

THE LIBERALISATION OF THE POSTAL SERVICE MARKET IN ESTONIA AND ITS EFFECT ON COMPETITION

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Abstract

The liberalisation of infrastructure sectors through opening up markets as a method for increasing the efficiency of infrastructure services is an international tendency. Emerging competition has been seen as an essential element in this process. On the other hand, the liberalisation of the market for universal services can cause several problems in ensuring quality and access to services. In this article we evaluate the results of liberalisation in the Estonian postal sector as an infrastructure specific sector offering a universal service in a decreasing market in a small country.

Keywords: competition policy, regulation in infrastructure specific sectors, universal service, postal sector

JEL Classification: D42, L43, L87

Introduction

The liberalisation of what are referred to as infrastructure sectors has been one of political goals in European Union to build up the common market and economic area. On the one hand, the postal sector can be seen as an example of an economic activity that needs a specific infrastructure, and on the other hand, the provision of postal services can be viewed as a universal service required to satisfy general economic interests. For both reasons, specific rules might be necessary.

The aim of this article is to estimate the result of the liberalisation of the postal sector in Estonia as a small country. In postal services, due to electronic substitutes, we have a decreasing market today. This is an additional reason why private companies do not find entry into the postal services market an attractive option.

Theoretical background

Changes to how universal services (US) are delivered can be seen as institutional innovations in the economy. The main goals of reforms in infrastructure sectors are:

1. To increase both the static and dynamic efficiency of the infrastructural economy.
2. To improve the provision of these public social goods which require a specific infrastructure.

Economic reforms related to liberalisation of infrastructural sectors pertain to all basic institutions that coordinate economic activities: the state, the market and

organizations¹. The first objective, efficiency, means moving towards more market orientation through deregulation, competition and privatisation. This sometimes also leads it to organizational changes, such as vertical or horizontal unbundling. But sooner or later the impetus emerges to find new organizational forms for the second objective: provision of services in the public interest. Therefore, politicians and economists are approaching the problems of common interest services (including economic services) and the special area of universal services.

We can present this reform visually as the search for a new institutional mix in the coordination structure (figure 1).

Figure 1. Institutional innovations in infrastructure



Source: Compiled by the authors.

A universal service (US) is politically defined and delivered as a common service provided for the whole area at a “reasonable” price. In Estonia, the law of consumer protection defines the term universal service as any service that is supplied of the general interest and used by most of the population of the state or a particular region, for example, the supply of gas, electricity, heating, water, canalization, waste management or communication services (RT I 2004, 13, 86)².

Universal services are an essential element of the welfare state: its provision should completely enable human activity in the area. The liberalisation of these services, which until now have been offered through the “public hand”, requires an adjustment of the rules for maintaining the supply of these services directed to the

¹ This trial division is described in more detail in Homann, Suchanek 2005: 158–339.

² Consumer Protection Law of Estonia.

common wealth. A strengthened awareness of costs and profit orientation through competition are partially responsible for the inability to cover the costs of the sufficient supply of common services. Any supplier who has a monopolistic position is obliged to offer a universal service, and cover any losses from the profit of its other activities. But if the elements of competition are established, the internal need to cover such losses is no longer expected. Without this binding obligation universal services can no longer be guaranteed. At the same time, the obligation to offer universal services creates a competitive disadvantage for the supplier, and so another way to finance the US must be found. After the liberalisation of access to the market, the public authority has a significant task here to set goals regarding the extent to which the US should be maintained, who will act as the provider of the US, who will cover the costs, and how will financing the US be guaranteed.

Universal services are partially public goods. These services are well excludable, in any particular case, and could also be supplied as private goods. But this solution is not politically desirable. To improve geographic and economic access (also measured in terms of price) and the quality of universal services public correction (adjustment) of these properties is also necessary. This adds a public component to these services. Otherwise they would simply be private goods.

Table 1. Components of goods and modalities of universal service

components of universal service	type of good	method of finance
single service	private	price
system properties: accessibility etc.	public	grant-in-aid (subsidy)

Source: Compiled by the authors.

There are two different solutions to ensure these properties, which are certainly possible to combine:

1. To reserve the monopolistic right for a particular operator to offer the service in certain regions or market segments. The additional costs of providing the US could be covered through cross-subsidizing. The first steps in reforming the postal service in most cases involved a monopoly for delivering regular mail and parcel-post packages³.
2. To finance additional costs from external resources: here direct payments are possible from the public budget, or from a special compensation fund founded by competitors in the market⁴.

The first option, retaining the right for a monopolistic supply, means a simple and stable method of financing. However, the fact that this involves maintaining the

³ In Estonia, we see currently this solution in bus transportation, as well. There are given temporary monopolies for regional areas where is used the cross-subsidizing.

⁴ In Estonia, from public budgets is financed directly the passenger transportation but in postal and telecommunication services is used the competition for funds.

monopoly means potentially losing a number of the advantages of the competitive system, such as improved efficiency and innovative solutions proposed by newcomers.

