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COMMISSION IMPLEMENTING DECISION (EU) 2025/2059

of 30 September 2025

on the applicability of Article 34 of Directive 2014/25/EU of the European Parliament and of the Council to contracts awarded for activities related to the provision of certain postal services and other services than postal services in Estonia

(notified under document C(2025) 6542)

(Only the Estonian text is authentic)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC ([1]), and in particular Article 35(3) thereof,

After consulting the Advisory Committee for Public Contracts,

Whereas:

1. **FACTS**

(1) On 1 April 2025, the Republic of Estonia, represented by the Ministry of Finance, submitted a request to the Commission pursuant to Article 35(1) of Directive 2014/25/EU ('the request') on behalf of AS Eesti Post ('Eesti Post' or 'the applicant'), which is the undertaking carrying out the activities covered in the request. As required by Article 1(1) of Commission Implementing Decision (EU) 2016/1804 ([2]), the request contains the information laid down in Annex I to that Implementing Decision.

(2) The applicant is a postal service provider in Estonia and a contracting entity within the meaning of Article 4(2) of Directive 2014/25/EU. Eesti Post is the sole provider of universal services in Estonia ([3]). The request concerns activities relating to the provision of certain postal services and other services than postal services, as referred to in Article 13(1), points (a) and (b) and in Article 13(2), points (b) and (c) of Directive 2014/25/EU, provided by the applicant in the territory of Estonia. The services concerned, as described in the request, are the following:

(a) domestic parcel delivery services (standard and express);

(b) international (standard and express) parcel delivery services (inbound, outbound);

(c) printing and packaging services;

(d) third- and fourth-party logistics services (international business).

([1]) OJ L 94, 28.3.2014, p. 243, ELI: http://data.europa.eu/eli/dir/2014/25/oj.

([2]) Commission Implementing Decision (EU) 2016/1804 of 10 October 2016 on the detailed rules for the application of Articles 34 and 35 of Directive 2014/25/EU of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors (OJ L 275, 12.10.2016, p. 39, ELI: http://data.europa.eu/eli/dec_impl/2016/1804/oj).

([3]) The universal postal service in Estonia consists of the following domestic and international postal services: forwarding items of letter correspondence weighing up to 2 kg as regular, registered, and insured postal items; forwarding postal parcels weighing up to 20 kg as registered and insured postal items (see UPT tüüptingimused _alates 01.05.2020). These products fall within the request for both the domestic and international parcel services delivered through the Universal Postal Union network. See applicant's emails dated 3 and 8 September 2025.

(3) Concerning the category 'international (standard and express) parcel delivery services (inbound, outbound)', following various exchanges with the Commission, the applicant indicated that, after reviewing the category, it did not wish to include international express parcel delivery services in the scope of the request anymore ([4]). Therefore, in relation to that category of services, this Decision concerns international standard parcel delivery services only (see recital 22 and Section 3.2.1.3).

(4) Concerning the category 'international (standard) parcel delivery services', the applicant submits that this category includes the delivery of maxi letters with an item content up to 2 kg falling within the scope of the universal postal services provided by Eesti Post, as these maxi-letters can be *de facto* assimilated to 'extra small parcels' ([5]) delivered internationally ([6]). The Commission agrees with the applicant's view that maxi letters and extra small parcels should be part of the same market; however, they should be distinct from international standard parcel delivery services (see Section 3.2.1.4).

(5) Concerning the category 'third- and fourth-party logistics services (international business)', following various exchanges with the Commission, the applicant acknowledged that Directive 2014/25/EU no longer applies to contracts awarded for the pursuit of third- and fourth-party logistics services, and agreed that the scope of the exemption should be reduced by removing this category from the scope of the request ([7]). Therefore, this Decision does not concern that category.

(6) The request was not accompanied by a reasoned and substantiated position adopted by an independent national authority that is competent in relation to the activities concerned. Such authority would thoroughly analyse the condition for the applicability of Article 34(1) of Directive 2014/25/EU to the activities concerned, in accordance with paragraphs 2 and 3 of that Article. In accordance with point 1(a) and point 1, second subparagraph, of Annex IV to Directive 2014/25/EU, considering that, in the present case, free access to the markets is presumed on the basis of Article 34(3), first subparagraph, of that Directive, and in the absence of a reasoned and substantiated position by an independent national authority, the Commission is to adopt an Implementing Decision regarding the request within 105 working days.

(7) In accordance with the third subparagraph of point 1 of Annex IV to Directive 2014/25/EU, the deadline for adoption of the implementing acts is to commence on the first working day following the date on which the Commission receives the request referred to in Article 35(1) of that Directive or, where the information to be supplied with the request is incomplete, on the working day following the receipt of the complete information. The initial deadline therefore expired on 8 September 2025 ([8]). However, given that the Commission needed to obtain and examine further information, the deadline was extended, with the agreement of the applicant, until 30 September 2025 ([9]).

