

ombudsman *poste*



Annual report 2022





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INTRODUCTION

ombudsman *poste*

a new logo, the same mission and ambition!

For 30 years now, from March 1993 onwards, every citizen and legal entity can turn to an ombudsman to act as a mediator in their dispute with a postal company. When the postal ombudsman service was launched, complaints mainly concerned traditional postal services: correspondence and financial postal services, such as (pension) cheques and deposits on behalf of third parties. And these complaints were sent by (registered) mail to the Office of the Ombudsman at De Post-La Poste in Brussels. The type of complaint and the context in which the Office of the Ombudsman investigates and mediates has evolved over the years in line with social and economic developments. The present Annual Report indicates that 'non-arrival of a parcel' is the main reason for contacting the mediation service in 2022 and mediation requests are now rarely issued by letter, but rather through online channels.

Anno 2023, ombudsman poste still mediates every individual dispute. The ombudsman service starts the mediation with the plaintiff's story. Reaching a solution requires solid cooperation

between the postal company involved and the ombudsman service. To achieve results in complex and lingering cases, several companies and the ombudsmen invest in periodic meetings where cases and structural problems are discussed. Management commitment is crucial here. The more customer-oriented, the more ombudsman-oriented. And that pays off: from resolving individual complaints to restoring trust. In the words of one satisfied customer, it sounds like this: "The several emails with information and finally the mediation proposal that was accepted by both parties, allow us to restore our faith in the postal services."

Anno 2023, the ombudsmen are still formulating structural recommendations to highlight the most common problems thereby encouraging the postal sector and the authorities into taking the necessary steps towards a smoother service for the citizens, associations and businesses of this country. A structural recommendation that we have been issuing for years now is 'the right of the addressee to an enquiry by the postal operator'. Despite the more consumer-oriented

approach blowing through the postal sector, referring the addressee to the sender before initiating an enquiry remains a persistent practice among postal operators' customer services. Even in the 2022 Annual Report, the ombudsman reiterates that, in accordance with international and national postal law, every user (sender as well as addressee) of postal services has the right to an enquiry in case of a problem with their shipment.

After 30 years, the mission of ombudsman poste is still to reach an amicable agreement between

the user and the postal company. Reaching as many amicable solutions as possible also remains our ambition. In 2022, 2,393 cases were closed with an amicable agreement between the parties. A great result, achieved with a passionate, competent and close-knit team!

With the same mission and ambition, ombudsman poste embarks on the next 30 years of mediation in the postal sector.

Paul De Maeyer and Katelijne Exelmans





ombudsman poste



The Ombudsman Service of the Belgian De Post was set up in 1993. Since then, the industry – and the Ombudsman – have changed enormously.

Back in the early nineties, the service was **one of the first ombudsman services** to be established. At the time, bridging the divide between the government and the people was a major political issue. The first ombudsmen consequently dealt with regulated industries. The Law of 21 March 1991 “on the reform of certain commercial government businesses” created ombudsman services within three state businesses: De Post (now bpost), RTT (the national telephone company, now Proximus) and the NMBS/SNCB (Belgian railways). From the very beginning, the ombudsmen took pride in their legally enshrined

independence, their employees and equipment were supplied by De Post.

For the first time, ordinary citizens and postal service users had someone to talk to about the universal postal services and other services that the Post Office provided, and a mediator that would intervene on their behalf with large organisations where ordinary people could not always find a solution to their problems.

In 2007, the ombudsman’s reach was extended by law to the whole of the postal and parcel delivery industry. The Ombudsman Service thus became the Ombudsman Service for the Postal Sector. In 2007, staff members became employees of the Belgian Institute for

Postal Services and Telecommunications, and the service became administratively attached to the postal industry regulator. The ombudsmen were appointed for a five-year renewable term by the Council of Ministers and continued to operate entirely independently of the regulator, the government and, of course, the postal sector itself.

This all took place against the backdrop of fundamental changes that were taking place at European level. In 1993, 2002 and 2008, three Postal Services Directives were issued which gradually liberalised the industry in the European Union. The final step towards free competition came in 2011. In this period, a number of shares in De Post, now renamed bpost, were sold on

the open market and the company was listed on the stock exchange in 2013. From 2007 the ombudsman service was authorised to handle complaints from users of all postal services, including courier firms. This was eventually definitively confirmed by the Appeal Court in Brussels on 19 June 2013.

Whilst the European Directives were intended to lead to a progressive liberalisation of the postal market, the legislation incorporated a number of measures to protect users; free competition was not to threaten the quality of service. The Directives set quality requirements to ensure that users had a right to a regular and reliable service, no matter where they lived. Every firm providing postal services was also to be readily contactable



via a customer service department. The rights of addressees were laid down in no uncertain terms: any person expecting a parcel, letter or registered delivery was to be able to contact the firm responsible quickly and cheaply to inquire about it or make a complaint. Today, ombudsman poste remains an organisation that fights tirelessly for proper compliance with these rules.

The last Directive was issued in 2008, just before the rise of e-commerce. The European Commission is currently working on a new Directive, while **the ombudsman service will continue striving to uphold the rights of all postal service users, both senders and addressees.** The rising popularity of online shopping, which hit a peak during the Covid period, makes quality of service and the rights of addressees all the more important.

Our organisation is committed to ensuring that professional standards continue to improve as the sector evolves. The ombudsman service has been developing its expertise in e-commerce, the customs clearance of goods from outside the EU and consumer protection for a number of years. Although we often still deal with complaints about the delivery of **letters, for several years now complaints about letter post have been outnumbered by the cases we handle about parcels.** Many of these goods are transported by post across borders, both within and outside the EU, with the consequence that international legal

rules apply. The number of complaints has also grown substantially in size, as has the mediation team that deals with them.

Under the impetus of the EU, the bounds of alternative dispute resolution in Belgium have been defined more clearly. In 2015, a Royal Decree¹ was issued which listed the requirements a mediator had to fulfil in order to be classed as a "qualified entity for the alternative settlement of consumer disputes". The most important requirements for a mediator are independence and impartiality. The Ombudsman Service for the Postal Sector became a qualified entity in 2015.

One important achievement of the ombudsman service is to have led the way in demanding liability rules for operators. Where, in the past, the universal postal service provider could not be held liable for anything at all except registered mail, there are now various legal rules that set out the responsibility of service providers, depending on the mode of transport and on whether a delivery is domestic or international. As well as resolving individual disputes, the mission of ombudsman poste is to **draw up systematic recommendations** for postal and courier firms, the industry and policymakers. The ombudsman service has also worked hard to ensure that it itself is contactable and accessible. Whereas users used to have to pay to submit a complaint, our service is now free, and we can be contacted via a range of different channels.





In our 30 years as the Ombudsman Service for the Postal Sector, we have seen various trends in our interactions with operators, namely bpost for the first 14 years, and with other firms in the industry since February 2007. In the early years, we went out into the field, where the degree of cooperation we met depended on the attitude of the employee or local manager in question. Although we can still make inquiries with any employee, we have evolved towards a process with a small number of contact points. This has led to a more uniform and more professional approach on the part of the company to the investigation of complaints. In recent years, the ombudsman service has invested heavily in personal discussions of cases between Ombudsman staff and company managers, not least in order to find a resolution for complex cases.

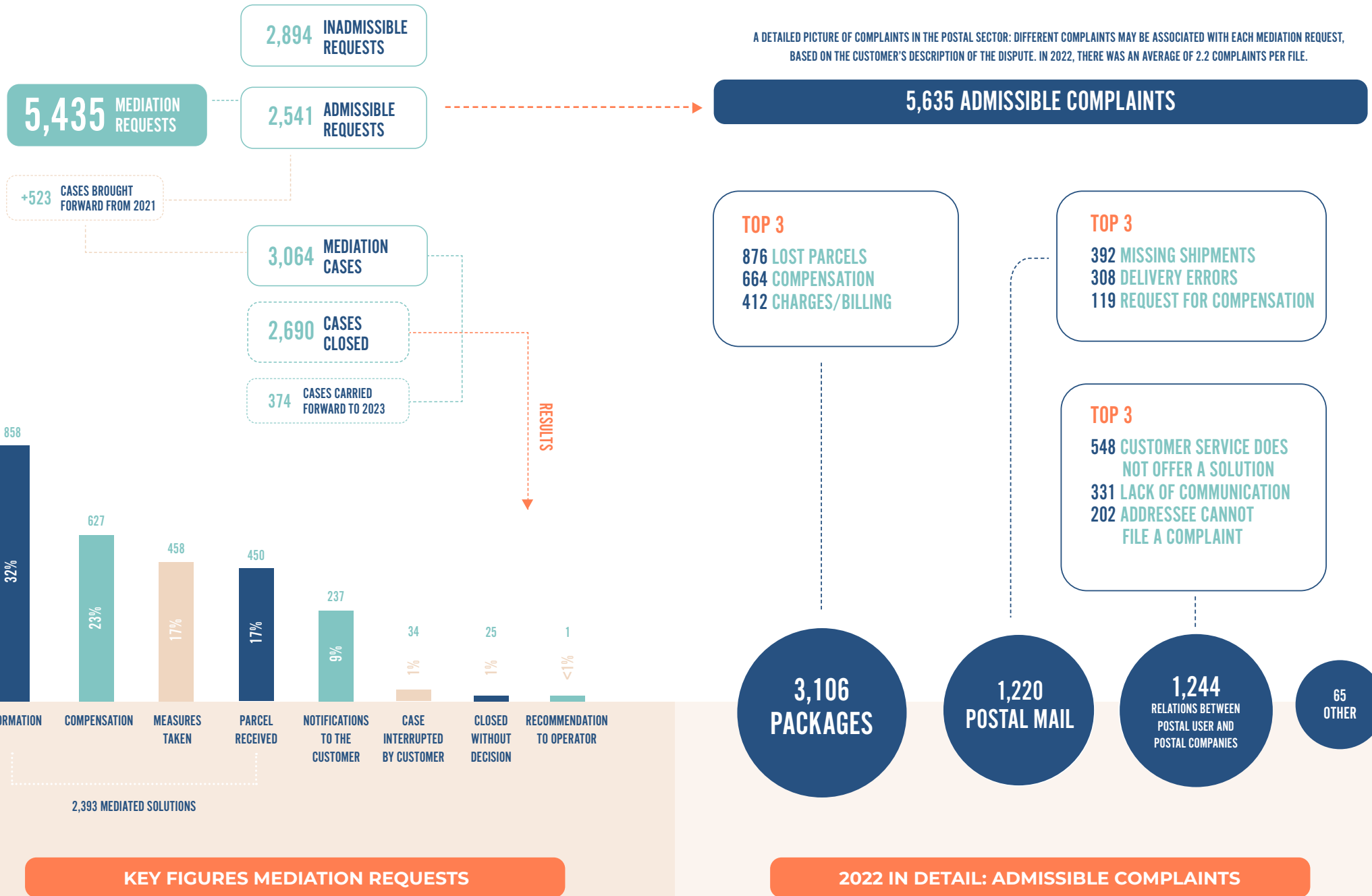
Despite the great changes that have taken place in the last thirty years and are continuing to take place today, one thing remains the same: our commitment to mediate between customers and operators and so contribute to the trust that citizens, organisations and businesses have in our postal and courier firms.



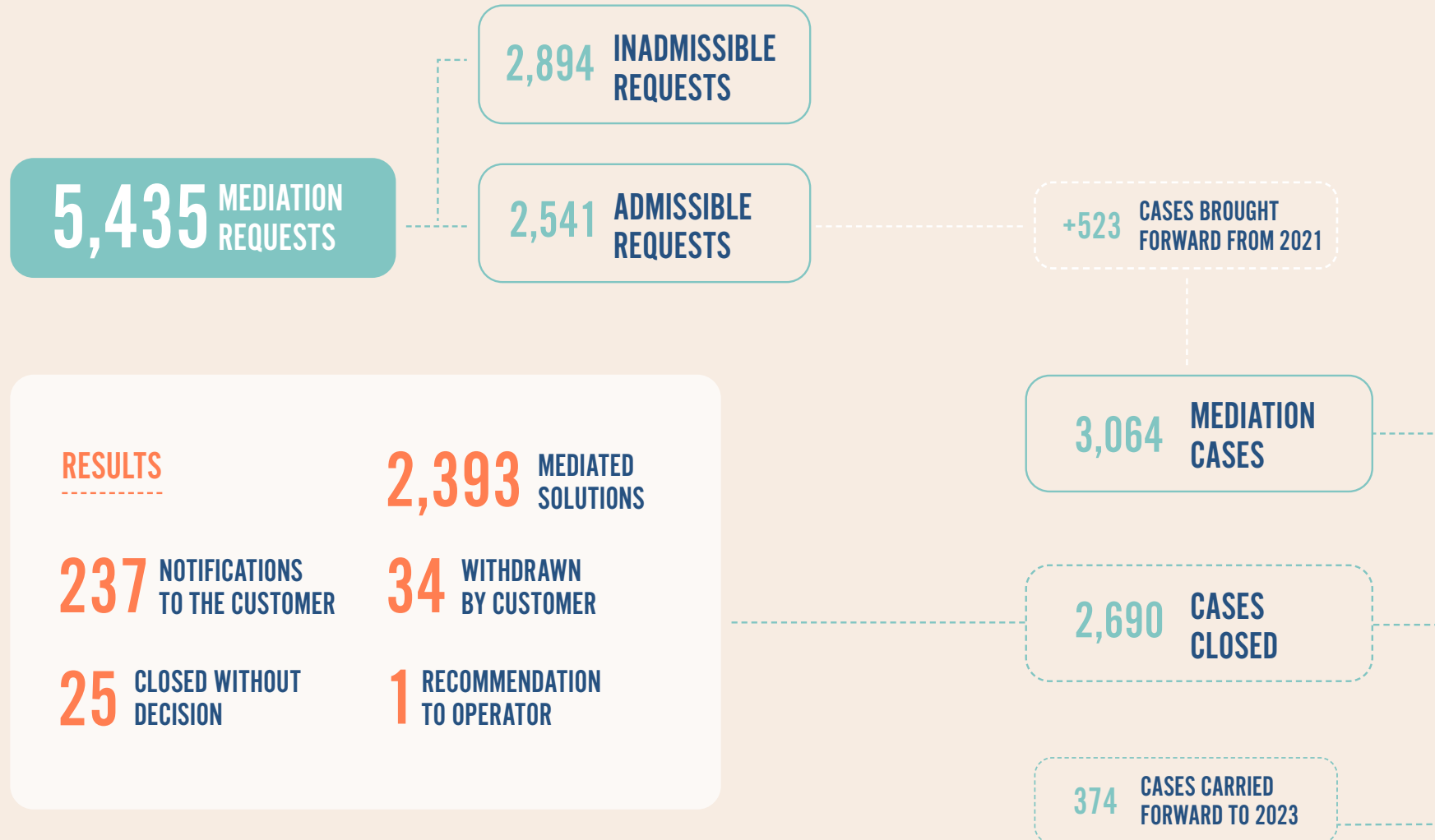
A picture from the archive: the ombudsteam of 2014, with ombudswoman Truus Lostrie. The ombudsmen who preceded her, were: Xavier Godefroid and Elie Bockstal.

