

**PUBLIC CONSULTATION ON THE EVALUATION OF  
THE EU-POSTAL SERVICES DIRECTIVE 97/67/EC  
BY THE EUROPEAN COMMISSION**

**CONTRIBUTION OF THE CESI TRADE COUNCIL  
'POST & TELCOMMUNICATIONS**

**Summary**

*The European Union of Independent Trade Unions (CESI) is the umbrella organisation of more than 40 national and European trade union organisations with a total of over 5 million members from over 20 countries in Europe.*

*Since its foundation in 1990, CESI has been advocating improved working conditions in Europe and a strong social dimension for the EU.*

*Most of the members of CESI are civil servants and employees in the European, national, regional and local administrations and public services.*

*In the postal sector, CESI is a recognised European sectoral social partner. CESI's internal members' committee ('Trade Council') for postal services and telecommunications serves as a platform for its union members in the sector to plan the related interest representation and advocacy work of the umbrella organisation.*

*As part of the evaluation and possible revision of the EU Postal Services Directive in 2019/2020 and beyond, CESI's Postal & Telecommunications Trade Council has looked at developments in the postal and parcel sector from the first Postal Services Directive in 1997 until the last amendment of the directive in 2008, also taking the Cross-Border Parcel Delivery Regulation (EU) 2018/644 into consideration.*

***The members of CESI's Postal & Telecommunications Trade Council call on the European Commission to commit to a continued EU postal services directive and to only propose a revision if ambitious binding targets, mechanisms and minimum standards are set for the sector to strengthen the role of universal services, avoid precarious employment and contribute to climate protection .***

## In detail

**Mail communication in Europe continues to be of crucial importance and continues to enjoy high significance – despite an overall steady but comparatively moderate decline in mail volumes.** For example, Deutsche Post AG (DP AG), which is commissioned with the universal postal service in Germany, received over 7.7 billion fully paid letters in 2018, excluding advertising mail and catalogues. A decade earlier it was around 400 million more, but this only represents a loss of around 5.5 percent. Correspondingly, the effects on the number of employees and working conditions at the former state-owned company have been kept at bay for the time being. The developments in other large postal companies in Europe has been similar. Large deviations can only be seen in those countries in which the state has made massive changes to the mail service, i.e. where the service prices are very high or in which the letter has been effectively abolished as a communication medium between citizens and administrations (example: Denmark).

It can be stated that the former state-owned postal companies are among the largest employers in the industry and presumably also offer the most attractive and sustainable jobs within the mail and parcel industry.

Despite advancing digitisation and the rise of associated new communication options, the classic letter is in many situations still indispensable due to its ease of use and (legal) security. Its comparatively high possible speed in many EU countries, in which the mail reaches the recipient even on the following day, as well as the very high density and quality of the postal infrastructure and the comparatively low price for letter mail in many EU countries have contributed to this status.

In many EU countries, and especially in rural areas and in demographic spheres away from digital infrastructure, the postal services are often still the determining means of communication and are therefore indispensable for the social cohesion of the society. A deteriorated supply or even undersupply of postal services in rural areas would not help attract new businesses, and local small and medium-sized enterprises (SMEs) might move away to areas with better connectivity and services. Regions that are already disadvantaged must not be additionally discriminated against. Postal services must remain accessible to all under the same conditions.

With regard to increasing digitisation, it should also be taken into account that it is not or cannot be implemented with the same speed in all countries and regions. Rural areas will always be worse off than metropolitan areas. Network speeds vary across regions and there are still significant differences in the provision of high-performance digital infrastructure across the EU and the Member States. Here, too, the acceptance of differences among citizens must not be misjudged. Not every citizen is prepared to only use electronic media for her/his communication, especially when important documents need to be transmitted. All EU citizens must be able to rely on the security and reliability of services.

In sum:

- **Today and in the future, letter communication will continue to play a decisive role for a proper functioning the state systems, for the supply of the citizens and for safeguarded jobs** – on the one hand due to the dangers of data security in electronic information exchange and on the other hand due to demographic reasons.
- **Well-functioning letter communication is also essential for the attraction and retention of small and medium-sized businesses in remoter regions.**

- **Rightly so, regular and affordable letter and parcel deliveries are expected by the citizens. Appropriate working conditions and wages are prerequisites for a high quality of service.** Special regulations for cross-border parcel deliveries are necessary to enable uniform conditions for access to the postal networks. These must ensure that good working conditions are created and are not endangered by dumping prices.

