



Commission for  
**Communications Regulation**

# **Consultation regarding An Post application for derogations from the universal postal service in respect of certain working days**

Consultation

**Reference:** ComReg 14/94

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# 1 Executive Summary

1. The Commission for Communications Regulation ("ComReg") is the designated national regulatory authority for postal services in the State and An Post is the designated "universal postal service provider" ("USP"), required to provide a postal service of a minimum standard to all persons in the State. ComReg and An Post are appointed to their respective roles by sections 14 and 17 of the Communications Regulations (Postal Services) Act 2011 ("2011 Act").
2. Section 16(1)(a) of the 2011 Act sets the scope of the "universal postal service" as meaning that on every working day there is at least one clearance and one delivery to the home or premises of every person in the State, *except in such circumstances or geographical conditions as ComReg considers to be exceptional*. Section 16(1)(b) of the 2011 Act further sets out certain specific services that shall be provided as part of the universal postal service and section 16(9) requires ComReg to make regulations specifying the universal postal services to be provided. Such regulations were enacted in July 2012, following public consultation.<sup>1</sup>
3. The provision of the universal postal service by An Post is commonly known as the "universal service obligation" and is referred to throughout this consultation paper as the "USO".
4. An Post, by written application to ComReg dated 11 February 2014 (see Annex 1), seeks ComReg to form a decision that the circumstances surrounding certain specified "working days" (meaning a day which is not a Saturday, Sunday or public holiday) are so exceptional as to justify the removal of those working days from the USO. The term "derogation" is used throughout this consultation paper to describe the potential removal of a working day from the USO. An Post seeks a derogation from its full USO<sup>2</sup> for each of the specified working days which would mean in particular that An Post would not be required to collect or deliver mail on those days. The one exception is 24 December, for which An Post would provide a full delivery services but seeks a derogation for collections only.
5. The working days for which An Post seeks a derogation from the USO are as follows:
  1. Good Friday,

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<sup>1</sup> *Communications Regulation (Universal Postal Service) Regulations 2012* (S.I. 280 of 2012)

<sup>2</sup> See section 2.2 for details of the full universal postal service

2. Mondays following a public holiday which falls on a Saturday or Sunday,
  3. 24 December (Christmas Eve) (derogation for collections only<sup>3</sup>), and
  4. First working day after 26 December (St. Stephen's Day).
6. Following this consultation, ComReg shall decide whether to grant a derogation from the USO for any of the working days listed above, in whole or in part.
7. An Post has set out reasons in support of its application which may be summarised as follows:
- that there is low demand for postal services on these days, as demonstrated by the low volumes of mail which are posted;
  - that a substantial number of business delivery points are either closed or inaccessible<sup>4</sup> on those days and An Post is thus unable to deliver mail to a large number of businesses;
  - that the general public view any Monday following a public holiday which falls on a Saturday or Sunday as a public holiday;
  - that there is a considerable cost in providing a full universal postal service on the working days in question, at a time of declining mail volumes;
  - that alternative communication methods are available, including broadband internet mobile and fixed line telephone services, and that these alternatives have markedly reduced reliance on postal services; and
  - that non-provision of a universal postal service on these working days is the most effective way for An Post to facilitate the holiday leave entitlements of its staff.
8. The information provided by An Post in support of its application is set out in Annex 1.
9. In this consultation, ComReg has broken down An Post's application for each working day for which it seeks a derogation from the USO, taking account of the information provided by An Post and having regard to the technical, economic and social environment and the needs of postal service users.

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<sup>3</sup> There will be a full delivery service on 24 December as at present

<sup>4</sup> An Post has not provided an explanation for 'inaccessible'. However, ComReg assumes that this is where the premises are locked up to the extent that normal access to the premises, and as such to the access/delivery point, is not available to An Post delivery staff. ComReg would assume that this would be applicable to a small number of the overall c. 2 million delivery points.

10. Through this public consultation, ComReg seeks the views of all interested parties. Respondents are asked to provide all relevant information in their possession, including all information in support of their expressed views.
11. Please note that all responses to this consultation will be published, save for identified confidential and/or commercially sensitive information which shall be redacted – please see section 6 for more information.
12. As noted in ComReg’s published Consultation guidelines the purpose of a public consultation is to allow ComReg to consider the views of interested parties in reaching its decision.<sup>5</sup> However, a consultation is not equivalent to a voting exercise and ComReg alone will make the final decisions, having had regard to all relevant information before it.
13. Any final decisions made on foot of this consultation will also be kept under review, having regard to any changes in circumstances, with regard to universal postal services and how such services meet the reasonable needs of all postal service users.

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<sup>5</sup> ComReg Document 11/34



## 2 Background

14. While traditional mail volumes are in decline worldwide<sup>6</sup>, the postal service nevertheless remains an important means of communication for Irish postal service users, both residential and business, and it is particularly important for Small and Medium Enterprises (“SMEs”). Further, the required scope of the USO is specified by law in the Postal Directive<sup>7</sup> (“the Directive”) and in the 2011 Act.

### 2.1 ComReg’s functions and objectives

15. ComReg’s statutory functions in relation to the postal sector are set out in section 10(1) of the Communications Regulation Act 2002, as amended by the 2011 Act, and are as follows:

*(ba) to ensure the provision of a universal postal service that meets the reasonable needs of postal service users,*

*(c) to monitor and ensure compliance by postal service providers with the obligations imposed on them by or under the Communications Regulation Acts 2002 to 2011 in relation to the provision of postal services.*

16. ComReg’s statutory objectives, in exercise of the above functions, are set out in section 12(1)(c) of the 2002 Act, again as amended by the 2011 Act, and are as follows:

*(i) to promote the development of the postal sector and, in particular, the availability of a universal postal service within, to and from the State at an affordable price for the benefit of all postal service users,*

*(ii) to promote the interests of postal service users within the Community, and*

*(iii) subject to subparagraph (i), to facilitate the development of competition and innovation in the market for postal service provision.*

17. In addition, Section 12(2A) of the 2002 Act sets out the reasonable measures to be taken by ComReg, which are aimed at achieving the above objectives. ComReg is also required to seek to ensure that all such measures are proportionate, having regard to the particular objectives.

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<sup>6</sup> Universal Postal Union 2012 Statistics: <http://news.upu.int/insight/backgrounders/key-figures/>

<sup>7</sup> 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 as amended by Directive No. 2002/39/EC of 10 June, 2002, and Directive No. 2008/6/EC of 20 February, 2008, of the European Parliament and of the Council

18. ComReg is thus required to take proportionate measures in order to ensure the provision of an affordable universal postal service that meets the reasonable needs of all postal service users, throughout the State. Any decision to remove certain working days from the USO, in whole or in part, must be considered against this overall statutory remit.

## 2.2 Obligations on An Post as USP

19. Section 17 of the 2011 Act designates An Post as the sole USP for the first 12 years of the 2011 Act (i.e., from 2 August 2011 – 1 August 2023) with the designation subject to review by ComReg after 7 years. An Post, as USP, is required to provide a universal postal service of a certain minimum standard.
20. Section 16(1)(a) of the 2011 Act provides that the “universal postal service” means that on every working day, except in such circumstances or geographical conditions as ComReg considers to be exceptional, there is at least one clearance and one delivery to the home or premises of every person in the State.
21. Section 16(1)(b) of the 2011 Act further sets out certain specific services that shall be provided and Section 16(9) of the 2011 Act requires ComReg to make regulations specifying the services to be provided by a USP for the purposes of ensuring that the universal postal service develops in response to the technical, economic and social environment and to the reasonable needs of users. ComReg made such regulations in July 2012, following public consultation.<sup>8</sup>
22. In accordance with the 2011 Act and S.I. 280/2012, An Post’s current USO includes the following:
- A single piece service involving the clearance, sorting, transport and distribution of letters, large envelopes, packets and parcels.
  - A registered items (“proof of delivery”) service.
  - An insured items service.
  - A single piece service provided free of charge to the postal service user for the transmission of postal packets for the blind or partially sighted.
  - Issuing free certificates of posting.
  - A service for the clearance, transport and distribution of:

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<sup>8</sup> Communications Regulation (Universal Postal Service) Regulations 2012 (S.I. 280/2012)

- postal packets deposited in bulk “for delivery only”;
  - “postal packets deposited in bulk” for “deferred delivery”; and
  - “foreign postal packets deposited in bulk” pre-sorted by country of destination.
- A service for the clearance, transport and distribution of postal packets deposited with a USP at an Office of Exchange within the State by the designated operator of a signatory to the Universal Postal Convention.
  - The following services are also included: redirection service, mailminder service, business reply and freepost service, private boxes and bags, poste restante.

## 2.3 Statutory definition of “working day”

23. Under Section 16(1)(a) of the 2011 Act, An Post must provide the universal postal service on every “*working day*” which term is defined in the Interpretation Act 2005 as “*a day which is not a Saturday, Sunday or public holiday.*” In addition, the Second Schedule to the Organisation of Working Time Act 1997<sup>9</sup> (“OWT Act”) sets out the following nine dates as being the official annual “public holidays” in the State:

- New Year's Day (1 January)
- St. Patrick's Day (17 March)
- Easter Monday
- First Monday in May, First Monday in June and First Monday in August
- Last Monday in October
- Christmas Day (25 December)
- St. Stephen's Day (26 December)

## 2.4 Legal basis for granting a derogation from the USO

24. Section 16(1) of the 2011 Act provides that the “universal postal service” means that on every working day, *except in such circumstances or geographical conditions as [ComReg] considers to be exceptional*, there is at least one clearance and one delivery to the home or premises of every person in the State.

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<sup>9</sup> An Act to provide for the implementation of directive 93/104/EC of 23 November 1993 of the Council of the European Communities concerning certain aspects of the organization of working time, to make provision otherwise in relation to the conditions of employment of employees and the protection of the health and safety of employees, to amend certain enactments relating to employees, to repeal the conditions of employment acts, 1936 and 1944, the holidays (employees) acts, 1973 and 1991, and certain other enactments and to provide for related matters.