(8) Following requests for clarification sent by the Commission by email on 9, 14, 22, 24, 28 and 30 April 2025; 5, 8 and 27 May 2025; 3, 5, 10, 12, 16, 19 and 24 June 2025; 1 and 7 July 2025, the applicant submitted its replies and additional information by email on 11, 16, 17, 25 and 30 April 2025; 7 and 15 May 2025; 2, 6, 10, 12, 16, 18, 19, 26, 27 and 30 June 2025; 3 and 9 July 2025; on 29 August 2025, 3, 4, 5 and 8 of September 2025.

([4]) Applicant's email dated 16 April 2025.

([5]) In line with the Universal Postal Union conventions (see guidePostalTransportEn.pdf), parcels weigh between 0 and 20 kg (optionally 30 kg), while small packets weigh between 0 and 2 kg. Extra small parcels are a category of parcels of small weight. For the purpose of this Decision, the category of 'extra small parcels' includes parcels that weight up to 2 kg and contain goods. For the description of these products, see the respective operators' websites: UPT tüüptingimused _alates 01.05.2020; Calculator - DPD and Parcel prices | Estonia and Europe | SmartPosti.

([6]) Applicant's email dated 29 August 2025.

([7]) Applicant's email dated 16 June 2025.

([8]) Notice of a request concerning the applicability of Article 34 of Directive 2014/25/EU – Request made by the Republic of Estonia (OJ C, C/2025/2295, 15.4.2025, ELI: http://data.europa.eu/eli/C/2025/2295/oj).

([9]) Notice of request concerning the applicability of Article 34 of Directive 2014/25/EU – Extension of the period for the adoption of implementing acts (OJ C, C/2025/5047, 15.9.2025, ELI: http://data.europa.eu/eli/C/2025/5047/oj).

2. **LEGAL FRAMEWORK**

(9) Directive 2014/25/EU applies to the award of contracts for the pursuit of activities related to postal services and other services on condition that the latter services are provided by an entity which also provides postal services within the meaning of Directive 2014/25/EU, unless the activity is exempted pursuant to Article 34 of that Directive.

(10) Pursuant to Article 34(1) of Directive 2014/25/EU, contracts intended to enable the performance of an activity to which that Directive applies are not to be subject to that Directive if, in the Member State in which that activity is carried out, it is directly exposed to competition on markets to which access is not restricted.

3. **ASSESSMENT**

(11) This Decision is based on the legal and factual situation as of September 2025 and on the information submitted by the applicant and on the information that is publicly available. It may be revised, should significant changes in the legal or factual situation mean that the conditions for the applicability of Article 34(1) of Directive 2014/25/EU are no longer met.

3.1. **Unrestricted access to the market**

(12) Access to a market is deemed to be unrestricted if the Member State concerned has implemented and applied the relevant Union legal acts opening a given sector or a part of it to competition. Those legal acts are listed in Annex III to Directive 2014/25/EU, which includes, as regards postal services, Directive 97/67/EC of the European Parliament and of the Council ([10]).

(13) As indicated by the applicant ([11]), Estonia has implemented ([12]) and applied Directive 97/67/EC. Consequently, access to the relevant market is deemed to be unrestricted in accordance with Article 34(3) of Directive 2014/25/EU.

3.2. **Direct exposure to competition**

(14) Direct exposure to competition should be evaluated on the basis of various criteria, none of which are, *per se*, decisive. In respect of the relevant activities concerned by this Decision, the market share of the main players on a given market constitutes one criterion which should be taken into account. As the conditions vary for the different activities that are concerned by the request, the examination of the competitive situation should take into account the different situations in the relevant markets.

(15) This assessment is, however, limited by the short deadlines applicable and by the need to rely on the information available to the Commission. That information originates either from already available sources or from the information obtained in the context of the request and cannot be supplemented by more time-consuming methods, including, in particular, public inquiries addressed to the economic operators concerned. The assessment of direct exposure to competition that is carried out in the context of Directive 2014/25/EU is consequently without prejudice to the fully-fledged application of competition law.

([10]) Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ L 15, 21.1.1998, p. 14, ELI: http://data.europa.eu/eli/dir/1997/67/oj).

([11]) Request, point 72. See also applicant's email of 3 September 2025.

([12]) The applicant confirmed that the initial transposition of Directive 97/67/EC into the Estonian national legislation was done through the Postal Act (*Postiseadus*) of 2006 (ref. RT I 2006, 18, 142) which was later replaced by the 2008 Postal Act (Ref. RT I 2008, 53, 297).

