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Subject:	Proposal for a Regulation of the European Parliament and of the Council on cross-border parcel delivery services - General approach

1. On 25 May 2016, the Commission adopted and transmitted to the Council and to the European Parliament the above-mentioned proposal which addresses specific issues relating to cross-border parcel delivery services. The proposed Regulation builds on and complements the rules on cross-border parcel delivery services currently provided by the Postal Services Directive 97/67/EC¹. The specific objectives of the proposal are to:

¹ Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ L 015 of 21 January 1998, p. 14 - 25).

- make markets work more effectively by making the regulatory oversight of the parcels markets more effective and consistent as well as to encourage competition;
- increase the transparency of tariffs in order to reduce unjustifiable tariff differences and to lower the tariffs paid by individuals and small businesses, especially in remote areas.

These specific objectives support the wider Digital Single Market objectives of increasing cross-border e-commerce and digital inclusion.

2. In July 2016, the Postal Services Working Party (hereinafter referred to as the "Working Party") started the examination of the above proposal and also evaluated the Commission's impact assessment. A progress report on the state of play of the examination (doc. 14401/16) was presented by the Slovak Presidency to the TTE (Telecom) Council on 2 December 2016.
3. Following the discussions held at various meetings of the Working Party, the Presidency amended the Commission proposal on several points in order to achieve an acceptable compromise text while taking into account Member States' concerns. Recitals have also been adapted to the substantive provisions.
4. On 24 May 2017, the draft general approach was submitted to the Permanent Representatives Committee. While considering some concerns raised by delegations during the meeting of the Committee, the Presidency decided to introduce further revisions of the texts in Articles 3 and 4 and recitals 8(b), 10 and 12 (marked in the Annex with **bold underlined** and ~~strikethrough~~). Following these revisions, the Presidency believes that the compromise text set out in the Annex is well balanced and could now be acceptable to delegations. For the time being, one delegation has put forward its possible abstention to the general approach and another delegation has introduced a parliamentary reservation.

5. The Commission supports reaching a general approach at the forthcoming Council meeting. However, it reserves its position on the proposed compromise text at this stage of the procedure.
 6. The TTE (Telecom) Council is invited to adopt, at its meeting on 9 June 2017, a general approach on the proposal set out in the Annex.
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2016/0149 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on cross-border parcel delivery services

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee²,

Having regard to the opinion of the Committee of the Regions³

Acting in accordance with the ordinary legislative procedure,

Whereas:

² OJ C , , p. .

³ OJ C , , p. .

- (1) The tariffs applicable to low volume senders of cross-border parcels and other postal items, particularly small and medium-sized enterprises (**SMEs**) and individuals, are still relatively high. This has a direct negative impact on users seeking cross-border parcel delivery services, especially in the context of e-commerce.
- (2) There are fundamental differences between Member States when it comes to competences conferred on national regulatory authorities with regard to market monitoring and regulatory oversight of parcel delivery providers. This has been confirmed by a joint report⁴ prepared by the European Regulators Group for Postal Services and the Body of European Regulators for Electronic Communications, who concluded that national regulatory authorities need the appropriate regulatory powers to intervene and that such powers do not seem to be present in all Member States. Those differences result in additional administrative burdens and compliance costs for parcel delivery service providers who operate cross-border. Those differences therefore constitute an obstacle to the cross-border provision of parcel delivery services and thus have a direct effect on the functioning of the internal market.
- (3) The market for cross-border parcel delivery services is diverse and complex, with different providers offering different services and prices depending on weight, size and format of the items sent as well as destination, added value features, such as traceability solutions, and the number of items sent. That diversity makes parcel delivery services hard to compare between different providers, both in terms of quality and price. Furthermore, low volume senders, such as [] **SMEs** and individuals are often not aware of the existence of different parcel delivery services offered.

⁴ BoR (15) 214/ERGP PL (15) 32.

- (4) In order to improve the affordability of cross-border parcel delivery services, especially for users in remote or sparsely populated areas, it is necessary to improve the transparency of public lists of tariffs for a limited set of cross-border parcel delivery services []. **Making cross-border prices more transparent and easily comparable across the Union should encourage the reduction of unreasonable differences between tariffs.** []
- (5) []
- (5a) Universal service provider refers to a postal operator that provides a universal postal service or parts thereof within a specific Member State. Universal service providers who operate in more than one Member State should be classified as a universal service provider only in the Member State(s) in which they provide a universal postal service.**
- (6) Currently, postal services are regulated by Directive 97/67/EC of the European Parliament and of the Council⁵. [] **That** Directive establishes common rules governing the provision of postal services and the universal postal service in the Union. [] This Regulation [] complements, insofar as cross-border parcel delivery services are concerned, the rules set out in Directive 97/67/EC.
- (6a) This Regulation does not introduce any modification regarding the definition of postal item in the meaning of point 6 of Article 2 of Directive 97/67/EC and its implementation.**
- (7) []

⁵ Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ L 15, 21.1.1998, p 14 []).