<http://www.irishstatutebook.ie/1997/en/act/pub/0020/>

25. Section 16(6) provides that “[w]hen considering any exception to the provision of a universal postal service for the purposes of subsection (1)(a), [ComReg] shall have regard to the technical, economic and social environment and to the needs of postal service users.”
26. In respect of any granted exceptions, section 16(8) requires ComReg to notify in writing “(...) (a) the Minister, (b) the European Commission, and (c) the national regulatory authorities in all Member States, and shall publish any such exception granted or determination made.”
27. ComReg notes that An Post has not provided a full service on the specified days to date (with the exception of Christmas Eve) despite the requirements of the 2011 Act, though ComReg also notes that it has never received any complaints regarding the current level of service on these working days.

## 2.5 International Practice

28. ComReg notes that the UK regulator has granted derogations from Royal Mail’s USO for collections and deliveries in respect of certain working days, following public consultations – such derogations were granted in 2003, 2009<sup>10</sup>, and in 2013<sup>11</sup>, ComReg notes that a number of different derogations from the USO were granted by the UK regulator but in most instances the derogation allowed was in respect of a Saturday.<sup>12</sup>

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<sup>10</sup> <http://stakeholders.ofcom.org.uk/binaries/post/271.pdf>

<sup>11</sup> <http://stakeholders.ofcom.org.uk/binaries/consultations/rm-noserviceday/statement/statement.pdf>

<sup>12</sup> Please note that, unlike Ireland, Royal Mail as the UK USP is required to provide the USO on a six day basis, Monday to Saturday inclusive.

## 3 An Post's application

29. This section describes An Post's application and ComReg's preliminary observations in respect of each working day for which An Post seeks a derogation from the USO. The ultimate decision to be made by ComReg is whether the circumstances relating to any or all of the working days in question may be deemed to be sufficiently exceptional, having regard to the technical, economic and social environments and to the needs of postal service users, such that it would be justified and proportionate for ComReg to grant a derogation from the USO, in whole or in part, for the working day in question.
30. ComReg will consider each of the working days separately, taking account of the information provided by An Post in support of its application and any information provided by interested parties in response to this consultation.

### 3.1 Derogation for Good Friday

31. In section 6 of its application, An Post sets out the following reasons for seeking a derogation from USO for Good Friday, in particular for collections and deliveries:
- *"The service on Good Friday has been a very limited one for the past 70 years at least.... There has been no demand for any extension of this service."*
  - *"[W]hile Good Friday is not a public holiday under the terms of the OWT [Act]" "[a] substantial proportion of business delivery points are closed or inaccessible<sup>13</sup> on Good Friday..."*
  - *"The uniqueness of Good Friday is evident in the fact that normal schedules are not observed on public transport"*
  - *"It is difficult to be precise on what was posted on Good Friday itself but An Post estimates that it would be less than 40% of the average typical daily volume"*
32. An Post also sets out the following reasons which are broader and which can be taken to apply to all of the working days at issue:

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<sup>13</sup> An Post has not provided an explanation for 'inaccessible'. However, ComReg assumes that this is where the premises are locked up to the extent that normal access to the premises, and as such to the access/delivery point is not available to An Post delivery staff. ComReg would assume that this would be applicable to a small number of the overall c. 2m delivery points.

- *“With the emergence of electronic alternatives and the significant decline in mail volumes over the last 5 years it is clear that postal users have alternatives to the postal system as a means of communication and are using these.”*
- *“Adding cost to the network now will only result in even more cost savings being required elsewhere which risks compromising the high levels of service quality which customers enjoy.”*

### **Current Collections Service**

33. An Post states in its application that it currently provides a limited universal postal service on Good Friday and that it has done so for many years. An Post states that it provides a collections service on Good Friday equating to c. 20% of its normal collection routes, as serviced on every other working day. The high-level information in respect of collections on Good Friday, set out in Appendix 3 of An Post’s application, indicates that most areas currently do not receive any collections service on Good Friday.
34. ComReg notes that most of An Post’s collections on Good Friday are in the Dublin area<sup>14</sup> and that some larger towns or cities (including Galway and Waterford) receive a significantly low number of collections while other larger towns or cities (including Limerick, Dundalk, Kilkenny, Athlone and Ennis) do not receive any collections service on the day.

### **Current Delivery Service**

35. An Post states in Appendix 2 of its application that it currently provides a full delivery service on Good Friday to c. 46% of its normal delivery routes as serviced on every other working day<sup>15</sup> while a further 4% or so of its routes are part covered<sup>16</sup>. According to the high-level information provided in Appendix 3 of An Post’s application, there are reduced deliveries in most urban areas on Good Friday while other urban areas receive a more limited delivery service.
36. An Post states that:
- Dublin<sup>14</sup> is the only area which receives a 100% deliveries service,

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<sup>14</sup> An Post states that two thirds of mail posted on Good Friday is posted in the Dublin area. In this instance the Dublin area includes all of the Dublin Postal District Areas 1 to 24 and the areas serviced by the Balbriggan, Blackrock, Dunshaughlin, Glenageary, Lucan, Malahide and Swords delivery service units.

<sup>15</sup> Though An Post has confirmed that 40% of mail is posted on a Good Friday, ComReg assumes it has the 100% posting from the previous day on hands and available to deliver on Good Friday.

<sup>16</sup> “Part covered” means that not all of the delivery points on the delivery route are serviced

- a relatively high proportion of deliveries (circa 58% – 78%) are provided in larger urban areas such as Cork City, Galway City, Limerick City, and Waterford City,
- some other urban areas receive a minimal delivery service including Maynooth, Naas, Newbridge, Donegal, Kells and Tipperary, and
- other areas do not receive any delivery service.

### Postal service provision proposed by An Post for Good Friday

37. While An Post seeks the full removal of Good Friday from its USO, in particular for collections and deliveries of mail, An Post nevertheless states that even if the derogation was granted it claims that it would continue to maintain its current reduced level of service on Good Friday, as detailed in its application, and at its own discretion. An Post states that if the derogation was granted then the following standard of collections and deliveries would apply:

**Table 1: USO proposed for Good Friday**

Day of Posting	Collection Day	Delivery Due
Postal packets posted on Thursday before LTOP <sup>17</sup>	Thursday	Following Tuesday
Postal packets posted on Thursday after LTOP and on Good Friday	Following Tuesday	Wednesday

### Effect of the derogation

38. If the derogation was granted, An Post would no longer have an obligation to provide the USO and in particular to collect or deliver mail on Good Friday, though An Post states that it would continue to maintain its current reduced level of service on Good Friday, as detailed in its application, at its own discretion. The following overall arrangement would apply for the USO if the derogation was granted

- Postal packets posted before last time of posting ("LTOP")<sup>17</sup> on the Thursday before Good Friday would be delivered on the following Tuesday.

<sup>17</sup> Latest time of posting – this is the time displayed at each of An Post's access points before which mail must be posted in order to allow delivery on the next working day

- Postal packets posted after LTOP<sup>17</sup> on the Thursday before Good Friday or on Good Friday itself would be collected on the following Tuesday for delivery on Wednesday (i.e. one working day later than normal, Easter Monday being a public holiday).

39. The above does not take account of those larger urban areas in which An Post states that it would provide a limited collections and deliveries service, at its own discretion, which in such circumstances would be outside of the USO.

**Table 2: Effect of derogation for Good Friday**

Thursday prior to Good Friday	Good Friday	Saturday	Sunday	Easter Monday	Tuesday	Wednesday
Normal collection and delivery service	Derogation day - no service*	Weekend - no service	Weekend - no service	Public holiday- no service	Normal collection and delivery service resumes  ----- Mail posted before the LTOP on the Thursday prior to Good Friday will be delivered on this day	Normal collection and delivery service  ----- Mail posted after the LTOP on the Thursday prior to Good Friday or on Good Friday will be delivered on this day

\*No universal postal service would be provided. A limited collections and deliveries service would be provided for some areas at An Post’s discretion

### 3.1.1 ComReg’s preliminary observations

#### The needs of postal service users

40. Although Good Friday is not a public holiday in Ireland, due to custom and practice, a significant number of Irish businesses treat it as a non-working day and do not open for business.
41. In support of its application for derogation, An Post submits its estimate that the average volume of mail posted on Good Friday is less than 40% of typical daily volume and that approximately two thirds of mail posted on Good Friday is posted in the Dublin area, where a significant level of service would remain, post-derogation.



42. Although An Post's estimates indicate that average mail volumes on Good Friday are some 60% lower than on other working days, ComReg must observe that this of itself does not mean that mail volumes on Good Friday are so low as to necessarily warrant derogation from the USO.
43. An Post has not provided detailed information relating to the volume of mail which is delivered on Good Friday, though its application states that most *urban* areas are currently covered for deliveries. ComReg therefore assumes that all Thursday postings are available for delivery on Good Friday and that a significant volume of Thursday postings are delivered on Good Friday.
44. ComReg must also note that the proposed derogation would effectively mean that a proportion of postal packets posted on Thursday, would not, in keeping with An Post's adopted practice, be delivered until the following Tuesday (as Easter Monday is a public holiday).
45. Further to the above point, ComReg is particularly conscious of the extent to which businesses, and particularly SMEs, rely on the universal postal service though it is not clear to what extent they rely upon the service on Good Friday and over the Easter period. ComReg notes in this regard that it has not received any complaints in the past regarding the current level of service on Good Friday.
46. ComReg also notes An Post's statement that it would maintain a limited service on Good Friday at its own discretion even if the derogation was granted.

## Social environment

47. An Post submits that "*a substantial proportion of business delivery points are closed or inaccessible<sup>13</sup> on Good Friday*" and that business delivery points account for approximately 80% of all mail delivered<sup>18</sup> and that An Post must align provision of the universal postal service with actual demand levels.
48. An Post gives examples of organisations which are closed on Good Friday, including the Civil Service, the main banking and financial institutions, the Courts, Schools, and public houses. An Post also points to the reduced schedules for certain public transport services on Good Friday.

