

Contribution to the European Commission's Call for Evidence on the “New EU Delivery Act – Reform of EU Postal Rules” Initiative



PostEurop[•]

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ABOUT POSTEUROP

POSTEUROP is the association which represents European postal operators since 1993 and is officially recognised as a Restricted Union of the [Universal Postal Union \(UPU\)](#).

It is committed to supporting and developing a sustainable and competitive European postal communication market accessible to all citizens and ensuring a modern and affordable universal service.

Its Members employ **1.6 million people** and deliver billions of items annually to over **295 million homes** and **48 million companies** across Europe.

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INTRODUCTION

PostEurop welcomes the opportunity to provide input to the European Commission's call for evidence on the "EU Delivery Act"¹. The review of the postal regulatory framework is of utmost importance for PostEurop and its members, the universal service providers (USPs).

In this contribution, we outline our key recommendations and concerns regarding the problems and objectives stated in the call for evidence, as well as our position on the suggested policy options.

PostEurop remains committed to engaging with the Commission and other stakeholders to ensure that the future regulatory framework effectively addresses the needs of USPs and supports the development of the postal sector.

Problem 1: The financing of the universal service obligation (USO) is becoming gradually unsustainable, potentially affecting accessibility

Objective 1: Safeguard universal access to postal delivery² services for all citizens and businesses at all points on EU territory, in financially sustainable conditions

PostEurop members agree with the Commission's stated problem that the financial sustainability of the USO is increasingly becoming a challenge due to market evolutions, namely declining letter volumes.

PostEurop recommends that the Commission prioritises the following areas in the review of the postal regulatory framework:

- **A sustainable and flexible USO framework:** The USO should remain at the core of the regulatory framework, ensuring that postal operators can fulfil the USO in an economically sustainable manner, while safeguarding users' access to basic postal services.
- **Universal access and cohesion:** The USO must preserve its "universal" nature, guaranteeing that basic postal services remain available for all users across the EU, particularly in rural and remote areas, thereby contributing to territorial, social and economic cohesion.
- **Flexibility and subsidiarity:** The regulatory framework should preserve Member States' ability to define the scope and modalities of the USO — including delivery frequency, domestic quality standards, access points and place of delivery — in accordance with national volumes, user preferences, and geographic or social conditions. Upholding the principles of flexibility and subsidiarity is essential to ensure that the USO remains proportionate, effective and financially sustainable, while continuing to meet users' needs across diverse national contexts. Such an approach would not lead to fragmentation of the Single Market but rather guarantee that the universal service can be maintained efficiently and affordably for all citizens throughout the Union.
- **Effective and reliable compensation mechanism:** The new framework should guarantee that, where a net cost arises from the provision of the USO, Member States are obliged to fully and promptly compensate USPs. A simplified and balanced State Aid framework would facilitate timely compensation, while ex-post controls by national regulatory authorities (NRAs) could replace burdensome ex-ante notification procedures.
- **Focus on reliability and predictability:** The emphasis of the USO should shift from speed toward reliable and predictable basic postal delivery services as this approach better reflects current market realities and user needs.
- **Proportioned protection for vulnerable users:** The definition of vulnerable users should be determined at the national level, enabling Member States to tailor measures to specific needs and ensure that the concept remains future-proof. Maintaining the universal nature of the USO ensures inclusiveness, while targeted provision can complement national policies where needed.

¹ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14821-New-EU-Delivery-Act-EU-to-reform-postal-rules_en

² The term "postal delivery" is used in key sections of the call for evidence, e.g. objective 1 and 3 and option 1 and 3, without any definition or precise meaning. This creates uncertainty and potential misunderstanding among stakeholders.

In line with these orientations, **PostEurop urges the Commission to:**

- Preserve the universal character of the USO while ensuring its economic sustainability based on the principles of reliability, accessibility, and proportionality of the regulatory framework.
- Enable Member States to adapt the scope and requirements of the USO to national and local conditions, avoiding a one-size-fits-all approach.
- Simplify and streamline compensation and State Aid procedures to guarantee timely reimbursement of net costs incurred by USPs.

This approach reflects the broader political and economic context in which the EU must balance accessibility with financial costs and competitiveness. Ensuring a sustainable, efficient, and flexible USO framework will strengthen the resilience of the postal sector and its contribution to cohesion and connectivity across the Single Market.

