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**LastMile**  
**DELIVERY**

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Training for Last Mile Deliverers/Drivers in  
Safe and Sustainable Urban Areas (TRALMEDES)

[trainingforlastmile.eu](http://trainingforlastmile.eu)

## IO4 – Last Mile Deliverer/Driver

# REGULATORY REPORT.      RECOMMENDATIONS

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## 1. EXECUTIVE SUMMARY.

The last mile delivery driver is the person who is in charge of managing the transport of parcels, focusing on the last journey to be made in the final delivery.

This profession is not regulated at European or national level. However, courses have been found whose content includes some of the learning units listed under Intellectual Output 1 (IO1) in the Competence Map.

Directive 2003/59 has been taken as a reference since it determines the necessary training requirements to be met by certain transport operators. The similarities between the drivers targeted by this directive and the last mile delivery drivers underline the need for a common regulatory framework in the European Union and that is why the same legal instrument has been proposed: the directive.

As far as the competent authorities are concerned, in the vast majority of countries this is the responsibility of the Ministries of Education, although there are nuances and shared or distributed competences.

As regards the procedure to be followed in order to convert a course into vocational training, this varies from country to country. However, in all countries the legally established procedure has to be followed. It is broadly similar: it has to be verified that no such training exists, the competences have to be developed and then approved by the competent authorities.

## 2. SCOPE AND OBJECTIVES OF THE REPORT.

The identification and characterization of the last mile deliverer/driver performed in IO1 derives in a whole new identification of new occupational profile which needs to be tackled at national and international level, generating suggestions on how to harmonize regulation and qualification in different countries.

The purpose is to collect all the required information developed along the project and make recommendations to:

- 1) Provide recommendation to the corresponding national -or international- authorities/bodies for the adoption of specific aspects to be taken into account in urban environments (i.e., in terms of road safety and sustainability) derived from practices encountered for last mile deliverers/drivers.
- 2) To provide recommendations (at national and/or international level) to adopt last mile delivery training and qualification into the EC VET principles and European Qualifications Framework (EQF). This qualification aims to be transferable across EU countries for higher impact and to ease the recognition of qualifications when people move to other countries.

This report provides an analysis and critical reflection, based on the lessons learned from draft EU and national regulatory benchmarks in similar areas (such as transport in >3.5T DIRECTIVE 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers) versus practices in the urban environment (>3.5T) to propose arguments and headlines for the future development of regulation in the field of urban last mile delivery.

## 2.1. EUROPEAN LEGISLATION ON LAST MILE LOGISTICS

In accordance with the subsidiarity principle (article 5 Treaty on European Union (TEU)) **primary responsibility for education and training policies lies with the Member States**, with the European Union having only a supporting role. However, several challenges are common to all Member States and thus call for joint responses, with countries working together and learning from each other.

While vocational training was identified as an area of Community action in the **Treaty of Rome in 1957**, education was formally recognised as an area of EU competence in the **Maastricht Treaty in 1992**.

The treaty states that the Community “shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity.”

The **Treaty of Lisbon** retained the provisions on the role of the EU in education and training (Title XII, Articles 165 and 166), while adding a provision that can be described as a horizontal ‘social clause’: Article 9 of the **Treaty on the Functioning of the European Union (TFEU)** states: “In defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health”.

Moreover, the **Charter of Fundamental Rights of the European Union**, which has the same legal value as the Treaties (Article 6 of the Treaty on European Union), states: ‘Everyone has the right to education and to have access to continuing and vocational training’ (Article 14), as well as ‘the right to engage in work and to pursue a freely chosen or accepted occupation’ (Article 15).

As detailed under the heading "regulatory approach", **Directive 2003/59/EC** of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC, is particularly important in covering the need for a legal instrument at European level, given the similarity in scope in the field of last mile delivery drivers.

As a result of this common interest, the EU launched a consultation (**Commission proposals to improve working conditions for people working through digital platforms**) on 9 December 2021. In this document, the European Commission proposed a set of measures to improve working conditions on digital platforms and contribute to the sustainable growth of digital platforms in the EU.

