



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 9.11.2007  
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2006/0196 (COD)

**COMMUNICATION FROM THE COMMISSION  
TO THE EUROPEAN PARLIAMENT**

**pursuant to the second subparagraph of Article 251 (2) of the EC Treaty**

**concerning the**

**common position of the Council on the adoption of a Directive of the European Parliament and of the Council amending Directive 97/67/EC concerning the full accomplishment of the internal market of Community postal services**

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**1 - BACKGROUND**

Proposal transmitted to the European Parliament and the Council (document COM(2006)594 final – 2006/0196(COD) on:	19 October 2006.
European Economic and Social Committee opinion delivered on:	26 April 2007.
Committee of the Regions opinion delivered on:	6 June 2007.
European Parliament opinion (first reading) delivered on:	11 July 2007.
Common position adopted on:	8 November 2007.

**2 - AIM OF THE COMMISSION PROPOSAL**

Accomplishment of the internal market of Community postal services via the abolition of the reserved area in all Member States; confirmation of the scope and standard of universal service; reinforcement of consumers' rights and upgrading of the role of national regulatory authorities; offering of a list of measures Member States may take to safeguard and finance, if necessary, the universal service.

**3 - COMMENTS ON THE COMMON POSITION**

**3.1 General comments**

The Commission supports the common position adopted on 8 November 2007 by qualified majority.

The amendments made by the common position, which in this regard follow the relevant EP amendments made in the first reading, concern in particular the final date for the implementation of the amending Directive (31 December 2010), the possibility for some Member States to postpone full market opening by two more years as a maximum and the inclusion of a temporary reciprocity clause applying to those Member States that make use of the latter transitional period. Furthermore, and also taking over a substantive element of the

EP first reading, the common position inserts a new Annex I to the Directive ("Guidance on calculating the net cost, if any, of universal service").

### **3.2 Amendments by the Parliament incorporated into the common position**

The common position incorporates nearly all amendments made by Parliament in its first reading. The amendments concern the following provisions: Recitals 4, 5, 7, 9, 11, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 26, 31, 32, 34, 39, 41, 42, 46, 53, 54, 55 and Articles 2, 6, 9, 12, 14, 19, 22a, 23, 23a.

The Commission supports the amendments made in the above provisions of the common position as they are in line with the Commission Proposal, coherent with the Acquis and/or are part of the overall political agreement between the institutions.

Amendments by the EP relating to Recital 27 are reflected in a statement by the Commission which, on substance, reflects the Acquis (annexed to this Communication).

### **3.3 Reformulated and new provisions**

Some provisions were reformulated or added in the common position in the interest of greater clarity; these concern: Recitals 17, 27, 28, 30, 35, 36, 38, 44, 50, 51, Articles 1, 3, 4, 7, 9 and Annex I.

These provisions are coherent with the EP amendments or can be considered as reflecting requests of the EP, e.g. Annex I in relation to Article 23a (Amendment 58).

Articles 2 and 3 of the amending Directive are an integral part of the overall political agreement and also take over the substance of the respective amendments made by the European Parliament in its first reading.

The Commission can support all above provisions. They are in line with the EP amendments, improve and clarify the text of the Directive, and/or are part of the overall political agreement between the institutions.

As regards the issue of correlation tables, the Commission regrets that the common position has not followed the Commission and the European Parliament in this regard (see also Recital 60). The Commission considers that the provision of correlation tables corresponds to the principle of Better Regulation as well as enhancing the conformity of national rules with Community provisions. The Commission is, consequently, making a statement on this issue, which is annexed to this Communication.

#### **4- CONCLUSIONS**

The Commission takes the view that the common position fully reflects the key elements of its initial proposal and of the amendments of the European Parliament made in the first reading.

The Commission therefore supports the common position as adopted by the Council by qualified majority.

## Annex

### Commission Statement Re Recital 27

The Commission confirms that in accordance with Recital 18 of Directive 97/67/EC and the consistent case law of the European Court of Justice (e.g. Case C-320/91 [Corbeau]), express and courier services constitute specific services that are characterised by being essentially different from universal postal services.

### Commission Statement Re Recital 60 and Article 2

The Commission recalls its position concerning the creation by Member States of correlation tables linking the transposition measures taken by the Member States with the directive, in the interest of citizens, Better Regulation and transparency and to assist the examination of the conformity of national rules with Community provisions.

In this instance, the Commission does not stand in the way of an agreement at Council with a view to the successful conclusion of the inter-institutional procedure on this file. However, it expects this horizontal matter to be considered jointly by the institutions.