2022 AT A GLANCE

A DETAILED PICTURE OF COMPLAINTS IN THE POSTAL SECTOR: DIFFERENT COMPLAINTS MAY BE ASSOCIATED WITH EACH MEDIATION REQUEST, BASED ON THE CUSTOMER'S DESCRIPTION OF THE DISPUTE. IN 2022, THERE WAS AN AVERAGE OF 2.2 COMPLAINTS PER FILE.



KEY FIGURES: MEDIATION REQUESTS





ombudsman poste mediates in any individual dispute between a customer and a postal or parcel firm. The ultimate aim is to reach an amicable agreement between the customer and the firm. In 2022, **5,435 mediation requests** were made to the ombudsman service.

Each new request is first examined to check that it is within the ombudsman's competence. The ombudsman service then checks whether the request meets a number of requirements prescribed by law. This is known as the admissibility check. By far the most common reason why requests are inadmissible is that they have not yet been submitted to the operator itself (premature complaints). The ombudsman service is an appeals service: it cannot start an investigation until the postal firm has had the opportunity to resolve the dispute itself. Senders or addressees must therefore raise their problem with the firm in question in the first instance. If the customer does not receive a response from the firm, or is unhappy with the proposed solution, then they can appeal to ombudsman poste.

In 2022, **2,894 mediation requests were declared inadmissible**. The ombudsman service refers inadmissible complaints to the customer service department of the operator concerned, in accordance with its statutory remit.

5,435
MEDIATION REQUESTS

2,541 ADMISSIBLE
REQUESTS

2,894 INADMISSIBLE
REQUESTS

79 % PREMATURE

13 % OUTSIDE REMIT

5 % INCOMPLETE

3 % REQUEST FOR CLARIFICATION

1 % ANONYMOUS, ALREADY
IN LEGAL PROCEEDINGS,
VEXATIOUS OR TIME-BARRED

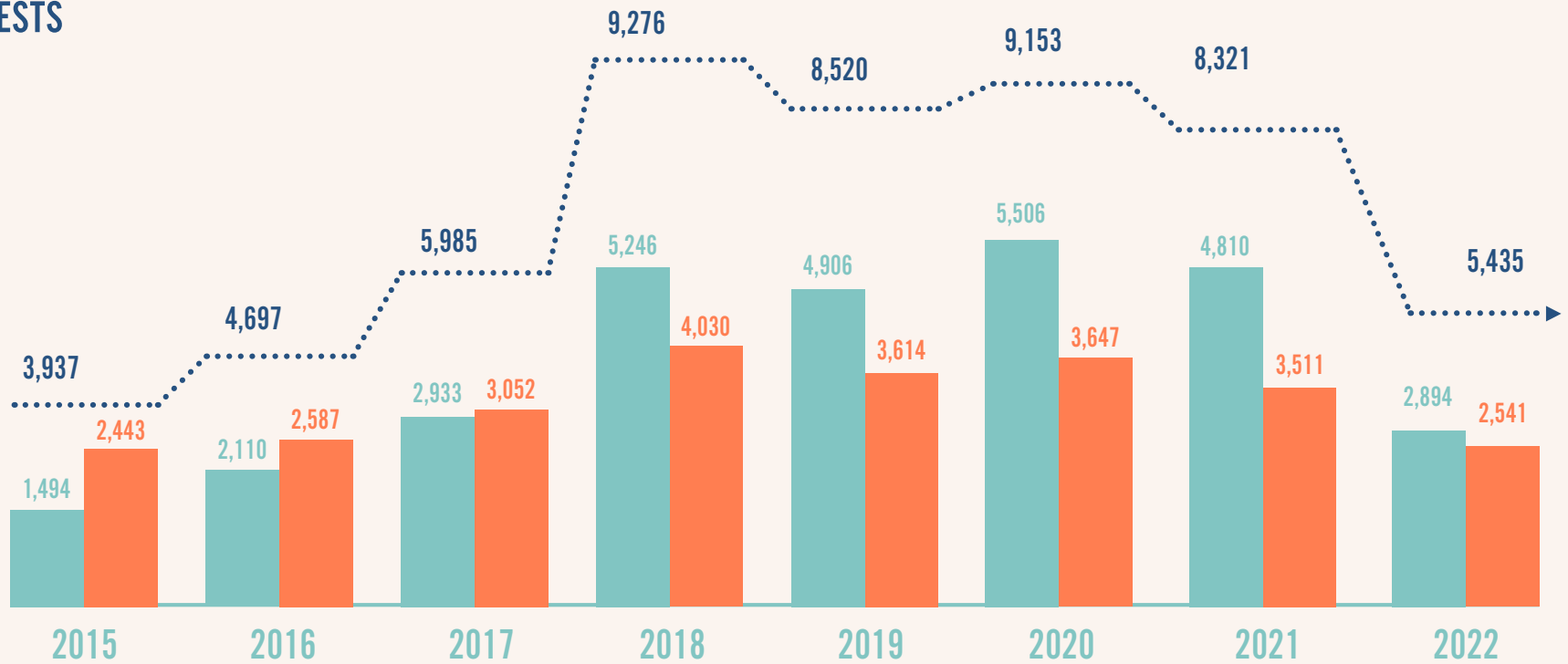
Decline of 35% between 2021 and 2022

EVOLUTION MEDIATION REQUESTS

■ INADMISSIBLE CASES

■ ADMISSIBLE CASES

■ TOTAL CASES



5,435 disputes were lodged in 2022. This represents a sharp 35% drop from the total number of mediation requests in 2021. The number of cases that the ombudsman service actually began to investigate and mediate (admissible cases) fell by 28%.

After the service was founded in 1993, the number of requests for mediation rose gradually until 2003. From 2004 onwards, we noticed sharp annual increases in the number of disputes arising, driven by the growth in parcel delivery. Numbers peaked at around 9,000 requests in 2018, 2019 and 2020. The large number of disputes in 2020 was also due to the Covid-19 pandemic, which gave a strong boost to e-commerce and consequently to parcel deliveries. In 2021, the number of cases began to decline. This fall was initially masked by a strikingly large number of cases in the second half of 2021, due to the introduction of the new European VAT rules for international inbound shipments and the procedures that operators put in place to comply with them.

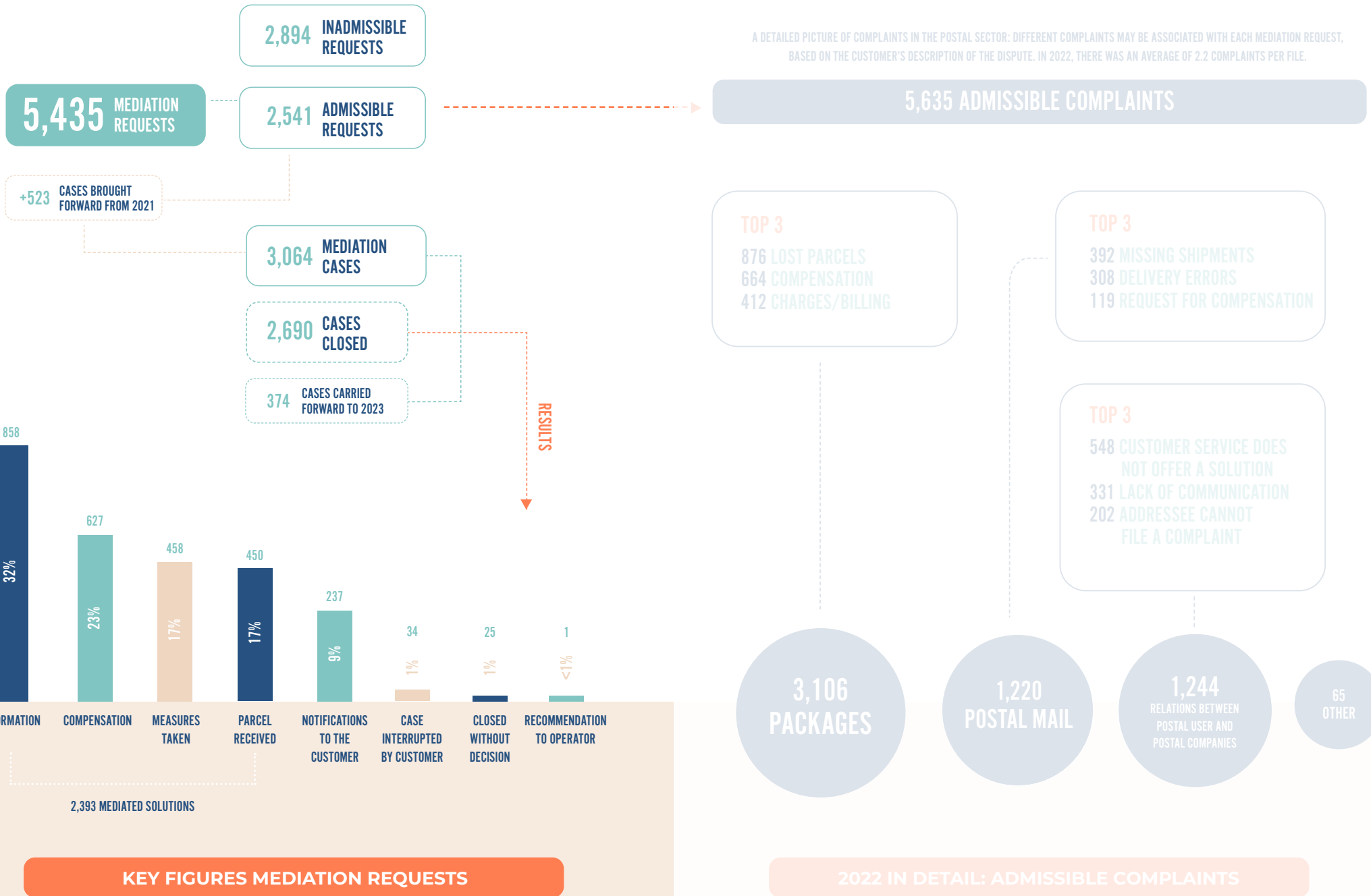
We do not have a conclusive explanation for the sharp fall in the number of disputes submitted to ombudsman poste in 2022. However, we believe that the following matters played a part in this change:

- Complaints follow the market. In the course of 2022, we received a number of reports (including from the IPC – International Post Corporation) that the number of online purchases was stagnating or falling in Belgium, Europe and internationally. This affected the volume of parcels that were transported by the industry that year. Firms operating in the Belgian parcel delivery market also reported falling volumes in some quarters. However, this information is provisional, as the full-year analysis for 2022 is not yet known.
- A fall in the number of complaints about letter post in a declining market for letters (see below).
- A decline in customs-related disputes regarding international parcels (see below).
- A cautious shift among some firms towards a more consumer-oriented approach (i.e.: more concern for the addressees of B2C purchases). We have been campaigning for this for many years, and we are now seeing more and more parcel operators move in this direction.



2022 AT A GLANCE

A DETAILED PICTURE OF COMPLAINTS IN THE POSTAL SECTOR: DIFFERENT COMPLAINTS MAY BE ASSOCIATED WITH EACH MEDIATION REQUEST, BASED ON THE CUSTOMER'S DESCRIPTION OF THE DISPUTE. IN 2022, THERE WAS AN AVERAGE OF 2.2 COMPLAINTS PER FILE.



KEY FIGURES MEDIATION REQUESTS

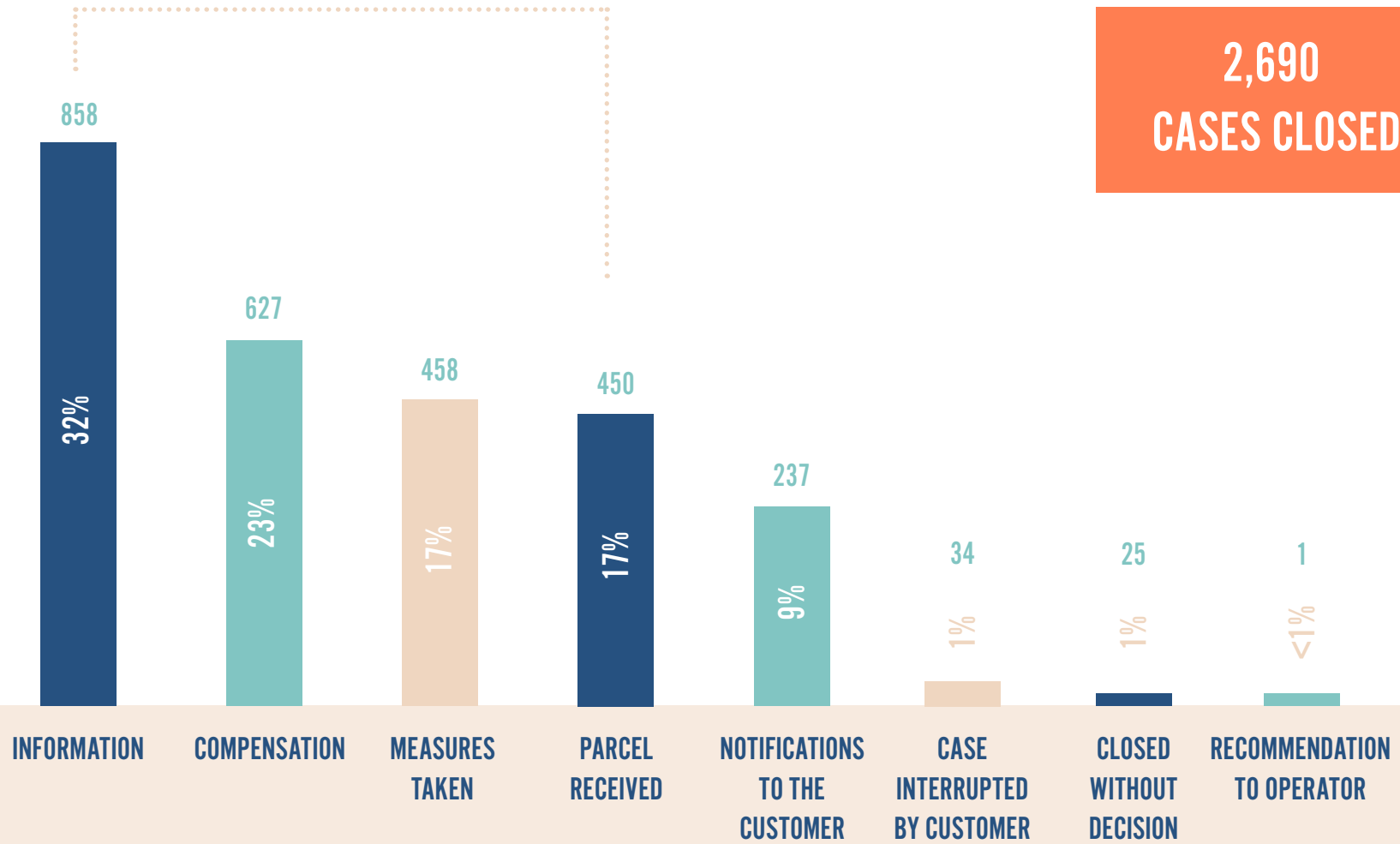
2022 IN DETAIL: ADMISSIBLE COMPLAINTS

OUR MISSION: TO REACH AN AMICABLE AGREEMENT IN ADMISSIBLE DISPUTES

The core task of the ombudsman service is to reach an amicable agreement between the parties. Asking the parties to set out their opinions, investigating the facts and acting as a contact between the customer and operator is the daily work of the case handlers. **The impartiality of the ombudsman** is always central. If the parties fail to reach an agreement, the ombudsman forms its own opinion. This is done on the basis of the facts of the case and the relevant regulations. Where appropriate, the ombudsman is also entitled to base its decision on the principle of fairness.