Problem 2: The scope and effectiveness of complaints handling systems varies across Member States and is insufficiently adapted to e-commerce

Objective 2: Clarify, and where relevant, improve, users' rights by strengthening user protection

According to the Commission's call for evidence, there are concerns that e-commerce delivery may not be subject to sufficient consumer protection measures, especially when various operators are involved, e.g. in cross-border deliveries. E-commerce recipients supposedly are not guaranteed the right to seek redress directly from delivery companies, unless the provider is a universal service provider.

PostEurop does not agree with this analysis.

- **Rights and duties of consumer purchases via the internet are already governed by existing consumer protection laws.** As a general principle, Article 20 of Directive 2011/83/EU states that: *"In contracts where the trader dispatches the goods to the consumer, the risk of loss of or damage to the goods shall pass to the consumer when he or a third party indicated by the consumer and other than the carrier has acquired the physical possession of the goods"*. Risk of payment does not pass to the consumer until the consumer has physically received the goods/shipment. The sender continues to bear the risk if the goods are not delivered at all, as no transfer to the consumer has taken place. Accordingly, unless the delivery carrier has been commissioned by the consumer, it is a matter for the sender to ensure that consumers' rights to withdraw, refund etc., are notified, respected, and applied. Article 7 of the Cross Border Parcel Delivery Regulation (EU) 2018/644 also already specifically references trader obligations and existing EU consumer protection legislation Directive 2011/83/EU.
- Consequently, **the first point of contact for the buyer is the e-commerce seller** who will then send the good again or reimburse any payment already made, and, if feasible, will contact the parcel operator entrusted with conveyance and delivery to claim damages. This system works well across millions of e-commerce purchases every day.
- **Avoiding the risk of double compensation is key.** Introducing a separate obligation into postal regulation for the parcel delivery operator to also reimburse the buyer, in addition to existing consumer protection legislation would lead to a risk of double compensation of the buyer by both the sender as well as the parcel delivery operator. The current solution is also the most feasible, in case the parcel has been handled by various operators, as is often the case for cross-border e-commerce. In many cases the delivery operator does not have a contract with the sender (the e-commerce-seller), but, for example, receives the parcels from a third party-operator. Here, the provider which holds the contract with the sender is responsible for any loss or damage to the shipment throughout the entire delivery chain.

E-commerce parcels are usually not part of the universal service. For universal service parcels (C2X) special rules apply in many Member States which enable the receiver to seek redress also directly with the USP.

Problem 3: Legislation in this area does not apply equally to all relevant operators

Objective 3: Safeguard the level playing field in the postal delivery sector, by ensuring equal treatment of postal delivery service providers and effective market monitoring and enforcement

Problem 3 identified by the Commission highlights that the Postal Services Directive (PSD) does not apply equally to all relevant operators, particularly in the context of the growing number of parcel delivery providers due to e-commerce. The Commission is referring to the 2024 prospective study which suggests that this lack of clarity in the EU legal framework may undermine fair competition. The corresponding objective 3 proposed by the Commission is to safeguard the level playing field in the postal delivery sector.

PostEurop members request the Commission to consider the following:

- **The parcel market is very competitive:** As confirmed by numerous studies and reports to or by the Commission³, the European parcel services market is highly dynamic, competitive and innovative. No market failures have been identified, and barriers to entry are low compared to other network industries, e.g. electronic communications with huge investments and sunk cost.
- **Caution against extending the scope of postal regulation:** PostEurop members agree that a level playing field is essential. However, we discourage using this concept to justify expanding the scope of postal regulation. Instead, we advocate for **maintaining e-commerce parcel services and the wider delivery market outside the scope of EU postal legislation**, however still governed by comprehensive horizontal legislation, and to concentrate sector-specific regulation on the postal USO (accessibility for all to basic postal services). Keeping commercial parcel delivery services outside the scope of the postal sector regulation would precisely ensure a level playing field in the parcel delivery market, without creating unnecessary cost and burdens related to over-regulation. Widening the scope of the sector-specific regulation, governed by the postal NRAs, would, to the contrary, create problems related to delimitation of the regulation, e.g. versus brick-and-mortar commerce and delivery services outside the scope of the sector-specific regulation.
- **Competition law is more suitable than sector-specific regulation applied by postal NRAs:** There is no indication that competition law is insufficient to adequately address market failures, should they arise. To the contrary, Competition Authorities have more expertise in relevant issues in the parcel market, such as challenges that may arise due to vertical integration of companies. Consequently, imposing new sector-specific regulation in the already competitive parcel delivery market will not only impose unnecessary regulatory costs and burdens but potentially harm the functioning of the market.
- **Comprehensive horizontal legislations are in place:** Horizontal legislation already governs key aspects of the postal and parcel services value chain from sender to recipient, including consumer protection, transport, labour, environmental sustainability, customs and data protection.
- **Regulatory burdens need to be reduced:** Expanding the sector definition scope and/or introducing new, sector-specific regulations in the market for postal delivery services would directly contradict the EU Commission and the EU Council's strong calls for regulatory simplification and administrative burden reduction to support competitiveness. *(This aspect is further developed in response to problem 5).*

PostEurop members recognise that there may be risks of unfair competition between delivery operators and e-commerce platforms which have or are integrating vertically into physical delivery, some of which have acquired considerable market and negotiating power. Furthermore, we are witnessing the emergence of new entrants in niche markets and a variety of innovative business models.