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<sup>18</sup> ComReg notes from An Post's application that 80% of delivery volumes is delivered to circa 200,000 delivery points and that 20% of delivery volumes is delivered to circa 1.87 million delivery points on a daily basis (see footnote20).

49. An Post also refers in its application to the seven EU Member States which provide no postal service on Good Friday.<sup>19</sup> ComReg would however observe that Good Friday is an official public holiday in each of those Member States whereas in Ireland it is not.
50. While a significant number of businesses in Ireland do treat Good Friday as a non-working day, ComReg notes that the changing business environment, particularly in recent years, means that other businesses treat Good Friday as a normal working day and remain fully open for business.
51. ComReg must also take account of the fact that the USO applies to all postal service users and not just to businesses. Although businesses are the largest generators of mail volumes, residential postal service users account for the largest number of delivery points in the State.<sup>20</sup>

### **Economic environment**

52. In its application, An Post states that it does not currently provide a full postal service on Good Friday and that if it was to provide a full service, at a time of falling mail volumes<sup>21</sup>, then it would incur additional costs which could have a knock on effect in terms of reducing the quality of service.<sup>22</sup> An Post states that there is a cost of c. €< per day of providing the mails service.
53. ComReg considers that An Post should have been costing its service based on its obligation to provide a full postal service on Good Friday and not on what it chose to provide. However, notwithstanding this, it is clear that significant additional costs would be incurred if An Post was now to provide a full universal service on Good Friday.

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<sup>19</sup> Denmark, Finland, Germany, Greece, Portugal, Spain and Sweden.

<sup>20</sup> An Post's corporate website states it delivers to 2.1 million business and residential addresses. (Fast Facts) and the An Post GeoDirectory website states its database of addresses for the Republic of Ireland contains 1.87 million properties in total, including 200,000 individual business addresses  
<http://www.anpost.ie/AnPost/MainContent/About+An+Post/Fast+Facts/>  
<https://www.geodirectory.ie/What-is-Geodirectory.aspx?gclid=COjdpta02LwCFeXLtAodUTMALQ>

<sup>21</sup> For information, according to An Post's 2013 annual report traditional mail volumes have declined by almost 30% since 2007

<sup>22</sup> ComReg assumes An Post is referring to the level of service rather than quality of service, as a reduction in quality of service has the potential to increase costs. However, the level of service is set by section 16(1) of the 2011 Act and cannot be changed by An Post.

54. Such additional costs may negatively affect the “*affordable for the benefit of all postal users*” element of ComReg’s statutory function for the provision of the universal postal service. ComReg also notes that in its recently published 2013 annual report An Post has claimed that “*the current five-day delivery Universal Service Obligation caused a substantial loss in 2013*”<sup>23</sup> and that it incurred an operational loss of €11.5m for the year.<sup>24</sup> Furthermore ComReg has previously noted its concerns regarding An Post’s financial position.<sup>25</sup> As such if An Post is to provide a full universal postal service on Good Friday it would directly add to this claimed substantial loss.
55. ComReg must carefully consider the impact of any additional costs on An Post, particularly in terms of any effects on its ability to provide an affordable universal postal service to the required standard.<sup>26</sup> In this regard, the current staffing structure in An Post<sup>27</sup> would increase the per unit cost of providing a full collection service on Good Friday where posted mail volume is only 40% of normal daily volumes and many businesses are closed.

### Technical environment

56. An Post claims that there are now alternative communication methods available to postal service users, especially electronic communications services such as broadband internet and mobile fixed line telephone services and that postal service users are availing of these alternatives.
57. It is evident that electronic substitutes (“e-substitution”) are increasingly available to postal service users. An Post has repeatedly claimed in its recent annual reports that e-substitution is one of the main contributory factors to the c.30% decline in traditional mail volumes which has occurred since 2007. ComReg notes a derogation from the USO on the basis that e-substitutes are available is a point which is not unique to Good Friday but applies equally to all working days.

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<sup>23</sup> For the avoidance of doubt, ComReg notes that does not equate to any “net cost” from the provision of the universal postal service pursuant to s.35 of the 2011 Act.

<sup>24</sup> An Post’s Annual Report 2013 available at <http://www.anpost.ie/AnPost/MainContent/About+An+Post/Annual+Reports/about-annualreports.htm>

<sup>25</sup> ComReg Document No. 14/59 ‘Response to Consultation and Decision on price cap control for universal postal services’ (<http://www.comreg.ie/fileupload/publications/ComReg1459.pdf>)

<sup>26</sup> Pursuant to section 30 of the 2011 Act, an efficient universal postal service is required.

<sup>27</sup> ComReg notes that An Post could efficiently structure its postal network to only collect and deliver to those access and delivery points which are open and accessible on any day.

58. Nonetheless, there are currently certain barriers to switching from post to e-communications, such as the limited availability of broadband internet in certain areas or statutory provisions which mandate physical delivery of certain postal packets. However, ComReg also notes Government plans to increase the use of e-communications and so many of these barriers may be removed in time<sup>28</sup>.

### **ComReg's Preliminary Assessment**

59. There are three options for ComReg to consider with regard to the provision of postal services on Good Friday:
- i. grant no derogation for Good Friday – this would require An Post to provide a full universal postal service on Good Friday (in particular collections and deliveries, at all locations);
  - ii. grant a full derogation for Good Friday – An Post would no longer have any obligation to collect or deliver any mail on Good Friday (though it may choose to collect and/or deliver some mail, entirely at its discretion); or
  - iii. grant a part derogation for Good Friday - ComReg would specify the access points and delivery points, from which An Post would be required to collect and/or deliver mail on Good Friday<sup>29</sup>.
60. ComReg does not consider the first option to be proportionate as it would create significant additional costs for An Post while the resultant benefits for postal service users are likely to be quite minimal.
61. ComReg does not consider Option (ii) appropriate as to grant a full derogation for Good Friday would mean that the services which An Post would provide at its own discretion would no longer fall within the universal service and hence the needs of postal service users could not enjoy the protection of the universal service.

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<sup>28</sup> *eGovernment 2012 – 2015*<sup>28</sup>, priority action 20: “All public bodies will monitor and evaluate take-up of eGovernment services with a view to achieving the 50% (for citizens) and 80% (for businesses) targets set out in the EU eGovernment Action Plan (by 2015).”

<sup>29</sup> An Post would structure its postal network to efficiently collect/deliver mail to the specified access/delivery points which are accessible for service on the day

62. ComReg is currently minded to adopt Option (iii) and grant a part derogation for Good Friday, whereby An Post would be required to provide a limited efficient service on this date fixed by reference to the level of service which An Post currently provides, as set out in its application in Annex 1. It would appear that there is a demand for provision of services on Good Friday, as demonstrated by An Post's own commitment to maintain its current level of service. Option (iii) would thus seem to ensure that, in the circumstances, a sufficient level of service would be provided on Good Friday so as to satisfy user demand but without imposing any additional costs on An Post.

Q. 1 Do you agree with ComReg's preferred option as set out above?

Please provide reasons with your answer and any supporting information in your possession, in particular with regard to the level of postal service user demand for services on Good Friday and the level of businesses open/closed on Good Friday.

### 3.2 Derogation for any Monday following a public holiday which falls on a Saturday or Sunday

63. An Post seeks a full derogation from the USO (in particular collections and deliveries) for Mondays which immediately follow a public holiday which falls on a Saturday or Sunday. This would apply for any of the following public holidays<sup>30</sup> when they fall on a Saturday or Sunday:

- 17 March (St. Patrick’s Day),
- 25 December (Christmas Day),
- 26 December (St. Stephen’s Day), and
- 1 January (New Year’s Day).

64. The OWT Act does not categorise the next working day where a public holiday falls on a Saturday or Sunday as a “public holiday” nor is the next working day automatically substituted as a public holiday.

65. The number of public holidays falling on a Saturday or a Sunday in any year is usually quite small, as shown in the table below:

**Table 3: Public holidays falling on a Saturday or Sunday**

Year	Public holidays falling on a Saturday or Sunday (2014 – 2023)
2014	None
2015	26 December (St. Stephen’s Day)
2016	25 December (Christmas Day)
2017	1 January (New Year’s Day)
2018	17 March (St. Patrick’s Day)
2019	17 March (St. Patrick’s Day)
2020	26 December (St. Stephen’s Day)
2021	25 December & 26 December <sup>31</sup>

<sup>30</sup> see section 2.3 for a full listing of the national public holidays under the OWT Act

<sup>31</sup> In the year 2021 Christmas Day and St. Stephen’s Day will both fall together on a weekend. In this case An Post is seeking the following Monday and Tuesday to be treated as derogation days

<b>2022</b>	New Year's Day & Christmas Day (January 1 & December 25)
<b>2023</b>	New Year's Day (January 1)

66. In section 6 of its application An Post sets out the following reasons for seeking a derogation for the Mondays following a public holiday which falls on a Saturday or Sunday:

- *“The general public belief is that Monday after a weekend on which a public holiday falls is itself a public holiday.”*
- *“...the general lack of expectation amongst both the business community and society in general for a postal service at holiday periods”*
- *“No service has ever been provided on this day”*
- *“Services on public transport are significantly reduced in scope”*
- *“A substantial proportion of business delivery points are closed or inaccessible<sup>32</sup> on.... the Monday after a public holiday which falls on a weekend”*
- *“Based on recent evidence An Post estimates that mail collected on the Mondays in question is equivalent to about 15% of the average daily volume”<sup>33</sup>*

### **Service provision proposed by An Post**

67. An Post states in its application that it has never provided a universal postal service on a Monday following a public holiday, which fell on a Saturday or Sunday, and it seeks a full derogation from the USO for such Mondays which, if granted, would have the following effect in terms of collection and delivery schedules:

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<sup>32</sup> An Post has not provided an explanation for 'inaccessible'. However, ComReg assumes that this is where the premises are locked up to the extent that normal access to the premises, and as such to the access/delivery point, is not available to An Post delivery staff. ComReg would assume that this would be applicable to a small number of the overall c. 2m delivery points.