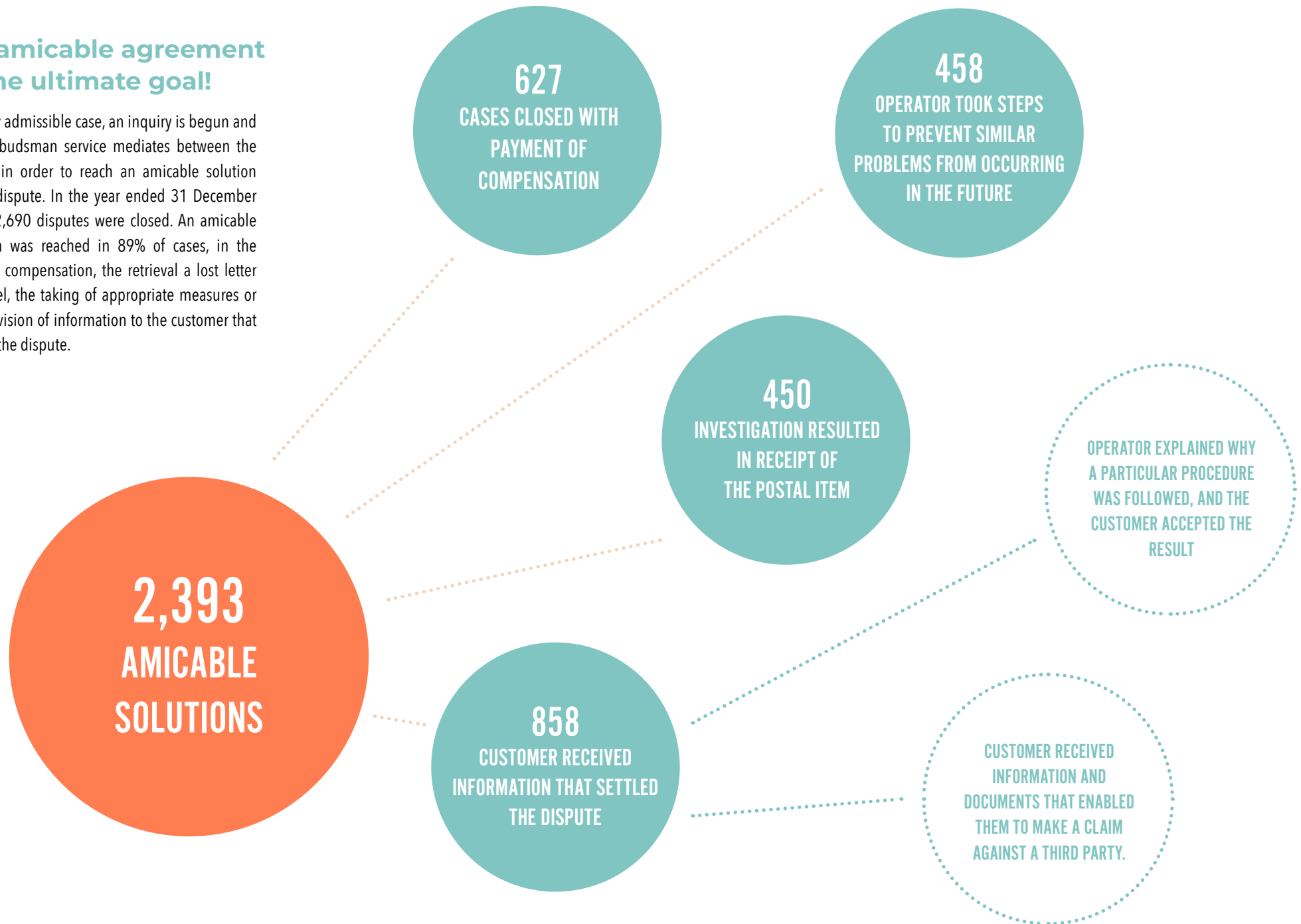
2,393 AMICABLE SOLUTIONS



2,690
CASES CLOSED

An amicable agreement is the ultimate goal!

In every admissible case, an inquiry is begun and the ombudsman service mediates between the parties in order to reach an amicable solution to the dispute. In the year ended 31 December 2022, 2,690 disputes were closed. An amicable solution was reached in 89% of cases, in the form of compensation, the retrieval a lost letter or parcel, the taking of appropriate measures or the provision of information to the customer that settled the dispute.



627 cases resulted in the compensation from the operator to the customer

This means either compensation for the sender based on the contract or the general terms and conditions of the operator, or compensation for the addressee based on liability in tort or as a goodwill gesture for the sake of customer relations, out of fairness or to compensate for a clear error by the operator.

case

A postal item comprising four packages was transported within Belgium under a B2B contract. The last package reached the addressee 20 days late. It was badly damaged and the contents (a motor) were unusable. The sender estimated the cost of the damage at €450. The sender's claim was initially rejected on the grounds that the package had not been scanned for damage at the courier firm and the addressee had not refused to accept delivery. The investigation by the ombudsman service found that the package had not been delivered in the proper manner and that the addressee consequently had no opportunity to refuse it. Moreover, there were several indications that the damage had occurred during the "last mile".

Mediation result: based on the contract between the parties, the courier firm contended that the customer could claim €330.40 in compensation. The customer agreed with the calculation and accepted the compensation.





450 investigations led to the receipt of the postal item

The most common complaint to the ombudsman service is the disappearance of a parcel – for instance, because the parcel can no longer be tracked, the postal firm declares it lost, or the parcel is registered as delivered but the addressee has not received it. Delays in the transport and delivery of a parcel also lead to a large number of disputes. In 450 such cases, an investigation carried out at the behest of the ombudsman service led to the parcel or recorded mail item being retrieved and delivered to the addressee.

case

A consumer contacted the ombudsman service because their parcel (a B2C purchase from Germany) appeared to have been delivered to the wrong address – a different street in a different town. The consumer demanded that the postal firm pay compensation equal to the value of the contents: €101.18. The postal firm's customer service department refused to perform an investigation at the addressee's request and referred the addressee to the sender.

Mediation result: The investigation performed after the appeal to the ombudsman found that the German sender had mixed up the street name and the name of the town, and so addressed the parcel to a non-existent address. The computer system then assigned an alternative address, which existed but was not the right one. The resident at that address refused the delivery. During the investigation, the item was recovered and routed to the correct addressee, who took receipt of his parcel two days later.

458 cases led to measures being taken by the operator

Such cases usually concern problems with the delivery of letters, parcels, newspapers and magazines. Following an investigation, the firm takes measures to prevent the problems from happening in the future.

case

The customer complained that letters, newspapers and parcels were often wrongly delivered to his address. "Since August this year, items have regularly been wrongly delivered to me and items addressed to me have turned up with neighbours." The customer had already made two previous complaints about the same problem to both the postal firm and the ombudsman service.

Mediation result: As the customer had already complained more than once about the same delivery problems, it was agreed that, for a certain period of time, the team manager would check all the items before they went out for delivery. After these measures were taken, the customer reported that deliveries were being made correctly.





case

The customer was expecting a gift from Norwegian friends who lived in the UK. They received a payment demand from the postal firm for €40.62 in customs charges. The value of the gift was NOK 700, or €67.11. The customer complained to the postal firm about the size of the charge but did not receive a satisfactory answer.

Mediation result: The ombudsman service found that the item did not qualify for the exemption for non-commercial items because the €45 limit for gifts had been exceeded. The customs charge that the postal firm had calculated, on behalf and under the supervision of Belgian Customs & Excise, was correct. The customer thanked the ombudsman service for the information.

858 amicable solutions through provision of the right information to the customer

A postal item always involves three parties: the sender, the addressee and the postal firm. The contractual relationships and duties between these parties are not always clear. Moreover, the postal sector is subject to its own industry-specific legislation at both national and international level. As well as this, consumer law applies to packages sent between a professional retailer and a consumer.

A problem with a postal item, even a low-value item, can quickly lead to a complex web of rights and obligations regarding who should look into a problem and who is financially liable. A significant part of the ombudsman service's work thus involves giving senders or addressees accurate information on their rights and duties and on how to go about resolving their particular problem.

case

"Hello, on 28-06-2022 I sent a parcel The parcel never arrived with the buyer. In fact, it never even arrived at the sorting office. ... When I asked for more information about their procedure for dealing with the complaint, they couldn't tell me. ... I wish they would make more effort to find the parcel."

Mediation result: The investigation performed at the behest of the ombudsman service was unsuccessful. The bicycle saddle, worth €70 (C2C), could not be found. The customer was informed that he had chosen a postage service that only entitled him to limited compensation in the event of loss, namely the postal charge of €4.70. The customer accepted this.

When an Amicable Agreement cannot be reached

If an amicable solution cannot be reached, the ombudsman forms an opinion based on the facts of the investigation. This opinion results in either a recommendation to the operator or a notification to the customer.

As in previous years, the ombudsman service made only a small number of individual recommendations in 2022. **In 2022, 1 recommendation was issued to bpost.**

Recommendation

A business sender sent a scarf to its customer. Although the parcel was shown as “delivered” in the tracking system, the addressee had not received it. The sender initially received compensation equal to the postage cost, in accordance with the general terms and conditions. The customer requested additional compensation for the value of the contents, which was €59.95. The customer was unhappy with the way in which the parcel had been delivered to the addressee’s address. The postal firm declined to pay any extra compensation.

On the basis of the investigation, the ombudsman service ruled that the parcel was not delivered in accordance with the rules, i.e. to the addressee’s letterbox, to the safe place chosen by the addressee or else to a Post Point or post office where the customer could collect it on presenting the notification slip. The ombudsman service agreed with the customer’s opinion.

The postal firm disagreed with the ombudsman service’s analysis but was willing to give €59.95 to the customer in this specific situation as a gesture of goodwill.

237 mediation requests were concluded with a notification to the customer

If, after investigating a dispute and examining the views of both parties, the ombudsman service finds that the company made no errors and acted in accordance with the law and its own general terms and conditions, the ombudsman informs the customer in a notification.

case

The customer sent a porcelain dinner set to Waremme following a C2C sale. The dinner set was damaged when it arrived with the addressee. The sender wanted compensation for the value of the contents. The postal firm claimed that the breakable contents had not been adequately packed to ensure safe transportation.

Mediation result: Based on pictures of the inner and outer packaging, the ombudsman service agreed with the postal firm. The company's general terms and conditions stated that compensation would not be due if an item was inadequately packed. It was the sender's responsibility to provide suitable packaging.



In 2022, **25 cases were closed without a decision**. In these cases, an amicable solution was not reached. Based on the facts of the case and the results of the investigation, the ombudsman service was unable to decide in favour of either party, because the evidence was contradictory, because proof was lacking or simply because too little factual information was available.

The applicant withdrew the complaint

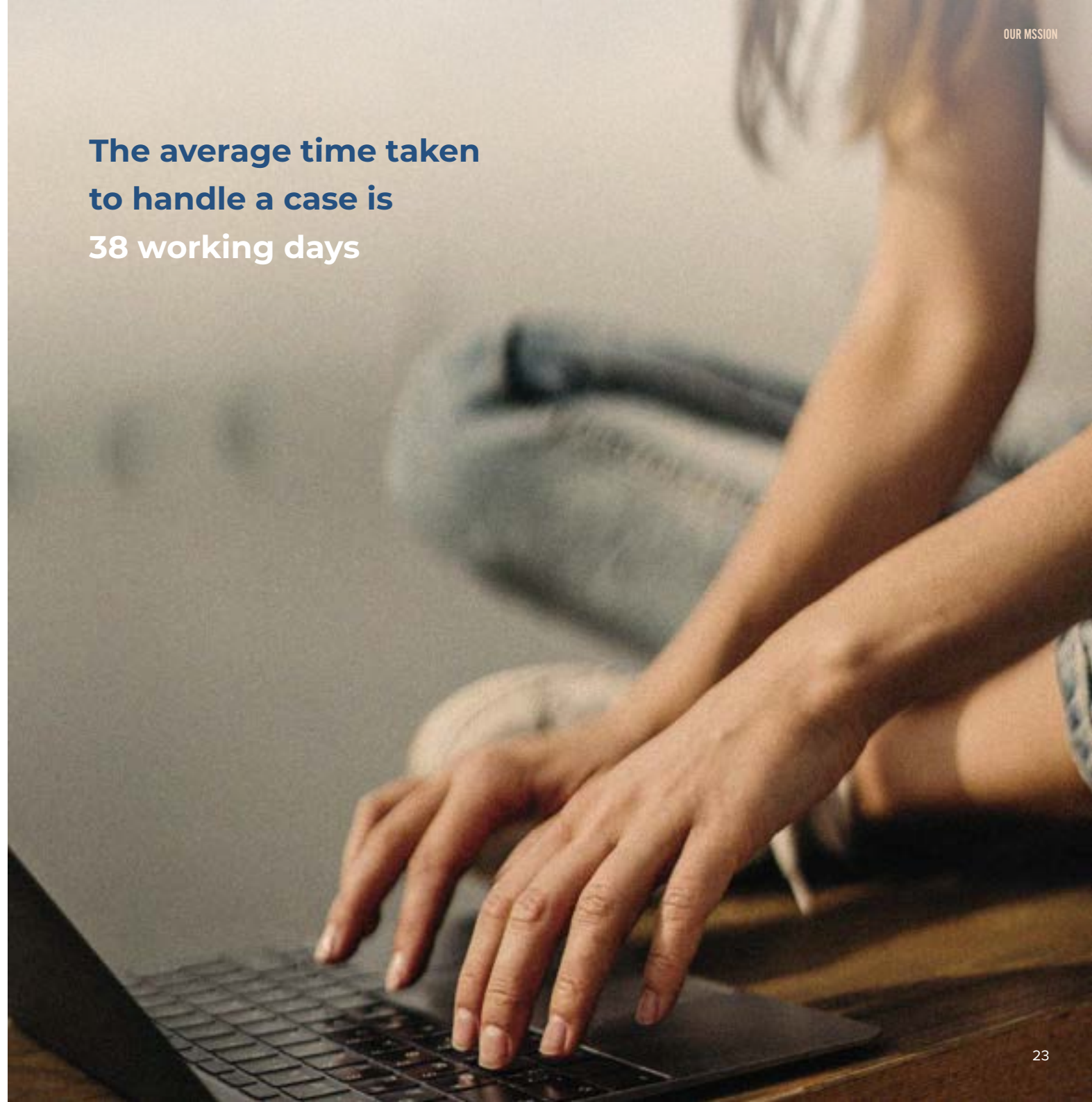
34 people asked to terminate the mediation process in 2022. This represented 1% of closed admissible cases.