The new rules will ensure that people working through digital platforms can enjoy the employment rights and social benefits to which they are entitled. They will also benefit from additional protection regarding the use of algorithmic management. A common set of EU rules

will provide greater legal certainty, thus allowing digital platforms to fully benefit from the economic potential of the single market and a level playing field.

## 2.2. NATIONAL LEGISLATION ON LAST MILE LOGISTICS

### A. SPAIN

**There is currently no specific regulation** for the profession of last-mile delivery driver. Article 1.3. g) of Royal Legislative Decree 2/2015, of 23 October, which approves the revised text of the **Workers' Statute Law**, determines that, if the vehicle used requires administrative authorisation, the delivery driver may be self-employed. If this is not the case, the driver must be an employee.

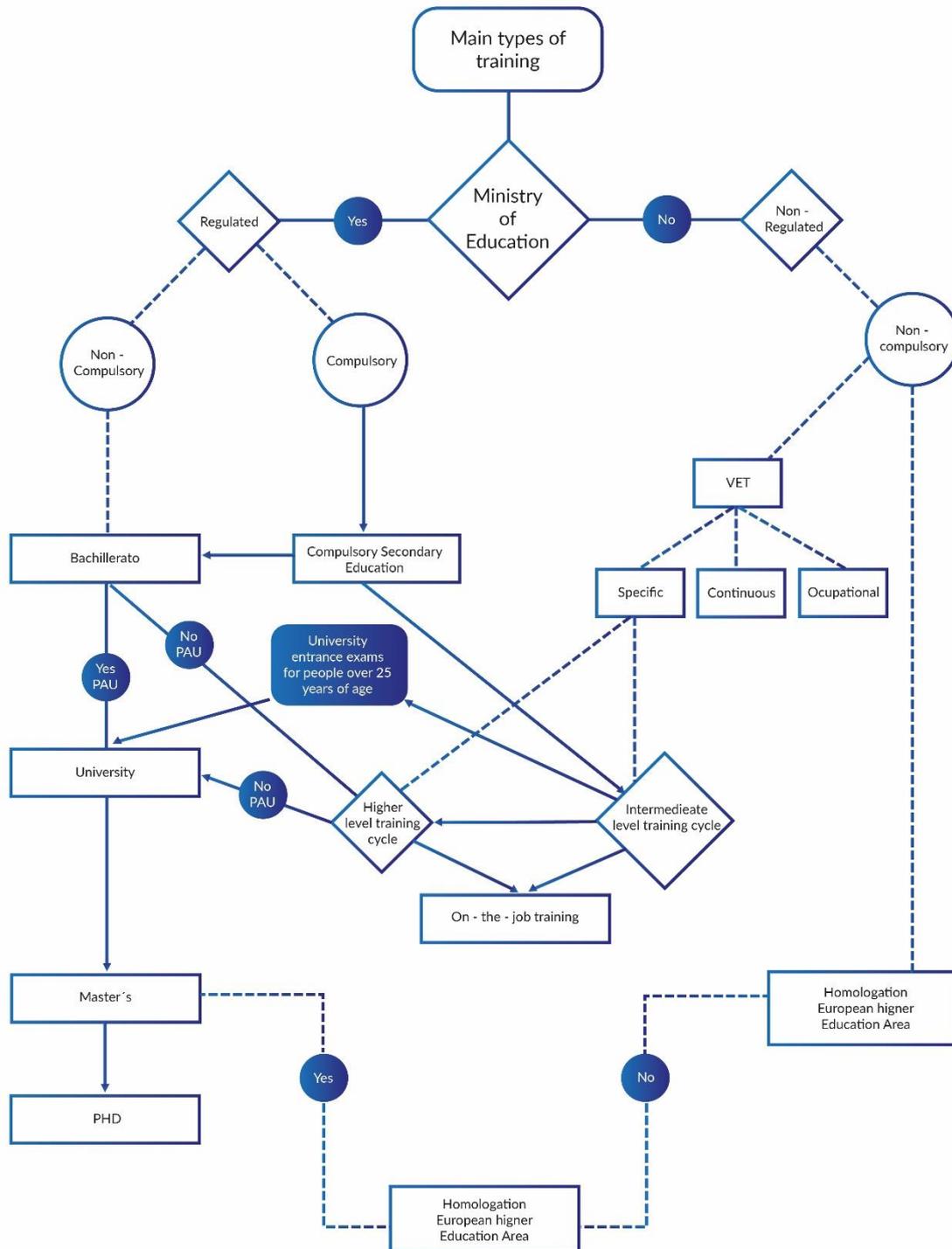
However, Law 12/2021, of 28 September, which amends the revised text of the Workers' Statute Law, approved by Royal Legislative Decree 2/2015, of 23 October, to guarantee the labour rights of people dedicated to delivery in the field of digital platforms (known as the "**Rider Law**") obliges companies to register delivery drivers as workers with the Social Security within three months. Thus, they will have to register them in the General Regime and, therefore, pay their social security contributions on a monthly basis, thus generating greater protection, which implies receiving at least the minimum interprofessional wage, being entitled to sick leave or occupational accident, holidays, unemployment benefits or compensation in case of dismissal.

