

# Ecommerce Europe’s reply to the call for evidence on a new EU Delivery Act

Ecommerce Europe welcomes the opportunity to contribute to the call for evidence on a new EU Delivery Act, aiming at updating the rules on postal and parcel delivery. We welcome the efforts of simplification, harmonisation and adapting the framework to the new technological developments and user behaviour. As a starting point, we stress that any major regulatory intervention should be evidence-based and be clearly justified by an identified market failure.

This paper will bring to the policymakers’ attention some elements related to universal services, supporting fair competition and the reduction of administrative burdens in the sector. These elements could be subject to the publication of guidelines and/or targeted legislation, provided that market failure is identified and a proper impact assessment is conducted. The potential new measures must be proportionate and adapted to the market needs. Ecommerce Europe further outlines that there is a wide variety of business models of the delivery providers, and that this initiative should refrain from imposing the same rules on businesses with different operating models and services. Ecommerce Europe therefore advises strongly against broadening the current postal framework, which would inevitably risk putting under the same regulatory roof businesses that are fundamentally different. Finally, introducing additional provisions referring to horizontal issues (e.g., labour standards, transportation legislation) within sectoral legislation will only create overlaps and could generate inconsistencies. This would add a level of complexity for delivery providers, while simplification should be the focus. Overall, the parcel delivery ecosystem stages a diversity of players which, when providing similar services, compete to bring innovative and affordable services for all users across Member States.

In this call for evidence, the European Commission identified five problems that could be addressed with as many suggested objectives that the modernisation of the EU regulatory framework aims to achieve. With this reply, Ecommerce Europe will share its Members’ views on the key aspects of these proposals, which touch upon the Postal Services Directive (PSD) and the Cross-Border Parcel Delivery Regulation (CBPDR).

## Table of contents

- 1. Ensure a reliable universal service supporting both postal and parcel delivery ..... 2
  - Safeguard the universal service obligation..... 2
  - Ensure a flexible and reliable universal service in each Member State ..... 2
- 2. Maintain a high level of user protection, from sellers to recipients ..... 3
- 3. Support a functioning and competitive delivery ecosystem ..... 4
- 4. Promote reliable cross-border delivery services for SMEs ..... 5
- 5. Cutting red tape to accompany the growth of quality delivery services for consumers and providers ..... 6
- Concluding remarks ..... 7

## 1. Ensure a reliable universal service supporting both postal and parcel delivery

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

### Safeguard the universal service obligation

Ecommerce Europe has always advocated for preserving the universal service obligation (USO), for the benefit of end consumers and e-commerce businesses across different sectors and business models.

First, **the USO is crucial to the e-commerce sector, whose actors largely rely on the service guaranteed by the universal service providers (USPs)**. Therefore, a minimum basic service must be guaranteed, especially for peripheral and outermost regions and territories of the EU, including under extraordinary circumstances, such as a global pandemic or a market failure.

The USO guarantees affordable parcel delivery offerings for e-commerce by postal carriers, creating a first- and last-mile network that reaches consumers across 100% of a country's geographical area. **The USO is necessary to keep economic participation high, to enable SMEs to scale by expanding their reach, and acts as a great equaliser of opportunity for both consumers and businesses in rural, vulnerable and underserved communities.** Unlike urban and high-density environments, rural communities may not have a range of affordable delivery options available to them. Postal carriers keep them connected to the global economy, allowing these communities to participate and thrive from a distance. This is true both from a consumer and a seller perspective.

In this landscape, **the rise of e-commerce is an opportunity to promote a future-proof USO, which already guarantees and works towards universal deliveries for businesses (including SMEs) and consumers across the EU.** Increased consumer demand for delivery can encourage USPs and other delivery service providers to reinforce their presence in less populated or accessible regions, incentivising them to become even more competitive. As a result, consumers benefit from competitive offers, and service providers are encouraged to find innovative solutions as well as to propose affordable prices. **However, the USO can only be preserved and cost-effective if it is adapted to market realities and thus, if Member States have the necessary level of flexibility to tailor it to their national circumstances.**

### Ensure a flexible and reliable universal service in each Member State

The USO can only be strengthened by taking market realities into account. In today's postal landscape, competitiveness does not depend primarily on speed; it depends more on reliable and predictable services. For business models based on last-mile delivery services, reliability can mean delivering to the recipient within the hour. For other e-commerce businesses, it can mean being able to promise a delivery date and meet that expectation. In this context, being reliable implies putting in the balance both the consumer needs

and a pragmatic consideration of the circumstances, to ensure predictable, realistic and outcome-oriented services.

