

EUDAIMONIA comparative table of institutional design obligations

<p><b>Postal sector (liberalisation Directive 97/67 as amended by Directive 2008/6 and for cross-border parcel services monitoring, Regulation 2018/644)</b></p>	<p><b>Obligations flowing from EU primary law and/or secondary legislation</b></p>
<p>Legal form ?</p>	<p>One or more national regulatory authorities (NRAs) (art. 22(1) Dir. 97/67) – legally separate from and operationally independent of the postal operators</p>
<p>Composition ?</p>	<p>No specific appointment or composition requirements, except for the requirement of effective structural separation of the Member State’s regulatory functions from activities associated with Member State’s postal operator’s ownership or control (art. 22(1) Dir. 96/67)</p>
<p>Process ?</p>	<p>Member States remain free to allocate tasks to the NRA, against background of the objective to ensure compliance with the obligations arising from Dir. 97/67, in particular by establishing monitoring and regulatory procedures to ensure the provision of the universal service (art. 22(2) Dir. 96/67 + assessing cross-border parcel tariffs (art. 6 Reg. 2018/644)</p> <p>Although not a formal legal obligation, Recital 47 Dir. 2008/6 requires Member States to ensure the impartiality of NRA decision-making. In addition, it requires all necessary resources, in terms of staffing, expertise and financial means</p> <p>NRAs may also be charged with ensuring compliance with competition rules in the postal sector (art. 22(2) Dir. 97/67).</p> <p>Consultation of and cooperation with competition and consumer protection authorities need to be foreseen (art. 22(1) Dir. 97/67)</p>

	<p>Obligation to keep confidential information confidential (art. 22a(4) Dir. 97/67)</p> <p>Mutual assistance (mostly information exchange) envisaged (art. 22(2)) – see also Recital 49, which envisages but in no way imposes the creation of a European Regulators Group for Postal Services (in place since 2011, chaired by the Commission, see <a href="https://single-market-economy.ec.europa.eu/sectors/postal-services/european-regulators-group-postal-services_en">https://single-market-economy.ec.europa.eu/sectors/postal-services/european-regulators-group-postal-services_en</a>)</p>
<p>Modus operandi (accountability, judicial review) ?</p>	<p>No specific activity report requirements</p> <p>Right to appeal against the decision to an appeal body which is independent of the parties involved (which may, but should not be a court, see Recital 49 Dir. 2008/6). Pending the outcome of any such appeal, the decision of the national regulatory authority shall stand, unless the appeal body decides otherwise (art. 22(3) Dir. 96/67)</p>