC Directive and avoiding reference to non-defined terms (“standard mail”). The concern of better aligning drafting with existing Art. 7 and avoiding non-defined terms (“standard mail”) as well as the drafting of the related amendment are acceptable.

Amendment 3 introduces amendments to Article 23 of the 97/67 EC Directive in order to provide for the Commission to submit reports on the application of the Directive to the EP and Council every 2 years (on the first occasion no later than 31 December 2004), accompanied where appropriate by proposals to the EP and Council. This amendment is acceptable as it will allow both the European Parliament and the Council to be kept informed of the evolution of the sector within the existing framework (I.e. extending existing provisions of the 97/67 EC Directive in Art. 23 and related Recital 40).

⁶ CSL 14091/1/2001

⁷ SEC(2001) 1961 final

⁸ A5-0058/2002

4.2. Amendments rejected by the Commission

None.

5. CONCLUSION

The Commission therefore accepts all the amendments voted by the European Parliament on second reading.

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.