- (8) **For the purpose of implementing this Regulation, it is important to provide clear definitions of parcels and parcel delivery services and to specify which postal items are covered by these definitions. It is assumed that postal items which are over 20mm thick contain goods and not correspondence. Postal items consisting only of correspondence should not fall under the scope of parcel delivery services.** In line with consistent practice, **parcels weigh up to 31.5 kg, as heavier items cannot be handled by a single average individual without mechanical aids and this activity is part of the freight transport and logistic sector.**
- (8a) **Providers of parcel delivery services using alternative business models, for example those drawing on the collaborative economy and e-commerce platforms, should be subject to this Regulation if they provide at least one of the steps in the postal delivery chain. Clearance, sorting and delivery, including pick-up services, should be considered parcel delivery services, including when provided by express and courier service providers, as well as consolidators, in line with current practice. Transport alone that is not undertaken in conjunction with one of those steps should fall outside the scope of parcel delivery services as it should in this case be assumed that this activity is part of the transport sector.**
- (8b) **This Regulation should not apply to undertakings that only have domestic in-house delivery networks in order to fulfil orders of goods that they have sold themselves. Undertakings that use domestic in-house delivery networks also for the delivery of goods sold by third parties should be subject to this Regulation.**
- (9)

- (10) It is necessary that national regulatory authorities have knowledge and information for statistical purposes about parcel delivery service providers active on the market. [] **Due to the labour intensive nature of the sector and** in order to limit the administrative burden for small parcel delivery service providers ~~or subcontractors~~ who are only active on a [] regional **or domestic** market, a threshold **of 50 persons** should be applied, based on the **average** number of persons working for the service provider **over the previous calendar year** and involved in the provision of parcel delivery services **in the Member State in which the provider is established, unless that provider is established in more than one Member State. The threshold of 50 persons is inspired by the Commission Recommendation 2003/361⁶. That threshold should include persons involved in the provision of parcel delivery services such as full-time, part-time and temporary employees and self-employed persons working for the parcel delivery service provider. In addition, in order to take account of the Member States specificities in relation to their market of cross-border parcel delivery services, national regulatory authorities could request the cross-border parcel delivery service provider to include in the threshold full-time, part-time and temporary employees and self-employed persons working for its subcontractors, in order to increase the transparency of the cross-border tariffs and of the market as a whole.**
- (11) The place at which a provider is established is to be determined in line with the case law of the Court of Justice. Where a provider has several places of establishment, it is important to determine the place of establishment from which the actual service concerned is provided.

⁶ **Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).**

- (11a) When submitting information to the national regulatory authority, the characteristics of the parcel delivery services should include the steps in the postal delivery chain (clearance, sorting, transport and distribution) undertaken by that provider; whether the service is within or outside the scope of the universal service obligation; the territorial scope of the service (regional, domestic, cross-border); and whether added value is offered.**
- (12) [] The list of postal items that are subject to price transparency measures should be limited to facilitate comparability and minimise administrative burdens on cross-border parcel delivery service providers and national regulatory authorities. Standard and registered services should be included as these form the basis of the universal service obligation, and given the importance of track and trace functionality for e-commerce, the prices for track and trace and registered parcels should also be included, whether or not they form part of the universal service obligation to ensure comparability across the European Union. The focus should be on lighter weights which comprise the majority of postal items delivered by parcel delivery service providers, including the prices for postal items over 20mm thick which are processed as letters. Only single piece tariffs should be included as these are the prices paid by the smallest senders. The postal items concerned should be set out clearly in an annex to this Regulation. This Regulation does not oblige cross-border parcel delivery service providers to offer all the postal items listed in the Annex. The tariff information should be provided by cross-border parcel delivery service providers themselves to ensure accuracy. Those tariffs should be published by the Commission on a dedicated website and should constitute the basis for the national regulatory authorities to assess the tariffs of those postal items listed in the Annex falling under universal service obligation of universal service providers. The assessment of the cross-border tariffs that may be unreasonably high should take into account the principles set out in Article 12 of Directive 97/67/EC.**