<sup>33</sup> ComReg notes that An Post states that it provides no service on these days. ComReg assumes that similar to Good Friday, An Post is referring to circa 15% of mail posted on these dates.

**Table 4: USO proposed for Mondays following a public holiday which falls on a Saturday or Sunday**

Day of Posting	Collection day	Day of delivery
Postal packets posted before LTOP <sup>34</sup> on Friday	Friday	Following Tuesday
Postal packets posted after LTOP on Friday or at any time on Saturday, Sunday or Monday	Following Tuesday	Wednesday

### Effect of the derogation

68. If a full derogation was granted An Post would be relieved of any obligation to collect or deliver mail on Mondays following a public holiday which falls on a Saturday or Sunday. This would mean that

- postal packets posted before LTOP<sup>34</sup> on the previous Friday would not be delivered until the following Tuesday; and
- postal packets posted after LTOP on the previous Friday, or on Saturday, Sunday or Monday, would not be collected until the following Tuesday to be delivered on the Wednesday

**Table 5: Effect of derogation for Mondays following a public holiday which falls on a Saturday or Sunday**

Friday	Saturday	Sunday	Monday	Tuesday	Wednesday
Normal collection and delivery service	Weekend - no service	Weekend - no service	Exception day - no service	Normal collection and delivery service resumes	Normal collection and delivery service
				----- Mail posted before the LTOP on the Friday will be delivered on this day	----- Mail posted after the LTOP in the Friday, on Saturday, Sunday or Monday will be delivered on this day

<sup>34</sup> Latest Time of Posting – this is the time displayed at each of An Post’s access points before which mail must be posted in order to allow delivery on the next working day



## 3.2.1 ComReg's Preliminary Observations

### The needs of postal service users

69. An Post states that the low volume of mail collected<sup>35</sup> on Mondays following a public holiday which falls on a weekend is an indicator of the lack of demand for a postal service on these days. An Post states in its application that the volume of mail collected on such Mondays is approximately 15% of average daily volumes.
70. An Post also states that the general public belief is that the Monday following any public holiday which falls on a weekend is a public holiday. An Post refers to the significant reduction in public transport services on "*public holiday weekends*" as evidence of the fact that the Monday is viewed as non-working day and that there is a general lack of expectation amongst the business community and persons in general for a full postal service during such public holiday weekends.
71. As can be seen from Table 3 above; public holidays do not fall on a Saturday or Sunday every year - in 2014 there are no such incidences and at most, two will occur in the same year in the coming years.<sup>36</sup> In addition, such days mainly occur during the Christmas period in which a number of public holidays occur in quick succession on 25 December, 26 December and 1 January (Christmas Day, St. Stephen's Day, and New Year's Day). The only other public holiday which can fall on a Saturday or Sunday is 17 March (St Patrick's Day) (it next falls on a Saturday or Sunday in 2018 and 2019).
72. The derogation which An Post is seeking, for Mondays which follow 25 December, 26 December and 1 January (Christmas Day, St. Stephen's Day or New Year's Day) where any of those days fall on a weekend, must be considered in conjunction with An Post's application for;
- a derogation for collections on 24 December (Christmas Eve) (see section 3.3), and
  - a derogation for the first working day after 26 December (St. Stephen's Day) (see section 3.4).

Please see Annex 3 of this document and Appendix 1 of An Post's application for how this would apply each year.

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<sup>35</sup> ComReg assumes An Post means mail posted, as in its application it has stated it has not collected mail on these dates

<sup>36</sup> During the period 2014 – 2023, which is the period of An Post's designation as the universal postal service provider

## Social environment

73. An Post claims in its application that a substantial proportion of business delivery points are closed or inaccessible<sup>32</sup> on Mondays following any public holiday which falls on a Saturday or Sunday.
74. ComReg has referred earlier in this paper to the fact that while many businesses in Ireland treat Good Friday as a non-working day, the changing business environment, particularly in recent years, means that other businesses do not treat Good Friday as non-working day and remain fully open for business. The same can be said, to some extent at least, for Mondays which follow certain public holidays which fall upon a weekend. For example, many multi-national companies based in Ireland and particularly those in the financial services sector, open for business on St Patrick's Day even when it falls on a week day and also open for business on a Monday where St Patrick's Day falls on a weekend. While it may therefore be the norm for many non-retail businesses throughout the State to close on such Mondays, it is not the universal custom of all non-retail businesses.
75. ComReg would note the following with regard to the above point:
- In 2013, 17 March (St Patrick's Day) fell on a Sunday and celebrations across the country were mainly held on the Sunday, not on the subsequent Monday.
  - 25 December (Christmas Day), 26 December (St. Stephen's Day) and 1 January (New Year's Day) all fall in the last week of the calendar year. ComReg recognises that in addition to multi-national organisations in Ireland which operate almost all year round, many shops and other retail businesses also open immediately on the first day following 25 December (Christmas Day) and 26 December (St. Stephen's Day). Indeed many shops now open on 26 December (St. Stephen's Day). In addition, other companies are likely to be busy at that time as the end of the calendar year is also the end of the Irish fiscal year.

## Economic environment

76. An Post currently does not provide a universal postal service on Mondays following a public holiday which falls on a Saturday or Sunday and states that it would incur significant additional costs were it to do so. Depending on the number of instances of these days occurring in any particular year, this could result in an additional €X or €X of costs per annum.

77. ComReg's views on this point are similar to those set out in its consideration of the application for derogation for Good Friday, in section 3.1.1 above. ComReg would, however, add that the additional costs for providing a full service on a Monday following a public holiday which falls on a weekend is likely to be significantly higher than the cost of providing a full service on a Good Friday. This is because no service at all is currently provided by An Post on such Mondays, whereas a reduced level of service is currently provided on Good Friday.

### **Technical environment**

78. In its application, An Post states that; “... *it is clear that postal users have alternatives to the postal system as a means of communications and that they are using these.*” ComReg has set out its general views on this point under its considerations of the application for derogation for Good Friday.

### **ComReg's Preliminary Assessment**

79. The days at issue do not occur every year and only ten such days occur between now and the end of An Post's current designation as the USP, in 2023. With the exception of 17 March (St. Patrick's Day), these days all fall during the Christmas period, when many non-retail businesses close for an extended period. ComReg also notes An Post's contention that providing a service on such days would cause it to incur additional costs, though as noted earlier, An Post could choose to efficiently structure its network to only collect / deliver to those access/delivery points which are open and accessible. However, if the current staffing structure in An Post is maintained this would certainly increase the per units costs on these dates if the posted volumes are as low as 15% of average daily volumes, as claimed.

80. There are two options for ComReg to consider with regard to the provision of postal services on Mondays following a public holiday which falls on a Saturday or Sunday:

- i. do not grant a derogation – this would require An Post to provide a full USO on such days ( in particular collections and deliveries, at all locations);
- ii. grant a full derogation – An Post would no longer have an obligation to provide the USO and in particular to collect or deliver any mail on such days.

81. ComReg does not consider the first option to be proportionate as it would create significant additional costs for An Post while the resultant benefits for postal service users are likely to be quite minimal. ComReg is currently minded to adopt Option ii and grant a full derogation for the days in question.

Q. 2 Do you agree with ComReg's preferred option as set out above?

Please provide reasons with your answer and any supporting information in your possession, in particular with regard to the level of postal service user demand for services and the level of businesses open/closed on the Mondays following a public holiday which falls on a Saturday or Sunday.

### **3.3 Derogation for collections on 24 December (Christmas Eve)**

82. An Post currently provides a full collections and deliveries service on 24 December. An Post seeks a derogation from its USO for collections on 24 December (Christmas Eve), and not for the remainder of the USO including deliveries on that date.

83. Section 6 of An Post's application sets out the following reasons for seeking this derogation on 24 December (Christmas Eve):

- *"Most businesses have curtailed opening hours on Christmas Eve and are essentially in 'wind down' mode for the holiday."*
- *"Equally the principal demand on the part of many householders for a postal service at this time is for the delivery of Christmas greeting cards by Christmas Eve. Consequently there is no necessity on their part to have the facility to actually post mail on this day which should then be collected that evening"*
- *"On Christmas Eve the task of affecting routine and timely collections particularly at 17.30, can be problematic in many urban areas due to severe traffic congestion and to parking restrictions and the early closure of many businesses"*
- *"Records of collections made on Christmas Eve point to a level of mail that is approximately 20% of average daily volume."*

#### **Service provision proposed by An Post**

84. An Post seeks a derogation from the USO for collections only on 24 December (Christmas Eve). An Post is not seeking a derogation for deliveries on this day. The following standard of collections and deliveries would apply if such a derogation was granted:

**Table 6: USO proposed for 24 December (Christmas Eve)**

Day of Posting	Collection Day	Delivery Due
Postal packets posted on 23 December before LTOP <sup>37</sup>	23 December	24 December (Christmas Eve)
Postal packets posted after LTOP on 23 December or on 24 December (Christmas Eve)	Second working day after 26 December (St. Stephen's Day)	Third working day after 26 December (St Stephen's Day)
	Note: This is only in the scenario where the derogation sought by An Post for the first working day after 26 December is granted (see section 3.4 below), otherwise collection would be on the first working day after 26 December and delivery would be on the second working day	Note: This may also be one or two working days later depending on whether 25 December and/or 26 December fall on a weekend, and if the exception(s) sought by An Post for these days is granted (see section 3.2 above).

**Effect of the derogation**

85. A derogation from collections on 24 December (Christmas Eve) would relieve An Post of its obligation to collect universal service mail on that date. Therefore the following service arrangements would apply;

- postal packets posted on the 23 December before the displayed Latest Time of Posting (“LTOP”) would be delivered on 24 December (Christmas Eve) (where these dates fall on a working day).
- postal packets posted after the LTOP on 23 December and on 24 December (Christmas Eve) would not be collected until the second working day following 26 December (St. Stephen's Day) if a derogation is also granted by ComReg for the first working day after 26 December (St. Stephen's Day) (see section 3.4 below). These postal packets would then be delivered on the third working day after 26 December (St. Stephen's Day).