The law on qualified entities for the alternative resolution of consumer disputes states that a consumer can decide to halt mediation at any time during the procedure.²

Case Handling Times

88% of cases were closed by 31 December 2022. The average time taken to handle a case was 38 working days (2021: 33 working days).

**The average time taken
to handle a case is
38 working days**



OUR CUSTOMERS

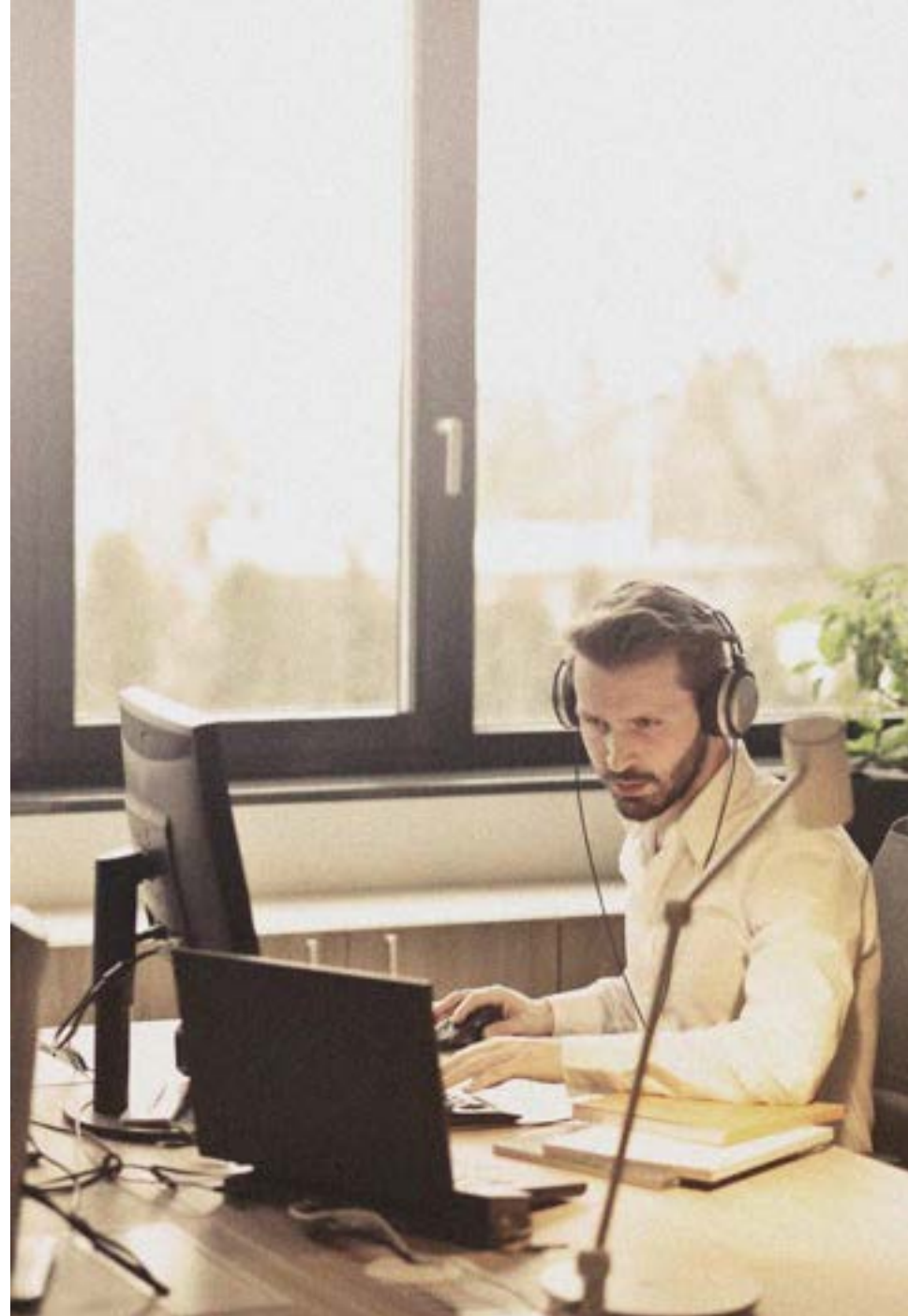
Mediation in the Postal Sector

The ombudsman service conforms to the European and national goal of settling disputes by consensus. Requests for mediation can be submitted by the users of post and parcel services. The ombudsman service then contacts the operator concerned. Since February 2007, following the opening-up of the postal market to competition, the ombudsman has been authorised to deal with all firms that transport post and packages and operate in the Belgian postal market. In each case, the ombudsman service endeavours to reach an amicable agreement between the parties. The ombudsman mediates on the basis of the opinions of the parties, the applicable law and regulations, and the principle of fairness.

ombudsman poste puts great effort into cooperating with postal firms in order to maximise the chances of achieving an amicable solution to every case. For instance, approximately every six weeks the ombudsman service holds a face-to-face case review with bpost for the further discussion of cases that cannot be resolved amicably through the "normal" mediation procedure.

Since 2021, similar organised reviews have also been held with UPS, DPD, GLS, Fedex and PostNL. Discussions with other firms are held on an "ad hoc" basis in order to discuss cases face to face and thus maximise the likelihood of an amicable solution.

ombudsman poste invests in personal discussions with post and parcel firms to reach an amicable agreement even in complex cases.

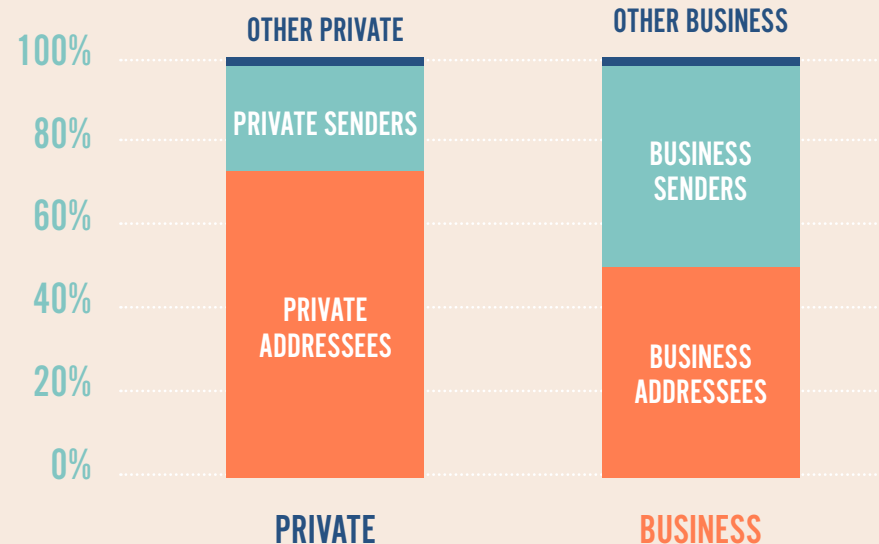
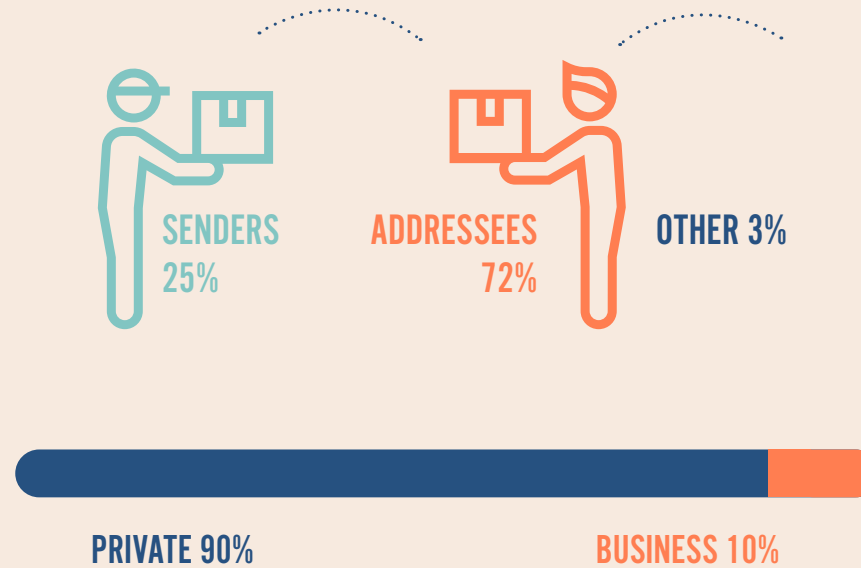


Who complains to ombudsman poste

90% of applicants are private individuals, while 10% are legal entities. The latter are primarily self-employed traders, members of the liberal professions and SMEs (as both addressee and sender). Senders which are large businesses usually have a bespoke contract and a contact within the postal firm who maintains the contractual relationship. Private individuals mostly apply to the ombudsman service as addressees, whereas legal entities are more likely to be senders.

In 2022, 72% of the users who lodged a dispute with ombudsman poste were addressees, while 25% of the complaints came from senders. The other 3% concerned users of other services, such as post office financial services or philately.

In 2022, the typical customer of the ombudsman service was again a private individual addressee. It is, of course, primarily the addressee who is inconvenienced when a parcel, letter, bill, registered mail item etc. is not received. Nevertheless, we saw a **shift towards more senders requesting mediation between 2021 and 2022**, among both private senders (13% in 2021, 23% in 2022) and business senders (22% in 2021, 44% in 2022).



The ombudsman service handles complaints in the language in which they are submitted.



BONJOUR



HALLO

74% DUTCH

22% FRENCH

4% ENGLISH

<1% GERMAN

Form of Submission

In 98% of cases, the postal sector customer contacts the ombudsman service directly. 42 cases were referred by the Consumer Mediation Service, 36 by another ombudsman and 5 by the online mediation service Belmed.

Mediation requests are submitted using the complaint form on the website ombudsmanposte.be (44%) or by email (55%). 56 complaints were submitted by letter and 3 people explained their dispute in person at the ombudsman service's offices.

Requests for mediation can only be made in writing. However, to ensure that our services are easily accessible, we can also be contacted by telephone for information. In 2022, the ombudsman service received **2,032 requests for information by phone**, excluding calls related to ongoing cases. Along with the fall in written case submissions, we have also seen a sharp fall in the number of telephone calls. The ombudsman service received a record 5,926 calls in 2021. Callers inquiring by phone can explain their problem and obtain information about how the industry operates, what their rights are and how they can complain either to the postal firm or to the ombudsman.

SUBMISSION OF MEDIATION REQUESTS

<1%
IN PERSON

<1%
BY LETTER

44%
COMPLAINT FORM
WEBSITE

55%
BY EMAIL

2022 AT A GLANCE

A DETAILED PICTURE OF COMPLAINTS IN THE POSTAL SECTOR: DIFFERENT COMPLAINTS MAY BE ASSOCIATED WITH EACH MEDIATION REQUEST, BASED ON THE CUSTOMER'S DESCRIPTION OF THE DISPUTE. IN 2022, THERE WAS AN AVERAGE OF 2.2 COMPLAINTS PER FILE.

