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PostNL says that making one company of PostNL and Sandd cannot be cancelled



The judge of the Court in Rotterdam decided that the government of the Netherlands was not right in allowing the merger of PostNL and Sandd. But according to PostNL, the merger cannot be made undone.

Already at an earlier time, ACM, the Authority that is responsible for watching over fair competition in the Netherlands, had criticised the merger of PostNL and Sandd, because this would have created a monopoly in the postal field. The government had then worked out a special regulation that would make the merger possible. The judge decided that the government had not been careful enough in giving the permission for a merger.

The judge decided that other players in the postal field had not been given enough opportunity to give their view on the merger. Besides, Monika Keijzer, the Secretary of State for Economic Affairs, had not given enough information about what the postal market would supposedly look like in the future. And so, she could not sufficiently explain why the merger would be necessary for the general interest, said the judge.

Now, it is not immediately clear what the consequences of this decision are. The judge can only say if the permission has been rightfully given or not, says the spokesman of the Court in Rotterdam. Now the next move is for the Ministry of Economic Affairs.

When the judge draws a line through the permission to make one company of PostNL and Sandd, this does not mean that the merger has been cancelled. Besides, according to PostNL, this is not possible, because the integration of Sandd has already been completed and all the personnel are already delivering post under PostNL since February.

Cancellation is impossible and undesirable, also when we take into account the obligation for PostNL to assure the service, says the company. The Universal Postal Service (UPS) has been legally established with the aim to ensure that sending and receiving mail will be guaranteed to everyone in the Netherlands. The Dutch authorities have given PostNL the task to assure this UPS.

A spokesman of PostNL explains that, actually, the matter is not a matter for the company, as it has been Economic Affairs that has taken the decision, that the judge has now put into question. Moreover, the department has given other companies in the sector too little opportunity to make their position clear.

PostNL is confident that the cabinet will act with great care in this matter. The company says to wait for the decision that The Hague will take. The spokesman refuses to consider scenarios that will possibly lead to the disintegration of the merger. "The consolidation has been essential to assure the postal delivery", thus it sounds.