

Dutch Views on the Call of Evidence from the Commission

A. Political context, problem definition and subsidiarity check

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

As a result of the mail volume decrease, the requirements for delivery frequency and the quality of universal service for letter mail make universal service costs unsustainable. The sustainability of the delivery network supporting universal service is endangered, exposing vulnerable groups and remote destinations to high risks of the postal service. Member States diverging approaches to ensuring universal service risk fragmenting the postal single market.

Appreciation of the Netherlands

The Netherlands acknowledges the issues outlined by the Commission. However, we do not consider them to constitute a structural problem. The societal relevance of the postal network as a means of communication has been steadily declining due to digitalisation. Consequently, in the longer term, the postal market will no longer represent a service of general interest and should therefore be progressively deregulated at EU level, while leaving more room for Member States without raising barriers within the Single Market.

In this context, maintaining EU-level definitions and requirements for the universal service obligation may no longer be appropriate. The parcel market is expected to increasingly accommodate the remaining postal flows. Market dynamics can thus be considered sufficient to safeguard any residual public interest related to postal delivery, without the need for continued regulatory intervention at EU level.

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

With e-commerce deliveries on the rise, there are concerns that e-commerce delivery may not be subject to adequate consumer protection measures, especially in situations where multiple partners may be involved in the process, as is the case for cross-border delivery. E-commerce recipients are not guaranteed the right to seek redress directly from the delivery provider or to access the external complaint resolution mechanism, unless the provider is a universal service provider.

Appreciation of the Netherlands

The Netherlands acknowledges the issue identified by the Commission, namely that e-commerce recipients are not always guaranteed the right to seek redress directly from the delivery provider. However, we consider it important to carefully assess whether the potential benefits of additional EU-level regulation in this area outweigh the associated costs.

Under the current system, consumers typically address complaints through the sender, who has the contractual relationship with the delivery operator and bears the cost of the delivery. This reflects established business practices within the parcel and logistics sectors. Introducing new obligations could create additional administrative and financial burdens for delivery operators, without clear evidence of proportional benefits for consumers. A thorough cost-benefit analysis is therefore essential before considering further regulatory intervention.

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

The number of operators delivering parcels is increasing due to e-commerce, but not all operators fall clearly within the scope of the Postal Service Directive. The 2024 prospective study suggests a lack of clarity on this point in the EU legal framework, which may be affecting the level playing field.

Appreciation of the Netherlands

The current legislative framework leaves considerable scope for an unlevel playing field. For instance, the rules established under the Universal Postal Union (UPU) may have a protectionist effect, as postal operators subject to the UPU regime operate under different conditions than non-postal market players. To ensure fair and effective competition, the way forward should be to

pursue maximum deregulation at EU level, thereby creating a more level playing field across all market participants.

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

There are indications of problems encountered by consumers buying online that may be caused by interoperability problems in cross-border e-commerce parcel delivery. With many national and local actors involved in the delivery chain, differences in processing parcel deliveries can lead to handling and tracking-related issues, as well as data exchange problems.

Appreciation of the Netherlands

The Netherlands is not aware of the problems described by the Commission. Moreover, the Commission has not demonstrated that any such issues result from structural market failures. The e-commerce sector is highly dynamic, characterised by a wide range of market players that continuously innovate and develop diverse business models to improve efficiency and reduce delivery times.

Should interoperability challenges arise, it is primarily the responsibility of market operators to address them through commercial solutions or development of standards rather than regulatory intervention. The Commission has not substantiated whether additional measures at EU level are a necessity or merely a "nice-to-have" improvement.

We invite the Commission to think of a way to push the market in a desired path without forcing it with regulations.

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

The burden on regulators to collect and process data and the notification and reporting obligations operators have to fulfil can be reduced, simplified and streamlined to reduce compliance costs.

Appreciation of the Netherlands

The Netherlands agrees with the Commission's assessment. The administrative burden on both regulators and market operators should indeed be reduced. This aligns with the diminishing public interest in the traditional postal market and the increasing ability of market mechanisms to safeguard public interests in the parcel sector. Therefore, the overall regulatory framework should be streamlined and reduced accordingly.

B. Objectives and policy options

Objectives

The modernisation of the EU postal regulatory framework aims to achieve the following main objectives:

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

Objective 2: Clarify, and where relevant, improve, user rights by strengthening user protection².

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.

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

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.

Appreciation of the Netherlands

The Netherlands supports the Commission's intention to modernise the EU postal regulatory framework. However, we believe that the proposed objectives should better reflect the structural transformation of the postal and parcel markets driven by digitalisation and the growing role of competitive parcel delivery networks. The focus of EU policy should therefore shift from preserving legacy systems towards enabling a smooth and market-driven transition to a sustainable, competitive and innovation-oriented delivery ecosystem without raising new barriers within the Single Market.