On the other hand, the abolition of the predetermined monopoly and opening up the market can cause financial problems for the US provider because competitors can take all the profit by skimming pricing in profitable segments without covering the cost of the US. The maintenance of the universal service obligation without a new finance mechanism seems financially impossible. Therefore, according to Riechmann et al. (2007: 12-28), in countries that have liberalised their market and where a definite operator should finance the universal service, these operators are forced to facilitate access (Sweden) or their financial balance will be threatened (United Kingdom).

But we could return to the idea that the operator could cover the costs of USO relatively easily by increasing prices, reorienting in a stronger economic direction or applying network advantages (using the same network for a number of more profitable services as well). But these advantages will remain small considering that the competitors will also have access to the postal network under the same conditions.

Another solution would be to reduce the duties imposed on the supplier of the US. This is possible, for example, through price formation limits, reduced quality requirements or the reduction of the number of services. But politicians are often interested in retaining existing universal services. Therefore, these options are often rejected for political reasons and a list of accompanying measures that the countries can adopt to finance the US and to ensure the financial convertibility of its supply on the free market are proposed instead.

- Public balance: through direct public grants, or indirect support through the use of public arrangements. The arguments against the option of public support state that in the long run it will cause continuous pressure on the national budget. Besides, the fact that the public support targeted for US will increasingly be used through cross-subsidizing for competitive services must also be considered.
- Taxation of access to the network: the implementation of a tax that market participants have to pay to an operator to use the network. Alternatively, participants can decide to offer the entire service themselves.
- Compensation funds: the duty of USO will be financed through taxes collected from competitors or directly from clients. The taxes could be collected as a fixed amount or as a percentage of earnings or from the profits of participants. Compensation funds have been used to finance USO in sectors such as telecommunications and energy. The experience of compensation funds as a finance mechanism for universal postal services is nevertheless restricted.

- “Pay or play”: newcomers to the market can choose whether they will serve only profitable areas and pay into a compensation fund, or participate in cost-intensive areas as well (by providing the universal service) without paying into the compensation fund. There are two ways of constructing this scheme: a “discrete” version, where it is only possible for the newcomer to participate to the full extent (e.g. provide postal services in every area of the country), and flexible version, where the newcomer can choose the extent to which they want to provide the universal service, and this will be the basis of their payment. In comparison with compensation funds this system is more attractive for newcomers willing to compete over cost-intensive services.

No common solution has been introduced in Europe, although each method has specific advantages and disadvantages in terms of efficiency, fair competition, welfare, transparency and feasibility. Similarly, on the grounds of various political aims and regional characteristics no approach in its purest form would be practicable. The greatest problem in applying these instruments is calculating the exact cost of USO (Jaag et al. 2008). Therefore, the best solution depends on the specific nature of the country or region concerned, and the political aims of the government. Therefore, a one-size fits all policy is not realistic.

Postal reform in Europe

Although the changes described above have become increasingly global over time (Bares 2009: 5-11), we will now explore developments more specifically within the EU, as these reforms establish the background and have a direct impact on the situation in Estonia.

The postal sector is seen as having a growing economic importance and impact on other sectors. It accounts for approximately one per cent of GDP per year in the EU and employs approximately 1.7 billion people⁵. We can see a long-term gradual liberalisation in practice and the EU is in the last phase of a 15-year process of opening up the postal service to more competition. Different opinions exist about the right time frame for the liberalisation of US while guaranteeing continuity of service provision for consumers. It seems that a compromise has been reached in this regard but whether this will ultimately work out remains to be seen.

The first initiative to liberalise the postal sector was initiated at the beginning of the 1990s within the framework of efforts to introduce a single market in Europe. The aim was:

- to open up national monopolies to competition, to make the postal service faster, more convenient, more efficient and innovative, as has taken place in telecommunications and energy;
- to harmonize capabilities;
- to improve the quality of cross-border services;

⁵ <http://www.euractiv.com/de/verkehr/liberalisierung-postdienste/article-161559?display=normal>

- to react to the growth of electronic alternatives to postal services. This refers to the fear that new electronic services could lead to a decline in the postal service. However, the volume of postal transmissions has been stable, since 2002.

The first directive for the postal service was adopted in 1997 (97/67/EG) and the next directive (2002/39/EG) followed in 2002. The result of these directives has been the opening up of a list of postal services to competition, included delivering (shipping) packages and express services. However, this was not extended to include delivery services for letters weighing less than 20 kg. Specific operators were permitted to continue in this “reserved branch”, which constitutes more than 70% of the entire postal service and obtains approximately 60% of the earnings of the sector, and to call themselves “the operator of the universal postal service”. Countries like France, Italy, Spain, Greece, Belgium, Hungary and Poland (know as the “southern group”) were still afraid that such a quick liberalisation could kill the public operator and lead to a reduction in service quality and an extensive reduction of workplaces⁶.