<sup>37</sup> Latest time of posting – this is the time before which mail must be posted in order to allow delivery on the next working day

**Table 7: Effect of derogation for collections on 24 December (Christmas Eve)**

23 December	24 December (Christmas Eve)	25 December (Christmas Day)	26 December (St. Stephen's Day)	First working Day after 26 December (St. Stephen's Day)	Second working day after 26 December (St. Stephen's Day)	Third working day after 26 December (St. Stephen's Day)
Normal collection and delivery service	No collection service - Delivery service only	public holiday - no service	public holiday - no service	Derogation day - no service <sup>38</sup>	Normal collection and delivery service resumes ----- Mail posted on Christmas Eve will be collected on this day	Normal collection and delivery service ----- Mail posted on Christmas Eve will be delivered on this day

### 3.3.1 ComReg's Preliminary Observations

#### The needs of postal service users

86. This application by An Post applies to mail collections, and not deliveries.
87. An Post claims that the mail volumes collected on 24 December (Christmas Eve) are approximately 20% of average daily volumes and that this is an indicator of the lack of demand by postal service users for a collection service on Christmas Eve.
88. An Post also states that most businesses have reduced opening hours on 24 December (Christmas Eve) and that residential postal users do not generally post Christmas cards and presents on that date as their principal demand is to have such items delivered on or before that date.

<sup>38</sup> This is only in the scenario where a full derogation sought by An Post for the first working day after 26 December (St. Stephen's day) is granted by ComReg (see section 3.4 below), otherwise a normal collection and delivery service would resume on the first working day after 26 December (St. Stephen's Day)

89. ComReg notes that mail which is currently collected on 24 December (Christmas Eve) is not delivered until normal services resume after the Christmas break. If all of the derogations sought by An Post were granted, this means that mail posted on 24 December would, at the latest, be collected on 30 December and delivered by 31 December (see Annex 3).

### **Social environment**

90. An Post states in its application that on 24 December its collections network can be constrained by severe traffic congestion and parking restrictions, and that many businesses close early for the Christmas holiday period. This is not surprising given that most collections are performed at or after 17.30 when traffic is likely to be at its heaviest on 24 December.

### **Economic environment**

91. An Post states that there is a cost of €< for providing the current collections service on Christmas Eve which it submits consists of collecting mail from almost empty post boxes.
92. For An Post, providing a full collections service on this date in order to collect circa 20% of its normal volumes increases the per unit costs given the current staffing structure in An Post.

### **Technical environment**

93. In its application, An Post states that; “... *it is clear that postal users have alternatives to the postal system as a means of communications and that they are using these.*” ComReg has set out its general views on this point under its considerations of the application for exception from the universal postal service obligation for Good Friday in section 3.1.1 of this document.

### **ComReg’s Preliminary Assessment**

94. ComReg notes An Post’s claims in its application that there are low mail volumes and traffic restrictions on its postal network and the fact that An Post is committed to delivering all mail to addressees by 24 December (Christmas Eve).
95. There are two options for ComReg to consider with regard to the provision of postal services on 24 December (Christmas Eve):
- i. do not grant a derogation for collections – this would require An Post to provide a full USO on 24 December (Christmas Eve);
  - ii. grant a derogation for collections – An Post would no longer have an obligation to collect mail on 24 December (Christmas Eve) (though it would have an obligation to provide the remainder of the USO and in particular to deliver mail on that date).

96. ComReg does not consider the first option to be proportionate as volumes are very low and it is a cost for An Post while the resultant benefits for postal service users are quite minimal. ComReg is currently minded to adopt Option ii and grant a full derogation for collections for 24 December (Christmas Eve).

Q. 3 Do you agree with ComReg's preferred option as set out above?

Please provide reasons with your answer and any supporting information in your possession, in particular with regard to the level of postal service user demand for a collections service and the level of businesses open/closed in the afternoon/evening of 24 December (Christmas Eve).

### **3.4 Derogation for the first working day following 26 December (St. Stephen's Day)**

97. An Post seeks a derogation from its USO for the first working day after 26 December (St. Stephen's Day).
98. The first working day after 26 December (St. Stephen's Day) is normally the 27 December, except when 26 December falls on a Friday in which case the first working day is Monday 29 December or if 26 December falls on a Saturday, in which case the first working day is normally Monday 28 December.
99. This application should also be considered together with An Post's applications for derogations for;
- 24 December (Christmas Eve) (derogation for collections of mail only) (see section 3.3 above), and
  - Mondays following a public holiday falling on a Saturday or Sunday (see section 3.2 above), when this applies to 25 December, 26 December, and 1 January (Christmas day, St. Stephen's Day and New Year's Day respectively).<sup>39</sup>
100. In section 6 of An Post's application, under 'Grounds of Application', An Post states the following reasons for seeking a derogation for the first working day after 26 December (St. Stephen's Day);

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<sup>39</sup> Please see Annex 3 of this document and Appendix 1 of An Post's application for how this would apply each year.



- *“A substantial proportion of business delivery points are closed or inaccessible<sup>40</sup> on...the first working day immediately after Christmas”*
- *“There has been no postal service on the working day immediately after the Christmas Holiday for many years and there are no reports of a public demand for such a service.”*
- *“The status of this day as an ‘ad hoc’ holiday can be demonstrated by the fact that Bank of Ireland was closed on 27 December 2013.”*
- *“An Post estimates that the volume that is proper to the first working day following St. Stephen’s Day is negligible when due allowance is made for the postings over the preceding days in the holiday period”*
- *“An Post see this as a well earned rest period for its staff in reward for their dedication in the peak period prior to Christmas, when staff are required to work significantly longer hours than the average working week.”*

### **Postal service provision proposed by An Post**

101. An Post seeks a full derogation from the USO, in particular for collections and deliveries, for the first working day after 26 December (St. Stephen’s Day) and proposes that the following collections and deliveries schedule would apply;

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<sup>40</sup> An Post has not provided an explanation for ‘inaccessible’. However, ComReg assumes that this is where the premises are locked up to the extent that normal access to the premises, and as such to the access/delivery point, is not available to An Post delivery staff. ComReg would assume that this would be applicable to a small number of the overall c. 2m delivery points.

**Table 8: USO proposed for the first working day after 26 December (St. Stephen's Day)**

Day of Posting	Collection Day	Delivery Due
Postal packets posted <ul style="list-style-type: none"> <li>• after LTOP<sup>41</sup> on 23 December</li> <li>• on 24 December (Christmas Eve), and</li> <li>• on the first working day after 26 December (St. Stephen's Day)</li> </ul>	Second working day after 26 December (St. Stephen's Day)	Third working day after 26 December (St Stephen's Day)
	Note: This is only in the scenario where a derogation for collections sought by An Post for 24 December (Christmas Eve) is granted (see section 3.3 above)	Note: This may also be one or two working days later if 25 December (Christmas day) and/or 26 December (St. Stephens Day) fall on a weekend, and if the derogation sought by An Post for these days is granted (see section 3.2 above)

### Effect of the derogation

102. A derogation from the USO for the first working day after 26 December (St. Stephen's Day) would relieve An Post of its obligation to provide the USO and in particular to collect and deliver all universal service mail on that day. Therefore (and if ComReg also granted a derogation for 24 December (Christmas Eve collections) the following service arrangements would apply;

- postal packets posted on the 23 December before the displayed LTOP<sup>41</sup> would be delivered on 24 December (Christmas Eve) (where these dates fall on a working day).

<sup>41</sup> Latest time of posting – this is the time before which mail must be posted in order to allow delivery on the next working day

- postal packets posted after the LTOP on 23 December, on 24 December (Christmas Eve) and on the first working day after 26 December (St. Stephen's Day) would not be collected until the second working day following 26 December (St. Stephen's Day). These postal items would then be delivered on the third working day after 26 December (St. Stephen's Day).

**Table 9: Effect of derogation for the first working day after 26 December (St. Stephen's Day)**

23 December	24 December (Christmas Eve)	25 December (Christmas Day)	26 December (St. Stephen's Day)	First working Day after 26 December (St. Stephen's Day)	Second working day after 26 December (St. Stephen's Day)	Third working day after 26 December (St. Stephen's Day)
Normal collection and delivery service	No collection service <sup>42</sup> - Delivery service only	public holiday - no service	public holiday - no service	Derogation day - no service	Normal collection and delivery service resumes <sup>43</sup>  ----- Mail posted on Christmas Eve and the first working day after 26 December will be collected on this day	Normal collection and delivery service  ----- Mail posted on Christmas Eve and the first working day after 26 December will be delivered on this day

<sup>42</sup> This is only in the scenario where the derogation sought by An Post for collections on 24 December (Christmas Eve) is granted (see section 3.3 above)

<sup>43</sup> This may also be one or two working days later depending on whether 25 December (Christmas Day) and/or 26 December (St. Stephen's Day) fall on a weekend, and if the derogation for those days is granted. For example; in the year 2021 Christmas Day and St. Stephen's Day will both fall on a weekend. In this case An Post is seeking both the following Monday (27 December) and Tuesday (28 December) to be treated as derogation days. The Wednesday (29 December) would then be the applicable derogation day for the first working day after 26 December (St. Stephen's Day) and normal service would resume on the Thursday (30 December).

