

The Hague, 4 September 2018

PostNL wins appeal case on Significant Market Power

The Trade and Industry Appeals Tribunal (*College van Beroep voor het bedrijfsleven*, CBb) in The Hague has sided with PostNL in the appeal procedure against the Authority for Consumers and Markets (ACM) analysis decision on Significant Market Power, and has annulled that decision. The ACM has not shown that PostNL has Significant Market Power (SMP). The competitive position of PostNL would be completely different when the market also comprises digital mail, according to the CBb. As a result, the obligations that the ACM had imposed on PostNL in that decision, such as the conditions and tariffs on which other postal operators are granted access to the postal network of PostNL, have been annulled.

Financial impact

We have indicated before that the expected impact of the ACM measures is estimated between €50 million and €70 million per year. A substantial part of this impact has materialised in our results since 2016. We shall further examine the CBb judgment. If we would see reason to adjust the communicated range, we shall inform the market accordingly.

Postal operators

We have always granted other postal operators access to the PostNL network for the delivery of mail, and will continue to do so in a diligent and transparent way. We consider it important that there is as much clarity as possible for all companies active in the postal sector. In the event the judgment leads to amended conditions and tariffs, we shall inform the postal operators in detail.

Consolidation

On 12 September, the lower house of Parliament will discuss the conclusions reached by state secretary Ms Keijzer following the Postal Dialogue. Consolidation is inevitable in this market in decline in order to secure the accessibility and reliability of the postal service in the Netherlands. This judgment does not alter the urgency accompanying these conclusions.

PostNL will examine the judgment in more detail and will determine any additional consequences from a legal, operational and financial point of view. The full version of the judgment is accessible at rechtspraak.nl (in Dutch only).