- (13) []
- (14) []
- (15) Uniform tariffs for cross-border deliveries to two or more Member States may be important in the interest of protecting regional and social cohesion. In this context it should be considered that e-commerce offers new opportunities for sparsely populated areas to participate in [] economic life. []
- (16) Significant differences between domestic and cross-border tariffs for parcel delivery services should be justified by objective criteria []. **In order to reduce the administrative burden for national regulatory authorities and universal service providers and in line with the principle of proportionality, an assessment of cross-border tariffs should only be required in cases where national regulatory authorities have, on the basis of an objective pre-assessment filter mechanism, elements to consider that cross-border tariffs are likely to be unreasonably high [].**
- (17) In order to ensure transparency across the Union, **a non-confidential version of the [] assessment [] by each** national regulatory authority should be [] **published by []** the Commission. []
- (18) []
- (19) []
- (20) []

- (20a) In order to limit the administrative burden, the transfer of data by parcel delivery service providers, national regulatory authorities and the Commission should be electronic, for example by allowing the use of e-signatures provided for in Regulation (EU) 910/20147 (eIDAS Regulation)7.**
- (21) As markets for parcel delivery services are changing fast, the Commission should re-assess the efficiency and effectiveness of this Regulation, **taking into account developments in e-commerce**, and submit a regular report to the European Parliament and the Council. That report should be accompanied, where appropriate, by proposals for review to the European Parliament and the Council.
- (21a) The Commission should build on valuable input from the European Regulators Group for Postal Services composed by representatives of the national regulatory authorities.**
- (22) In order to ensure uniform conditions for the implementation of **this Regulation []**, implementing powers should be conferred on the Commission to establish a form for the submission of [] information **by parcel delivery service providers to national regulatory authorities**. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council8.
- (23) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, and should be implemented in accordance with those rights and principles.

⁷ **Regulation (EU) 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.08.2014, p. 73).**

⁸ Regulation (EU) 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13 []).

(24) Directive (EU) 2016/680 of the European Parliament and of the Council⁹ and Regulation (EU) 2016/679 of the European Parliament and of the Council¹⁰ apply to the processing of personal data within the framework of this Regulation.

(24a) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.

(25) Since the objectives of this Regulation, namely to establish the regulatory principles and rules necessary to improve regulatory oversight, to improve transparency of prices and establish certain principles as regards cross-border parcel delivery services that should support competition, cannot be sufficiently achieved by the Member States [] **but** can [] **rather**, by reason of **their** [] scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve [] **those** objectives,

HAVE ADOPTED THIS REGULATION:

⁹ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA. (OJ L 119, 4.5.2016 p. 89 []).

¹⁰ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). (OJ L 119, 4.5.2016, p. 1 []).

CHAPTER I

Subject matter and definitions

Article 1

Subject matter

This Regulation establishes specific rules, in addition to the rules set out in Directive 97/67/EC, concerning:

- (a) the regulatory oversight related to parcel delivery services;
- (b) the transparency **and assessment** of tariffs [] for certain cross-border parcel delivery services [];
- (c) []

Article 2

Definitions

1. For the purposes of this Regulation, the definitions set out in Article 2 of Directive 97/67/EC shall apply.
2. In addition to the definitions referred to in paragraph 1, the following definitions shall apply:
 - (-a) **“parcel” means a postal item with a weight not exceeding 31,5 kg excluding items of correspondence;**
 - (a) "parcel delivery services" means services involving the clearance, sorting, transport [] **and** distribution of **parcels** [];

- (b) "parcel delivery service provider" means an undertaking that provides one or more parcel delivery services; **undertakings that only provide domestic parcel delivery services as part of a sales contract as defined by point 5 of Article 2 of Directive 2011/83/EU and as part of that contract the undertaking personally delivers those goods to the consumer shall not be considered as parcel delivery service provider;**
- (ba) **"subcontractor" means an undertaking that provides the clearance, sorting, transport or distribution of parcels for the parcel delivery service provider; an undertaking that provides transport alone shall not be considered as a subcontractor.**
- (c) []

CHAPTER II

Regulatory oversight

Article 3

Provision of information

1. All parcel delivery service providers shall submit the following information to the national regulatory authority of the Member State in which they are established **unless the national regulatory authority has already requested and received such information:**
 - (a) the name of the **parcel delivery service** provider, its legal status and form, registration number in a trade or similar register, VAT **identification** number, the address of the establishment and a contact person;
 - (b) the [] **characteristics** of the **parcel delivery** services offered by the **parcel delivery service** provider;