5,435 MEDIATION REQUESTS

2,894 INADMISSIBLE REQUESTS

2,541 ADMISSIBLE REQUESTS

+523 CASES BROUGHT FORWARD FROM 2021

3,064 MEDIATION CASES

2,690 CASES CLOSED

374 CASES CARRIED FORWARD TO 2023

5,635 ADMISSIBLE COMPLAINTS

TOP 3

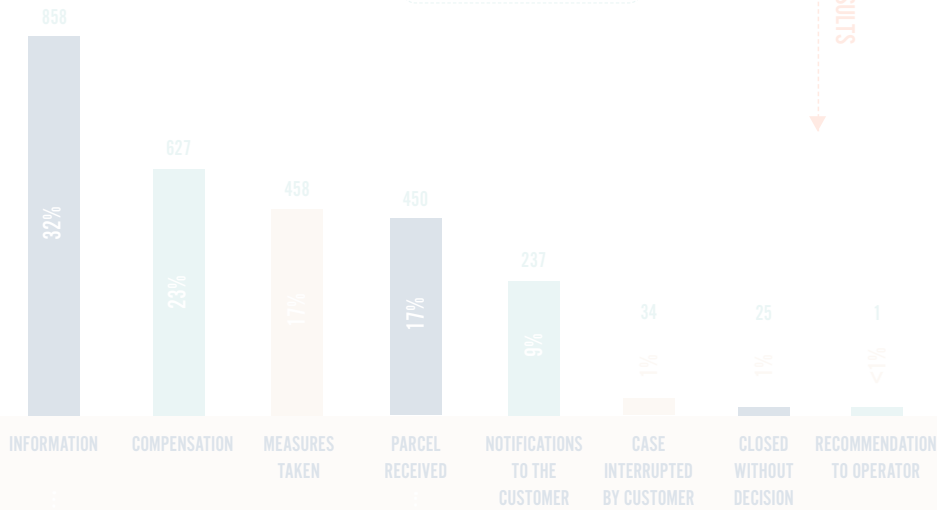
876 LOST PARCELS
664 COMPENSATION
412 CHARGES/BILLING

TOP 3

392 MISSING SHIPMENTS
308 DELIVERY ERRORS
119 REQUEST FOR COMPENSATION

TOP 3

548 CUSTOMER SERVICE DOES NOT OFFER A SOLUTION
331 LACK OF COMMUNICATION
202 ADDRESSEE CANNOT FILE A COMPLAINT



RESULTS

3,106 PACKAGES

1,220 POSTAL MAIL

1,244 RELATIONS BETWEEN POSTAL USER AND POSTAL COMPANIES

65 OTHER

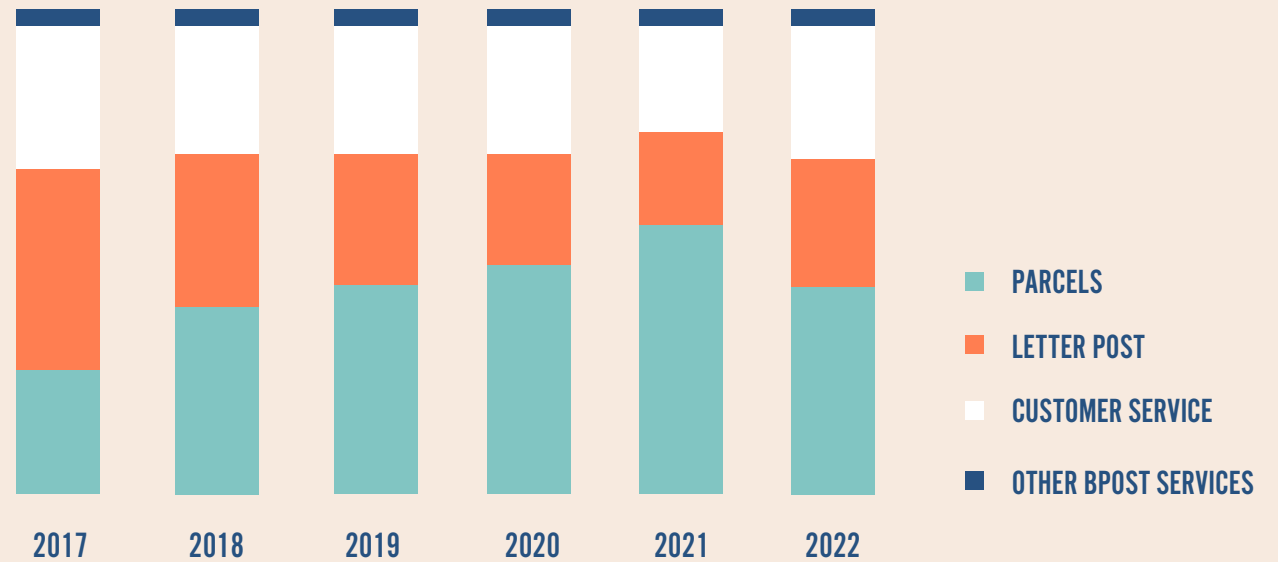
KEY FIGURES MEDIATION REQUESTS

2022 IN DETAIL: ADMISSIBLE COMPLAINTS

2022 IN DETAIL: 5,635 ADMISSIBLE COMPLAINTS

All requests for mediation are coded by the ombudsman service in accordance with a European CEN standard³. A **mediation request may be classed as containing multiple complaints, based on the customer's description of the dispute**. This methodology gives us a more granular picture of the problems that people experience in sending and receiving parcels and letters. This information also helps the industry and the firms within it to identify opportunities for increasing customer satisfaction. In 2022, 2,541 mediation requests were declared admissible and investigated. **These 2,541 unique mediation requests generated 5,635 complaints, i.e. an average of 2.2 complaints per case.**

ADMISSIBLE COMPLAINTS FOLLOW THE TRENDS IN THE POSTAL MARKET



Admissible Complaints by Operator

The most significant finding for 2022 is the steep drop in the number of complaints about bpost. With respect to letter post, bpost was in 2022 the only provider offering a full letter post process in the Belgian market⁴. As expected, complaints continued to track the declining market for letter post. bpost's share of the mediation requests about parcels also fell to 82% (2021: 88%).

The other parcel firms accounted for 18% of all complaints about parcels to ombudsman poste. We noted a slight fall in the number of complaints about UPS, DPD and GLS relative to 2021. A steep rise was noted primarily for Mondial Relay and also PostNL. The ombudsman service mediated in disputes with Colis Privé and Homerr for the first time in 2022.

OPERATOR	PARCELS	POST	CUSTOMER SERVICE	OTHER SERVICES	TOTAL
BPOST	2,494	1,220	1,023	65	4,802
UPS	151		52		203
POSTNL	129		41		170
DPD	114		51		165
MONDIAL RELAY	80		34		114
GLS	44		18		62
FEDEX	48		9		57
COLIS PRIVE	21		5		26
DHL PARCEL	12		6		18
DHL EXPRESS	10		2		12
HOMERR	3		3		6
TOTAL	3,106	1,220	1,244	65	5,635

PACKAGES: ANALYSIS AND RECOMMENDATIONS

The number of complaints to ombudsman poste about parcels⁵ has gradually risen over the past 30 years, reflecting the changes in the postal sector. In the second half of 2021, we saw a slight fall, however. This drop became steeper in 2022, when 3,106 complaints were lodged about parcel shipping, 32% fewer than the year before.

The fall in the number of complaints about parcels can be seen in every type of complaint. The most pronounced decline is in complaints about the customs clearance of international parcels, which have halved.

	TOTAL	CUSTOMS CLEARANCE	OTHER
LOST ITEMS	876	84	792
COMPENSATION FOR DAMAGE	664	133	531
CHARGES/COSTS/BILLING	412	376	36
DELAYS	351	129	222
DELIVERY ERRORS	340		340
WRONGLY RETURNED	223	68	155
TRACKING	106	4	102
DAMAGE	76		76
OTHER	58	18	40
TOTAL	3,106	812	2,294





50%

MEDIATION REQUESTS MADE
TO OMBUDSMAN POSTE ABOUT
PARCELS CONCERNS PARCELS SENT
AND RECEIVED WITHIN BELGIUM



29%

CONCERNS
PARCELS WITHIN THE
EUROPEAN UNION



21%

CONCERNS PARCELS
INBOUND FROM OR
OUTBOUND TO A NON-EU
COUNTRY

The relationship between senders and addressees was as follows:

6% CONCERNED A B2B AGREEMENT

63% CONCERNED A B2C AGREEMENT

30% CONCERNED A C2C AGREEMENT

The final category includes gifts sent between friends and family members. Complaints about these items usually concern international parcels. This category also includes a growing number of mediation requests about C2C sales.

Complaints about parcels primarily concern lost items, closely followed by requests for compensation. Requests for compensation are often not the sole reason for a complaint, but a secondary request accompanying the main complaint about an item that has been lost, damaged or delayed, or when the customer feels that their complaint was not properly dealt with by customer service.



Lost parcels

In 2022, parcels that failed to arrive at their final destination and could not be found were again the most common reason for appeals to the ombudsman.

Out of 3,106 disputes about parcels, **1 in 4 complaints in 2022 concerned a lost parcel**. Mediation requests for lost parcels were a major issue with every firm the ombudsman is authorised to deal with.

Following investigation, some of these disputes were resolved because the parcel was found – with a neighbour, at a sorting or delivery office, at a collection point, or in the undeliverable items department. However, most of the time the outcome was that the parcel had vanished without trace. If for some reason a parcel goes off course, there should be sufficient procedures in place to enable it to be located and resent. Firms do, of course, have such processes, but as the ombudsman service we repeat that these processes are insufficient and many parcels continue to be lost. Often all that can be proved is that an item was last scanned at a particular time at a particular location, without there being any further trace of it. The cause of many lost items thus remains under the radar. We ask postal firms to investigate in more detail if they discover that a large number of lost items occur at a particular location.

structural recommendation

ombudsman poste recommends that postal firms optimise their internal processes for locating misrouted parcels, in order to reduce the number of parcels that are lost.

In an era of comprehensive track & trace technologies, customers often find it hard to believe that their item has simply disappeared. Moreover, **the compensation that the sender can claim is often limited under national and international postal legislation**. In the Annual Report for 2021, the ombudsman service reported extensively on the limitations of liability imposed by postal legislation.

Addressees who are told that their item has disappeared seldom receive compensation from the postal firm. If the item is a purchase, the addressee must apply to the retailer/sender.



case

A retailer sent a parcel weighing 19 kilos (accordion + pedestal) to a customer in Bruges. The parcel underwent various scans at the sorting hub, but then vanished. As communication with the courier firm proved to be very difficult, the sender contacted the ombudsman service.

Mediation result: Following an investigation, the parcel was found. The address label had come off the item, with the result that it could no longer be scanned or processed. At the sender's request, the accordion was returned to the sender's address.

Non-trackable lost Packages

For some methods of delivery, postal legislation (UPU) provides neither for an investigation nor for compensation in the event of a problem⁶. This is the case for letter post items or “economy parcels” that contain goods. Low-cost packages of this type are exchanged between national postal operators worldwide, especially in relation to e-commerce. They are not scanned during transportation and therefore cannot be tracked. bpost, as the universal postal operator, bears no liability for disputes about non-trackable items.

The ombudsman service finds that the loss of a non-trackable item seldom leads to a positive outcome: the item is not found, and the sender has no right to compensation.

Mediations indicate that private or occasional senders are unaware that such items are untrackable once sent, or that they are uninsured against loss.

Addressees also have few rights in relation to the non-receipt of a non-trackable item. The postal firm is not obliged to investigate such items. Belgian consumers also have no recourse in any subsequent dispute with the sender/retailer, since they have no proof that the item was not received. **Postal legislation and consumer law are contradictory in this respect.**

As the ombudsman service, we advise private and occasional senders to make sure they fully understand the terms and conditions of the different services on offer in the postal market. We advise consumers buying from abroad to choose a trackable method of delivery for their purchase whenever possible.

The ombudsman service is pleased that bpost, as the universal service provider, only offers trackable delivery methods for domestic parcels.



case

The addressee was expecting an LP worth €64 that he had bought from Switzerland. The LP went through the import procedure in Belgium but did not arrive with the customer. When the customer complained, customer service responded that the parcel was a non-trackable economy item and that no compensation was available.

Mediation result: at the request of the ombudsman service, a search was made for the LP at the undeliverable items department. The result of the search was negative. The ombudsman service confirmed to the customer that no further investigation was possible, as there was no way to trace the item. The postal firm was not liable. The consumer was referred to the Swiss online store, which had chosen the economy service. The retailer denied compensation due to lack of evidence.

Requests for Compensation (or additional Compensation)

The limitation of postal firms' liability under national and international legislation on the universal service provision prompts many customers to start a mediation request with the ombudsman service. Very often the request is for additional compensation for a lost item.

In some cases, the ombudsman service sides with the customer, because the investigation finds evidence that errors were made in the handling of the parcel. On grounds of fairness, we as mediators then ask the operator, usually successfully, to pay compensation as a gesture of goodwill.

In cases where the investigation yields little additional information, the ombudsman service informs the customer that the compensation they received was in line with the general terms and conditions and the law.



case

The customer sent a water pump (29 kilos) worth €1,400 to the manufacturer in the Netherlands for a repair under warranty. The manufacturer notified the customer that the package never arrived. The courier's customer service department told the sender that the item could not be found. The customer received compensation of €199.44 in accordance with the general terms and conditions. The customer did not accept this and asked the ombudsman to mediate.

Mediation result: The investigation carried out during the mediation process found that the package had disappeared in the Netherlands. The Dutch postal firm had compensated bpost in accordance with the international treaties. The compensation of €199.44 paid to the customer was the result of the calculation under the UPU Convention, the international convention on postal services. The ombudsman service informed the customer that they had received the correct compensation. Quote from the customer: *On 26 January 2022, I received compensation for the paltry amount of €199.44 vs the loss of €1,400.00. Seeing as the law protects the transporter rather than the end customer and we cannot be bothered to take legal action, I propose that you close this case.*

Delays

The fast delivery times offered by online stores create expectations on the part of the consumer. Some consumers become quite nervous as soon as their purchase is one or two days late. If they lodge a complaint prematurely with ombudsman poste, they are referred back to the parcel firm, so that the firm has the opportunity to resolve the dispute.

By contrast, the 351 cases for delay that ombudsman poste opened in 2022 concerned items that were considerably delayed. One in three of these cases concerned a delay in the processing of customs charges. The other 222 cases concerned delays in the transport of the item.

The reasons for the delays were wide-ranging: operational problems, incorrect routing, damage to the item, staff shortages, delivery problems, etc. Given that items are processed automatically in many hubs and sorting centres, track & trace is the most important aid in interpreting the delay and manually tracing the parcel. In some cases, the delayed item was ultimately deemed lost and compensation was paid. We also found cases where the opposite occurred: a parcel that had been deemed lost and for which compensation had been paid was delivered to the addressee or returned to the sender after a long delay. Occasionally, we received a message from the addressee stating that the item had eventually been delivered, often after a very great delay. This was especially the case for non-trackable items (see below).

case

A private customer paid €60.47 for an express delivery to Vancouver. The parcel took 23 days to reach the final destination. The customer received compensation of €5.50 from the courier firm. They were unhappy with the compensation and also requested an explanation for the delay.

Mediation result: The item was sent to Canada via the UK, as a result of which it was delayed. The compensation was wrongly calculated and was not based on the Montreal Convention. The customer accepted the additional, correct compensation of €43.70.



Delivery

Postal workers and delivery drivers strive every day to take hundreds of thousands of parcels to their addressees. ombudsman poste has identified a falling trend in disputes about the delivery of items: 848 complaints in 2019, 688 complaints in 2020, 459 complaints in 2021 and 340 complaints in 2022.

The industry has been investing for several years in diversifying from the final delivery of parcels, in accordance with customer demand and for sustainability reasons. This is also clear from our mediations. For the final phase of the journey – traditionally, delivery to the addressee's door – there are now alternative options, such as delivery to a collection point, an automated locker, a preferred location, a neighbour or a parcel drop box.

From our contacts with addressees, we find that the use and appreciation of alternative delivery methods is increasing.