In the third postal services directive (2008/06/EG)⁷ European officials and member states agreed to manage full liberalisation for all countries by 1 January 2011, or to delay until 2013. The delay was applied in the following cases:

- new member states;
- states with extraordinary complicated topography or many islands, like Greece;
- states with small populations and limited geographical size, like Luxemburg;
- to avoid distortions from competition, the Parliament and Council agreed on the introduction of a “mutuality clause” that forbids postal service providers from countries with a reserved area to operate in countries where the postal market had already been fully opened (EurActiv – 18 June 2007).⁸

The final directive intends to offer a list of flanking measures that the member states can use to ensure the financial profitability of US on liberalised markets. These measures include financial help (e.g. direct public subsidies), cross-subsidizing from profitable services, or the creation of a compensation fund through the taxation of new suppliers or clients on the market.

The new directive allowed governments to finance US provision costs in whatever form is most appropriate for their individual situation, so far as it does not distort fair competition. The commission also permits the use of state support. A claim from the parliament involved the addition of a clause that obligated the commission to deliver detailed information on how the net costs for the universal service will be calculated. In this manner, the legal certainty and equal conditions for all operators

⁶ http://ec.europa.eu/internal_market/post/doc/reports/report_de.pdf

⁷ http://ec.europa.eu/internal_market/post/doc/legislation/2008-06_de.pdf

⁸ <http://www.euractiv.com/de/verkehr/europaabgeordnete-verschieben-postreform-um-zwei-jahre/article-164703>

could be delivered, avoiding any abuse of competition law.⁹ Furthermore, in 2010 European regulations for postal services were established.¹⁰

The results of this process have not been very positive so far. Riechmann *et al.* describe the liberalisation experience of pioneers, UK and Sweden, as follows: The path to competition seems to depend on the convenience or inconvenience of the conditions of access to the service infrastructure belonging to the incumbent:

- where access conditions are ensured, for example in the UK competition for access really seems to be functioning. This means competitors offer payments in advance, for example, for sorting and initial transportation to retail centres and concedes this service to the incumbent;
- where access conditions are inconvenient, for example in Sweden the supplier seems decide on an “end-to-end” solution. This means they undertake services back and forward. Mostly they provide a limited service for the incumbent, which means they provide letter post, for example, only twice per week, or only service areas partially.

Despite the dominant form of competition, typically only one or two competitors emerge besides the incumbent. The reason for this is the scale disadvantage for newcomers: even in a large country like Germany one region only allows market entry to a small number of suppliers.

Similarly, the federal representative, Dieter Engels, is of the opinion that the real competition in the letter post market is still to develop. The market shares of competitors indicate hesitant competitive development in every member state that has fully opened to the market.

According to Okholm *et al.* (2010: 16) the development of competition in 2010 was not much better:

- National postal operators maintain dominance in a number of market segments, a number of important entry barriers remain, and a number of competition issues have been reported.
- Despite the fact that full legal opening up of the postal market has been achieved in Estonia, Germany, the Netherlands, Sweden, and the United Kingdom, actual competition in these countries is still low or undisclosed.
- Competition tends to be stronger outside the letter post segment, especially in express post and parcels, and to a lesser extent in cross-border mail, direct mail, and publications.
- Interviews with competitor postal operators and trade unions revealed significant entry barriers. These must be overcome before the market can be considered truly open. Important barriers include the special VAT treatment of “public postal operators”, strict licensing requirements, lack of clarity regarding

⁹ for further information about the different methods of financing, look: <http://www.euractiv.com/de/verkehr/finanzierung-universaldienste-postlieferung/article-164740?display=normal>

¹⁰ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:217:0007:0009:DE:PDF>

the latest EU case law, the presence of a reserved area where this is still the case, employment regulations, regulations regarding the financing of the USO and regulations of access to the postal infrastructure for the NPOs.

According to Okholm et al., the second direction of institutional innovations – the USO – is also experiencing problems (2010: 17-18):

- The definition of USO varies from country to country but seems to be stable over time. This may indicate that USO does not evolve in line with the needs of today's consumers.
- The Third Postal Directive foresees that the reserved area (the traditional source of financing for the net cost, if any, of the universal service) will disappear. This has sparked discussion about how to estimate the net costs of the USO. However, only a few countries have actually estimated the net costs instead of the gross costs of the USO.
- So far, financing the USO does not seem to pose a major challenge in most countries. Only a few countries currently find it necessary to compensate the USP for the net costs of USO. However, the countries that have implemented the Third Postal Directive have foreseen a compensation fund that can be activated if the USO poses a (significant) net cost to the USP in the future.