(16) This Decision is without prejudice to the application of the rules on competition and to other fields of Union law. In particular, the criteria and the methodology used to assess direct exposure to competition under Article 34 of Directive 2014/25/EU are not necessarily identical to those used to perform an assessment under Article 101 or 102 of the Treaty on the Functioning of the European Union or under Council Regulation (EC) No 139/2004 ([13]), as confirmed by the General Court in *Österreichische Post AG* v *Commission* ([14]).

(17) The aim of this Decision is to establish whether the activities concerned by the request are exposed to such a level of competition (in markets to which access is not restricted within the meaning of Article 34 of Directive 2014/25/EU) which will ensure that, also in the absence of the discipline brought about by the detailed procurement rules set out in Directive 2014/25/EU, procurement for the pursuit of the activities concerned will be carried out in a transparent, non-discriminatory manner based on criteria that allow purchasers to identify the solution which, overall, is the economically most advantageous one.

3.2.1. *Postal services (domestic parcel services and international standard parcel services)*

3.2.1.1. Market definition

3.2.1.1.1. Product market definition

(18) The Commission has made in previous decisions ([15]) a distinction between domestic and international parcel delivery services. The Commission held that domestic parcel delivery services are provided by companies operating national distribution networks whereas international parcel delivery consists in collecting parcels to be transported and delivered abroad and are provided by companies that have access to networks in the destination countries. The applicant's position is in line with the Commission's practice. In particular, the applicant submits that in Estonia both domestic and international standard parcel services use the same national infrastructure – predominantly parcel machine networks. These latter networks refer to the integrated systems of automated parcel collection and delivery points located throughout Estonia and which are not part of the network provided by Eesti Post through the universal postal service obligation ([16]). This means that the parcels (including extra-small parcels) may enter through the post office network and then be delivered through a parcel machine network in Estonia (provided the country of origin of the parcel allows for this) ([17]). Indeed, differently from domestic parcel delivery services, international standard parcel services require in addition agreements among operators to provide cross-border services ([18]). While most market participants operating in Estonia use their own networks for parcels limited to the Baltic countries, for international shipments they need to gain access to third parties' networks ([19]).

([13]) Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1, ELI: http://data.europa.eu/eli/reg/2004/139/oj).

([14]) Judgment of 27 April 2016, *Österreichische Post AG* v *Commission*, T-463/14, ECLI:EU:T:2016:243, paragraph 28. See also Directive 2014/25/EU, recital 44.

([15]) Commission Implementing Decision (EU) 2024/3224 of 29 November 2024 on the applicability of Article 34 of Directive 2014/25/EU of the European Parliament and of the Council to contracts awarded for activities related to the provision of certain postal services and other services than postal services in Slovakia (OJ L, 2024/3224, 23.12.2024, ELI: http://data.europa.eu/eli/dec_impl/2024/3224/oj); Commission Implementing Decision (EU) 2023/1228 of 7 June 2023 on the applicability of Article 34 of Directive 2014/25/EU of the European Parliament and of the Council to the award of contracts for the activity related to express parcel delivery services in Lithuania (OJ L 160, 26.6.2023, p. 33, ELI: http://data.europa.eu/eli/dec/2023/1228/oj), Commission Implementing Decision (EU) 2020/737 of 27 May 2020 on the applicability of Article 34 of Directive 2014/25/EU of the European Parliament and of the Council to contracts awarded for activities related to the provision of certain postal services in Denmark (OJ L 172, 3.6.2020, p. 23, ELI: http://data.europa.eu/eli/dec_impl/2020/737/oj); Commission Implementing Decision (EU) 2019/1204 of 12 July 2019 concerning the applicability of Directive 2014/25/EU of the European Parliament and of the Council to contracts awarded for certain activities related to the provision of certain postal services and other services than postal services in Croatia (OJ L 189, 15.7.2019, p. 75, ELI: http://data.europa.eu/eli/dec_impl/2019/1204/oj). See also Case COMP/M.5152 – Posten AB/Post Danmark A/S, of 21.4.2009, paragraph 54.

([16]) Request, points 34-35.

([17]) Request, point 40.

([18]) Request, point 34.

([19]) Request, point 35.

(19) The Commission has also held in previous decisions ([20]) that the market for parcel delivery services (both domestically and internationally) can be segmented into express and standard (also referred to as 'deferred') delivery services. This segmentation takes into account that express services are faster and more reliable than a standard service, that each of those services requires a different infrastructure and that express services comprise additional value-added service features, such as track and trace services, and are usually also more expensive.