However, **this law does not regulate the profession as such, nor the qualifications required of a last-mile delivery driver travelling by van, motorbike, bicycle, or scooter, or even on foot**, as does DIRECTIVE 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers.

**Figure 1** below shows the main types of training in Spain. A distinction is made between formal and non-formal training. The usual route in both cases is as follows:

- a) In formal education, the student, after primary education, attends ESO (Compulsory Secondary Education), then baccalaureate (science, humanities and social sciences and arts) and, subsequently, goes to university. After graduating, they do a master's degree.
- b) In non-regulated education, the student completes an intermediate vocational training (FP) and, later and optionally, can go on to a higher degree and access university without the need to take the University Entrance Examination (PAU).

Figure 1: Main types of training in Spain



\*PAU - University entrance exams

Source: own elaboration based on FEMXA illustration.

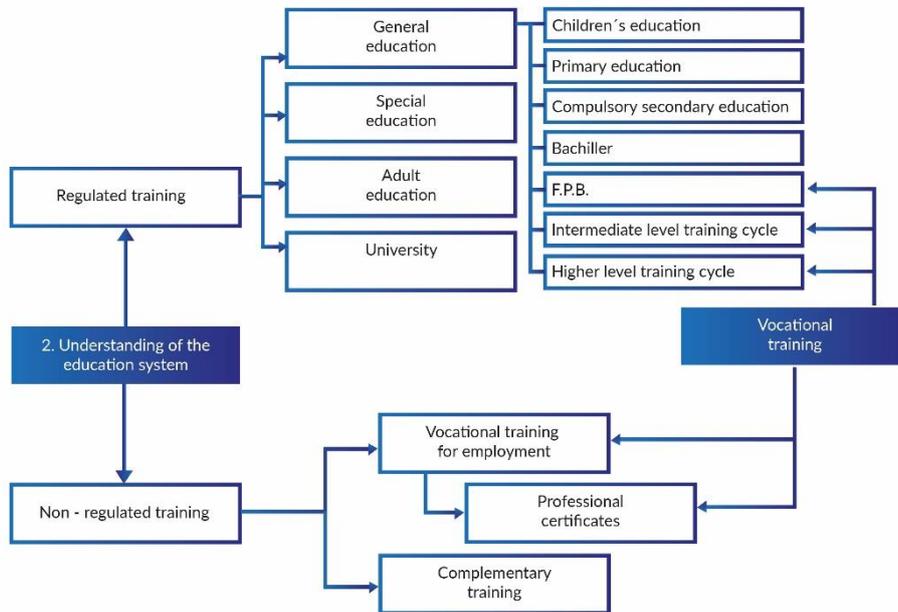
The education system in Spain can be structured as shown in **Figure 2**.

On the one hand, formal education in Spain is divided into 4 types of education. General education, in turn, is subdivided into pre-school, primary and secondary education (all of which

are compulsory), and students can optionally choose to study for the baccalaureate or an intermediate or higher degree. On the other hand, also within formal education, are special and university education and adult education.