Postal reform in Estonia

In April 2009, Estonia officially fully opened its postal market and became the fifth country to do so in Europe.¹¹ This meant first the abolition of all reserved areas.¹² In particular, the previous monopoly, Eesti Post (EP), has lost the right to handle simple letters (below 50 kg). This reserved area constituted 75% of all letters and packages in 2007.¹³ Theoretically, it was also possible to compete with the old postal operator at that time, but in reality there existed prohibitive market barriers. Since 2009, all postal companies really have the right, according to the postal law, to handle simple letters. Consumers and small and medium-sized postal companies should benefit the most from the opening up of the market and through these also the entire economy.

Two politically defined universal services currently exist in Estonia – letters below 2 kg and parcel-post packages below 20 kg (not including wholesale mail). One valid quality criterion is that 90% of all domestic letters must be delivered the next day. The valid geographical access requirement is that every local administrative unit should have one postal office for every 2000 inhabitants. In addition, maximum

¹¹ Six Member States: Austria, Estonia, France, Germany, the Netherlands, and Slovenia may be considered as countries where the existing laws are to a large extent already harmonized with the provisions in the Directive. This is based on the assessment of the respondents to the questionnaire. Germany may be in compliance to a large extent, but did not formally adopt any new law/amendments explicitly referring to Directive 2008/6/EC.

http://ec.europa.eu/internal_market/post/doc/studies/2010-main-developments_en.pdf

¹² <https://www.riigiteataja.ee/akt/13091513>

¹³ <http://www.konkurentsiamet.ee/?id=13903>

limits for the prices for all universal services are set by the Ministry of Economic Affairs and Communication.¹⁴

A supplementary regulation for universal services took place in 2008. The single participant, and therefore, the winner was EP. But EP is no longer a monopoly and was motivated to increase its efficiency through cost optimization and the development of products. However, EP has remained the dominant supplier in the postal sector. There are two reasons for this. On the one hand, it provides a broad range of services,¹⁵ on the other hand, the postal network is well-established. By the end of 2009, EP had 351 postal offices (in 2008 still 407), 3100 letter boxes, a total of 3200 employees, among them more than 2600 working directly in the postal service. The share of the US in the total turnover of EP was approximately one third. The company operated with a profit in 2009 mainly thanks to activities in logistics and the financial sector. In 2010, the overall profit of the company was 7.2 billion euros.

In total, there are 33 enterprises currently operating on the Estonian postal market, among them only Express Post is functioning as a genuine competitor for EP for US.¹⁶ Although EP still had two competitors in 2009, D2D had problems with the compensation fund, which it resolved by the end of the year. So, the opening up of the market has not resulted in any vitalization of competition in universal postal services. Similarly, the total number of market participants outside US has to some extent reduced after the initial growth. In 2008 and 2009, there were 39 and 40 suppliers respectively still active on the Estonian postal market (table 2). So we can speak about a selection process, and the first result of our analysis: liberalisation has not resulted in any essential competition in US in the postal sector. What could be the reasons for that?

Table 2. Number of suppliers on the postal market in Estonia 2008–2009

Service	2008	2009
Universal service	1	1
Letters	2	3
Packages	0	1
Express service	38	39
Advertisement mail outs	6	8
Press mail outs	2	4
Other	2	4

Source: Competition board of Estonia.

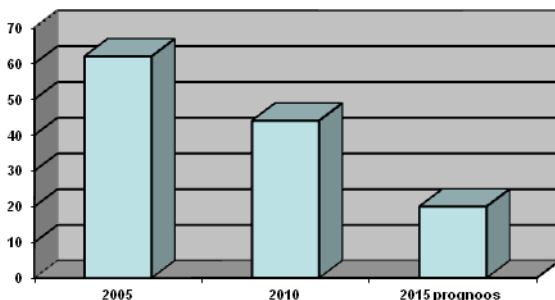
¹⁴ For example, since 01.01.2011 are for simple letters in Estonia valid the next prices: until 50 G 0,35, 50-100 G 0,40 and 100-150 G 0,45 Euro. http://www.post.ee/failid/UPT_kiri_EUR_2011.pdf

¹⁵ The company supplies besides traditional postal services additionally several financial and logistic services.

¹⁶ <http://mtr.mkm.ee/default.aspx?s=sastatistika>

First, turnover on the postal market has experienced a decreasing trend because of the growing importance of electronic forms of communication (figure 2).

Figure 2. Market development for letters in Estonia (billions of units)



Source: Eesti Post.

In 2008, turnover was still 77 billion euros (US 40.1% express service 36.1%, journal deliveries 12.7%) In 2009, the turnover was 17.6% less at only 63 billion euros, including express services 37.3%. The share of US decreased to 26.2%.

The second reason is without doubt the finance model for the additional costs of the US. As opposed to other postal services (express services, advertisement- and press mail outs) where the obligation to register is all that exists, suppliers competing for US have to apply for a license from the competition board. With the license comes the obligation, to participate in the US compensation activity,¹⁷ and payments into the compensation fund will be set by government.¹⁸ The postal law provides the maximum limits: up to 5% of turnover, or a fixed amount for every unit handled. For example, the amount for the simple letter cannot exceed 0.19 euros (paragraph 41 of Estonian postal law).