³ E.g. the WIK report on development of cross-border e-commerce (2019), page XIII, XVIII and 297, the WIK report on user needs (2021), page XXII and 42, and the EC report on the application of the PSD (Nov. 2021), page 10, stating "In contrast to the letter mail segment, the parcel delivery segment is highly competitive".

Although this dynamic and competitive environment poses challenges to traditional postal operators, **expanding the scope of the PSD is not the appropriate solution**. Instead, ensuring a genuine "level playing field" is best achieved through the effective enforcement of general competition law and the Digital Markets and Digital Services regulations.

Problem 4: Cross-border delivery issues hamper cross-border e-commerce

Objective 4: Support the development of cross-border delivery solutions, to ensure seamless and efficient services across the e-commerce single market

According to the call for evidence, there are indications of problems encountered by online customers with regard to the interoperability of cross-border parcel shipments, especially related to tracking and data exchange which hamper cross-border trade.

PostEurop disputes the assumption that issues with cross-border delivery hamper cross-border e-commerce within the EU. There is no concrete evidence supporting this statement, and on the contrary, the market keeps growing.

- **The cross-border parcel delivery market is competitive and fully functioning.** The EU parcel market is subject to intense competition. On the supply side numerous large and small parcel service providers offer both domestic and cross-border parcel services. Vigorous competition among companies, the growth of the e-commerce market, and the related increase in parcel volumes lead to affordable, competitive prices for customers. On the demand side, e-commerce platforms are establishing EU-wide logistics operations, offering not only fulfilment but also delivery services through their own networks, in competition with established parcel delivery service providers. E-commerce platforms often ship large volumes and thus have significant countervailing buying power, exercising significant competitive pressure onto parcel operators.
- **Regulation is only justified when market failures exist.** This is not the case when it comes to the tracking of e-commerce shipments. As can be expected in a market where service providers compete on quality, nearly all, if not all operators offer some sort of tracking systems, mostly also covering cross-border shipments. Additionally, commercial options like "AfterShip" connect different tracking systems for easy use by the consumer. It also has to be noted that many parcel delivery companies (like Hermes, DPD, UPS, DHL and GLS) already offer integrated pan-European delivery networks that include end-to-end tracking of parcels; the same applies to Amazon.

PostEurop members recall that basic parcel services are already included in the USO in most EU Member States. In those few cases where parcels are excluded, NRAs have concluded that the parcel delivery market is sufficiently competitive to ensure the availability, accessibility and affordability of basic parcel services without additional regulatory intervention. As a result, citizens and SMEs already enjoy the right to send and receive single-piece parcels at affordable prices, both domestically and cross-border. In addition, in most Member States the USO parcels already include basic features such as tracking, ensuring a high level of service quality.

The general principles of universal service cannot be applied to a highly competitive market such as parcel delivery, where there has been no proven market failure. Doing so would distort competition to the detriment of the operators responsible for providing this public service and/or would imply spending additional public funds in a highly commercial market.

PostEurop members see **no need to extend the scope of the USO to include e-commerce parcels**, and urge the Commission to consider the highly negative consequences of such an approach:

- **Price regulation:** For universal service products, regulators ensure the principle of affordability is upheld by controlling or regulating prices. In a highly competitive market, pricing flexibility is essential. Operators whose prices are strictly regulated either become uncompetitive and lose market shares or sell at a loss.
- **Tariff equalization–** Any attempt to impose uniform prices for e-commerce deliveries at national or EU level would encourage market skimming at the expense of the universal service provider. The most effective response to this issue is to allow postal operators, including those in charge of universal service, to charge different prices to their main customers, depending

on e.g. the distribution of deliveries between densely populated and remote areas. In this context, price differentials reflect costs, not market failures.