However, one method that leads to disputes is when couriers, if the addressee is not at home, can decide for themselves whether a location around the addressee's building is safe and secluded enough for a parcel to be left there. When such parcels are damaged or go missing, the two parties in the dispute usually have very different interpretations of the term "safe place".

We see various procedures in practice. Some courier firms state in their general terms and conditions that alternative delivery methods may be used, such as delivery to a neighbour, a safe place chosen by the delivery driver, or the lobby of an apartment building. Senders implicitly agree to these delivery methods when they purchase the delivery service. Other courier firms only decide to make an alternative delivery after obtaining the addressee's consent. **In any case, the ombudsman service notes a cautious positive trend towards a more consumer-oriented approach in practice, with a focus on the final addressee as the consumer.**

Investigations do not always show conclusively whether or not a parcel was properly delivered. There is room for interpretation. Such disputes are often discussed by the operator and the ombudsman service in a case review with a view to reaching an amicable solution.

For the delivery of parcels covered by the universal service provision, the ombudsman's view is that there is no room for doubt. The law in this regard is clear. *If the presented parcel cannot be delivered to the addressee's address, it shall be kept at a location in the addressee's municipality, and the addressee shall be notified hereof by a message left in his letterbox.⁷*



case

The consumer placed an order with an online retailer in China. The tracking showed the parcel as delivered, but the addressee in De Panne had not received it. The parcel firm referred the addressee to the retailer, who rejected the claim because the tracking status was "delivered".

Mediation result: The investigation revealed that the parcel had been placed in an open box at the roadside, even though the addressee had indicated that it should be delivered to a neighbour if they were not at home at the time of delivery. After a personal discussion with the ombudsman, the courier firm agreed to pay compensation of €229.75 to the addressee, equal to the value of the contents.

Disputes related to Customs Clearance

Since 1 July 2021, all goods entering the European Union have been subject to VAT. Parcels that arrive by the postal route must have a customs declaration by a customs declarant (parcel firms have in-house declarants) and **the addressee must pay the customs charges to the postal firm.** The postal firms calculate and collect customs charges on behalf of Belgian Customs and Excise, in accordance with the latter's procedures and under its supervision. The VAT, customs charges and import duties collected are then passed on by the firms to the Federal Public Service for Finance. The postal firms also bill the end customer (the addressee) for their own administration costs in relation to their work on customs clearance.

In 2021, the introduction of the new European VAT scheme (and the impact of Brexit) led to a high number of 1,558 mediation requests. This large number of complaints was due firstly to the new procedures that bpost introduced to apply the new scheme, and secondly to ignorance among both Belgian addressees and non-EU senders of the procedures to be followed for importing goods into Europe/Belgium. In 2022, we saw that the transitional period had partly died down. The number of complaints about customs clearance and customs costs fell by half to 812 complaints.

Despite the fall, disputes about customs charges made up 25% of the complaints mediated by the ombudsman service.

In 2022, the majority of these complaints (730) again concerned bpost. This is not surprising. The new scheme primarily concerned relatively low-value goods that consumers imported as a result of purchases from non-European online retailers. Such items are mainly exchanged between national universal postal operators. When making customs declarations for these items, bpost relies heavily on the quality of the data that the sending operator supplies via an electronic tool.

385 COMPLAINTS
ABOUT CUSTOMS CHARGES IN 2020

1,558 COMPLAINTS
ABOUT CUSTOMS CHARGES IN 2021

812 COMPLAINTS
ABOUT CUSTOMS CHARGES IN 2022



812 COMPLAINTS ABOUT CUSTOMS CHARGES

149 COSTS AND BILLING



118 DELAYS



102 GIFTS



83 VAT PAID TWICE



52 WRONGLY RETURNED



40 NON-TRACKABLE ITEMS



268 OTHER

Costs and Billing

The import duties and VAT calculated by postal firms on parcels from outside the European Union and the associated billing were the predominant reasons for lodging a complaint. The ombudsman service increasingly handles complex cases with a tax dimension. The postal firms apply the tax legislation on inbound mail from non-EU countries on behalf of and under the supervision of Belgian Customs and Excise. It is the postal firms who therefore bill the importer/addressee. Complaints about the calculation and amount of the bill are therefore directed to the postal firms in the first instance and then to ombudsman poste if they cannot be resolved. As the ombudsman service, we receive numerous complex cases about tax exemptions, use of the correct goods codes, deferred VAT, reverse charging, the calculation of VAT on customs values and administration costs, excise goods, prohibited goods and so on. If the dispute is purely tax-related, the customer is referred to Belgian Customs and Excise in the first instance, with the possibility of appeal to the federal ombudsman.



case

A private citizen imported personal goods from the UAE. He received a bill from the courier firm for the chargeable tax. The customer disputed the bill with the firm, on the basis of the VAT exemption for the import of personal goods. The parcel was also correctly described for the exemption to be applied. The courier firm changed the invoice to an amount of €39 for the administrative handling of the customs clearance of the parcel. The customer also disputed this bill and called upon the ombudsman service.

Mediation result: the bill for €39 was cancelled, as the firm could not present any statutory basis for these administration costs.

The rising number of B2C parcels in the postal sector means that firms must pay extra attention to the manner in which they communicate with and bill the end customer, i.e. the consumer. **The ombudsman service deals with numerous complaints from consumers (and SMEs) who misunderstand and contest the procedure for billing the amounts communicated.** Although it may be normal in a B2B context, the billing method used is evidently not transparent enough for occasional senders. Examples include the practice of submitting advance bills followed by final bills, sending bills after the goods have already been delivered, such that delivery of the parcel cannot be refused, the lack of a detailed calculation of the taxes and duties, and so on. We mainly see cases of this type in relation to complaints about customs charges, but also in relation to unexpected additional carriage costs for national and European postal items. For three courier firms, this type of complaint is the commonest reason for consumers to contact the ombudsman service.

We note that in ombudsman cases, these firms have made efforts to explain the costs more clearly. We would like to see similarly transparent communication about costs and charges in all invoices to all private customers and SMEs.

structural recommendation

ombudsman poste recommends that the sector provides all customers with a detailed overview on customs fees, with a particular focus on private addressees, non-profit organisations and the self-employed workers.

Consumer paid VAT twice

The Import One Stop Shop (IOSS) system was introduced to efficiently collect the VAT due on goods imported into the European Union. Online retailers from outside the EU can register in this system. When consumers make a purchase, they then pay the chargeable VAT directly to the retailer, who then passes it on to the EU. Many foreign online retailers are recorded in IOSS system, including most of the big online giants. Goods (up to a value of €150) that you as a consumer purchase from an IOSS-recorded firm are not declared to customs in Europe. In Belgium, they pass directly into the delivery stream once the IOSS registration has been checked. Items without a valid IOSS number follow the normal Belgian customs procedure. Once the addressee has paid the customs charges and Customs & Excise has performed checks, the parcels proceed to the delivery stream.

The bpost customs procedure is based on data supplied electronically in an international data system used by all designated national post operators. This data includes the retailer's IOSS registration number. In disputes, the IOSS number appears to be missing or incorrectly notified in the international data system.

The limited number of complaints that ombudsman poste received in this regard in 2022 indicates that most senders are now familiar with the procedure to be followed and are able to notify parcels correctly. In the 83 mediation cases, an amicable solution was usually reached if the customer could produce an invoice and proof of payment to show that the retailer had already charged the VAT when the purchase was made.

The ombudsman service advises customers always to raise disputed customs charges with the postal firm before paying the VAT charge.

Gifts

Gifts between family members and friends may be exempt from VAT if they meet the following three conditions⁸:

- The shipment is sent between private individuals
- The value of the contents is €45 or less (regardless of whether it comprises one item or several)
- No payment is made by the addressee

- It is for personal use with no commercial intent
- The shipment is of an occasional nature
- Limits apply for tobacco, alcohol, perfume and excise goods

The ombudsman service received 102 complaints about gifts that were declared as commercial shipments. As such gifts pass almost exclusively through the international circuit of universal postal operators, all of these complaints concerned bpost.

As the ombudsman service, we note that shipments of this type relate to friends or family members who send presents to private citizens in Belgium from non-EU countries.

They often do not know what details they must provide or how to obtain the exemption. In Belgium, some addressees dispute the payment demand. Others pay, because they fear that the parcel will be returned to the sender or simply because they do not realise that shipments that qualify as gifts are exempt.

In this regard, bpost is bound by strict rules under customs legislation, which it must follow in order to avoid being fined. Gifts cannot benefit from the exemption if they are not correctly notified as gifts or if the payment is not disputed. However, in a number of mediation cases an amicable resolution could be reached as the postal firm was willing to pay compensation as a goodwill gesture.

The ombudsman concludes that the application of the new European regulations, which are aimed solely at e-commerce shipments, is having an unintended effect on non-commercial shipments. Given that these are, furthermore, often shipments made in connection with the universal service provision, we request that this matter be considered by policymakers.

a call to the authorities

ombudsman poste calls to the authorities to analyze the consequences of the application of the new European VAT regulations for e-commerce on shipments that qualify for the VAT relief on gifts and make adjustments as required.





case

"I received a letter saying that a shipment had arrived for me from Great Britain. I assume it was a calendar that my friend in Scotland has been sending me every year for 40 years. ... I was asked for an invoice or proof of payment or, if it was a gift, evidence of its value. How can I do that if I don't even know who it was who sent me something? Further on in the letter, it said that if it was a "gift" I could provide an email from the sender confirming that it was a gift, stating the value and with a description of the object sent. In this case, however, I cannot provide an email as my friend, who is 80 years old, is no longer able to send emails.... What a palaver for a simple calendar. Couldn't someone find a simple, humane solution? Apparently not, as the contact person I was referred to at import & export curtly informed me that there are no exceptions to the law. Thanks a lot.

Mediation result: based on the customer's statements, it was accepted that the shipment was a gift and it was delivered without charge.

POST: ANALYSIS AND RECOMMENDATIONS

The number of complaints about the delivery of letters has dwindled substantially in recent years. Electronic communications (email, social media, media apps) are replacing letters, newspapers and so on. Nevertheless, it is important that we pay sufficient attention to complaints about ordinary mail. It forms part of the package of universal services defined in the legislation, for which a clear quality requirement is thus set.

In the mediation requests, we notice that the letters about which people contact us are often letters that have a certain value. This includes personal communications, invoices, notifications of appointments from government bodies or educational campaigns. **The digital divide deserves to be mentioned in this regard. People who lack online skills depend on the orderly receipt of their correspondence for the management of their personal affairs.** All senders also count on the proper despatch of their letters and invoices.

The same applies to letters sent by registered mail, which also form part of the universal service. Many of these items are sent in connection with administrative or legal proceedings, or are important instruments of communication where proof of despatch and/or delivery and the date thereof are essential.



COMPLAINTS RELATED TO POSTAL ITEMS

	LETTERS	REGISTERED MAIL	MAGAZINES	NEWSPAPERS	OTHER	TOTAL
LOST ITEMS	202	122	37	31		392
DELIVERY ERRORS	172	117	7	12		308
REQUESTS FOR COMPENSATION	34	44	5	1	35	119
DELAYS	60	30	17	10		117
DELIVERY POSTPONED	2	1	21	14	47	85
REDIRECTION/CHANGE OF ADDRESS	58	4	1			63
RETURN TO SENDER	31	11	1	1		44
DAMAGE	17	3	1	3	3	27
OTHER	6	36	3		20	65
TOTAL	582	368	93	72	105	1,220

Registered mail

In the introduction, we referred briefly to the importance of registered mail, given the sensitive nature of this type of postal service. For the sender, it is important to be able to prove both that the item was sent on a particular date and that the addressee received it (signature on receipt). For the addressee, of course, it is important that registered letters are received on time. At every step along the way, it is important that the set procedures are followed, from correctly scanning the bar code of the registered item to properly checking the addressee's identity and ensuring

that the right person signs for receipt. There is no room for sloppiness with postal items of this type.

The other 366 complaints about registered mail also showed that this type of postal item is used as an important legal and social instrument. We therefore recommend that bpost do more to make delivery personnel aware of the proper procedures for checking identity and delivering registered mail items, and of the importance of following them.⁹

structural recommendation

ombudsman poste recommends that bpost follows the proper procedure for the delivery of registered mail, with proof of verification of the identity of the addressee.

case

The customer sent an item by registered mail that they wished to use in connection with a legal dispute. However, the notice of receipt was not properly signed by the item's addressee. The registered mail service thus lost all value for the customer, who could not prove to the court that the item was duly received in good time by the addressee. He requested conclusive proof from bpost. The customer questioned the reliability of this service.

Mediation ongoing: At the case review, it was agreed that bpost would supply evidence bearing the customer's signature.

case

A municipal authority sent a late payment reminder by registered mail to one of its citizens. Some time later, as payment had still not been made, a bailiff was engaged, giving rise to additional costs for the citizen. The resident disputed the additional costs and informed the local authority that they had never seen or signed for the registered letter, even though the administration was in possession of a signed receipt.

Mediation result: The investigation performed by the ombudsman service revealed that it could not be shown that the registered letter had been properly delivered. The signature was illegible and the identity of the addressee was not verified; neither was a photo taken of their ID card. The postal worker could no longer remember the delivery of the letter. The result of the investigation was notified to the municipal authority.