The competition board is responsible for monitoring the postal market. In Estonia, we have an integrated authority for market control that is at the same time responsible both *ex post* and *ex ante* control. The supplier of US has the right, once every three months, to apply for compensation for the additional costs related to delivering the universal postal service from the competition board.¹⁹

¹⁷ Every company that has a license to handle postal letters and packages, according to paragraph 10 of the Estonian postal law, is obliged to finance this service. In most cases, licensed services are the same as universal services. The only exceptional case that needs the license but does not belong to universal service, are the wholesale mail outs.

¹⁸ The regulation from 5th of March 2009 has fixed, for example, for simple letters the payment of 0.15 Euro and for other letters 1.21 Euro. <https://www.riigiteataja.ee/akt/13156387?leiaKehtiv>

¹⁹ See the regulation of the Ministry of Economic Affairs and Communications from 06.03.2009 No 21 <https://www.riigiteataja.ee/akt/13156505>

In 2009, the additional costs for EP, according to the competition board, were 2.8 billion of euros. EP's obligation to pay was a total of 0.1 billion euros less, while competitors have paid 0.09 billion euros. This amount was paid back to EP at the end of the year, and the difference in comparison with the scheduled value remained to be paid in 2010. In parliamentary hearings it was claimed to the Ministry of Economic Affairs and Communications²⁰ that EP had experienced a loss of 0.8 billion euros in 2010, although turnover was 53.2 billion euros and total profit 7.2 billion euros. So we have the second result: the compensation fund in the present circumstances is not sustainable, and certainly not efficient. This is firstly due to the state of competition on the Estonian postal market, and secondly due to politically fixed criteria for quality and access (including affordability). It is impossible for a competitor (Express Post) with 10% of the market share to cover the additional costs of the US alone. As we will see further on, this single competitor will ultimately also exit the market. The following options are put forward as potential solutions:

- direct grants from the public budget;
- reduce the access and quality of the universal service to save costs;
- increase the price for consumers, to increase the affordability of access.

A special market barrier relates to the vertical integration of the EP subcontractor. Although paragraph 24 of the postal law states the postal network is an essential facility that has to be accessible for other operators at a measured (cost-based) price, EP has essential market power. The competition board and the courts should, if necessary, solve these conflicts. Currently, the first case, where EP is debating the regulations of the competition board, is under way. According to the regulation, EP was obliged to facilitate access to its network for its single competitor Express Post.²¹ So we see in practice the complete situation. While there is no solution, we can make our third conclusion: vertical integration has shown itself to be an intentional competition barrier. Here, vertical intertwining could be critically examined on the basis of the example of energy and gas supply.

It is not surprising, in that situation, for both sides to be interested in a merger. A tentative agreement has been reached, and the competition board has been informed of plans of a merger. We see here the fourth result of liberalisation: it has led to a re-monopolization of the postal market.

This will mean a 100% merger between these companies on the markets for press, advertisements and letters. In more detail, the merger involves four partial markets among which only express services is not threatened by the merger (Table 3).²² The other three will be totally monopolized. Damages will be greatest in the case of press mail outs because the two companies in the merger have quite equal positions. In the case of the company who already had a dominant position on the market for

²⁰ http://www.riigikogu.ee/?op=ems&P_APKK=AP&page=apkk_nimekiri&user_id=1071439&sort=regnr

²¹ <http://majandus.delfi.ee/news/uudised/eesti-post-andis-konkurentsiameti-kohtusse.d?id=43679271>

²² decision of Competition Board 18.05.2011. no 5.1-5/11-011

advertisements and letters, this position was further strengthened by the merger, and the potential for further competition was lost. It is understandable that the competition board applied all options given by the competition law to process the case, but finally, the merger was not allowed.²³ It was the first case that a national merger was rejected in Estonia.

Table 3. Market shares of Eesti Post and Express Post

Company	Eesti Post	Express Post
Market share		
Press mail outs	40-60	40-60
Direct advertisements	90-100	0-10
Simple letters	90-100	0-10
Express services	10-20	0-5

Source: Competition board.

So it is theoretically possible to introduce competition in the Estonian postal sector but in reality it does not function. As a result, the prices of postal stamps will increase, and access to the postal network will reduce for consumers through the closure of postal offices.

Summary

In this article we have evaluated the results of the liberalisation on the postal market in Estonia. We have found that all the basic institutions – state, market and enterprises – have been involved in these innovations. These innovations have two aims: on the one hand, to increase efficiency through the market and competition, and on the other hand, to ensure the provision of a universal service not just for private but also for public interests. There is also determined inside the EU a certain division of functions. The EU is responsible for liberalisation and allows the member states, through flanking measures, to realize the basic monitoring and supervision of universal services.

In practice, unfortunately, the reforms have not yet shown any remarkable success. Competition has remained modest, especially in the area of the basic supply of US, and, the most important attributes of US – geographic and economic access and quality of the provision – are threatened through the economic stringency of the US supplier.