### 3.4.1 ComReg's Preliminary Observations

#### The needs of postal service users

103. In its application An Post submits there is no demand for such a service on the day after St. Stephen's Day and also submits that a substantial proportion of business delivery points are closed or inaccessible<sup>40</sup> on this day.
104. An Post also claims that mail volumes posted on the first working day after St. Stephen's day are negligible when allowance is made for the postings over the preceding days in the holiday period. ComReg notes that An Post has not provided an estimate percentage of average daily postings/collections for this date and ComReg assumes that An Post is inferring that the previous two days (Christmas Day and St. Stephen's Day) at issue all fall during the Christmas period and as such there is likely to be very little mail posted on these days.
105. However as mentioned, this particular application cannot be considered in isolation as An Post is also requesting the following derogations from the USO over the Christmas break;
- 24 December (Christmas Eve) ( derogation for collections of mail only), and
  - Mondays following 25 December (Christmas Day) and/or 26 December (St. Stephen's Day) and 1 January (New Year's Day) falling on a Saturday or a Sunday.
106. Annex 3 of this document outlines the combined effect of the derogations sought by An Post. This shows that if all derogations were granted for the Christmas period, at worst, mail posted after LTOP on 23 December or on 24 December would not be collected until 30 December and would be due for delivery on 31 December. This would occur in the years 2014, 2015, 2019, 2020 and 2021.
107. Therefore, if all the derogations are granted, then in the case of some years, this may result in there being an entire week where no universal postal service is provided over the Christmas period. Consequently ComReg considers it is important that An Post would ensure that its customer communications were appropriate and timely so that postal service users would be fully aware of the arrangements for provision of the USO and in particular collections and deliveries services that would apply over the Christmas holiday period.

108. In addition, and with regard to the security and confidentiality of the mail not collected during this period, ComReg would require, if such derogations were granted, that An Post put in place appropriate procedures that ensure all access points have adequate capacity to remove any such concerns.
109. In this regard, An Post would be required to provide to ComReg annually, a list of its access points which it believes, based on its experience, may have volume capacity issues, if not cleared over the extended Christmas period. In any decision which ComReg may make in this regard, An Post would be required to collect mail from these access points at appropriate intervals and to properly secure all such mail until normal service resumes.<sup>44</sup>

### **Social environment**

110. An Post maintains that this particular day is a rest day for its staff following the busy Christmas period. ComReg notes from An Posts application that there are typically very low volumes in the postal system on this day.

### **Economic environment**

111. An Post does not provide a universal postal service on the first working day after St. Stephen's Day and claims that to do so now would incur additional costs of €< per annum.
112. ComReg has set out its general views on this point under its considerations of the application for derogation for Good Friday in section 3.1.1 of this document. In addition, ComReg notes that there would be much greater additional costs incurred by An Post in providing a full service on the first working day after 26 December (St. Stephen's Day). Unlike Good Friday, it would be equivalent to adding a full day's operational costs. In addition, given the current staffing structure in An Post this would certainly increase the per units costs on this date if posted volumes are as low as claimed by An Post., though ComReg notes that An Post could provide efficiently structure its network to only collect and deliver to those access and delivery points which are open and accessible on the day.

### **Technical environment**

113. ComReg has set out its general views on this point under its considerations of the application for derogation for Good Friday.

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<sup>44</sup> ComReg envisages that this will apply only to a limited number of access points.

## ComReg's Preliminary Assessment

114. There are two possible options for ComReg to consider with regard to the provision of universal postal services on the first working day after St. Stephen's Day and which are set out below:
- i. do not grant a derogation for the first working day after St. Stephen's Day – this would require An Post to provide a full USO on this day (in particular collections and deliveries, at all locations);
  - ii. grant a full derogation for the first working day after St. Stephen's Day with conditions attached<sup>45</sup> – An Post would no longer have an obligation to provide the USO and in particular to collect or deliver any mail.
115. ComReg does not consider the first option to be proportionate as it would create significant additional costs for An Post while the resultant benefits for postal service users are likely to be quite minimal. ComReg is currently minded to adopt Option ii and grant a full derogation for the first working day after St. Stephen's Day with conditions attached as this approach would mitigate any security and confidentiality issues which might arise.

Q. 4 Do you agree with ComReg's preferred option as set out above?

Please provide reasons with your answer and any supporting information in your possession, in particular with regard to the level of postal service user demand for services and the level of businesses open/closed on the first working day after 26 December (St. Stephen's Day).

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<sup>45</sup> This derogation would be conditional on An Post providing a collections service for certain public access points as discussed at paragraph 109 above. If such a derogation was granted, then these collection arrangements would be advertised as part of An Post's Communications Plan for the Christmas holiday period.

## 4 An Post's Communications Plan

116. In its application An Post provides its communications plan for the days which derogations from the USO are requested. An Post states it will;
- update the An Post website with relevant details which will be highlighted in advance of the relevant days,
  - An Post Christmas period notices will include relevant details,
  - Notices will be displayed prominently in all Post Offices, and
  - Notice plates on public collection boxes will be updated with relevant details at the time when An Post conducts a replacement of the notice plates.
117. ComReg is of the preliminary view that if An Post should be granted any of these derogations, An Post should provide all relevant details of its level of service to its customers.
118. ComReg is also of the preliminary view that if An Post should be granted any of the requested derogations, that An Post's access points notice plates would be updated with new information regarding the level of service (and in the format requested by ComReg). Such a programme would be required to be completed for all access points within 18 months of any decision. ComReg would also require that any days for which a derogation was granted would be clearly stated in An Post's terms & conditions (and in any subsequent updated versions).
119. If a part derogation should be granted for Good Friday, ComReg is of the preliminary view that An Post must clearly advise postal service users on its website (and in the format requested by ComReg) of the access/delivery points it would service on Good Friday as part of its USO.
120. In addition ComReg considers that on foot of any decision it may make in this regard, An Post must ensure that its customer communications are adequate and timely so that postal service users are fully aware of the universal service being provided and in particular the arrangements for collection and delivery of mail on the dates for which any such derogation is granted.
121. Following its considerations on foot of this consultation, ComReg will prescribe the relevant details to be included in the An Post's communications plan, if or as it arises.

Q. 5 If an exemption is granted for any day do you consider the proposed customer communication arrangements to be adequate? Please explain your response clearly and provide full details.



## 5 Draft Regulatory Impact Assessment

122. ComReg's published Regulatory Impact Assessment ("RIA") Guidelines<sup>46</sup> (Doc 07/56a), made in accordance with a policy direction to ComReg<sup>47</sup>, state that ComReg will conduct a RIA in any process that may result in the imposition of a regulatory obligation, or the amendment of an existing obligation to a significant degree, or which may otherwise significantly impact on any relevant market or any stakeholders or consumers.
123. The RIA Guidelines also note that in certain instances it may not be appropriate to conduct a RIA and, in particular, that a RIA is only considered mandatory or necessary in advance of a decision that could result in the imposition of an actual regulatory measure or obligation, and that where ComReg is merely charged with implementing a statutory obligation then it will assess each case individually and will determine whether a RIA is necessary and justified.
124. In this draft RIA, ComReg examines the options open to it in relation to the decisions to grant the following derogations from the USO which An Post, the designated USP, has applied for:
1. Good Friday,
  2. Mondays following a public holiday which falls on a Saturday or Sunday,
  3. 24 December (Christmas Eve) (derogation for collections only<sup>48</sup>), and
  4. First working day after 26 December (St. Stephen's day).
125. ComReg invites interested parties to review and comment on this draft RIA and to submit any information which they consider relevant. Subject to respondents' views and consideration of any other relevant information, this draft RIA will be finalised in ComReg's response to consultation and this will in turn inform ComReg's final decision in respect of the application for derogations made by An Post.

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<sup>46</sup> Which have regard to the RIA Guidelines issued by the Department of An Taoiseach in June 2009

<sup>47</sup> Ministerial Policy Direction made by Dermot Ahern T.D. Minister for Communications, Marine and Natural Resources on 21 February, 2003

<sup>48</sup> There will be a full delivery service on 24 December as at present

## 5.1 Steps involved

126. As set out in its Guidelines, ComReg's approach to RIA follows five steps, as follows:

Step 1: describe the policy issue and identify the objectives

Step 2: identify and describe the regulatory options

Step 3: determine the impacts on stakeholders

Step 4: determine the impacts on competition

Step 5: assess the impacts and choose the best option

## 5.2 Step 1 : Describe the policy issue and identify the objectives

127. Section 16(1) of the 2011 Act defines the scope of the universal postal service to a large extent, setting out that it entails at least one clearance and one delivery to the home or premises of every person in the State on every working day (i.e. Monday - Friday, excluding public holidays) *“except in such circumstances or geographical conditions as the Commission considers to be exceptional”*.

128. As a result of An Post's application, the policy issue is the decision to be made by ComReg as to whether the circumstances surrounding any or all of the “working days” specified by An Post are so exceptional as to justify the removal of any or all of those days from the USO, with the exception of 24 December (Christmas Eve) for which An Post seeks the removal of collections only from the USO. All other USO services will be provided on that day.

129. In terms of its statutory remit, ComReg must have regard to its relevant functions as set out in section 10 of the Communications Regulation Act 2002 – 2011 - particularly *“to ensure the provision of a universal postal service that meets the reasonable needs of postal service users”* - and to its relevant objectives set out at 12(1), in particular *“to promote the development of the postal sector and, in particular, the availability of a universal postal service within, to and from the State at an affordable price for the benefit of all postal service users”*. Furthermore, ComReg must have regard to section 12(3) which requires that ComReg *“[in] carrying out its functions ... shall seek to ensure that measures taken by it are proportionate having regard to the objectives set out in this section.”*

130. When considering any possible derogation from the USO ComReg shall also have regard to the needs of postal service users, the technical environment, the economic environment and the social environment, as required by section 16(6) of the 2011 Act.

## 5.3 Step 2: Identify and describe the regulatory options

### Policy issue 1: Whether to grant a derogation for Good Friday

131. ComReg's RIA Guidelines set out that the first option is always to make no change to the current regulatory policy. Other options, which would change the regulatory policy, are then added.
132. ComReg has identified three regulatory options:
- **Option 1** – do not grant a derogation for Good Friday – this would require An Post to provide a full USO on Good Friday (including collections and deliveries, at all locations); or
  - **Option 2** - grant a full derogation for Good Friday – An Post would no longer have an obligation to provide the USO and in particular to collect or deliver any mail on Good Friday (though it may choose to collect and/or deliver some mail, entirely at its discretion); or
  - **Option 3** - grant a part derogation for Good Friday - ComReg would specify the access points and delivery points, from which An Post would be required to collect and/or deliver mail on Good Friday as part of the USO<sup>49</sup>.