(20) In the present case, the various set-ups of the postal services operators in Estonia provide considerable scope for supply-side substitution between express and standard delivery services ([21]). Both express and standard services use similar logistic networks and all postal services operators use the same network to ship both express and deferred products. In this regard, all the key stages of the delivery chain such as pick-up and delivery haul, sorting, ramp and customs clearance are the same for most express and standard services ([22]). In addition, the key market operators offer their customers a non-guaranteed delivery within the next-day delivery for both express and standard services ([23]).

(21) From the demand-side, the applicant underlines the popularity of pick-up parcel machines located in different population centres close to or inside of commercial locations all over Estonia (as well as in the other Baltic countries), since they allow for non-contact delivery and flexibility regarding when the parcel arrives at the customer ([24]). Moreover, additional value-added service features available to consumers, such as track and trace services, are offered in almost the same way as part of standard and express parcel delivery services ([25]).

(22) Therefore, on the basis of the above elements, as far as the domestic parcel delivery service is concerned, the applicant takes the view that it would be inappropriate to segment that market into express and standard, given that there is a considerable scope for demand-side and supply-side substitution ([26]). The applicant believes that there should be a single market for domestic express and standard delivery services. The Commission agrees with this view and concludes that, for the purposes of this Decision, express and standard parcel delivery services belong to the same market. As regards international express parcel delivery services, the applicant believes that those services are open to competition ([27]); however, since those services are excluded from the scope of the request, the Commission limits its analysis to international standard parcel delivery services (Section 3.2.1.3).

(23) A further segmentation for parcel delivery services between consumer and business parcels might be envisaged in certain cases (i.e. domestic and international private (C2X) parcel delivery services and domestic and international business (B2X) parcel delivery services). According to the applicant, in the case of domestic parcel delivery services in Estonia, all companies use the same infrastructure to process parcels and to provide services to consumers (C2X) and to businesses (B2X); parcels are centrally sorted, and they share the same linehaul network for transportation, which implies that there is no significant infrastructure difference between C2X and B2X in terms of delivery handling ([28]). The applicant has made similar considerations for international services clarifying that, in general, most international parcels are e-commerce related and thus part of the B2X segment ([29]). Therefore, the Commission concludes that, for the purposes of this Decision, C2X and B2X services belong to the same market for both domestic and international parcel delivery services.

([20]) Commission Implementing Decisions (EU) 2023/1228 and 2020/737, cited above.
([21]) In another case, the Commission considered that different factors provided considerable scope for supply-side substitution and, therefore, it reached the conclusion that it was not necessary to distinguish between express and standard services. See, in this regard, Commission Implementing Decision (EU) 2024/3224, cited above.
([22]) Request, point 54.
([23]) Additional information provided by the applicant on 7 May 2025.
([24]) Request, points 65 and 188.
([25]) Additional information provided by the applicant on 7 May 2025.
([26]) Request, points 47 to 54.
([27]) Applicant's email of 11 April 2025.
([28]) Request, point 190 and additional information provided by the applicant on 7 May 2025.
([29]) Request, point 102. See also points 185 to 208 of the request, with regard to domestic parcel services, and points 97 to 112, with regard to international parcel services, where the applicant provides estimates of its own market share and of its main competitors.

(24) Regarding the potential distinction between the delivery of maxi letters with an item content up to 2 kg falling within the scope of the universal postal services provided by Eesti Post and international standard parcel delivery services, based on information from the applicant, approximately [95-100]% of maxi letters are used for the delivery of goods purchased online ([30]). The main driver for the volumes are international sales from large (predominantly Chinese-based) stores, while the volumes in the domestic market are marginal (less than [0-5]%) ([31]). According to the applicant ([32]), whilst these products are classified as maxi letters due to the use of the Universal Postal Union network, they should be regarded as *de facto* parcels and as an alternative to 'extra small parcels' provided by operators such as SmartPosti and DPD ([33]). Both services are similar in terms of size and functionality and the price levels are generally comparable ([34]).

(25) From the customer's perspective, especially for small e-commerce items, tracked maxi letters provide a delivery experience that is largely equivalent to that of small parcels ([35]). This includes similar delivery speed, customer notifications, and tracking capabilities. In addition, even if prices of maxi letters are regulated as part of the universal service obligation, this would not remove competitive pressure from extra small parcels, as the progressive decline in Eesti Post's share of these services shows (see Section 3.2.1.4). Moreover, maxi letters are now often handled through advanced logistics networks such as PRIME Tracked and IPC INTERCONNECT ([36]) which offer tracking, set delivery standards, and a reliable service – similar to what is expected from standard parcel networks. As a result, from a consumer perspective, international maxi letters now serve as a comparable option for e-commerce deliveries ([37]).

