

The CNMC points out that the future regulation of postal services in Spain must guarantee the security of administrative and legal notifications.

- However, the new regulation includes the elimination of essential requirements, such as providing the ID number and signature, in order to verify the identity of the person being notified.
- The Commission considers that this does not guarantee the rights of the parties concerned and recommends that the wording of the current regulation be maintained.
- The new regulation should also detail key aspects related to the quality of the universal postal service.

Madrid, 4 August 2022.- The CNMC has approved the report on the Draft Royal Decree approving the Postal Services Regulation ([IPN/CNMC/023/22](#)). The draft legislation comes eleven years after the [Law on the Universal Postal Service, the Rights of Users and the Postal Market Act was passed](#); it will replace the current regulation, which was issued in 1999 to build on the previous law, which predated the full liberalisation of the sector.

In its report, the CNMC expresses concern about the legal uncertainty arising from the fact that the future regulation does not regulate two fundamental issues: administrative and legal notifications and certain aspects related to the quality of the universal postal service.

Administrative and legal notifications

The proposed amendment to the postal regulation eliminates any mention of the ID number, as well as the requirement of the signature of natural persons, or the seal of companies or organisations, receiving administrative notifications.

In the draft legislation, these requirements are not replaced by other provisions that would ensure that the recipient's identity can be reliably established, to the detriment of the guarantees for citizens. Therefore, the CNMC considers that the current wording of the regulation on administrative notifications should be maintained.

The Commission had already expressed its views on the importance of proper administrative and legal notifications to guarantee the rights of those concerned ([IPN/CNMC/002/21](#)). When it comes to regulating these notifications, the CNMC considers that the mere reference of the new postal regulation to the [Common Administrative Procedure Act](#) is not sufficient.

Regarding the universal postal service, the CNMC considers that the draft legislation should expressly regulate the following issues: the technical standards for measuring service quality, the application of force majeure to the computation

of delivery times, and the threshold for non-compliance with quality targets above which the designated operator could be sanctioned.

Legal security

On the other hand, the CNMC considers that the draft legislation should be written in more detail and in a way that is consistent with other regulatory texts, including the postal law itself and the current postal regulation. This will avoid returning to situations which have already been overcome by the sector and thus avoid confusing operators and users. Moreover, according to the Commission, the rights of users in terms of claims and compensation should be clarified.

Finally, the CNMC considers that awarding the sustainable postal company seal of excellence by means of a periodic tender is unjustified, as it limits the number of operators that can obtain this distinction at the time they deserve it.

Report on the settlement of the postal contribution and the fee for special authorisations

The CNMC has also approved the report on the draft order of the Ministry of Transport, Mobility and Urban Agenda establishing the models and regulating the settlement of the postal contribution and the fee for granting special administrative authorisations ([IPN/CNMC/027/22](#)). Both elements contribute to the universal postal service fund which, in turn, serves to compensate the operator designated to provide this service.