**The USO, and with it the USPs, will not be financially sustainable if unrealistic standards are set (e.g., delivery frequency) and thus impossible to meet, leading to a drop in citizens' trust and use.** Member States should be granted the necessary flexibility to adapt the parameters of the USO to their national market, provided that a minimum basic service of postal item delivery is maintained for consumers, as well as for SMEs, including vulnerable individuals and populations living in remote areas. This national adaptation can take into account geographical considerations, but also market structures such as letter volumes, fair competition, etc. Furthermore, when tailoring their settings for the USO, Member States should also be enabled to introduce the necessary safeguards for their national population, ensuring that all citizens' needs (including vulnerable populations) are met, without putting unjustified burdens on USPs, and ultimately improving the services' accessibility.

With respect to delivery outside of the scope of the USO, setting minimum standards for parcel deliveries would also have negative consequences on the quality of service. As explained in the previous section, the parcel delivery market is well-functioning, with thriving competition, innovation and levels of user choice. Imposing such requirements would hinder competition, disincentivise operators to improve their services and innovate, while effectively reducing attractive options for users.

## 2. Maintain a high level of user protection, from sellers to recipients

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

Ecommerce Europe is convinced that the EU consumer legislative framework already provides for sufficient protection for end consumers. As far as the end consumer is concerned, **the contractual relationship in an e-commerce transaction should remain focused on the one between the seller and the consumer. Consumers buying goods online do not have a contract with the postal service provider**, as this is taken care of by the seller itself. In this respect, Ecommerce Europe would like to raise concerns regarding the European Commission's suggestion to "strengthen recipient rights towards the postal operator when the postal company contract is with the sender"<sup>1</sup>.

In case of problems related to the delivery of purchased goods, the seller should remain the primary point of contact for the consumer. As the seller has a direct relationship with the consumer, they must be able to address issues related to the delivery and to take the necessary steps to assist the consumer (e.g., issuing a refund, sending a replacement item or offering vouchers, etc.). If the seller were somehow 'excluded' from a delivery-related complaint, because the consumer directly contacted the delivery operator, they would risk losing control over the performance of the operator with whom they could have a contractual relationship. Consequently, this could prevent the seller from ensuring that the delivery service meets their expectations and those of the end consumers. Furthermore, problems with the final delivery are not always attributable to the postal carrier, who may not be involved in other stages of the delivery chain (e.g., stock

<sup>1</sup> European Commission, [Prospective study on the future of the postal sector](#), 2024.

management, shipping). In this context, **Ecommerce Europe urges the European Commission to refrain from regulating consumer rights under the postal legislative framework.**

Policymakers should therefore adopt a careful approach when it comes to consumer provisions and the potential extension of “postal definitions”. If consumer legislation gets somehow integrated into the PSD/CBPDR, Ecommerce Europe identifies a potential risk that consumers could hold all actors that are involved with the delivery liable for a parcel when, for instance, it does not arrive at the indicated time. Any unjustified extension of the definition would have unintended, and potentially negative, consequences for the e-commerce sector, for end consumers and for e-merchants, including many SMEs that, for instance, perform fulfilment for other companies in order to be able to provide certain other services. Moreover, the seller’s choice can depend on several factors, including reliability, quality of service, costs, availability, strategic partnerships, green aspects, and any other services a seller would like to offer to its consumers to serve them in the best way possible. For these reasons, **Ecommerce Europe insists on the fact that it is the seller having a contractual relation with the consumer and with the delivery service provider(s), and it is up to the seller to choose the delivery provider(s) it wants to offer.**

### 3. Support a functioning and competitive delivery ecosystem

**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.*

The rise of e-commerce was accompanied by an increased variety of new business models in the EU, such as third-party online marketplaces, on-demand and internet-driven delivery services or app delivery services<sup>2</sup>, as well as peer-to-peer and local delivery platforms. These various business models have different operating models, targets and competitive dynamics.