(26) Nonetheless, the elements above would rather point to including maxi letters with an item content up to 2 kg in the same category as extra small parcels rather than including them in the overall category of international standard parcel delivery services. Therefore, for the purposes of this Decision, the Commission concludes that maxi letters and extra small parcels are part of the same market. There is no need to decide on whether the delivery of maxi letters and extra small parcels belong to the same market as the international standard delivery of other parcels or to a separate market, since the result of the analysis remains unchanged under either product market definition (see Sections 3.2.1.3 and 3.2.1.4) ([38]).

3.2.1.1.2. Geographic market definition

(27) According to the applicant, the relevant geographic market for both domestic and international parcel delivery services should be defined as national, comprising the territory of Estonia ([39]).

(28) In its previous decisions ([40]), the Commission took the view that the markets for domestic and international parcel delivery services, and any segments thereof, irrespective of the difference between domestic and international, are national in scope. The applicant's position is in line with the Commission's practice.

(29) In the absence of any indication of a different scope of the geographic market, for the purposes of this Decision and without prejudice to EU competition law, the geographic scope of the markets for domestic and international parcel delivery services can be considered to cover the territory of Estonia.

([30]) Request, point 37.
([31]) Applicant's email of 29 August 2025.
([32]) Applicant's emails of 29 August and 5 September 2025.
([33]) These operators do not provide maxi letters. Request, point 83, tables 1 and 2 and point 84, where the applicant clarifies the following: '[…]'.
([34]) Request, point 42.
([35]) Additional information provided by the applicant on 18 and 27 June 2025 as well as on 29 August and 5 September 2025.
([36]) Additional information provided by the applicant on 18 June 2025.
([37]) Additional information provided by the applicant on 27 June 2025.
([38]) Additional information provided by the applicant on 29 August and 5 September 2025.
([39]) Request, points 61 and 65.
([40]) For example, see Commission Implementing Decisions (EU) 2024/3224 and (EU) 2019/1204, both cited above. See also Case COMP/M.5152 – Posten AB/Post Danmark A/S, of 21.4.2009, paragraphs 66 and 74.

3.2.1.2. Domestic (standard and express) parcel delivery services – market analysis

(30) Since 2023, there have been 21 active services providers in the market for domestic parcel delivery services ([41]), including subsidiaries of national postal operators, such as DPD and SmartPosti.

(31) Based on the information submitted by the applicant, the market share of Eesti Post, in terms of value, in this segment of the market, was [20-25] % in 2022, [20-25] % in 2023 and [15-20] % in 2024 ([42]).

(32) The market shares of the key competitors of Eesti Post in terms of value for the period between 2022 and 2024 are as follows: for the year 2022, DPD [15-20] %, SmartPosti [10-15] %, Venipak [10-15] %, Jet Express [5-10] %. For the year 2023, the market shares are as follows: DPD [15-20] %, SmartPosti [10-15] %, Venipak [10-15] %, Jet Express [5-10] %. For the year 2024, the market shares of the key competitors of Eesti Post are as follows: DPD [15-20] %, SmartPosti [10-15] %, Venipak [10-15] %, Jet Express [5-10] % ([43]).

(33) Based on the information submitted by the applicant, the market share of Eesti Post, in terms of volume, was [20-25] % in 2022, [20-25] % in 2023 and [20-25] % in 2024 ([44]).

(34) The market shares of the key competitors of Eesti Post, in terms of volume, for the period between 2022 and 2024 are as follows: for the year 2022, DPD [15-20] %, SmartPosti [10-15] %, Venipak [10-15] %, Jet Express [5-10] %. For the year 2023, the market shares are as follows: DPD [15-20] %, SmartPosti [10-15] %, Venipak [5-10] %, Jet Express [5-10] %. For the year 2024, the market shares of the key competitors of Eesti Post are as follows: DPD [15-20] %, SmartPosti [10-15] %, Venipak [5-10] %, Jet Express [0-5] % ([45]).

(35) The market share of Eesti Post has slightly decreased during the last three years, contrary to the market shares of its key competitors which have often been slightly increasing. As a result, the gap between Eesti Post and its key competitors has been narrowing over the years. This shift further confirms that Eesti Post is increasingly subject to competitive pressure. In addition, the fact that 26 % of the total market both in terms of value and volume is reserved to other smaller postal operators further confirms that the activity is exposed to competition.

(36) Based on the information submitted by the applicant, contrary to the traditional postal services that require a licence, a licence is not required for the provision of domestic parcel delivery services ([46]). While companies are required to notify the Estonian Competition Authority of the start of their business activities, the applicant submits that the notification process is rather simple and does not create any barriers for operators that wish to enter the market ([47]). For example, the registration of a recent entrant in Estonia, the postal operator Unisend Eesti OÜ, in 2023, indicates that entry in the market is a rather smooth process ([48]).