In particular, in the case of Estonia after the opening up of the market in 2009, we have found problematic results:

- liberalisation has not resulted any essential competition in universal services;

²³ <http://www.logistikauudised.ee/?PublicationId=480bbf85-9026-4286-a085-5954c32b6d1e>

- the compensation fund for the universal service obligation under the present circumstances is not sustainable, and certainly not efficient;
- vertical integration has shown itself as an intentional competition barrier;
- liberalisation has led to the re-monopolization of the postal market.

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POSTITEENUSE TURU LIBERALISEERIMINE EESTIS JA SELLE MÕJU KONKURENTSILE

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Käesoleva artikli eesmärgiks on hinnata universaalteenuse liberaliseerimise mõjusid väikeriigis Eesti postituru näitel. Infrastruktuurisektorite liberaliseerimine on viimastel aastakümnetel maailmas populaarsust võitnud suund, mis seisneb eelkõige infrastruktuuriteenuse pakkuja monopoli seisundi likvideerimises ja turu avamises ning mille eesmärgiks on seeläbi tekkiva konkurentsi kaudu tõsta pakutavate teenuste efektiivsust ja kvaliteeti. Samas kaasneb liberaliseerimisega ka oht pakutava teenuse mahu ja kvaliteedi languseks ning konkreetse tulemus sõltub vastava turu atraktiivsusest ning tasuvusest. Olukorras, kus tegemist on universaalteenusega, on teenuse mahu ja kvaliteedi säilimine ning hinnatõusu vältimine ka avalike võimu huviorbiidis. Infrastruktuurisektorite liberaliseerimine kuulub ka Euroopa Liidu ametlike eesmärkide hulka, kus see peaks muuhulgas kaasa aitama ühisturu ja ühtse majandusruumi kujunemisele.

Eesti seadusandlus defineerib universaalteenust kui üldistes huvides osutatavat ja riigi või teatud piirkonna valdava enamiku elanike kasutatavat teenust, milleks on gaasi-, elektri-, soojusenergia-, vee- ja kanalisatsiooni-, jäätmekäitus- ja sideteenus ning muu samalaadne teenus. Universaalteenuseid peetakse heaoluriikide tähtsaks koostisosaks, mis peaksid võimaldama inimestele täisväärtuslikku majanduslikku ja sotsiaalset tegevust mistahes piirkonnas. Nende teenuste liberaliseerimine nõuab reeglite kohandamist, tagamaks teenusega kaasnevate sotsiaalsete funktsioonide toimimise. Turu avamisega kaasnev konkurentsipurve teenuse pakkujale võib viia kulude ja seeläbi pakkumise mahu või kvaliteedi vähendamiseni. Samas ei ole avatud turu korral enam õigustatud oodata universaalteenuse kulude katmine senise monopolisti poolt läbi ristsubsideerimise ning vajalik on alternatiivsete finantseerimismehhanismide rakendamine. Siinkohal pakub teooria välja eelkõige järgmised kaks võimalikku lahendusteed:

1. Reserveerida kindlaksmääratud regioonide või turusegmentide jaoks monopoliõigused, mis võimaldab universaalteenusega kaasnevad lisakohustused katta läbi ristsubsideerimise.
2. Lisanduvate kulude katmine välisvahendite arvelt, kas otse riigieelarvest või läbi spetsiaalselt selleks otstarbeks loodud tasandusfondide.

Esimene tee tagab lihtsa ja stabiilse finantseerimise, kuid nii jäävad kasutamata mitmed konkurentsipõhise süsteemi eelised, nagu paranenud efektiivsus ja surve innovaatiliste lahenduste otsimisele. Teisalt võib monopoliõiguse kaotamine universaalteenuse osutajale aga tähendada negatiivseid finantsilisi mõjusid: konkurendid võivad kasumlike teenustega osutamise ajal „koore riisuda“, ilma, et nad osaleksid universaalteenuse pakkumise kaasnevate lisakulude kastmisel. Seega paistab, et universaalteenuse säilitamine samaväärsel tasemel, ilma uue finantseerimismehhanismita, olema finantsiliselt võimatu. Seda kinnitavad ka postiteenuse turu varasemalt liberaliseeritud riikide kogemused. Kindlaksmääratud

operaator saab universaalteenuse pakkumisega kaasnevad kulud kergesti kaetud, kui ta tõstab hinda või kasutab sama võrku mitme erineva teenuse jaoks. Need eelised jäävad aga väiksemateks, kui konkurentidele on tagatud juurdepääs samadel (mittediskrimineerivatel) tingimustel.

Teine võimalus on vähendada universaalteenuse kvaliteeditaset või vähendada pakutava teenuse hulka. Kuna see pole poliitilistel põhjustel sageli vastuvõetav, pakuvad teooria ja poliitika võimalike alternatiividena välja rea meetmeid, mida riigid võiksid rakendada, tagamaks universaalteenuse pakkumise säilimist vaba turu tingimustes.