Objective 1 – Safeguarding universal access to postal delivery services

The Netherlands does not consider the safeguarding of universal postal delivery for all citizens and businesses at all points on EU territory to be a realistic or proportionate long-term objective. Due to ongoing digitalisation, letter volumes will continue to decline, making the current universal service obligation (USO) financially unsustainable. In the longer term, maintaining nationwide postal delivery networks will no longer be viable or necessary to meet public communication needs. The EU postal framework should therefore focus on facilitating the transition towards a deregulated and market-based environment in which competition and innovation ensure efficient delivery solutions. Future regulation should not aim to preserve declining postal networks but to enable their evolution towards new business models.

Objective 2 – Strengthening user protection

The Netherlands notes that the Commission has not provided sufficient evidence of structural market failures that would justify additional EU-level consumer protection measures. The existing framework allows consumers to seek redress through established business practices, primarily via the sender. Before introducing new obligations, a comprehensive cost-benefit analysis is essential to ensure proportionality and to avoid unnecessary administrative burdens on delivery operators.

Objective 3 – Safeguarding the level playing field

Ensuring a level playing field is best achieved through simplification and deregulation rather than the introduction of new rules. Current disparities, such as those which might stem from the Universal Postal Union (UPU) regime, should be addressed by reducing regulatory asymmetries and moving towards a lighter, competition-oriented framework that treats all operators equally. We should use the room within the UPU framework for this as much as possible.

Objective 4 – Supporting cross-border delivery solutions

The Netherlands sees no clear evidence that the market is unable to develop efficient and interoperable cross-border delivery solutions on its own. The e-commerce and parcel delivery sectors are dynamic and innovative, and additional EU intervention risks distorting market incentives. The Commission should first demonstrate a clear market failure before proposing any supportive or regulatory measures. Where appropriate, the Commission could facilitate voluntary cooperation or best-practice exchange rather than impose prescriptive frameworks.

Objective 5 – Decreasing administrative burden

The Netherlands fully supports the objective to reduce administrative and reporting burdens. However, this can only be achieved through a genuine reduction and simplification of regulatory requirements, not through the introduction of new or overlapping obligations. A streamlined and proportionate framework will ensure that compliance costs remain low while maintaining effective oversight where necessary.

In summary, the Netherlands advocates for a **future-oriented, market-driven and proportionate EU postal policy**, centred on deregulation, simplification, and trust in market dynamics to safeguard public interests in an evolving digital and parcel-oriented economy. This would be in line with the clear focus of the European Commission on strengthening competitiveness and Single Market and on simplifying EU legislation.

C. Likely impacts

Economic impacts: Lowering costs for Member States and universal service providers by reducing universal service requirements. Ensuring a level playing field, which may prompt companies to invest and innovate, and would improve choice, quality and prices for consumers.

Social impacts: Changes to mandatory letter delivery frequency may affect employment at universal service providers. Better complaint procedures will increase user confidence in cross-border delivery.

Environmental impacts: Reducing letter delivery frequency may indirectly contribute to the EU greening goals by lowering the carbon footprint of postal delivery.

Impacts on fundamental rights: The initiative enables citizens to access services of general economic interest (Article 36 of the EU Charter of Fundamental Rights) and promotes non-discrimination (Article 21 of the Charter).

Impacts on simplification and/or the administrative burden: The initiative will clarify complaint procedures

Appreciation of the Netherlands

The Netherlands acknowledges the Commission's assessment of the likely impacts. However, we consider that many of the expected economic, social and environmental effects — such as a gradual decline in employment within universal service providers and a reduced carbon footprint — are primarily the result of ongoing market developments driven by digitalisation, rather than a direct consequence of regulatory change. The Commission should therefore be cautious not to overestimate the causal impact of new legislation on these broader structural trends.

In our view, the EU postal market is undergoing a natural transformation towards smaller volumes and more efficient, market-driven delivery models. These developments should be guided by market forces rather than additional regulatory intervention. Besides, the division of competences in the EU Treaties should be respected.

Furthermore, the Netherlands is of the opinion that traditional postal services should no longer be regarded as services of general economic interest within the meaning of Article 36 of the Charter of Fundamental Rights. The diminishing societal relevance of letter post and the rise of competitive parcel and e-commerce delivery networks indicate that the market is now sufficiently capable of meeting user needs without a universal service obligation.

Simplification efforts should therefore focus on reducing regulatory burdens and clarifying responsibilities, not on expanding or reinterpreting the scope of services to be guaranteed at EU level.