([41]) Request, point 181.
([42]) Request, point 200, table 9, as well as additional information provided by the applicant on 13 May 2025.
([43]) Request, point 200, table 9 as well as additional information provided by the applicant on 13 May 2025.
([44]) Request, point 200, table 10, as well as additional information provided by the applicant on 13 May 2025.
([45]) *Ibid.*
([46]) Request, point 27.
([47]) Request, point 25.
([48]) Request, point 182 and additional information provided by the applicant on 30 April 2025.

(37) Based on the information submitted by the applicant, the total costs for market entry can be estimated at between EUR 1 to 1,5 million [49]. According to the applicant, Estonia's relatively small geographical size and well-developed infrastructure would make it easier for new competitors to build up a competitive network within a reasonable time frame which is estimated from three to six months [50]. According to the applicant, new competitors can adopt 'a phased approach' to market entry by initially focusing on high-density urban regions (e.g. Tallinn, Tartu) allowing them to avoid the costs associated with serving rural areas in the early stages of market penetration and they can then expand their coverage as the business grows [51].

(38) The applicant submitted that the market entry of Unisend Eesti OÜ in 2023 was perceived as a factor that would further increase competition in this market. In particular, based on the information submitted by the applicant, as of April 2025, Unisend Eesti OÜ operated 173 parcel machines across Estonia [52], confirming a general expansive trend.

(39) In light of the factors described above, for the purposes of this Decision and without prejudice to competition law, the Commission finds that the activity relating to the provision of domestic standard and express parcel delivery services in Estonia is directly exposed to competition. Consequently, since the conditions set out in Article 34 of Directive 2014/25/EU are met, it can be concluded that Directive 2014/25/EU does not apply to contracts for the pursuit of the activity relating to domestic parcel delivery services.

3.2.1.3. International standard parcel delivery services – market analysis

(40) Based on the information submitted by the applicant, there are 9 services providers active in this market, including subsidiaries of national postal operators such as DPD and SmartPosti, with at least five of them having a market share of above 10 % [53]. Similarly as for the domestic market, there are no legal or regulatory barriers to entry as the registration of postal operator Unisend Eesti OÜ in 2023 indicates [54] and a licence is not required for the provision of international standard parcel delivery services [55].

(41) Based on the information submitted by the applicant, if the market for international standard parcel delivery services is defined as excluding maxi letters and extra small parcels, the market share of Eesti Post, in terms of value, was [10-15] % in 2022, [20-25] % in 2023 and [15-20] % in 2024 [56].

(42) The market shares of the key competitors of Eesti Post, in terms of value, for the period between 2022 and 2024 are as follows: for the year 2022, DHL [20-25] %, TNT/Fedex [20-25] %, DPD [15-20] %, SmartPosti [10-15] %, EKLT/UPS [5-10] %, Venipak [0-5] %. For the year 2023, the market shares are as follows: TNT/Fedex [20-25] %, DHL [15-20] %, DPD [10-15] %. SmartPosti [10-15] %, EKLT/UPS [5-10] %, Venipak [5-10] %. For the year 2024, the market shares of the key competitors of Eesti Post are as follows: TNT/Fedex [20-25] %, DHL [15-20] %, DPD [15-20] %, SmartPosti [10-15] %, Venipak [5-10] %, EKLT/UPS [5-10] % [57].

(43) According to the information submitted by the applicant, the market share of Eesti Post, in terms of volume, in this market was [10-15] % in 2022, [25-30] % in 2023 and [25-30] % in 2024 [58].

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(49) See additional information provided by the applicant on 13 May 2025.
(50) Request, point 223 and additional information provided by the applicant on 13 May 2025.
(51) See additional information provided by the applicant on 13 May 2025.
(52) Request, point 183 and additional information provided by the applicant on 7 May 2025.
(53) Request, point 91.
(54) Request, point 182 and additional information provided by the applicant on 30 April 2025.
(55) Request, points 145 and 27.
(56) Additional information provided by the applicant on 18 June 2025.
(57) *Ibid.*
(58) *Ibid.*

(44) The market shares of the key competitors of Eesti Post in terms of volume for the period between 2022 and 2024 are as follows: for the year 2022, DHL [15-20] %, TNT/Fedex [20-25] %, DPD [15-20] %, SmartPosti [15-20] %, EKLT/UPS [5-10] %, Venipak [0-5] %. For the year 2023, the market shares are as follows: TNT/Fedex [15-20] %, DHL [15-20] %, SmartPosti [15-20] %, DPD [10-15] %, EKLT/UPS [5-10] %, Venipak [5-10] %. For the year 2024, the market shares of the key competitors of Eesti Post are as follows: TNT/Fedex [15-20] %, DHL [15-20] %, SmartPosti [10-15] %, DPD [10-15] %, Venipak [5-10] %, EKLT/UPS [5-10] % ([59]).