- Riigipoolne abi universaalteenuse osutajale läbi subsiidiumite või muude finantseerimismehhanismide. Riigipoolse abi kasutamise vastu räägib seeläbi tekkiv pikaajaline surve riigieelarvele ning erafirmade kalduvus finantseerida selle arvelt läbi ristsubsideerimise ka muid pakutavaid teenuseid.
- Maksustada ligipääs võrkudele: turuosalised peavad universaalteenuse pakkujale maksuma tema võrgu kasutamise eest. Alternatiivina võivad turuosalised üles ehitada omapoolse võrgu ja pakkuda seeläbi teenust täisahela ulatuses.
- Tasandusfondid: universaalteenuse kohustusega kaasnevat koormust finantseeritakse läbi maksude, mis on kogutud kas konkurentidelt või otse klientidelt. Makse võib koguda nii mingi protsendina käibelt, kasumilt või fikseeritud summana. Universaalpostiteenuse finantseerimisel on seda meetodit rahvusvahelises praktikas kasutatud siiski üsna vähe.
- „Osale või maksa“-meetod. Turule sisenemisest huvitatud firma saab ise otsustada, kas osaleda universaalteenuse pakkumises või teenindada vaid kasumlikke valdkondi. Viimase valiku korral tuleb tal aga panustada kompensatsioonifondi, mille kaudu kompenseeritakse universaalteenuse osutaja(te)le kaasnevad täiendavad kulud. Meetodi rakendamine on võimalik nii jäigal kui paindlikul kujul. Paindliku versiooni puhul saab firma ise otsustada, millises ulatuses universaalteenuse pakkumises osaleda ning osalemise määra sõltub ka makse suurus. Kõnealune meetod teeb atraktiivsemaks konkurentsi pakkumise ka madalama kasumlikkusega valdkondades.

Euroopas ühtset lahendust välja kujunenud ei ole, kuna igal meetodil on omad eelised ja puudused, tulenevalt sellest, kas kriteeriumina kasutada efektiivsust, konkurentsi tegusust, heaoluvõitude suurust, läbipaistvust või paindlikkust. Lisanduvad raskused universaalteenuse täpsete kulude väljaarvutamisel. Milline lahendus on mingis olukorras parim, sõltub iga riigi ja regiooni spetsiifikast ning poliitilistest eesmärkidest.

Euroopa Liidus on alates 1990.aastate algusest aset leidnud postituru järk-järguline liberaliseerimine. Esmane initsiatiiv postituru liberaliseerimiseks 1990.aastate alguses oli kantud siseturu tugevdamise püüdlustest ning selle eesmärgiks oli avada

siseriiklikud monopolid konkurentsile, et soodustada, kiirendada, efektiivistada ja innoveerida postiteenust sarnaselt senistele arengutele telekommunikatsiooni- ja energiasektoris, ühendada liikmesriikide võimsused ja parandada piiriülese teenuse kvaliteeti, vastamaks elektrooniliste alternatiivteenuste kasvule. Vastu võetud postiteenuse direktiivid (esimene 1997 ja teine 2002) viisid mitmete postiteenuste, nagu pakettide ja ekspressteenuse, turgude avanemiseni. Esialgu ei käinud see väikesemahuliste saadetiste kohta. Kindlaksmääratud operaator tohtis selles harus edasi tegutseda, kuna mitmetes liikmesriikides kardeti, et liiga kiire liberaliseerimine võib kahjustada avalikku operaatorit, vähendada teenuse kvaliteeti ja viia töökohtade vähenemiseni.

Kolmandas direktiivis otsustati avada postiturg täielikult 1.jaanuariks 2011 ning erandid kuni aastani 2013 lubati vaid uute liikmesriikide, erakordselt keerulise topograafia või paljude saartega ning väikese rahvaarvu ja piiratud geograafilise suurusega riikidele. Et vältida konkurentsimoonusi avatud turgudel, keelati monopoliseeritud turgudega riikide ettevõtjatel osaleda nende riikide postiteenuse pakkumisel, kes oma turu juba täielikult avanud on. Seni viimane direktiiv sätestab rea paindlikke meetmeid, millede hulgast liikmesriik võib, tulenevalt oma olukorrast, otsustada, kuidas tagada universaalteenuse pakkujale finantsiline tasuvus. Siia kuuluvad nii riigipoolne otsene finantsiline abi, ristsubsideerimine kasumlikelt teenustelt kahjumlikele kui kompensatsioonifondi loomine läbi turulesisenejate või klientide maksustamise.

Postiteenuse liberaliseerimise senised tulemused Euroopas paraku kuigi optimismisisendavateks kujunenud ei ole ning konkurentsiseisundid endiselt riiklike postiettevõtete (endiste seadustatud monopolide) domineerimine, olulised sisenemisbarjäärid ning konkurentide väike arv.