On the other hand, non-regulated training (work-related) can be divided into vocational training for employment, after which a certificate of professionalism is issued, and complementary training.

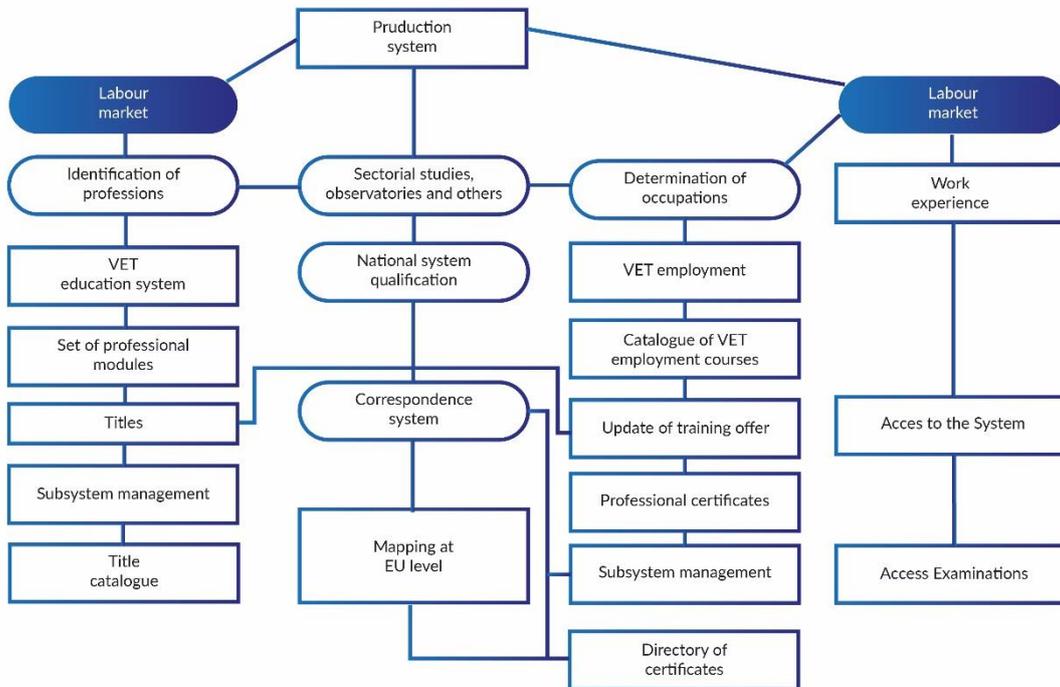
Figure 2: Knowledge of the education - training system



Source: own elaboration.

A general outline of the national qualifications system and Vocational Education and Training can be seen in **Figure 3**.

Figure 3: National System of Qualifications and Vocational Training.



Source: own elaboration; based on an illustration from SERVEF.

## B. ITALY

The last mile delivery driver is not regulated in Italy, although there are a few rules in the field of freight transport, which could be applied to all modes of transport, such as “**Legge 6 giugno 1974, n. 298: Istituzione dell'albo nazionale degli autotrasportatori di cose per conto di terzi, disciplina degli autotrasporti di cose e istituzione di un sistema di tariffe a forcella per i trasporti di merci su strada**” (law on the establishment of the national register of road haulage operators for third parties, regulation of road haulage and establishment of a system of bifurcated tariffs for road haulage) and Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC.

Law 298/72 describes the type of company working in road haulage, the necessary requirements that a transport operator must possess (health certificates, driving licenses, etc.). In addition, each city regulates access to its metropolitan area depending on the type of vehicle and the technology used. Health and safety measures based on national regulations.

It should be noted that Italian regulations may **restrict access in urban areas** to non-electric vehicles, in the case of vans, scooters, bicycles and motorbikes, while there are no such restrictions when the means of travel is on foot.

As far as **related regulations** are concerned, road transport is also regulated by the "*Nuovo codice della strada*" (DL 30 aprile 1992 n.285 and its updates) and by the regulations and access provisions of each city. The delivery of goods is regulated by the "*Sezione II - Codice Civile (R.D. 16 marzo 1942, n. 262) Della vendita di cose mobili*".