(45) This analysis does not change if maxi letters and extra small parcels are included in this market. Eesti Post's shares of the market for international standard parcel delivery services, where the latter is defined as including maxi letters and extra small parcels, are as follows: for the year 2021, [35-40] % in terms of volume and [20-25] % in terms of value; for the year 2022, [25-30] % in terms of volume and [15-20] % in terms of value; for the year 2023, [30-35] % in terms of volume and [20-25] % in terms of value ([60]). By comparison, the market shares of Eesti Post's two closest competitors were (on average) at around [10-15] % in terms of volume and [15-20] % in terms of value in the case of DPD, and [10-15] % in terms of volume and [10-15] % in terms of value, in the case of SmartPosti ([61]). Other strong competitors in the same market are private operators like TNT/Fedex, which during the same period had a share of the market of (on average) [15-20] % in terms of volume and [15-20] % in terms of value or DHL, which had around [15-20] % in terms of volume and [15-20] % in terms of value ([62]).

(46) These data show that the provision of international standard parcel delivery services is rather competitive in Estonia.

(47) In light of the factors described in this Section, for the purposes of this Decision and without prejudice to competition law, the Commission finds that the activity relating to the provision of international standard parcel delivery services (inbound, outbound) in Estonia is directly exposed to competition. Consequently, since the conditions set out in Article 34 of Directive 2014/25/EU are met, it can be concluded that Directive 2014/25/EU does not apply to contracts for the pursuit of the activity of international standard parcel delivery services (inbound, outbound).

3.2.1.4. Maxi letters and extra small parcels – market analysis

(48) This section analyses the market shares of the relevant market operators, estimated by the applicant ([63]), where maxi letters and extra small parcels are defined as a separate market, distinct from international standard parcel delivery services.

(49) The applicant has submitted that Eesti Post has experienced a significant decline in the shares of the market for maxi letters. For example, in 2021 Eesti Post handled around 4,5 million maxi letters ([20-25] % in terms of volume and [10-15] % in terms of value), while this number had dropped to 1,6 million maxi letters in 2023 ([5-10] % in terms of volume, less than [0-5] % in terms of value at EUR [1-5] million) and to 1,3 million maxi letters in 2024, representing a decline of approximately 71 % ([64]). According to the applicant, Eesti Post's decline is mainly attributable to changes in consumer preferences. In particular, the applicant suggests that consumers increasingly favour small parcels, which can be sent and received via parcel machines that are more accessible, often available around the clock, and offer more flexible collection options than traditional delivery methods ([65]).

([59]) *Ibid.*
([60]) Request, tables 3 and 4.
([61]) Request, tables 3 and 4.
([62]) *Ibid.*
([63]) See clarification in applicant's email of 29 August 2025: '[…]'.
([64]) Additional information provided by the applicant on 27 June and 29 August 2025.
([65]) *Ibid.*

(50) As regards extra small parcels, based on the information provided by the applicant, Eesti Post also experienced a small decline from around 5,7 million ([30-35] % in terms of volume and [10-15] % in terms of value) in 2021 to around 5,3 million ([25-30] % in terms of volume and [5-10] % in terms of value) in 2023 ([66]). By comparison, the market share of the two other providers of extra small parcels in Estonia (i.e. SmartPosti/Itella and DPD) have remained stable, on average, at [10-15] % in terms of volume and [5-10] % in terms of value in the case of SmartPosti/Itella and at [10-15] % in terms of volume and [5-10] % in terms of value in the case of DPD during the same period ([67]).

(51) The data indicated at recitals 49 and 50 show that Eesti Post lost market share during the period 2021-2023 compared to other operators who remain strong competitors. In addition, as described above at recital 38, the entry of a new operator (Unisend Eesti OÜ) is expected to inject further dynamism in this market.

(52) In light of the factors described in this Section, for the purposes of this Decision and without prejudice to competition law, the Commission finds that the activity relating to the provision of maxi letters and extra small parcels in Estonia is directly exposed to competition. Consequently, since the conditions set out in Article 34 of Directive 2014/25/EU are met, it can be concluded that Directive 2014/25/EU does not apply to contracts intended to enable the pursuit of the aforementioned activity.

3.2.2. *Other services than postal services*

(53) As regards printing services and packaging services, they are offered as a package of services for mass delivery which is a common practice in relation to mass correspondence. The package includes, among other things, receipt of documents, printing, enveloping and foliation, packaging. In order to increase cost efficiency, such internal processes are often outsourced by companies to third parties.