In this perspective, it is essential to differentiate between those providers when assessing whether or not there is a level playing field issue, to ensure a consistent application of the rules to operators providing similar and comparable services. Introducing a single set of rules applying to this variety of actors, sometimes providing services intrinsically different, would definitely create obstacles to their activities and, ultimately, to market growth. **In other words, a one-size-fits-all approach will not “fit” all business models within the delivery landscape.**

For example, the definition of postal services should not be broadened in a way that includes business models providing delivery services for meals, mealkits, fresh products or local items, which can be qualified as local commerce platforms, and e-commerce companies that exclusively deliver their own food products. These types of services are different from those of the postal services, in nature and in the way they operate. Local commerce platforms are local by nature, with carriers typically operating in a limited geographic area and delivering directly from the merchant to the customer within a short time frame. Additionally, such hyper-

<sup>2</sup> ERGP, [Report on the delivery ecosystem: value chains and business models](#), July 2025.

local point-to-point delivery does not involve performing a postal activity beyond the sole transportation, such as the clearance or sorting of items<sup>3</sup>, and operates independently from postal networks.

It is therefore important to note that within the category of internet-driven delivery, there is a high level of diversity, whether it is in terms of businesses' size or operating models. Distinctions need to be made between, for example, marketplaces having their own vertically integrated delivery services, platforms strictly acting as intermediaries, online retailers selling their own products, or app-providers of last-mile deliveries, etc.

Considering the above, the proposal of the European Commission to shift the regulatory focus from traditional postal operations toward the broader concept of delivery as a service<sup>4</sup> is raising great concerns. Broadening the scope of the PSD by including all types of delivery services, regardless of their differences, would risk creating overlaps and conflicting obligations, increasing compliance burdens, and reducing clarity for all stakeholders.

**Ecommerce Europe urges the European Commission to take these market realities and essential distinctions into account** when considering a revision of the scope of the postal framework, **to prevent applying the same rules to fundamentally different business models**. Furthermore, considering that the parcel delivery landscape motivates competition, innovation, and profitability for both public and private providers of comparable services, **Ecommerce Europe believes that there is currently no evidence to justify legislation extending the definition of postal service provider**.

#### 4. Promote reliable cross-border delivery services for SMEs

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

E-commerce businesses depend heavily on the end-consumer experience with the delivery of their purchase. As detailed in the first section of this paper, affordable delivery options are essential to e-commerce businesses, in particular for SMEs such as small or individual sellers. To further support businesses, especially SMEs, and foster competition between postal services, Ecommerce Europe suggests that regulators consider publishing guidance material to encourage better price transparency for services provided by postal operators. This could enhance competition and incentivise fair pricing, in particular in the context of cross-border deliveries.

In this context, reliability is a cornerstone of efficient cross-border deliveries. This entails predictable delivery dates and transparency in the necessary delivery events, for both the end-consumer (recipient) and the sellers (senders). To this end, the tracking of the item to be delivered must be accessible, sufficiently precise, and accurate. As of today, there is still room for improvement, notably to ensure that senders selling cross-border have more information on the parcel location, and have the necessary means to flag issues after a parcel has been delivered, and eventually open a claim with the delivery provider. One potential

<sup>3</sup> [Postal Services Directive \(2008/6/EC\)](#), Article 2(1): "postal services: services involving the clearance, sorting, transport and distribution of postal item".

<sup>4</sup> Call for evidence on a new EU Delivery Act, Policy Option 3: "this option would fully revise the scope of the EU postal framework to focus on the delivery of goods, without excluding letter mail".

approach to address this could be the publication of guidelines to further clarify Article 19 of the PSD, under which Member States are required to ensure that complaint mechanisms for postal users' complaints "enable disputes to be settled fairly and promptly"<sup>5</sup>.

In particular, in the case of a non-delivered parcel, online sellers flagged some issues in relation to the efficiency of the complaint handling systems of some postal operators. In such cases, the consumer can obtain compensation for a non-delivered parcel from the seller (according to EU consumer law). However, the seller should, in turn, also be able to obtain compensation from the postal service provider via a sort of redress mechanism. The challenge is also that most SME e-commerce businesses with low volumes of parcels do not really have substantial power of negotiation or influence with postal operators, compared to larger e-commerce companies. SMEs also have fewer resources (time, dedicated teams) to follow through with the complaints. SMEs should be at the same level as any other larger business user, and should benefit from a framework which enables them to scale without disproportionate barriers. **Ecommerce Europe suggests that the European Commission envisages assessing the scale of this obstacle for small businesses, in order to publish guidelines at the European level that would help achieve a balance between postal services providers and SMEs entering a contractual relationship.**

Indeed, once the item is delivered, the quality of services will rely on user-friendly and easy to send returns, smooth complaint handling on both the recipient and the seller sides, and service improvements, by swiftly addressing future preventable delays that may have occurred. Throughout the stages of the delivery, particular attention must also be taken to protecting the different systems involved to prevent fraud, counterfeit postage and misuse of postal channels.