Eesti avas oma postituru, viienda riigina Euroopas, täielikult aprillis 2009, mil loobuti tavakirjadele monopoli reserveerimisest. Tavakirjade turg moodustas tol ajal 75% Eesti postiturust ning seni toimis seal monopolina riigiettevõtte Eesti Post. Teoreetiliselt oli küll võimalik selles harus konkureerida ka varem, kuid realselt võis rääkida välistavatest takistustest. Poliitiliselt defineeritud universaalteenuse alla kuuluvad Eestis traditsiooniliselt kuni 2 kg kaaluvad kirjad ja postipakid kuni 20 kg. Kvaliteedikriteeriumi kohaselt peavad 90% kirjadest olema kohale toimetatud hiljemalt järgmiseks päevaks ning geograafilise ligipääsetavuse osas peab igas omavalitsuses olema postiameti üksus, lisaks veel täiendav üksus iga 20 000 inimese kohta. Riigi poolt on kehtestatud on ka ülempiirid universaalteenuste hindadele.

Varasem monopolist Eesti Post on jäänud seni postiturul domineerivaks, olles mõnevõrra vähendanud juurdepääsu universaalteenusele (postkontorite arv on vähenenud 407-lt 351-le. Eesti Post on suutnud kasumlikult majandada peamiselt tänu laiale tootevalikule ning kasumit on toonud seejuures peamiselt erinevad kõrvaltegevused: mitmesugused: logistika- ja finantsteenused.

Kokku tegutses Eestis postiturul 2010. aastal küll 33 ettevõtet, kuid universaalteenuse pakkumise osas oli vaid üks konkureeriv ettevõtte (AS Express

Post). Seejuures on konkurents isegi väheneva trendiga: 2009.aastal oli turul veel kaks konkurenti. Ka postiteenuste osutajate koguarv muude teenuste osas on peale turu avamise järgset esialgset kasvu jällegi mõnevõrra vähenenud. Seega võime järeldada, et liberaliseerimine ei ole Eestis universaalteenuse osutamisel olulist konkurentsi kaasa toonud. Põhjuseks võib siin ühelt poolt muidugi olla ka elektroonilise kommunikatsiooni võidukäik, kuid teisalt kindlasti ka universaalteenuse pakkumisega kaasnevate lisakulude finantseerimise mudel, mis eeldab ettevõtetele, kes soovivad universaalteenuse pakkumise osas Eesti Postiga konkureerida, litsenseerimisega kaasnevat maksekohustust kompensatsioonifondi. Muude postiteenuste, nagu ekspressteenuse, reklaami- või ajakirjandusväljaannete postitamine, pakkujatel sellist kohustust ei ole. Kuivõrd universaalteenuse osas on Eesti Posti konkurentide turuosa alla 10%, ei ole mõeldav universaalteenuse osutamiseks Eesti Postile kaasnevate lisakulude täielik katmine konkurentide poolt. Siit jõuame artikli teise järelduseni: kompensatsioonifond tänastes tingimustes ei ole jätkusuutlik ega isegi mitte toimiv mehhanism universaalteenusega kaasnevate lisakulude finantseerimiseks. Lahendustena võib siin välja pakkuda otseseid toetusi riigieelarvest, universaalteenuse kvaliteedi ja ligipääsuvõimaluste langetamist tarbijate jaoks või universaalteenuse hinna tõstmist.

Eesti Posti positsiooniga turul on seotud veel üks spetsiaalne takistus tegusa konkurentsi tekkeks postiturul. Kuigi postiseadus kohustab konkurentidele võimaldama mõistliku (kulupõhise) hinnaga juurdepääsu postivõrgule kui olulise vahendile, on Eesti Postil siin oluline turuvõim ja lahenduse leidmiseks on käimas kohtuprotsess Eesti Posti ja konkurentsiameti vahel. Siit tuleneb artikli kolmas järeldus: vertikaalne integratsioon toimib sihiliku konkurentsipiiranguna. Probleemi lahendusena võiks siin pakkuda vertikaalset desintegratsiooni energia- ja gaasimajanduse eeskujul.

On mõistetav, et kujunenud olukorras on nii Eesti Post kui tema ainus konkurent universaalteenuse pakkumise osas huvitatud ühinemisest. Selleks on juba esitatud ka konkurentsiametile vastav taotlus. Siit tuleneb artikli neljas järeldus: postituru liberaliseerimine on viinud turu remonopoliseerumiseni. Kõnealune ühinemine tähendaks pea sajaprotsendise turuosa ettevõtte teket ajakirjandus- ja reklaamitoodete turul ning tavakirjade kättetoimetamise turul, tuues konkurentsipotentiaali kaotsimineku näol enim kahju ajakirjandustoodete kättetoimetamise turul, kus ühinemissooviga ettevõtted seni pea võrdset turuosa omavad. Vaid ekspressteenuste turul ei kaasneks kavandatava ühinemisega tarbija jaoks olulist kahju.