### Policy issue 2: Whether to grant a derogation for Mondays following any public holiday which falls on a Saturday or Sunday

133. ComReg has identified two regulatory options:
- **Option 1** – do not grant a derogation – this would require An Post to provide a full USO on such days (including collections and deliveries, at all locations); or
  - **Option 2** – grant a full derogation – An Post would no longer have any legal obligation to provide the USO and in particular to collect or deliver any mail on such days.

### Policy issue 3: Whether to grant a derogation for collections only for

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<sup>49</sup> An Post would be required to clearly advise postal service users of the access/delivery points it would service as part of the USO.

## 24 December (Christmas Eve)

134. ComReg has identified two regulatory options:

- **Option 1** – do not grant a derogation for collections – this would require An Post to provide a full USO on 24 December (Christmas Eve) as at present;
- **Option 2** – grant a derogation for collections – An Post would no longer have any legal obligation to collect mail on 24 December (Christmas Eve) (though it would have an obligation to provide the remainder of the USO and to deliver mail on that date).

## Policy issue 4: Whether to grant a derogation for the first working day after 26 December (St. Stephen's Day)

135. ComReg has identified two regulatory options:

- **Option 1** – do not grant a derogation – this would require An Post to provide a full universal postal service on the first working day after 26 December (St. Stephen's Day); or
- **Option 2** – grant a full derogation with conditions attached.<sup>50</sup> An Post would no longer have any legal obligation to provide the USO and in particular to collect and/or deliver any mail on the first working day after 26 December (St. Stephen's Day).

## 5.4 Steps 3, 4 and 5: Determine and assess the impacts on stakeholders and competition and chose the best option

136. ComReg considers that the stakeholders affected by the decision to be made by ComReg, under the options set out above, are:

- postal service users, including individual consumers, SMEs, large businesses, Government departments and other public bodies, non-Governmental organisations including charities, and e-fulfillment service providers;

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<sup>50</sup> This derogation would be conditional on An Post providing a collections service for certain public access points as discussed at paragraph 109. If such a derogation was granted, then these collection arrangements would be advertised as part of An Post's Communications Plan for the Christmas holiday period.

- An Post, the designated USP; other postal service providers, currently DX Ireland, Eirpost (Division of Nightline Logistics Group), Fastway Couriers, Lettershop Postal, TICO Mail Works, RR Donnelley Document Solutions (Ireland) and Sooner Than Later Solutions; and
- International inbound and outbound mail services – in Ireland there are significant volumes for inbound international mail.

### **Policy issue 1: Good Friday: impact on stakeholders and competition**

137. Option 1: If no derogation is granted there would be a resulting benefit to postal service users as they would receive a full universal postal service on Good Friday. However, data provided by An Post indicates that usage of postal services on Good Friday is very low and so it would appear that such a benefit would not significantly impact on postal service users, given the low demand for postal services on that day.
138. If no derogation is granted there would be a significant impact on An Post in terms of increased operational costs. Providing a full service on Good Friday would require An Post to nearly double the number of delivery routes which it currently operates on that day and increase its collection routes by c. 80%. ComReg estimates that as a result An Post would incur significant additional costs over its current costs on Good Friday. Although An Post has not provided specific details, in the majority of instances, these are likely to be the more costly routes to operate which also have the least volumes of mail to collect or deliver. Given the current staffing structure in An Post, providing this full service would increase the per unit costs, given mail volumes on Good Friday as claimed by An Post and the level of delivery point closures on that day.
139. Option 2: There should be no significant impact on postal service users as a result of Option 2, as the level of service which they currently receive would remain essentially the same. However under this option, the services provided by An Post would not be protected by the USO.
140. There should be no significant impact on An Post as a result of Option 2, as the level of service which it currently provides would remain essentially the same.
141. Option 3: As per option 2, there should be no significant impact on postal service users as a result of Option 3, as the level of service which they currently receive would remain essentially the same. Importantly, unlike Option 2, these services would also continue to be provided as part of the USO, and so would fall within the scope of the 2011 Act.

142. There should be a benefit to An Post under Option 3 in that it would maintain its current level of service as part of its USO which should allow it the possibility of retaining customers in the face of competition without incurring any additional operational costs.
143. There should be no impact on other postal service providers under Option 3 as there would be no change to the service which has been provided by An Post until now and they will continue to be able to compete for postal service user business on this day. Indeed there could be opportunities for other service providers to gain market share by providing postal services to the areas not covered by An Post. International inbound and outbound services would continue as per current service level, and these inbound services would be regulated.
144. For policy issue 1, ComReg's preferred option is Option 3 - to grant a part-derogation for Good Friday. Under Option 3, the needs of postal service users should be protected as postal services provided on Good Friday would remain within the universal postal service, while An Post should not incur any additional operational costs as it would not be required to increase its current level of service. Option 3 would also appear to satisfy current user demand for postal services on Good Friday, based on data provided by An Post in support of its application for derogation, and it would accord with ComReg's statutory duty to promote the availability of an affordable universal postal service for the benefit of all postal service users. In addition, other postal service providers should not be impacted by option 3.

## **Policy issue 2: Mondays following any public holiday which falls on a Saturday or a Sunday: impact on stakeholders and competition**

145. Option 1: If derogation is not granted there would be a resulting benefit to postal service users as they would receive a full universal postal service on Mondays following a public holiday which falls on a weekend. However, data provided by An Post indicates that usage of postal services on such Mondays is very low and so it would appear that such a benefit would not significantly impact on postal service users, given the low demand for postal services on that day.
146. If a derogation is not granted there would be a significant impact on An Post in terms of the increased operational costs of providing a full collection and delivery service on Mondays following a public holiday which falls on a weekend.
147. Option 2: There should be no impact on An Post, postal service users, or other postal service providers under Option 2 as there would be no change to the current level of service.

148. For policy issue 2, ComReg's preferred option is Option 2 - to grant a derogation for Mondays following any public holiday which falls on a Saturday or a Sunday. This appears to be a proportionate measure which will keep An Post's operational costs on that date to the necessary minimum without there being any resultant detrimental effect on consumers or on competition. Further, it accords with ComReg's function to ensure that postal service users may avail of an affordable universal postal service that meets their reasonable needs.

### **Policy issue 3: 24 December (Christmas Eve) collections: impact on stakeholders and competition**

149. Option 1: If a derogation for collections on 24 December (Christmas Eve) is not granted there would be a resulting benefit to postal service users as they would receive a full universal postal service on that date. However, data provided by An Post indicates that while demand for delivery of mail on 24 December (Christmas Eve) is high, demand for collection of mail on that date is very low. The benefit to postal service users of having a full collection and delivery service on that date is therefore likely to be minimal.

150. ComReg agrees with An Post that demand for collections on 24 December is low as people typically seek to ensure that Christmas postal packets, and particularly those containing presents or cards, are delivered on or before 24 December (Christmas Eve). Delivery, and not collection, is the key consumer demand on Christmas Eve. In addition, most businesses close for the Christmas period and ComReg does not consider that there is high demand by businesses for a collections service on 24 December (Christmas Eve) and that business transactional mail is normally sent out well in advance of that date. An Post submits that mail collections volumes on 24 December (Christmas Eve) are only 20% of a typical days volumes and in any event will not be delivered until after the Christmas break. A full collections service on that day would therefore increase the per unit cost for that day, given the current staffing structure in An Post.

151. Option 2: If a derogation for collections on 24 December (Christmas Eve) was granted, the number of postal service users that may be negatively impacted to some degree is considered small and the extent of any negative impacts is likely to be minimal. As against that, granting the derogation would save An Post a full day's collections cost (An Post has circa 8,831 access points from which it provides a daily collection service<sup>51</sup>). Due to the low demand for collections services on Christmas Eve other postal service providers availing of An Post's services are also not likely to require a collections service on this day.

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<sup>51</sup> As stated by An Post in appendix 2 of its application

152. For policy issue 3, ComReg's preference is Option 2 - to grant a derogation for collections on 24 December. This appears to be a proportionate measure which will keep An Post's operational costs on that date to the necessary minimum, without there being any resultant detrimental effect on consumers or on competition, and it accords with ComReg's function to ensure that postal service users may avail of an affordable universal postal service that meets their reasonable needs.

#### **Policy issue 4: First working day after 26 December (St. Stephen's Day): impact on stakeholders and competition**

153. Option 1: If a derogation for deliveries and collections for the first working day after 26 December (St. Stephen's Day) is not granted, there would be a resulting benefit to postal service users as they would receive a full universal postal service on that date. However, mail volume data provided by An Post indicates that demand for delivery and collection services on this date is very low. The benefit to postal service users of having a full collection and delivery service on that date is therefore likely to be minimal.

154. If a derogation is not granted there would be a significant impact on An Post in terms of the increased operational costs of providing a full collection and delivery service on the first working day after 26 December (St. Stephen's Day).

155. Option 2: If a full derogation is granted with conditions attached as set out at paragraph 109, the number of postal service users that may be negatively impacted to some degree is considered small and the extent of any negative impacts is likely to be minimal as this approach would mitigate any security and confidentiality issues which might arise. As against that, granting the derogation would save An Post a full day's operations costs, for collections and deliveries.

156. For policy issue 4, ComReg's preference is Option 2 - to grant a full derogation with conditions attached for the first working day after 26 December (St. Stephen's Day). This appears to be a proportionate measure which will keep An Post's operational costs on that date to the necessary minimum, without there being any resultant detrimental effect on consumers or on competition, and it accords with ComReg's function to ensure that postal service users may avail of an affordable universal postal service that meets their reasonable needs.