Ordinary Letter Post

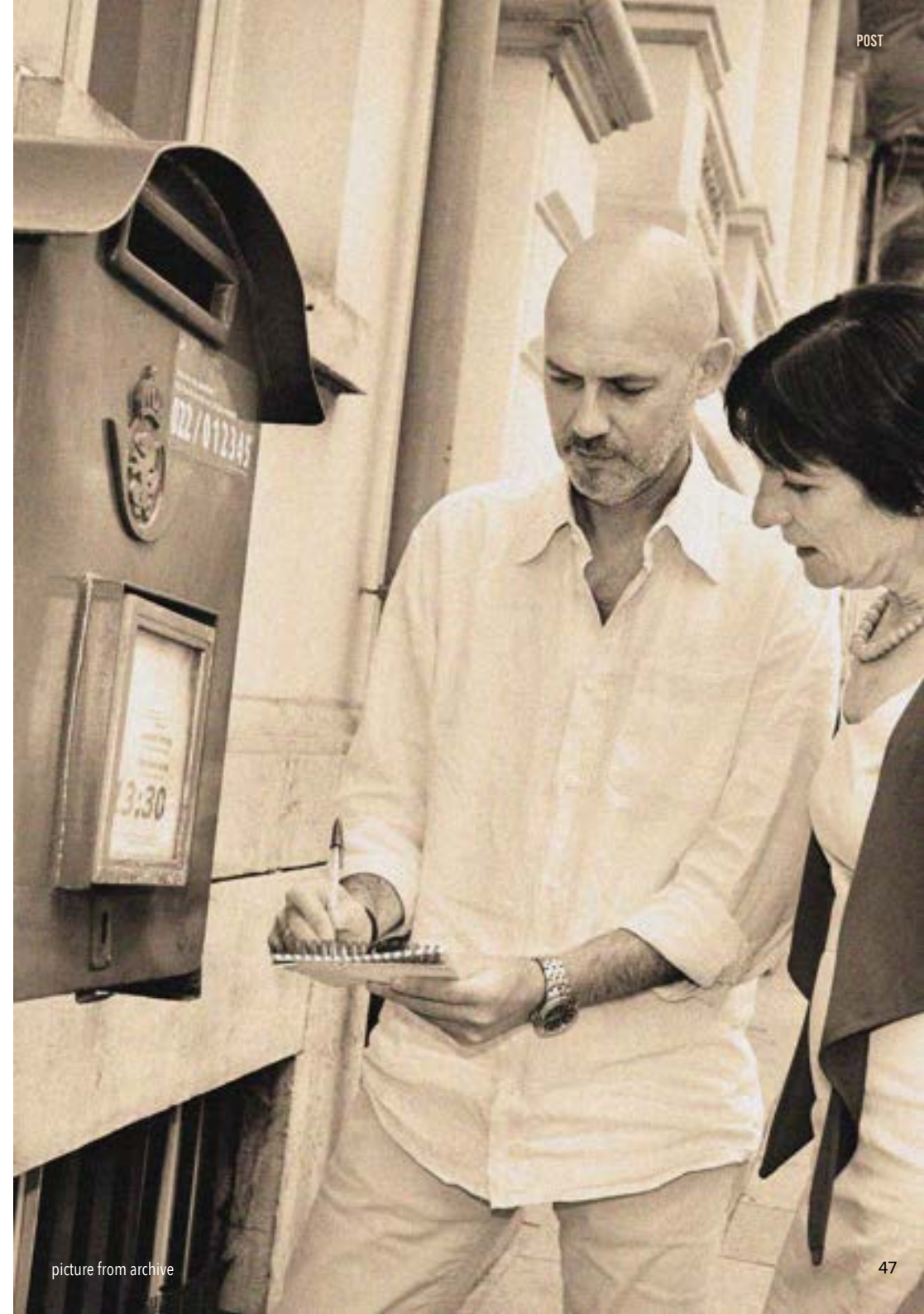
The commonest complaints about ordinary correspondence concern letters that go missing as they pass through the postal circuit and the delivery of items to the wrong address. Such problems can go on for a long time, and in mediation cases we often find that users have to submit several complaints before any real improvement occurs. This has to do with the nature of this type of postal item. Ordinary mail cannot be tracked in the postal circuit. bpost processes millions of letters and other items of post a day, all of which are processed in one of our country's five sorting centres before heading off to delivery offices the next morning. They do not carry a bar code that could be scanned when they are accepted, sorted, transported or delivered. Due to the quantity of items and the handling process, we can never find out with certainty where a particular letter is at any given time.

Although the number of complaints about letter post is falling, **sufficient attention deserves to be paid to correspondence, as it is part of the universal service provided to every citizen. Proper delivery remains important:** senders rely on their letters arriving in good time at the right address, while for addressees, timely and correct receipt is still indispensable. This remains true even in a declining market for letters.

ombudsman poste therefore requests, as in the annual report for 2021, that inquiries be made into whether trackable Prior (first-class) stamps might be appropriate and achievable.

Although ever fewer letters are being sent, they are often of particular concern to the sender and/or the addressee. **Introducing trackable Prior stamps (for a fee) is a potential response to this trend in the universal postal service.** This possibility appears to have already been introduced or investigated in other European countries, e.g. tracking via QR codes.

The non-receipt of various ordinary items of mail can point to a deeper structural problem in sorting and/or delivery overall. In this light, the following-up of the items received or the checking of the pre-sorting by the delivery office team leader are certainly useful ways to uncover the cause of unreceived items. Discussing a complaint with the postal worker(s) can bring new elements to light, such as a problem with the letterbox or address. These cases also focus the attention of the postal worker on correct delivery to that address.



RELATIONS BETWEEN FIRMS AND THEIR CUSTOMERS: ANALYSIS AND RECOMMENDATIONS

Mediation requests submitted to ombudsman poste often have two aspects: the main complaint about the postal item itself, but also a complaint about how the dispute was initially handled by the customer service team of the postal firm concerned.

In 2022, we received 1,244 complaints about customer service.

In itself, this figure is not surprising, since an admissible complaint to ombudsman poste implies that the user has already approached postal firm's customer service team and is either unhappy with how the complaint was handled, or did not receive a reply. The ombudsman service only registers complaints in this category if the user explicitly mentions the poor communications in their written complaint.

On the other hand, taking extra care to provide effective customer service results in a fall in the number of complaints lodged with us. This is a way for firms to strengthen their relationships with users and ensure that consumers have confidence in them.

TOP 3 CUSTOMER SERVICE COMPLAINTS

1

548 COMPLAINTS
CUSTOMER SERVICE DID NOT OFFER A SOLUTION

2

331 COMPLAINTS

POOR COMMUNICATIONS, INCLUDING:

- CUSTOMER SERVICE WAS UNCONTACTABLE: 88 COMPLAINTS
- CUSTOMER SERVICE FAILED TO CALL OR EMAIL BACK, DESPITE PROMISING TO DO SO: 104 COMPLAINTS

3

202 COMPLAINTS

THE ADDRESSEE COULD NOT RESOLVE THEIR PROBLEM WITH THE OPERATOR BUT WAS REFERRED STRAIGHT TO THE SENDER





Rights of the Addressee

Whenever a postal user makes a complaint, whether they are the sender or the addressee of a postal item, they are looking for a resolution to their dispute. Disagreement turns to frustration if they also encounter problems in submitting their complaint to the postal firm.

In 2022, our service recorded 202 instances where the sole action taken by customer service was merely to refer the addressee to the sender. In these cases, the customer service department of the firm concerned made no further inquiries into the complaint. The complainant then had to deal both with the problem with the receipt of their item and with the postal firm's refusal to assist the customer.

Addressees very often made explicit mention of the firm simply referring the complaint to the sender in disputes with DPD, PostNL, bpost and GLS.

The ombudsman service reiterates that, under national and international postal law¹⁰, all users of postal services (both senders and addressees) have the right to request an investigation from the postal firm concerned.

Compensation in accordance with the regulations is the normal consequence of contractual liability. Moreover, it is evident from mediation cases that there are plenty of situations where merely referring the matter to the sender will not provide

a solution for the addressee. It is the postal firm that must take action. To give a few examples:

- There is a clear delivery error by the postal firm, e.g. the parcel is delivered to the wrong address.
- A parcel is waiting at a collection point but the addressee does not receive a notification slip, or the slip is incorrect. With a little effort, the problem can be solved.
- A parcel is "stuck" in the parcel firm's network and needs to be released.
- The complaint is because the postal worker failed to ring the doorbell in order to deliver an item.
- The tracking system shows the parcel as received, but the addressee claims not to have received anything. In this situation, referring the matter to the sender is completely pointless, since the sender will check the tracking to see if the parcel was properly delivered and will thus fail to compensate the customer.

In the past, the ombudsman service has repeatedly laid stress on the rights of the addressee to demand an investigation from the postal firms. Despite the more consumer-oriented approach trumpeted by the postal sector, the denial of addressees' rights remains a stubborn problem. The recommendation is thus repeated.

structural recommendation

ombudsman poste recommends that the sector upholds the rights of addressees by investigating their complaints, providing proper information to customers and granting compensation when the case justifies it.

Availability of Customer Service

In 2022, 88 customers reported the customer service department of the firm in question was difficult to contact. Despite multiple attempts, they failed to reach anyone from customer service on the phone, or they received no response to a complaint submitted by email or online.

This unreachability irritated the customers to such a degree that they described it at length in their mediation request. Sometimes this aspect became their primary source of annoyance, such that the complaint about the actual postal item took a back seat.

Quote from a customer (response to the postal firm): ***In your reply, you state that I can contact you again at any time in the event of further queries, but this is not the case. After I sent to a response, I received an automatic message saying that my case is now closed and that I should use the website to write a new message.***

In many cases, the failure to answer a customer's queries was evidently the reason for submitting a mediation request to the ombudsman service. In the second half of 2022, this was the most common customer service complaint from customers of Mondial Relay. Difficult communications and solutions that failed to materialise led numerous customers to ombudsman poste.



RECOMMENDATION TO THE POSTAL SECTOR

The right of withdrawal in relation to the online creation of shipping labels

In 2022, ombudsman poste received some nine complaints about refunds for unused labels that consumers had created by themselves online.

In some cases, the item no longer needed to be sent (e.g. where a sale between two private individuals was cancelled), in others the problem was a wrongly input address or a technical fault with the bpost website. In each of these cases, the firm refused to give a refund to the consumer. The unsatisfied customer therefore turned to the ombudsman service.

The central issue in these cases was whether the right of withdrawal (i.e. the consumer's right to change their mind and cancel an order within 14 days of purchasing a product or service, as laid down in European consumer law and transposed into Belgian legislation in Book VI of the Code of Economic Law) was applicable to these services. The law does provide a number of exemptions in which the retailer can refuse this right, such as for services that have already been performed, online services and personalised products (e.g. made-to-measure clothing or jewellery made to order).

In these cases, bpost invoked the exemptions provided by the law, including the provisions on personalised goods and online services. bpost also cited a third-party legal opinion that supported this stance.

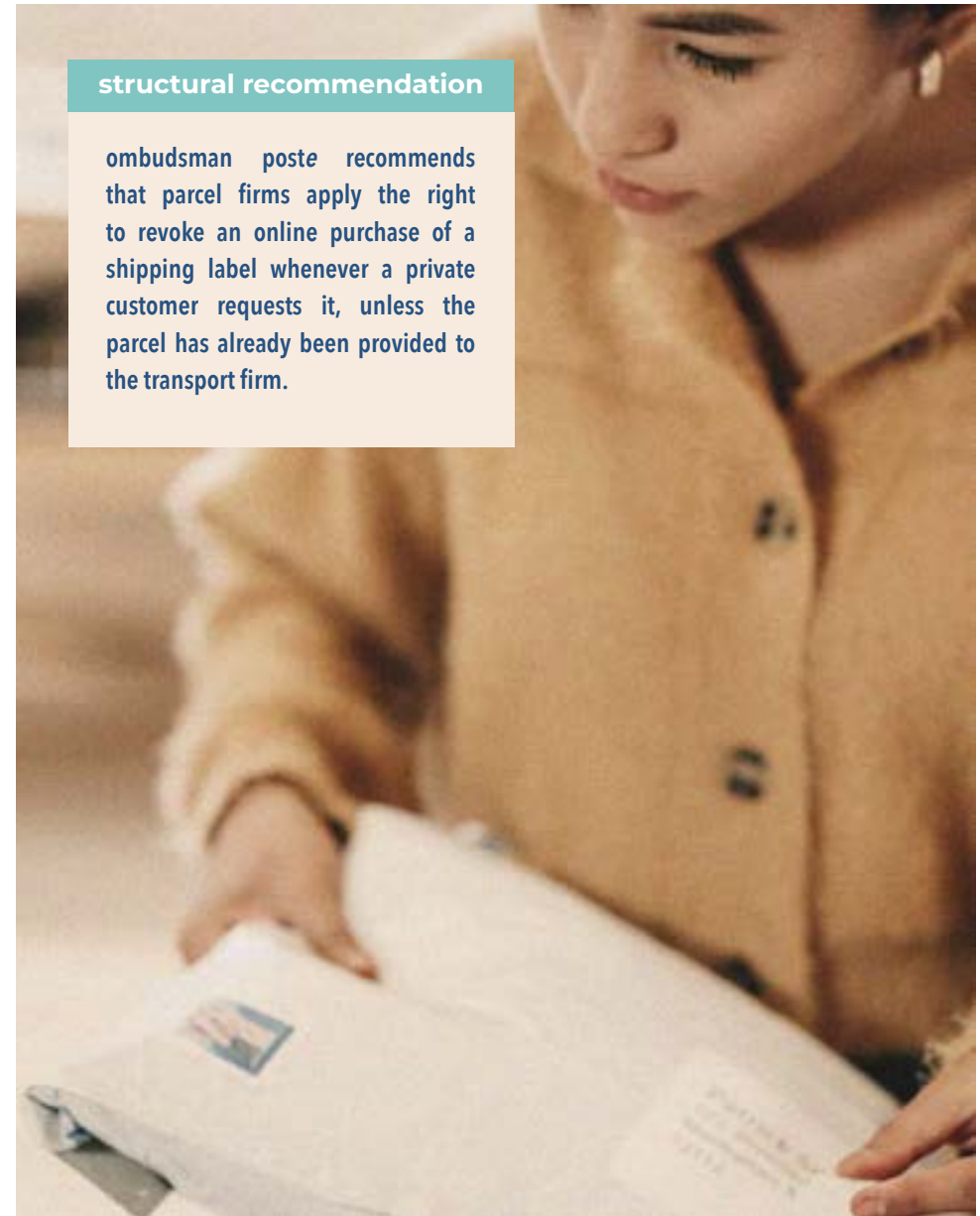
Ombudsman staff took the step of discussing the issue in person with experts from the Federal Public Service for the Economy, who inclined towards a different view. They confirmed the ombudsman service's view that the purchase of a shipping label from a postal firm should be regarded as the purchase of a transport service. The FPS Economy concluded that the exceptions in the legislation invoked by bpost did not apply to this service.

In each of these cases, the ombudsman service therefore issued a recommendation to bpost, stating our argument and requesting that it refund each of the labels in question. For each of these ongoing cases, bpost has now consented to pay a gesture of goodwill equal to the amount of the shipping costs paid. However, the firm does not wish to extend this to queries that it receives via its own customer service department.

The right of withdrawal is a consumer right that is legally enshrined in European and Belgian legislation¹¹. Based on the finding that various parcel firms do not apply this right to the purchase of a shipping label, the ombudsman service is issuing a recommendation in this regard.

structural recommendation

ombudsman poste recommends that parcel firms apply the right to revoke an online purchase of a shipping label whenever a private customer requests it, unless the parcel has already been provided to the transport firm.



FEWER OMBUDSMAN DISPUTES, MORE COMPLEX CASES

The complexity of the cases handled by the ombudsman service has increased over the years. An important factor in this is the impact of new European and national regulations in a variety of domains and the boom in e-commerce, which has resulted in more shipments across Belgian and European borders¹². These trends demand expertise in investigation and in mediating towards an amicable settlement.

