

Appendix 1

Direction in relation to modification of the “Postal Common Operational Procedures Agreement”

POSTAL SERVICES ACT 2011
Section 51
Consumer Protection Condition 2
**Direction in relation to modification of the “Postal Common Operational
Procedures Agreement”**

Whereas:

- (1) All postal operators which provide services in relation to which, had those services been carried out prior to 1 October 2011, they would have been required to hold a licence under the Postal Services Act 2000 are “regulated postal operators” for the purposes of Consumer Protection Condition 2 (“**CP2**”).
- (2) In December 2011, Ofcom received proposals¹ from two parties to the current Postal Common Operational Procedures Agreement (“**PCOPA**”) to modify the PCOPA to ensure that it is up to date and remains effective by being aligned with current operational practices and the regulatory conditions, thereby ensuring that the Code Objectives will be fulfilled.
- (3) On 27 March 2012 Ofcom consulted on the proposed changes to the PCOPA (the “**Consultation**”)² in accordance with the notification process for changes in CP2.

¹ The proposals were made in accordance with CP 2.2.5.

² Ofcom, *Notice of modification of the Postal Common Operational Procedures Agreement (PCOPA)*, 27 March 2012, <http://stakeholders.ofcom.org.uk/binaries/consultations/review-of-regulatory-conditions/statement/Annex15.pdf>

- (4) Four responses were received to the Consultation with respondents agreeing with most of the proposed changes. In addition, respondents suggested a few, further minor modifications to the PCOPA. We agree with some of these further changes and have therefore made a few additional modifications to the Agreement.
- (5) Ofcom has therefore decided to modify the PCOPA (implementing most of the proposed changes in the consultation) and making additional minor changes to the clauses relating to the default return charge and standard return charge and values of P and F (the item and collection charges) as explained in the covering letter. A revised Agreement is set out at Appendix 2.

Now, therefore, pursuant to and for the purpose of paragraph 2.2.5 of Consumer Protection Condition 2, Ofcom by this Direction hereby directs as follows:

1. In this Direction unless the context requires otherwise, words and expressions which are defined in CP2 shall have the same meaning as in CP2.
2. The modifications to the PCOPA, as reflected in the amended agreement published at Appendix 2, will apply with effect from 6 June 2012.

A handwritten signature in black ink, appearing to read 'Chris Rowsell', with a horizontal line drawn underneath the signature.

Chris Rowsell
Competition Policy Director

A person duly authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002.

1 June 2012