- **Competitive and diversified parcel market** – The parcel sector is already highly competitive, offering e-retailers a wide choice of operators and delivery solutions. E-retailers are commercial customers who should remain free to select the provider that best meets their business needs. On the other hand, USO products are provided based on conditions that have been predetermined by the regulation, especially in terms of quality of service, complaints and compensation.
- **Nature of e-commerce transactions** – E-commerce parcels result from a commercial transaction between a seller and a buyer. It should remain up to the e-retailer to decide how delivery costs are allocated — whether borne by the retailer or passed on to the recipient.
- **Universal coverage already ensured** – USPs already ensure delivery coverage across the entire national territory, including remote and less profitable areas. E-retailers can rely on these networks whenever necessary, either through the existing USO products or other commercial parcel services offered by USPs.

In summary, extending the USO to e-commerce parcels would not enhance consumer rights or market functioning. On the contrary, it would create unnecessary regulatory burdens, risk distorting competition, and increase the cost — and potential public funding needs — of the universal service.

Problem 5: The administrative burden for providers and regulators is disproportionate

Objective 5: Decrease the administrative burden by simplifying and clarifying delivery rules, while bringing about more effectiveness and harmonisation in oversight and regulation at Member State level

PostEurop welcomes the Commission's recognition that the current regulatory and reporting framework generates disproportionate administrative costs for both operators and NRAs. Reducing unnecessary complexity and compliance costs is essential to ensure that future legislation effectively supports the competitiveness and resilience of all postal operators and regulators.

PostEurop recommends that the Commission **prioritises the following**:

- **A clear scope of the sector-specific regulation, targeting safeguarding access to basic postal services to all parts of the territory.** Avoid overlapping with other regulations, such as those more suited to deal with the highly competitive e-commerce market (Competition regulation, Consumer protection regulation etc.).
- **Proportional and streamlined regulation:** Avoid duplicative reporting and notification obligations; simplify data collection and administrative procedures in line with the principles of Better Regulation and the EU's competitiveness agenda.
- **Simplification by design:** Lighten reporting frameworks to ensure that compliance requirements are proportionate to their market impact.
- **Regulatory coherence:** Assess reporting obligations in relation to other EU legislative frameworks (e.g. competition, consumer protection, data, environmental, and digital legislation) to avoid overlap and ensure consistency across regulatory domains.

In line with these orientations, **PostEurop encourages the Commission to:**

- Refrain from widening the scope of the postal sector regulation. In absence of market failures, adding new supervisory or sanctioning powers to NRAs would only risk creating more layers of reporting, greater fragmentation, and higher compliance costs.
- Assess all existing reporting obligations before proposing new requirements.
- Prioritise regulatory coherence and digitalisation of reporting systems to reduce costs and improve data quality.
- Ensure that any future reporting framework serves a clear, demonstrable regulatory purpose and is proportionate.
- Reduce the data obligations and procedural requirements that according to the 2021 Evaluation of the PSD created "unnecessary costs and an unnecessary burden."
- Avoid increasing the bureaucratic structure around NRAs cooperation and the related costs

This approach reflects the broader political context⁴ and the EU's need to focus on competitiveness, simplification, and regulatory restraint, as clearly expressed in the European Council conclusions of 20 March 2025 on competitiveness and the twin transition⁵, which called for *"efforts at all levels – EU, national and regional – to ensure a clear, simple, smart and innovation-friendly regulatory framework and to drastically reduce, as a matter of urgency, administrative, regulatory, and reporting burdens for businesses, including SMEs, and public administrations."*

Furthermore, a joint letter of 19 Member States (20 October 2025) to the President of the European Council emphasizes that **"simplification is key for competitiveness"** and calls on EU institutions to **"review, reduce, and restrain" regulatory burdens⁶**. The letter urges a **"systematic review of all EU regulations to identify rules that are superfluous, excessive, or unbalanced"** and **calls for "self-restraint when it comes to new legislation" to ensure that Europe "limits itself to the bare minimum of new regulation in full compliance with the principles of subsidiarity and proportionality."** This call was also echoed by the latest conclusions adopted by the European Council 23 October 2025⁷.

Finally, PostEurop supports a **"simplicity by design" approach** throughout the drafting of the proposal. By ensuring a clear and narrow scope of the sector-specific regulation and focusing on efficient, digital, and proportionate regulatory tools, the Commission can enhance the effectiveness of postal regulation while contributing to the broader EU goal of restoring competitiveness and reducing administrative burdens across the Single Market — avoiding regulatory inflation.