## 5. Cutting red tape to accompany the growth of quality delivery services for consumers and providers

**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.*

Ecommerce Europe believes that the focus of this revising exercise should be shifted to accompany the development and growth of the postal and delivery market. As stressed in the previous sections, Member States should be provided with the necessary flexibility to adapt the postal and parcel framework to the specificities of their national market, and thus encourage competition as well as innovation. In doing so, one of the focuses should be to foster competition and market entry and enable SMEs to scale, notably by removing unnecessary burdens and clarifying existing rules.

To facilitate market entry, Ecommerce Europe strongly recommends that Member States take stock of potential disproportionate barriers and simplify processes to support businesses wishing to become postal services providers. For example, an option could be to streamline the licensing requirements for businesses wishing to provide postal services. This type of precondition constitutes an obstacle to market entries, and

<sup>5</sup> [Postal Services Directive \(2008/6/EC\)](#), Article 19(1): "Member States shall ensure that transparent, simple and inexpensive procedures are made available by all postal service providers for dealing with postal users' complaints [...]. Member States shall adopt measures to ensure that [these procedures] enable disputes to be settled fairly and promptly with provision, where warranted, for a system of reimbursement and/or compensation."

thus to competition, forcing newcomers to go through lengthy, costly and burdensome application processes. It is a direct disincentive for SMEs to join the market and can put diligent businesses in a position of unwanted non-compliance. Rather than considering regulating existing competition in the postal and parcel markets, the focus should be shifted towards ensuring red tape is not in the way of market entry and scalability. On that point, the ERGP recommendation to reconsider “the need for different authorisation regimes (general authorisation and individual licences) and their relevance in the current market situation [...] in a harmonised way”<sup>6</sup> is welcomed. **Ecommerce Europe encourages the European Commission to assess the scale of this barrier to new market entry, especially taking SMEs into account, with the aim of publishing guidelines that would support a better harmonised approach across Member States** without introducing new administrative burdens for businesses and national authorities.

In the same vein, Ecommerce Europe calls on the European Commission to consider publishing guidelines to clarify and harmonise the application of reporting requirements under the CBPDR across Member States, and consequently reducing disproportionate administrative burdens on businesses. Currently, the processes vary from one Member State to another, creating significant uncertainty and market fragmentation.

Finally, still in line with the objective of simplification, Ecommerce Europe outlines the risks of broadening the market aspects that can be subject to monitoring and data collection by National Regulatory Authorities (NRAs) to identify potential market failures. Enabling NRAs “to collect all relevant market indicators and have the right to request the relevant data from the operators”<sup>7</sup> would significantly increase the reporting burden for postal and parcel service providers and add a new barrier to market growth and competition.

## Concluding remarks

Overall, the parcel delivery ecosystem is showing evidence of competition, innovative solutions, and broad choices for both consumers and sellers. Furthermore, the growth of e-commerce has been a source of opportunities for USPs, ensuring profitability amid decreasing letter volumes and enabling them to maintain a universal service even in more costly and remote regions. Consequently, Ecommerce Europe calls on the European Commission to adopt a **careful and balanced approach when considering updating the rules on postal and parcel delivery** in the context of the modernisation of the postal framework, as this is a well-functioning market.

Furthermore, we would draw the policymakers' attention to three key considerations. First, a **one-size-fits-all solution will not be adapted to the variety of actors and business models active in the delivery landscape**. Second, **horizontal provisions** related to labour, consumer protection, transportation, or sustainability **should not be integrated into the postal legislative framework**, in order to prevent **overlaps and discrepancies** with already existing legislation. And third, should the European Commission conclude, following proper assessments and stakeholder dialogues, that some aspects of the current postal and parcel delivery framework are presenting signs of market failure, **a potential revision should remain targeted and proportionate to the market needs**.

---

<sup>6</sup> ERGP, [Report on the outline of the future regulatory postal framework](#), July 2025.

<sup>7</sup> *Ibid.*