**The universal postal service is therefore indispensable for a functioning state, social inclusion as well as economic and territorial cohesion and must therefore continue to be accessible and affordable for all natural and legal persons in a state territory under the same conditions.**

**The European Commission's initiative for a European Green Deal, like similar initiatives in individual Member States, should be supported from the perspective of the postal sector.** It would be appropriate if these initiatives also had a noticeable effect on the logistics of delivery services. The spirit of the European Green Deal should therefore also be reflected in EU postal legislation, if it is being revised.

The European Commission should take these considerations into account when evaluating, and potentially revising, the Postal Services Directive. As a consequence, the following should apply for decent work in a functioning postal industry in Europe:

1. The European legislators must give a clear commitment to the **continued existence of an EU postal services directive** and, in the event of a revision, ensure for its further development. The overarching priority must be the maintenance or the creation of a sustainable balance between competition, consumer needs, a functioning and economically viable universal service as well as the maintenance of quality jobs within the postal and parcel industry. Wage dumping, discrimination and exploitation of workers must be ruled out.
2. An adequate **provision of universal postal services** necessitates an ambitious **minimum postal infrastructure and minimum service quality**.
3. In principle, there must be **deliveries in all areas on at least five working days per week**. Appropriate measures must be taken to ensure that the national universal postal service provider does not experience any disadvantages compared to competing companies due to the universal service task assigned to it.
4. As the employment situation in the postal and parcel industry regularly witnesses severe social issues and violations of the law, national framework conditions must be created – which could be based on effective and ambitious minimum standards at EU level– that counteract this undesirable development. For example, the payment of minimum wages and compliance with driving times and rest periods must be subject to constant and transparent **controls by the responsible national authorities**. If rules are not complied with, the executive and judiciary must intervene.
5. Legislators and social partners should undertake for work in the sector to be subject to **collective bargaining coverage**. By involving the social partners can be ensured that minimum standards are met, acceptable wages paid and workers not exploited and affected by poverty in old age. In the postal and parcel industry, a minimum wage should apply that prevents the risk of poverty.

6. The national legislation of the Member States must introduce **subcontractor liability** in the letter and parcel industry. In the event of violations of the law by a service partner (subcontractor) of a postal service provider, the postal service provider, as the client, should also be held accountable in future. In case the EU Postal Services Directive is overhauled, this must be included in its revision.
7. The spirit of the **European Green Deal** and a **social Europe** would be reflected in the EU postal services directive in case it is revised. From an environmental point of view, increased state funding for alternative engines and innovative models for letter and parcel delivery are urgently needed. The postal operators should agree to make deliveries with a common, low-emission vehicle fleet. For this purpose, the distribution of letters and parcels could be subject to **licensing**. When issuing such delivery licenses, aspects of environmental protection, but also social security obligations and other criteria can be incorporated. In the context of mandatory licenses, it should be an obligation for all companies providing services in the delivery of letters and parcels to report to national regulatory authorities in a standardised manner on:
  - i. **social data** such as on the number of employees, the type of contractual agreements, employee turnover, and wage differentials, and **social standards**, including employment standards;
  - ii. **environmental standards**.

When ordering, the customer should be able to decide whether the goods may only be shipped via service providers who adhere to minimum standards, even if for a higher price. The cornerstones of this should be binding within the framework of the EU Postal Services Directive, in case it is revised.

8. As work becomes more and more digital and online based, the **protection of employees' personal data and privacy** is more important than ever. Within the framework of the EU Postal Services Directive, but also beyond in the framework of the EU General Data Protection Regulation (GDPR), employees must be protected from improper monitoring and intervention control of any digital technology used by the employer. Digital systems for the monitoring of employees and workers are to be rejected.
9. The importance of **occupational health protection** for employees in the postal and parcel industry should be particularly emphasised. In the national legislation of the Member States, appropriate framework conditions must be in place, through which all employees can, normally, maintain health until retirement age. Underpinning national framework conditions via ambitious and binding EU minimum standards would also make sense.
10. Framework conditions should be created in national legislation according to which employees in the postal and parcel industry whose jobs are endangered by advancing digitisation are granted the right to **further training**. This also requires the **involvement of the social partners in the strategic (re) orientation and restructuring of companies**, which may be necessary in the course of digitisation and which may make further training necessary, e.g. in the process of the development of new business areas. The employer should be made more responsible with regard to the duty of care for her/his employees. It should be avoided that companies restructure themselves at the expense of the general public (unemployment of/social welfare for staff simply laid off). As a basis for national regulations, ambitious EU minimum standards for further training for staff in the postal sector would be desirable.