

## **JOINT STATEMENT**

### **Calling for avoiding burdensome and unjustified new obligations for SMEs using postal services**

16 November 2017

The original proposal for a Regulation on cross-border parcel delivery services had the potential to help create a level playing field for competing parcel delivery operators and therefore – ultimately – for online merchants throughout Europe. Nevertheless, the undersigned associations are concerned that some rules, namely new Article 6a, proposed by the co-legislator, the European Parliament, in its resolution adopted on 23 October 2017, introduce new burdensome obligations for sellers to detail pricing strategies. This will undermine the potential of this Regulation to help sellers have access to more competitive postal services. While the SME sellers were supposed to benefit from this Regulation, with the proposed rules they will face new unnecessary compliance burdens.

**We call for not supporting the proposed Article 6a of the European Parliament resolution of 23 October 2017. Instead, we suggest adding a clarification in a new Recital highlighting the importance of transparent information concerning the delivery costs.**

**We provide the following arguments in support of our ask:**

- 1. Introducing disproportionate price information requirements:** Article 6a, as proposed by the Parliament, will require “traders” to provide information to “users” on the cross-border delivery costs, alternative rates and discounted rates charged/given to them by the supplier. This is not useful for consumers, because very detailed information about the cost structure will neither provide better choice nor it will automatically lower the price. Moreover, detailing the price structure means revealing to the public sensitive commercial information and, therefore, creating competitive disadvantage for the smaller sellers.
- 2. Creating legal uncertainty and confusion:** The European Parliament’s report introduces the concept of a “user” without however defining it, so it is not clear if the “user” is a consumer or a business. If the provisions cover both B2C and B2B relations, this will create confusion and legal uncertainty.
- 3. Overlap with the existing consumer protection law:** Introducing B2C provisions goes against the original aim of the Regulation, which focused on increased transparency between businesses. Moreover, the rules proposed by the European Parliament overlap with the Consumer Rights Directive (CRD), which already requires transparency on delivery costs. Currently, the Commission is revising the CRD. If there is a need to revise the rules on information provided to consumers, this should take place in the framework of the CRD and not in the Parcel Delivery Regulation.

**Drafting suggestion for the new Recital to emphasize the importance of transparent information on delivery costs and effective dispute resolution mechanism**

Recital 19 (new)

Ensuring consumers benefit from a high level of protection is key to boosting online retail. Having regard to the requirements set out in 2011/83/EU, all traders concluding sales contracts with consumers that include the sending of cross-border parcels should make available to consumers at the pre-contractual stage the total price of the goods or services inclusive of taxes and, where applicable, all additional freight, delivery or postal charges; the arrangements for payment, delivery, performance; the time by which the trader undertakes to deliver the goods or to perform the service; and the trader's complaint handling policy, which also covers complaints related to parcel delivery. It is important that consumers have information about how they can make complaints in the event of problems, especially in the cross-border context. This can help to increase consumers' confidence when shopping cross-border. The European Consumer Centres Network provides free of charge help and advice to consumers on their cross-border purchases and can assist them in resolving complaints about purchases made in another country of the network, when shopping online.

**We call for not supporting the proposed Article 6a of the European Parliament resolution of 23 October 2017.**

Article 6a (new)  
Information and quality standards

1. All traders concluding sales contracts with users that include the sending of cross-border parcels shall make available to users at the pre-contractual stage the following information:
  - (a) Prices charged by them to users for cross-border parcel delivery including any relevant alternative or discounted rates;
  - (b) cross-border delivery options offered, including any choice of providers, track and trace, and mechanisms allowing the user to intervene throughout the delivery process, including to opt-out of non-attended delivery and to arrange redelivery or collection times or locations where applicable;
  - (c) Details of their own and relevant parcel delivery services providers' complaints processes, and of the European Consumer Centres Network for cross-border complaints.

Transparency and measurability of quality service standards and interoperability of cross-border parcel deliveries shall be prioritised further in accordance with the provisions of Directive 97/67/EC, through the European Committee for Standardisation and otherwise, taking into account in particular the interests of users, and efficiency and environmental considerations.