The most recent examples are the customs guidelines that courier firms must follow as declarants. A considerable proportion of online purchasing is made from online retailers outside the European Union. Since July 2021, a new customs clearance system has been introduced by the EU whereby consumers can pay VAT and other charges directly upon purchasing the goods. As with most systems, there were teething problems, as a result of which the ombudsman service received a great deal of mediation requests about customs costs in the second half of 2021 and early 2022. Whilst the new scheme is now better established and the influx of such complaints has declined, addressees of parcels from outside the EU continue to ask us questions about the application of the customs legislation, often on highly specific topics. To what extent

do gifts made in connection with a business relationship, a one-off item sent by an NGO, a medal from a sports event or a work of art qualify for the exceptions that the law provides for "gifts"? How does the Belgian Customs Code define "personal used goods"? Increasingly, our staff are having to become specialists in the work that the postal firms perform on behalf of the FPS Finance in connection with the charging of customs duties and VAT.

Another, less recent change is the amendment of the legislation on liability. Whereas, previously, the universal postal operator was almost completely exempted from liability, there are now various different liability regimes in place, for national and international shipments, for postal items that come under the universal postal services and those that come under commercial services, and even regimes that vary according to the mode of transport.

Liability for international parcels also requires thorough research and mediation.



case

A parcel (insured for €100) containing presents for children was sent from Poland to a family member in Belgium. The addressee noticed that the weight of the item suddenly changed from 2.8 kg to 280 kg in the tracking system. The item failed to arrive and the addressee was told by the courier firm's customer service department that the item was too heavy. An investigation performed at the behest of the ombudsman service showed that an error had occurred at the sorting centre in Belgium. The weight of the item had been changed by mistake and the item had subsequently vanished.

Mediation result: The Belgian courier firm compensated the Polish courier firm, in accordance with the contract between them. The Polish courier firm paid compensation to the sender in the amount of the insured value, i.e. €100. The addressee informed us that her relative was sending a new package.

As well as the provisions under postal legislation, an injured party can also claim rights under consumer law. This makes handling a complaint more complex, as complainants with similar problems do not always have the same rights. Consumers who have not received their order can claim damages in tort (i.e. non-contractual compensation) from the postal firm for certain types of item. For registered mail, this can be as much as fifty times the postage cost plus the registered mail fee, provided that the injured party can prove the loss, but this only applies to registered mail within Belgium. Such compensation and the maximum limits only apply when parcels are sent via a universal postal service, which in practice means when the operator has included the service type in its general terms and conditions for universal service (this only applies to bpost).

As regards contractual liability, we can advise consumers about their rights against the seller in the event of non-receipt, but the provisions of consumer law (the right to a replacement shipment or a refund of the purchase cost) only apply to transactions between a private customer and a professional seller. Liability for a transaction between two private individuals is covered by the general provisions of the Civil Code, which are harder to enforce.

Our service is responsible for the postal investigation, but for resolutions of disputes

with the retailer, we refer complainants to other mediation services, such as the Consumer Mediation Service, the European Consumer Centre and the Ombudsman for Retail.

An injured party who has a problem and wants a solution is not always aware that the legislation is sometimes unclear, that their rights vary according to the specific situation or product, or that different services may be authorised to deal with the same complaint. With regard to the latter issue, ombudsman poste has held meetings with various other ombudsman services: the Consumer Mediation Service, the European Consumer Centre and the Ombudsman for Retail.

If a dispute about an online purchase requires an investigation and mediation both in the transport sector and at the retailer, the results of the investigation results are exchanged between the mediation services so that an amicable solution can be reached. This exchange occurs with the consumer's express consent.



case

A consumer bought a light box worth €89 from a French online retailer. The tracking showed that the parcel had been delivered to the addressee's letterbox. Our customer reported that they had never received the item. The sender did not pay compensation, because the tracking reported the item as delivered. The postal firm referred the customer straight to the sender, without carrying out an investigation. The customer appealed to the ombudsman service and also stated that the parcel was too big to fit in the letterbox.

Mediation result: The parcel firm acknowledged it was unable to confirm that the parcel had been properly delivered. This result enabled the consumer to enforce their consumer rights against the French retailer. The consumer was advised to involve the ECC if the retailer was unwilling to cooperate. The consumer informed the ombudsman service that the retailer had sent a replacement shipment.

OMBUDSMAN POSTE AS AN ORGANISATION

ombudsman poste is an independent federal government service established by the Law of 21 March 1991¹³ and authorised since February 2007¹⁴ to deal with all firms operating in the Belgian postal market.

As an appeals body, the ombudsman service is authorised to investigate all complaints from users in connection with:

- The activities of bpost, except:
 1. Complaints within the remit of another independent industry disputes commission or other independent mediator;
 2. Complaints in relation to products and services offered by bpost under contract from third parties.
- The postal activities of the undertakings referred to in §1, 2° and 3°, of the relevant article of that Law.

Anyone can make a request for mediation to the ombudsman service, whether they are a private individual, a business, a club or association or another organisation, and whether they are an addressee or a sender, provided that their problem concerns a firm that operates in the Belgian postal market and they have already complained to the firm concerned via its internal procedure.

The ombudsman service is not a separate legal entity. For administration purposes, it is attached to the BIPT (Belgian Institute for Postal Services and Telecommunications), with which a cooperation agreement has been entered into that guarantees the proper operation and independence of the ombudsman.

The ombudsman service is staffed by 17 case handlers and 2 ombudsmen.

The ombudsman service is funded by the postal industry. Funding follows a formula laid down by law, whereby each postal firm pays a contribution proportionate to the number of admissible mediation complaints per year in relation to its business. Firms are only required to make a contribution if they have more than 12 admissible complaints and an annual turnover in excess of €500,000.

With respect to the budget, the Law of 21 March 1991, Article 45ter §8, provides that: *"The ombudsmen shall present the draft budget of the Ombudsman Service for the Postal Sector each year for information to the postal services' advisory committee. The budget of the Ombudsman Service for the Postal Sector shall form a distinct part of the budget of the BIPT."*

The procedures, obligations and checks that are applicable to government services apply in full to the ombudsman service. The same is true of its accounts.





BUDGET OVER TIME

	2022	2021	2020
TOTAL BUDGET	€2,752,680	€2,599,490	€2,331,900
PERSONNEL	€2,207,180	€2,063,690	€1,796,100
OPERATING EXPENDITURE	€475,500	€445,800	€402,800
CAPITAL EXPENDITURE	€70,000	€90,000	€115,000

EXPENDITURE OVER TIME

	2022	2021	2020
TOTAL EXPENDITURE	€2,304,879	€2,065,656	€1,967,438
PERSONNEL	€2,121,213	€1,879,832	€1,776,960
OPERATING EXPENDITURE	€177,190	€169,169	€150,074
CAPITAL EXPENDITURE	€6,476	€16,655	€40,404

THE OMBUDSMAN POSTE NETWORK

Ombudsman Services work together

ombudsman poste is a member of [ombudsman.be](https://www.ombudsman.be), the Belgian network of ombudsmen. Each of these ombudsmen independently and objectively investigates complaints and mediates in order to resolve the dispute.

All ombudsmen in the network apply the same 10 principles for high-quality mediation, which includes referring complaints to each other if they fall within the remit of a fellow ombudsman.

For disputes that concern purchases and shipping in a B2C context, the cooperation between ombudsman poste, the Consumer Mediation Service, the European Consumer Centre and the Ombudsman for Retail has been further expanded. The results of a mediation inquiry will be passed to a fellow ombudsman if the consumer requests it.

The Consumer Mediation Service and strong Mediation Work

Consumers and businesses who want to be able to resolve a dispute quickly, cheaply and easily can call on the services of 15 qualified entities,



including 10 ombudsman services. Each service acts as an independent and impartial mediator in its industry.

The vast majority of consumers and businesses find their way directly to the right ombudsman service. Consumers and businesses who are unsure where they should lodge their dispute should approach the Consumer Mediation Service, which acts as the hub for alternative dispute resolution (ADR) in Belgium.

The Consumer Mediation Service is the contact point for consumers and businesses for all ADR queries. All requests for the alternative resolution of consumer disputes are accepted by the CMS, which examines them thoroughly and forwards them to the appropriate qualified entity, such as ombudsman poste. The CMS also handles all "residual" disputes, i.e. consumer disputes that cannot be passed to another qualified entity.

Together, the ombudsmen¹⁶ for the regulated sectors and the Consumer Mediation Service make a substantial difference. In 2022, a total of 76,202 cases were submitted. Mediation was carried out in 30,966 admissible cases, resulting in 23,269 cases in an amicable resolution between the parties. On average, a procedure with an ombudsman service takes 53 days.¹⁷

Fast, free and effective

In order to broaden the support base for mediation work and increase public awareness, the industry ombudsman services have written a memorandum with six key points:

- Each mediation service must cover the whole of its industry
- The Consumer Mediation Service as a one-stop-shop
- The recommendations of an ombudsman deserve a response
- Raising public awareness of alternative dispute resolution
- Timely appointment and recognition of ombudsmen
- The nexus between justice and business requires a constructive debate

The ombudsman services will continue their efforts to promote and optimise alternative dispute resolution.

GLOSSARY

Belgian Customs and Excise: Belgian Customs and Excise, called the AADA (Algemene Administratie Douane en Accijnzen) in Dutch and the AGDA (Administration générale des Douanes et Accises) in French, is the department of the Federal Public Service for Finance that is authorised to collect indirect taxes and duties.

Customs Clearance: the process whereby the customs service or the postal operator's customs agent checks the nature and the value of the contents of the postal item and calculate the customs duties and ancillary costs.

Customs Costs: the customs duties as calculated, including administration costs and VAT.

Import One Stop Shop (IOSS): The Import One Stop Shop (IOSS) ensures that European consumers no longer have to pay VAT at the time the goods are imported into the EU. Under this system, sellers and online platforms collect, declare and pay the VAT to the tax authorities in the EU.

Inbound: international postal items that are sent to Belgium.

Last Mile: the final stage in the delivery of a parcel, where the driver or postman presents the shipment to the addressee.

Management contract / Management agreement: written agreement concluded between the Belgian state and bpost on the quality criteria for the universal postal services and services of general economic importance, published as a Royal Decree.

Outbound: international postal items that leave Belgium.

Parcel: a parcel falling under the definition of a postal item, as defined in Article 2, 7° of the Law of 26 January 2018.

Postal Item: "Addressed item in the final form in which it is to be transported by the postal services provider, of a weight of not more than 31.5 kg" (Article 2, 7° of the Law of 26 January 2018).

Postal Operator / Postal Firm: "any undertaking that offers one or more postal services" (Article 2, 2° of the Law of 26 January 2018).

Postal Services: "Services that comprise the collection, sorting, transport and distribution of postal items, except postal services offered by the natural person or legal entity from whom the post originates" (Article 2, 1° of the Law of 26 January 2018).

Registered Mail: postal items that meet the definition in Article 2, 9° of the Law of 26 January 2018 on the postal services: "a service that safeguards against the risks of loss, theft or damage on a lump-sum basis, for which the sender, where appropriate on request, receives proof of the date on which the postal item was delivered or was served upon the addressee".

Track & Trace / Tracking: an online tracking tool whereby the postal service allows parcels to be tracked online through the handling process by means of a bar code.

Universal Postal Services / Universal Service Provision: all postal services as defined in the definition of "universal postal services" in the Law of 26 January 2018: "Art. 15. § 1. The universal postal service comprises the following services: 1° the collection, sorting, transport and distribution of postal items up to 2 kg; 2° the collection, sorting, transport and distribution of postal parcels provided at per-item prices up to 10 kg; 3° the distribution of postal parcels provided at per-item prices from other member states up to 20 kg; 4° the services in connection with registered mail items and postal items with an indicated value. The universal postal service includes both the domestic and the cross-border services."

UPU: Universal Postal Union: a UN body which sets standards that function as international regulations, including with regard to the liability of postal operators.



ENDNOTES

1 Royal Decree of 16 February 2015 specifying the requirements that a qualified entity as referred to in Book XVI of the Code of Economic Law must fulfil.

2 Article 5 1° of the Royal Decree of 16 February 2015 specifying the requirements that a qualified entity as referred to in Book XVI of the Code of Economic Law must fulfil.

3 Article 43ter §4 of the Law of 21 March 1991 on the reform of certain commercial government businesses, with cross-reference to CEN Standard 14012.

4 There are currently two other licence holders who offer postal services within a limited part of the national territory.

5 Parcels that form part of the postal sector and the associated national regulations are defined in article 2, 2° of the Law of 26 January 2018. Such parcels have a maximum weight of 31.5 kg.

6 Section K, Article 23 of the UPU Parcel Manual.

7 Article 16 §1 of the Law of 26 January 2018 on the postal services.

8 <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009R1186&from=nl#d1e2901-23-1>

9 Article 9 of the Royal Decree of 14 March 2022 on the postal services.

10 Article 3, §1, 2° of the Law of 26 January 2018 on the postal services.

11 Book VI, Article 45-53 of the Code of Economic Law.

12 Commission Implementing Regulation (EU) 2020/194 of 12 February 2020 laying down detailed rules for the application of Council Regulation (EU) No 904/2010 as regards the special schemes for taxable persons supplying services to non-taxable persons, making distance sales of goods and certain domestic supplies of goods (as amended by Commission Implementing Regulation (EU) 2020/1318).

13 Article 43ter §1 of the Law of 21 March 1991 on the reform of certain commercial government businesses.

14 Law of 21 December 2006 containing various provisions in relation to the establishment of the Ombudsman Service for the Postal Sector and amending the Law of 13 June 2005 on electronic communication.

15 Article 43ter §3 of the Law of 21 March 1991 on the reform of certain commercial government businesses.

16 Energy, financial services, telecommunications, rail passengers, postal services and insurance.

17 Due to the huge increase in 2022 of the number of cases at the energy ombudsman, the average processing time for an energy case was 179 days.

18 You can read the memorandum [here](#).



Article 46 of the Act of 21 March 1991 stipulates that ombudsman poste publishes an annual report on a yearly basis. This report is submitted to the Minister in charge of the Postal Sector, the Minister in charge of consumer affairs and to the legislative chambers. Furthermore, it is also sent out to the Belgian Institute for Postal Services and Telecommunications and the Postal Companies, active on the Belgian market. The annual report is available online to the public via ombudsmanposte.be. If requested, a printed copy can be sent out.

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