(54) Based on the information provided by the applicant ([68]) and bearing in mind previous decisions of the Commission ([69]), the relevant product market is defined as services related to the printing and packaging of mail items. The applicant's position is in line with the Commission's practice ([70]).

(55) According to previous Commission decisions, the market for printing and packaging services is in principle national. First, the printing facility is organised nationally, even though it may be the case that some printing can be done outside the national territory. Second, there are differences in pricing across different Member States. Third, most of these services are performed for potential or actual national senders with a view to optimising their internal processes and reducing their costs ([71]). The applicant's proposed definition of services other than postal services is in line with the Commission's practice ([72]). Given that there are no reasons to assume a different geographic scope of the market, for the purposes of this Decision, the geographical market for printing and packaging services is national.

([66]) Applicant emails of 29 August and 5 September 2025.
([67]) Applicant's emails of 29 August and 5 September 2025. As said above at footnote 33, these operators do not provide maxi letters.
([68]) Request, point 55.
([69]) For example, Commission Implementing Decision (EU) 2016/1195 of 4 July 2016 exempting courier services and other services than postal services in Poland from the application of Directive 2014/25/EU of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 197, 22.7.2016, p. 4, ELI: http://data.europa.eu/eli/dec_impl/2016/1195/oj).
([70]) Request, point 56.
([71]) Implementing Decision (EU) 2016/1195.
([72]) Request, point 67.

3.2.2.1. Printing and packaging services – market analysis

(56) Eesti Post, which is the only services provider subject to the public procurement rules in the market for printing and packaging services in Estonia, held a market share of [25-30] % in 2022, [30-35] % in 2023 and [30-35] % in 2024, both in terms of value and volume ([73]). Based on the information submitted by the applicant, as part of its long-term strategic plan, Eesti Post is planning to phase out this printing and packaging service by August 2026. Due to this planned closure, Eesti Post does not foresee any significant investments in this market ([74]).

(57) The market shares of Eesti Post's main competitors are as follows: Unified Post AS held a market share of [55-60] % in 2022, [50-55] % in 2023 and [50-55] % in 2024, both in terms of value and volume ([75]); Joon OÜ held a market share of [10-15] % in 2022, [5-10] % in 2023 and [10-15] % in 2024, both in terms of value and volume ([76]). Moreover, it must be noted that these competitors, unlike Eesti Post, do not apply public procurement rules, which would give them a further competitive advantage over Eesti Post.

(58) Based on the information submitted by the applicant, the activity in the relevant market for printing and packaging services is not subject to any regulatory requirements limiting the entry to the market ([77]). In addition, in 2022, there were 381 companies operating in the business segment classified as 'printing and reproduction of recorded media'. According to the applicant, while this segment is broader than the market for printing and packaging services, the presence of a significant number of active companies in this broader business segment illustrates that the sector is rather competitive and generally accessible ([78]). As outlined in the request, the costs of entry can be estimated at between EUR 150 to 180 thousand which, according to the applicant, is sufficient to generate a market share of at least 10 % ([79]).

(59) In light of the factors described in this Section, for the purposes of this Decision and without prejudice to competition law, the Commission finds that the activity relating to the provision of printing and packaging services in Estonia is directly exposed to competition. Consequently, since the conditions set out in Article 34(1) of Directive 2014/25/EU are met, it can be concluded that Directive 2014/25/EU does not apply to contracts intended to enable the pursuit of the activity relating to printing and packaging services.

HAS ADOPTED THIS DECISION:

Article 1

Directive 2014/25/EU shall not apply to the award of contracts by contracting entities and intended to enable the following activities to be carried out in Estonia:

— domestic (standard and express) parcel delivery services,

— international standard parcel delivery services,

— maxi letters and extra small parcel services,

— printing and packaging services.

([73]) Request, table 23 provides data on the market shares of Eesti Post and of its competitors in the market for printing and packaging services.
([74]) See additional information provided by the applicant on 25 April 2025.
([75]) Request, table 23 provides data on the market shares of Eesti Post and of its competitors in the market for printing and packaging services.
([76]) The market shares of Eesti Post and of its competitors are based on Eesti Post's estimates. At the same time, Eesti Post states that its market share in terms of volume closely aligns with its market share in terms of value (calculated based on internal data of Eesti Post). Due to the lack of more specific volume-related market data, the applicant assumes a similar situation for the competitors of Eesti Post.
([77]) Request, point 288.
([78]) See additional information provided by the applicant on 25 April 2025.
([79]) Request, point 287.

Article 2

This Decision is addressed to the Republic of Estonia.

Done at Brussels, 30 September 2025.

For the Commission
Stéphane SÉJOURNÉ
Executive Vice-President