



Commission for
Communications Regulation

Information Notice

Notification to An Post

Quality of Service Performance

Document No:	09/54
Date:	8 July 2009

An Post's Quality of Service Performance

The Commission for Communications Regulation (ComReg), as regulator of the Irish postal sector, has responsibility to ensure the quality of the postal service provided by An Post, the universal postal service provider.

As part of that remit, on 1st June 2004 ComReg directed An Post to achieve a next-day delivery standard of 94% for single piece priority mail delivered within the State. ComReg has since monitored An Post's performance against that 94% standard, on an ongoing basis and in accordance with international measurement standards, and ComReg has published quarterly and annual performance reports.

To date, An Post has not achieved the 94% next-day delivery standard. For this reason, ComReg has today, 8 July 2009, notified An Post that it has not achieved the 94% standard and that it has until 31 December 2010 to do so. The full text of the notification is attached at Appendix A.

In issuing this notification, ComReg does acknowledge the renewed efforts by An Post's senior management to improve An Post's delivery rates, which have resulted in noticeable recent improvements especially in Quarter 1 of 2009. ComReg has also been assured that these recent improvements will be maintained and improved upon.

Appendix A - Notification to An Post

Notification to An Post

8th July 2009

BY HAND

The Secretary
An Post
General Post Office
O'Connell Street
Dublin 1

Notification by the Commission for Communications Regulation to An Post, under Regulation 18(2)(a) of the European Communities (Postal Services) Regulations, 2002, as amended by the European Communities (Postal Services) (Amendment) Regulations, 2008

Dear Mr Tyndall,

An Post is a designated universal service provider under Regulation 4(2)(a) of the European Communities (Postal Services) Regulations, 2002¹, as amended by the European Communities (Postal Services) (Amendment) Regulations, 2008² (hereinafter together described as 'the Regulations').

On 1st June 2004, the Commission for Communications Regulation ('the Commission') having consulted with interested parties and acting in accordance with Regulation 18 of the Regulations, issued to An Post a direction under Regulation 4(1)(b) of the Regulations as set out in the First Schedule hereto in respect of the quality of the postal service to be provided by An Post ('the Direction'). The Direction was also published in the Commission's *Response to Consultation on Quality of Service Target 2004 - Single Piece Priority Mail* (Document number 04/56) and in *Iris Oifigiúil* of 24th September 2004.

In respect of the quality of the postal service to be provided by An Post, the Direction sets time limits for delivery of "Single Piece Priority Mail" (as defined therein), posted in the State for delivery in the State, according to the formula D+n, where 'D' represents the date of deposit and 'n' the number of working days which elapse between that date and the date of delivery to the addressee. Applying that

¹ S.I. 616 of 2002

² S.I. 135 of 2008

formula, the Direction sets the time limit for next-day delivery of such mail as follows:

Time limit	Objective
D +1	94% of items

The Direction further states that measurement of An Post's performance will be undertaken by the Commission in accordance with European and Irish Standard EN 13850:2002 Quality of Service – measurement of transit time of end-to-end services for single piece priority mail.

In the time period between the date of issue of the Direction and the date of this notification, the Commission has monitored and measured An Post's performance against the quality standards set out in the Direction, whilst officials of ComReg have also engaged with officials of An Post, on an ongoing basis, regarding An Post's performance as against those standards.

The results of the Commission's monitoring indicate that An Post has not, at any time between the date of issue of the Direction and the date of this notification, achieved a delivery standard of 94% D+1 for Single Piece Priority Mail, nor, in the view of the Commission, has An Post made sufficient progress in achieving, or seeking to ensure the achievement of, that standard. The latest figures, for the calendar year ending 31st December 2008, indicate that An Post achieved a delivery standard of approximately 79% D+1 for Single Piece Priority Mail for that calendar year.

In light of the foregoing, and in accordance with Regulation 18(2)(a) of the Regulations, the Commission hereby notifies An Post of the Commission's finding that An Post has not complied with the Direction, as An Post has failed to achieve the next-day delivery standard of 94% D+1 for Single Piece Priority Mail, as set down in the Direction.

Further, in accordance with Regulation 18(2)(a) of the Regulations, An Post is given the opportunity to remedy its non-compliance with the Direction by achieving the delivery standard of 94% D+1 not later than the end of the period ending on 31st December, 2010 and commencing immediately after the issue of this notification ('the Remedial Period').

For the avoidance of doubt, the Commission shall, in the course of the Remedial Period, continue to monitor An Post's progress in seeking to ensure the achievement of the next-day delivery standard of 94% D+1. In monitoring An Post's ongoing progress, the Commission reserves its right to take such further or other action as it considers necessary, at any time prior to 31st December 2010. In particular, where the Commission is satisfied, based on information obtained or received, that An Post has made and is continuing to make genuine and timely progress towards achieving compliance with the Direction, then the Commission may, at any time during the Remedial Period, decide to amend this notification in accordance with Regulation

18(2)(b), either by extending the final date by which compliance with the Direction must be achieved, or by making such other amendment as it deems appropriate.

In addition, but without prejudice to the generality of the foregoing, where the Commission finds that An Post has failed, or is failing, to take sufficient measures or to achieve sufficient progress during the Remedial Period, and where the Commission is of the opinion that such failure or failures might result in a failure to remedy the non-compliance and to achieve a next-day delivery standard of 94% by 31st December 2010, the Commission may decide to amend or revoke this notification pursuant to Regulation 18(2)(b), and to take such further or other action following the amendment or revocation concerned as it deems appropriate, including, *inter alia*, applying to the High Court for an appropriate order, or orders, in accordance with Regulations 18(3) and/or 18(4) of the Regulations.

For the avoidance of doubt, therefore, the Commission may, *inter alia*, decide to amend or revoke this notification, and, if appropriate thereafter, in due course proceed to apply to the High Court on a date earlier than 31st December 2010.

In considering whether An Post has taken, or is taking, sufficient measures, or has made, or is making, sufficient progress during the Remedial Period to achieve a next-day delivery standard of 94% by 31st December 2010, the Commission shall take into account all available information, including any information provided by An Post.

An Post may, within six weeks from the date of issue of this notification, state its views to the Commission regarding the contents hereof.

This notification is issued on the date endorsed hereon, 8th July 2009.

SIGNED under the official seal of the Commission for Communications Regulation:

John Doherty
Chairperson
Commission for Communications Regulation

Dated 8th July 2009