COMMENTS ON SUGGESTED POLICY OPTIONS

The Commission has identified five key objectives, which have led to the development of four scenarios in its call for evidence: a baseline and three policy options. PostEurop stresses that **any legislative revision should not be confined to the predefined options. Instead, it should be guided by the overarching aim of establishing an efficient, future-proof regulatory framework that addresses the sector's evolving needs.**

PostEurop considers the distinction between a limited review, a wider review, or a new scope to be secondary. What matters is that any legislative initiative provides concrete solutions to the challenges facing the postal sector and does not add unnecessary complexity and regulatory burdens. In this context, PostEurop offers the following reflections on each of the proposed options.

- **Baseline Scenario:** The baseline proposal fails to address the most pressing issue currently facing the sector: ensuring the financial sustainability of the USO. In recent years, many Member States have already made adjustments to the USO service levels and further adjustments will be needed. This remains essential in light of the continued decline in letter volumes.

⁴ Recommendations of the Draghi report on EU Competitiveness. [The Draghi report on EU competitiveness \(9 September 2024\)](#)

⁵ [European Council conclusions on competitiveness, European defence and security and migration - Consilium.](#)

⁶ Selected key messages in the letter (page 1-2): *"Simplification is key for competitiveness as Mario Draghi highlights in his report. (...) Three steps are now necessary: review, reduce, restrain. We call for a systematic review of all EU regulations to identify rules that are superfluous, excessive, or unbalanced (...) We call for the reduction of the rulebook and the dismantling of outdated rules (...) And we call for self-restraint when it comes to new legislation, which should anyway come with strengthened impact assessments. (...) Europe must limit itself to the bare minimum of new regulation in full compliance with the principles of subsidiarity and proportionality. (...) Reducing bureaucracy is a matter of utmost priority and it is urgent."*

⁷ Council conclusions page 8-9 (selection): *"The European Council reaffirms the urgent need to advance an ambitious and horizontally-driven simplification and better regulation agenda at all levels – EU, national and regional – and in all areas in order to ensure Europe's competitiveness (...) In particular it recalls the commitment to drastically reduce, as a matter of urgency, administrative, regulatory and reporting burdens for businesses, including SMEs, and public administrations. (...) The European Council calls on the Commission to swiftly bring forward further ambitious simplification packages (...) The European Council also reiterates the need to avoid over-regulation and the introduction of new administrative burdens (...) and calls for legislative and regulatory self-restraint, in line with a 'simplicity by design' approach."*

- **Policy Option 1 – Limited Review:** This option does respond to the challenge of a financially sustainable USO and introduces a key principle: granting Member States greater flexibility to adapt the USO to national market conditions. Strangely, it also includes provisions related to the playing field regarding parcel delivery, which is an entirely different topic. These two topics should not be mixed; a financially sustainable USO should be ensured by sector-specific regulation whereas commercial parcel delivery should be addressed by horizontal legislation in areas such as labour, transport, competition, and data protection.
- **Policy Option 2 – Wider Review:** This option proposes broadening the complaints handling mechanism. PostEurop members strongly question the rationale behind this proposal, as complaints are already managed in close cooperation with the sender and horizontal consumer protection legislation is already in place (as explained in the comments to problem and objective 2). Furthermore, option 2 suggests reducing or eliminating standards for cross-border letter delivery. PostEurop members consider such measure necessary given the changes in domestic transit times and suitable to respond to changing usage patterns and contribute to cost control of USO. However, this specific adjustment could be made through targeted changes proposed in Option 1. Regarding other potential updates, such as clarifying tariff principles, improving transparency, or harmonising licensing practices, PostEurop members see no justification for intervention. Such changes would likely result in unnecessary administrative burdens without delivering tangible benefits.
- **Policy Option 3 – New Scope:** Under this scenario, the Commission proposes to revise the entire scope of the legislation to include all forms of delivery. As previously stated, PostEurop considers the postal services, USO and its financial sustainability should remain the core of an updated framework. Moreover, there is no evidence of market failure in the broader delivery market, including cross-border parcel delivery, which is already competitive (as explained in comments to problem and objective 4). PostEurop therefore sees no justification for expanding the legislative framework to include these elements without clear evidence of (emerging) market failures.

CONCLUSION

PostEurop calls on the Commission to carefully assess the identified objectives and determine whether intervention is necessary, and if so, to clearly articulate the rationale. **PostEurop believes that the Commission should aim at a clearly defined scope of the postal sector regulation focussing on safeguarding the postal USO.** In addition, the Commission may assess whether existing horizontal legislation sufficiently addresses the identified problems and objectives. If gaps are identified, the priority should be to improve and strengthen the horizontal framework. This dual approach is critical to developing a regulatory framework that supports a resilient and financially sustainable USO, while fostering an innovative and competitive parcel market.

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