<p>Q. 6 Are there other factors ComReg should consider in completing its Regulatory Impact Assessment? Please explain your response and provide details of any factors that should be considered by ComReg.</p>
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## 6 Submitting comments

157. The consultation period will run until 5pm on Monday, 6 October 2014, during which time ComReg welcomes written comments on any of the issues raised in this consultation.
158. It is requested that comments be referenced to the relevant question numbers and/or paragraph numbers from this document. Where views are provided, please provide a supporting rationale for your comments, including if possible, an indication on the broader impact of any changes proposed.
159. As it is ComReg's policy to publish all responses in order to make them available for inspection, responses to consultations should be provided as non-confidential documents, with any information for which confidentiality is claimed (e.g. commercially sensitive information) supplied in a separate annex. In this respect, please refer to ComReg's Consultation Procedures - ComReg 11/34 and ComReg's Guidelines on the Treatment of Confidential Information - ComReg 05/24.
160. We request that electronic submissions be submitted in an unprotected format so that they can be appended into the ComReg submissions document for publishing electronically.
161. All responses to this consultation should be clearly marked:- "Reference: Consultation 14/94", and sent by post, facsimile or e-mail to arrive on or before 5pm, 6 October 2014, to:

Ms. Mary Keegan  
Commission for Communications Regulation  
Abbey Court, Block DEF  
Lower Abbey Street  
Freepost  
Dublin 1  
Ph: +353-1-804 9600 Fax: +353-1-804 9680  
Email: [marketframeworkconsult@comreg.ie](mailto:marketframeworkconsult@comreg.ie)

# **Annex: 1 An Post's application for derogations from the USO**

An Post application included separately

## Annex: 2 Legal basis

A 2.1 The Communications Regulation (Postal Services) Act 2011 (“2011 Act”) became law on 2nd August 2011 and established a new framework for the regulation of postal services in the State. The 2011 Act also gives effect in Irish law to the European Postal Directive which creates a harmonised framework for the regulation of postal services in all Member States (Directive 97/67/EC, as amended by Directives 2002/39/EC and 2008/6/EC).

A 2.2 Section 10 of the Communications Regulation Act 2002 – 2011 sets out ComReg’s two *functions* in relation to postal services:

- *to ensure the provision of a universal postal service that meets the reasonable needs of postal service users,*
- *to monitor and ensure compliance by postal service providers with the obligations imposed on them by or under the Communications Regulation Acts 2002 to 2011*

A 2.3A 1.3 Section 12(1)(c) of the Communications Regulation Act 2002 – 2011 sets out ComReg’s *objectives*, in exercising the above functions:

- to promote the development of the postal sector and, in particular, the availability of a universal postal service within, to and from the State at an affordable price for the benefit of all postal service users,*
- to promote the interests of postal service users within the Community, and*
- subject to subparagraph (i), to facilitate the development of competition and innovation in the market for postal service provision.*

A 2.4 Section 12(2A) of the Communications Regulation Act 2002 – 2011 also sets out that ComReg “*shall take all reasonable measures aimed at achieving*” the objectives referred to in subsection (1)(c), including:

*(2A) In relation to the objectives referred to in subsection (1)(c), objectives, including—*

*(a) establishing such monitoring and regulatory procedures for the purposes of ensuring compliance by postal service providers with the obligations imposed on them by or under the Communications Regulation Acts 2002 to 2011 as are necessary to secure the provision of a universal postal service,*

*(b) ensuring that postal service users may avail of a universal postal service that meets their reasonable needs,*

*(c) in so far as the facilitation of competition and innovation is concerned, ensuring that postal service users derive maximum benefit in terms of choice, price and quality, and*

*(d) in so far as the promotion of the interests of postal service users within the Community is concerned—*

*(i) ensuring a high level of protection for postal service users in their dealings with postal service providers, in particular by—*

*(I) ensuring the availability of simple and inexpensive dispute resolution procedures carried out by a body that is independent of the parties involved,*

*And*

*(II) consulting and cooperating with the National Consumer Agency as appropriate,*

*and*

*(ii) addressing the needs of specific social groups, in particular, disabled postal service users.*

A 2.5 Section 14 of the 2011 Act designates ComReg as “*the national regulatory authority for the purposes of the Directive*” while Section 17 designates An Post as the sole universal postal service provider (“USP”) in the State for the first 12 years of the Act, subject to review by ComReg after the first 7 years.

A 2.6 Section 16(1) of the 2011 Act defines the “*universal postal service*” to a large extent, setting out that it entails at least one clearance and one delivery to the home or premises of every person in the State on every working day (i.e. Monday – Friday, excluding national public holidays) “*except in such circumstances or geographical conditions as the Commission considers to be exceptional*”.

A 2.7 Section 16(1) further specifies that the following services fall within the universal postal service:

- the clearance, sorting, transport and distribution of postal packets up to 2kg and parcels up to 20kg (the 20kg figure may be adjusted by ComReg)
- a registered items service
- an insured items service

- free of charge postal services for to blind and partially- sighted persons.

A 2.8 Section 16(9) of the 2011 Act requires that ComReg shall make regulations specifying the services to be provided by a USP, for the purposes of ensuring that the universal postal service develops in response to the technical, economic and social environment and to the reasonable needs of users. ComReg made such regulations in July 2012, following public consultation (the Communications Regulation (Universal Postal Service) Regulations 2012 (S.I. 280 of 2012) - see ComReg Document No. 12/81).

A 2.9 Section 21(1) of the 2011 Act requires of An Post to provide the universal postal service in accordance with its obligations imposed under the 2011 Act, and that this can only be interrupted, suspended or restricted (in all or in part) in cases of '*force majeure*'. Section 21(1) also obliges An Post to provide identical services to postal service users under comparable conditions.

A 2.10 In accordance with section 16(6) of the 2011 Act, when ComReg is considering any exception to the provision of a universal postal service provided under 16(1)(a) of the 2011 Act, it "*shall have regard to the technical, economic and social environment and to the needs of postal service users.*"

A 2.11 Section 16(8) requires ComReg to notify in writing any exception granted for the purposes of subsection (1)(a) to; (a) the Minister, (b) the European Commission, and (c) the national regulatory authorities in all Member States, and to publish any such exception granted.

## Annex: 3 Christmas Period Derogations

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
<b>23 Dec</b>	Tuesday Last day of normal service	Wednesday Last day of normal service	Friday Last day normal service	Saturday N/W	Sunday N/W	Monday Last day of normal service	Wednesday Last day of normal service	Thursday Last day of normal service	Friday Last day of normal service	Saturday N/W
<b>24 Dec (Christmas Eve)</b>	Wednesday ✓	Thursday ✓	Saturday N/W	Sunday N/W	Monday ✓	Tuesday ✓	Thursday ✓	Friday ✓	Saturday N/W	Sunday N/W
<b>25 Dec (Christmas Day)</b>	Thursday N/W	Friday N/W	Sunday N/W	Monday N/W	Tuesday N/W	Wednesday N/W	Friday N/W	Saturday N/W	Sunday N/W	Monday N/W
<b>26 Dec (St. Stephens Day)</b>	Friday N/W	Saturday N/W	Monday N/W	Tuesday N/W	Wednesday N/W	Thursday N/W	Saturday N/W	Sunday N/W	Monday N/W	Tuesday N/W
<b>27 Dec</b>	Saturday N/W	Sunday N/W	Tuesday ✓	Wednesday ✓	Thursday ✓	Friday ✓	Sunday N/W	Monday ✓	Tuesday ✓	Wednesday ✓
<b>28 Dec</b>	Sunday N/W	Monday ✓	Wednesday ✓	Thursday Normal service resumes	Friday Normal service resumes	Saturday N/W	Monday ✓	Tuesday ✓	Wednesday ✓	Thursday Normal service resumes
<b>29 Dec</b>	Monday ✓	Tuesday ✓	Thursday Normal service resumes	Friday Normal service	Saturday N/W	Sunday N/W	Tuesday ✓	Wednesday ✓	Thursday Normal service resumes	Friday Normal service
<b>30 Dec</b>	Tuesday	Wednesday	Friday	Saturday	Sunday	Monday	Wednesday	Thursday	Friday	Saturday

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
	Normal service resume	Normal service resumes	Normal service	N/W	N/W	Normal service resumes	Normal service resumes	Normal service resumes	Normal service	N/W
<b>31 Dec</b>	Wednesday Normal service	Thursday Normal service	Saturday N/W	Sunday N/W	Monday Normal service	Tuesday Normal service	Thursday Normal service	Friday Normal service	Saturday N/W	Sunday N/W
<b>1 Jan (New Year's day)</b>	Thursday N/W	Friday N/W	Sunday N/W	Monday N/W	Tuesday N/W	Wednesday N/W	Friday N/W	Saturday N/W	Sunday N/W	Monday N/W
<b>2 Jan</b>	Friday Normal service	Saturday N/W	Monday ✓	Tuesday Normal service	Wednesday Normal service	Thursday Normal service	Saturday N/W	Sunday N/W	Monday ✓	Tuesday Normal service
<b>3 Jan</b>	Saturday N/W	Sunday N/W	Tuesday Normal service	Wednesday Normal service	Thursday Normal service	Friday Normal service	Sunday N/W	Monday ✓	Tuesday Normal service	Wednesday Normal service
For information purposes the New Year's Day for the incoming year is shown in the previous year's column i.e. 1 January 2015 is shown in the column for 2014										

The table above shows the derogations requested by An Post in its application which straddle the Christmas period and which are as follows:

- derogation for collections on 24 December (Christmas Eve). Deliveries will be provided as normal (section 3.3).
- derogation for the Monday or Tuesday following the following public holidays - 25 December, 26 December and 1 January (Christmas Day, St. Stephen's Day, New Year's Day) falling on a Saturday or Sunday (section 3.2)
- derogation for the first working day after St. Stephen's Day (section 3.4). In the case of a derogation day being granted for 25 December (Christmas Day) and/or 26 December (St. Stephen's Day) if falling on a Saturday or Sunday, this derogation day will follow those derogation days.

Note on symbols used in above table:

✓ indicates that An Post has applied for a derogation from its universal postal service for this working day.

**N/W** indicates this day is an official non-working day i.e. Saturday, Sunday or a public holiday. There will be no universal postal service on this day.

“Normal service” indicates that An Post has not applied for a derogation for this working day and full universal postal service (including collections and deliveries) will be provided by An Post on this working day.



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