- (c) the **parcel delivery service** provider's **general terms and conditions** for **parcel delivery services**.
2. Parcel delivery service providers shall inform the national regulatory authority of **any change concerning information referred to in paragraph 1** within 30 days.
3. By **30 June** of each calendar year, all parcel delivery service providers shall submit the following information to the national regulatory authority of the Member State in which they are established **unless the national regulatory authority has already requested and received such information**:
- (a) the annual turnover in parcel delivery services for the previous calendar year in the Member State in which the **parcel delivery service** provider is established, broken down into **domestic** **and** incoming and outgoing cross-border **parcel delivery services**;
- (b) the **average** number of persons working for the **parcel delivery service** provider **over the previous calendar year** involved in the provision of parcel delivery services in the Member State in which **that** provider is established . **The average number of persons shall include full-time, part-time, temporary employees and self-employed**;
- (c) the number of **parcels** handled **over the previous calendar year** in the Member State in which the **parcel delivery service** provider is established , broken down into **domestic** **and** incoming and outgoing cross-border **parcels**;
- (ca) the list of their subcontractors, having over the previous calendar year on average at least 50 persons working for each of them and involved in the provision of parcel delivery services, together with the characteristics of parcel delivery services provided by the subcontractors and the information referred to in points (a), (b) and (c);**
- (d) where available, any publicly accessible price list applicable on 1 January of each calendar year for parcel delivery services.

4. **[By XX]**, the Commission shall, by means of an implementing act, establish a form for the submission of the information referred to in paragraphs 1 **and 3** []. **[That implementing act]** shall be adopted in accordance with the examination procedure referred to in Article 9.
 5. The national regulatory authorities may impose information requirements additional to those referred to in paragraphs 1 and **[3 provided that]** they are necessary **and proportionate** [].
- ~~5a.—All subcontractors shall be submitted to the same obligations of information as the parcel delivery service providers under this Article with the exception of point (c) of paragraph 1 and point (d) of paragraph 3.~~
6. **This Article shall not apply to any** [] parcel delivery service provider ~~or subcontractor~~ which had, over the previous calendar year, **[on average]** fewer than 50 persons **working for it and involved in the provision of parcel delivery services in the Member State in which that provider is established** [], unless that provider is established in more than one Member State. **The average number of persons shall include full-time, part-time and temporary employees and self-employed.**

Article 4

*Transparency of **cross-border** tariffs* []

1. **[Cross-border parcel delivery** service providers [] shall provide the national regulatory authority of the Member State in which they are established with the public list of tariffs applicable on 1 January of each calendar year for the delivery of postal items [] listed in the Annex. That information shall be provided by 31 January of each calendar year at the latest.
2. The national regulatory authorities shall without delay and by 28 February of each calendar year at the latest submit the public lists of tariffs obtained in accordance with paragraph 1 to the Commission. The Commission shall publish them on a dedicated website by **[31 March** of each calendar year at the latest.

2a. **This Article shall not apply to any cross-border parcel delivery service provider which had, over the previous calendar year, on average fewer than 50 persons working for it and involved in the provision of parcel delivery services in the Member State in which that provider is established, unless that provider is established in more than one Member State. The average number of persons shall include full-time, part-time and temporary employees and self-employed persons working for the cross-border parcel delivery service provider. The national regulatory authorities may, taking into account the specificities of the Member State concerned, request the cross-border parcel delivery service provider to include in the threshold full-time, part-time and temporary employees and self-employed persons working for its subcontractors.**

3. []

4. []

Article 5

[] Assessment of cross-border tariffs

-1. **The national regulatory authority shall identify for each postal item listed in the Annex which falls under its Member State's universal service obligation, the cross-border tariffs for parcel delivery services provided by an universal service provider originating in its Member State that it considers necessary to assess in order to identify the cross-border tariffs that are unreasonably high, based on the public list of tariffs obtained in accordance with Article 4.**

1. []

2. The national regulatory authority shall base its assessment of the cross-border tariffs referred to in paragraph -1 on the following criteria:
- (a) an objective pre-assessment filter mechanism which may be based on elements such as a percentage of the highest tariffs applied in the Union for each postal item listed in the Annex, taking into account purchasing power parities or the cross – border tariff of a postal item listed in the Annex being higher than the sum of its domestic tariff in the originating Member State and domestic tariff in the destination Member State after the application of a multiplication factor to this sum;
 - (b) any uniform tariff applied to two or more Member States and the domestic tariffs of a postal item in the originating Member State and in the destination Member State;
 - (c) bilateral volumes, specific transportation or handling costs, other relevant costs and service quality standards.

For this purpose the national regulatory authority may request any evidence from the universal service provider.

