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TOWARDS A NEW EU DELIVERY ACT

RESOLUTION OF CESI'S EXPERT COMMISSION 'POST & TELECOMS'

The European Confederation of Independent Trade Unions (CESI) is a confederation of more than 40 national and European trade union organisations from over 20 European countries, with a total of more than 6 million individual members. Founded in 1990, CESI is a recognised European sectoral social partner and advocates improved employment conditions for workers in Europe and a strong social dimension in the EU. CESI also represents postal sector trade unions from across Europe and is a recognised social partner in the European sectoral Social Dialogue Committee on Postal Services.

Abstract

CESI's Expert Commission 'Post and Telecoms' welcomes the European Commission's envisaged initiative to modernise the EU regulatory framework for postal and delivery services through a new EU Delivery Act under the precondition that it enhances fair working conditions. Replacing the current EU Postal Services Directive 97/67/EC and EU Cross-Border Parcel Delivery Regulation 2018/644, a new EU Delivery Act can only provide an opportunity to shape a sustainable, fair and future-oriented postal and parcel sector in Europe if fair working conditions are addressed.

The EU Delivery Act must in no way foster competition based on bad labour conditions. Instead, it should strengthen the essential networks who provide the universal service, guarantee high-quality employment and protect both citizens as consumers and workers as employees in the sector from the negative consequences of unchecked liberalisation. The EU Delivery Act must be an opportunity to make Europe's postal and parcel delivery sector a driver of fairness, cohesion and sustainability – for citizens, workers, and businesses alike. CESI supports an Act that ensures fair competition for all involved actors and implements the principles of the European Pillar of Social Rights in the postal and delivery market.

CESI calls on the EU institutions to adopt an EU Delivery Act that enhances not only consumer protection especially in the context of cross-border online shopping and postal service access points but which also modernise postal and parcel services in line with the needs of the sector's workforce, reflecting shifts from traditional letter services to a growing parcel delivery sector. The Act should thus:

1. safeguard the universal postal service obligations (USOs),
2. foster a sustainable financing of universal services,
3. ensure decent and healthy work conditions as well as fair competition,
4. embed the green and digital transitions, and
5. give a strong role to national regulatory authorities (NRAs) and social partners in the implementation and monitoring of the law, especially to safeguard fair working conditions.

Context

The postal and parcel delivery sector has been undergoing profound transformations. It is characterised by challenges in the areas of:

- Letter markets: Letter volumes have fallen significantly in the last decade in many Member States, while prices have risen, often accompanied by deteriorating quality of service or purely giving up of services.
- Parcel markets: The e-commerce-driven parcel market has expanded, with international flows – especially from Asia – expanding rapidly, but being linked often to high price cross-border delivery services, especially for smaller EU Member States.
- Universal Service Obligations (USO): Diverging practices, inconsistent financing including either large state aid packages or insufficient financing of investments in the modernisation of postal infrastructure, and cherry-picking by competitors undermine cohesion and consumer trust in the area of USOs.
- Employment and working conditions: Postal liberalisation has not delivered the promised benefits of competition. Instead, it has led to job losses, outsourcing, precarious work, poor and unhealthy working conditions and social dumping.
- Social and territorial cohesion: Postal services and outlets remain vital to rural and remote areas, ensuring equal access to communication, basic services, and economic participation.

Priorities for the EU Delivery Act

CESI's Expert Commission 'Post & Telecoms' considers that a new EU Delivery Act should focus above all on:

1. Safeguarding the universal postal service obligations (USOs)

- The EU Delivery Act must guarantee ambitious minimum standards for universal services, covering both letters and parcels. This ensures that no citizen, regardless of geography, is left without or poor access to essential communication and delivery infrastructure.
- Delivery of letters/parcels at five working days per week across all regions should be the baseline. The current maximum weight of parcels of 20kg that can be carried by a postal worker alone should be reconsidered line with decent occupational safety and health (OSH) standards that put the health of workers first. The Act should also regulate how heavier parcels can be treated and delivered in safe and healthy ways for workers. The Act should also specify core labour rights for delivery personnel, such as the right (and practical availability) to access toilets.
- Consumers must retain the right to affordable, reliable postal delivery services under equal conditions, ensuring social and territorial cohesion. Postal services are not only economic but also social lifelines, especially for vulnerable groups such as elderly people and those without digital access. Postal services must therefore be considered and defined as services of general economic interest and be financed as such.

2. Fostering a sustainable financing of universal services

- The financing of universal services must be fair, transparent and shared across all operators benefiting from the market. Contributions should reflect market share and geographical presence to prevent certain players from shifting costs onto others.
- The system of compensatory funds should be reformed to avoid cherry-picking and ensure long-term sustainability of universal postal service obligations (USOs). Without such reform, profitable segments will be skimmed off while unprofitable areas face service decline or even abandonment.
- USO legislation must include clear agreements on compensation of the costs directly related to the performance of the USO by the USO holder and the maintaining of a critical and vital network as the postal network of the USO holder. Situations must be prevented where USO holders are forced by governmental institutions to perform USOs even when the activity itself is loss making. For unprofitable delivery areas, financial support by governments should be made available. Every resident of a country should be guaranteed coverage by the service, even when living in a remote area.

3. Ensuring decent work and fair competition

- The new framework must explicitly require decent wages that take into consideration the relevant costs of living in the respective Member State, secure employment contracts and collective agreements though collective bargaining for all workers in the postal and parcel delivery sector. This is essential to prevent a race to the bottom that erodes employment quality in postal and especially parcel services across Europe, and it is essential to ensure quality employment conditions to attract and retain required staff and personnel, too.
- Subcontractor liability must be introduced to prevent outsourcing chains from undermining labour rights. Main contractors must be held accountable for decent labour standards – also regarding their respective subcontractors.
- Equal social, environmental and consumer protection rules should ensure that all operators compete on a level playing field. New market entrants are welcome, provided they fully comply with European and national social legislation and labour law and with locally applicable (collective) labour agreements. This avoids unfair competition based on lower or poor standards and safeguards both workers' rights and consumer trust. The link between 'competitive pressure' and the consequences for workers must be emphasised: unacceptable pressure on (driving) times and associated safety risks, the erosion of social security, and the increasing risk of bogus self-employment and exploitation through subcontracting schemes.

4. Embedding the green and digital transitions

- The Act should support investments in green logistics, e.g. alternative fuels, low-emission fleets and larger or long-distance shipments by railways. This transition can position the sector as a leader in sustainable transport while reducing its climate footprint.
- Digitalisation must serve to enhance services and worker safety and not erode labour rights. Delivery should in principle be by qualified postal staff and not through automatic ways. Safeguards against discriminatory algorithmics in platform-based delivery should be put in place in order to protect platform workers from potential abuse. Algorithm-driven scheduling and pay systems must not create excessive pressure and unsafe or unhealthy working conditions.

5. Giving a strong role to national regulatory authorities (NRAs) and social partners, especially to uphold minimum standards

- National regulators (NRAs) must be effectively empowered and focussed to enforce in particular minimum social and environmental standards and to put in place sanctions for violations or non-compliance thereof, too. Their current one-sided focus on competition must change into a more balanced approach. Sanctions should be efficient, proportionate and dissuasive, and they should include judicial procedures and sanctions. This prevents regulatory fragmentation in the Single Market and guarantees consistency in the implementation of EU standards across Member States.
- Social partners must be permanently and structurally involved in the frame of shaping, implementation and monitoring of the new EU Delivery Act, including in consultations that span to trade unions, ensuring that all voices of postal workers are duly heard and considered. Their expertise is indispensable for building a sector that is both socially sustainable and economically viable.