The Commission shall set out guidelines on the methodology for the application of the criteria provided for in the first subparagraph.

3. The universal service provider shall provide the national regulatory authority with the **evidence** referred to in paragraph 2 within **1 month** of receipt of the request.
4. The national regulatory authority shall submit **electronically** its assessment to the Commission .

In addition, the national regulatory authority shall provide a non-confidential version of that assessment [] to the Commission and, upon justified request, to any of the national regulatory authorities of [] affected [] Member States.

The information required by this paragraph shall be provided by [] 31 May of each calendar year at the latest.

- 4a. The national regulatory authorities and the Commission shall in accordance with national and Union law ensure the confidentiality of the assessment and evidence provided in accordance with paragraph 2.**
5. The Commission shall publish the non-confidential version of the assessment provided by the national regulatory authorities in accordance with paragraph 4 on the dedicated website by [] **30 June** of each calendar year at the latest.

Article 6

Transparent and non-discriminatory cross-border access

[]

CHAPTER III

Implementation, review and entry into force

Article 7

Penalties

- 1.** Member States shall lay down the rules on the penalties applicable for infringements to this Regulation, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.
- 2.** **Each** Member States shall notify the Commission **the provisions of its law which it adopts pursuant to paragraph 1** by *[18 months after the entry into force of this Regulation]* and, without delay, any subsequent amendment affecting them.

Article 8

Review

By *[two years after the entry into force of this Regulation]*, and every **two** years **thereafter**, the Commission shall submit to the European Parliament, the Council and the Economic and Social Committee an evaluation report on the application of this Regulation accompanied, where appropriate, by a proposal for its review.

The Commission shall evaluate at least the following:

- (a) whether the **assessment has contributed to the improvement of the** cross-border parcel delivery services , including **the affordability** for users located in remote or sparsely populated areas;

- (b) []
- (c) the extent to which national regulatory authorities have had difficulties applying this Regulation, **including a quantitative analysis of the administrative consequences;**
- (d) progress on other initiatives for completing the single market for parcel delivery services.

Article 9

Committee procedure

1. The Commission shall be assisted by the Postal Directive Committee established by Article 21 of Directive 97/67/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 10

Entry into force

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. **This Regulation shall apply from ... [date of entry into force of this Regulation], with the exception of Article 7, which shall apply from ... [18 months after the entry into force of this Regulation]**

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament

The President

For the Council

The President

[]

List of postal items for which parcel delivery service provider's tariffs shall be subject to the price transparency measures and assessment provided for in Articles 4 and 5.

- (a) a 500 gr (domestic and intra Union) standard letter;
- (b) a 1 kg (domestic and intra Union) standard letter;
- (c) a 2 kg (domestic and intra Union) standard letter;
- (d) a 500gr (domestic and intra Union) registered letter;
- (e) a 1 kg (domestic and intra Union) registered letter;
- (f) a 2 kg (domestic and intra Union) registered letter;
- (g) a 500gr (domestic and intra Union) track and trace letter;
- (h) a 1 kg (domestic and intra Union) track and trace letter;
- (i) a 2 kg (domestic and intra Union) track and trace letter;
- (j) a 1 kg (domestic and intra Union) standard parcel;
- (k) a 2 kg (domestic and intra Union) standard parcel;
- (l) a 5 kg (domestic and intra Union) standard parcel;
- (m) a 1 kg (domestic and intra Union) track and trace parcel;
- (n) a 2 kg (domestic and intra Union) track and trace parcel;
- (o) a 5 kg (domestic and intra Union) track and trace parcel.

The postal items [] **listed in points (a) to (o)** shall meet the following criteria:

- (a) The size limits of the postal items **listed in points (a) to (i)** (letter mail products) shall follow the following rule: Length, width and **thickness** [] combined: 900 mm, the greatest dimension [] **shall** not exceed 600 mm, the smallest dimension shall exceed 20mm;
- (b) The parcels **listed in points** [] (j) to (o) shall not be smaller than the size prescribed for letters **listed in points (a) to (i)**

Elements to be taken into account when providing the information on the tariffs for points (a) to (o):

- (*) The tariffs corresponding to the postal items shall **be single piece and** not contain any special discounts on the basis of volumes or on any other special treatment.
- (**) The value of the tariffs shall be provided to the national regulatory authorities net of VAT.
- (***) Providers who offer more than one [] **postal item** meeting the criteria above should report the least expensive **tariff** [].
- (****) The tariffs above shall correspond to **postal** items delivered at the home or premises **of the addressee** in the **destination** Member State [].