### C. BULGARIA

The current version of the "National Classification of Occupations and Positions" from 2021 regulates the general scope of the occupations courier, parcel carrier and food carrier. **This classification, however, does not regulate the profession**, but only indicates the code by which to process the submitted companies' information from the National Statistical Institute for the needs of employment statistics.

In the case of **vans**, food deliveries require a driver's health card and a single vehicle approval.

In addition, for **motorbikes, scooters, bicycles, and walking**, a second public debate was held in January 2021 on the "Ordinance on the specific requirements for the distance trade in foodstuffs. Ordinance No. 12 of 18 November 2021 on specific requirements for distance food trade entered into force on December 31<sup>st</sup>, 2021. Its provisions require anyone wishing to engage in food supply to register under the requirements of Food Act in the regional food safety directorates. Motorcycles, scooters, and bicycles must be equipped with containers with specific hygiene requirements. In addition, the name of the supplier on these containers must also be indicated. Food deliveries with motorcycles, scooters and bicycles require a driver's health book. The ordinance provides the same requirements (container with supplier identification logos and health book) for deliveries by feet to be applied.

There are several **linked rules** for all means of transport, such as vehicle registration requirements, normative papers, driver's health record requirements, license and notification requirements, requirements for food delivery containers, etc.

There are **no legal requirements for working as a last mile driver** in Bulgaria. However, in 2016, a curriculum for the profession "courier", specialty "Logistics of goods and services", corresponding to level 3 of the European Qualifications Framework - vocational training was developed.

#### D. FINLAND

The last mile delivery profession is not regulated in Finland either. However, there are some secondary legislations that could be considered, which could be classified by subject matter into:

- Civil and Commercial Law: Business Law Act; Accident Insurance Act; Companies Act; Joint Stock Company and Limited Company Act; Companies Act; Housing Act; Motor Insurance Act.
- Administrative Law: Environmental Permitting Procedure Act.
- Labor Law: Pension Legislation; Unemployment Insurance Legislation; Occupational Health Care Act (1383/2001); Young Workers Act (998/1993); Occupational Safety and Health Act (738/2002) Equality between Women and Men Act (609/1986); Equality Act (1325/2014); Employment Contracts Act (55/2001); Working Time Act (872/2019); Annual Leave Act (162/2005).
- Financial and Tax Law: Tax legislation; VAT Law.

There are **no legal requirements** to work as a last mile driver in Finland.

## E. SWITZERLAND

Although since 2020 World Economic Forum - WEF (ref. “The Future of the Last-Mile Ecosystem”) suggest the need for robust harmonized regulations e.g., for autonomous driving and inner-city e-mobility, **the last mile delivery driver is not regulated yet** in Switzerland.

In general, in Switzerland, there are three levels of regulation: the federal, the cantonal and the municipal. This leads to a diversity of rules and regulations.

Concerning last mile delivery, **there is no specific law or regulation at national and cantonal level**. However, the current federal laws on traffic, labour and social security may have an impact on this sector. The Federal Office of Transport (FOT, <https://www.bav.admin.ch/bav/en/home.html>) of the Federal Department of the Environment, Transport, Energy and Communications (DETEC) establishes framework conditions for the sustainable development of freight transport and efficient collaboration between all modes of transport.

It is worth noting that issues may arise from the fact that many innovative vehicles that run on roads in the EU are not approved as specific types of vehicles (e.g., bicycles) in Switzerland

## 2.3. COMPETENT AUTHORITIES

This section describes the competent authority in each country under study and the procedure to be followed in each country for a training course to become a VET - Vocational Education and Training -.

### A. SPAIN

In general terms, and for the purposes of this section, in Spain, the organization chart of the Ministry of Education and Vocational Training is as follows:

Figure 4: Organigramme of the Ministry of Education and Vocational Training.



Source: own elaboration; inspired by the organisation chart of the Ministry of Education and Vocational Training.

### B. ITALY

The Ministries of Education and Labour set the general rules and common principles of the system. Regions and autonomous provinces are responsible for VET programmes and most apprenticeship schemes.

### C. BULGARIA

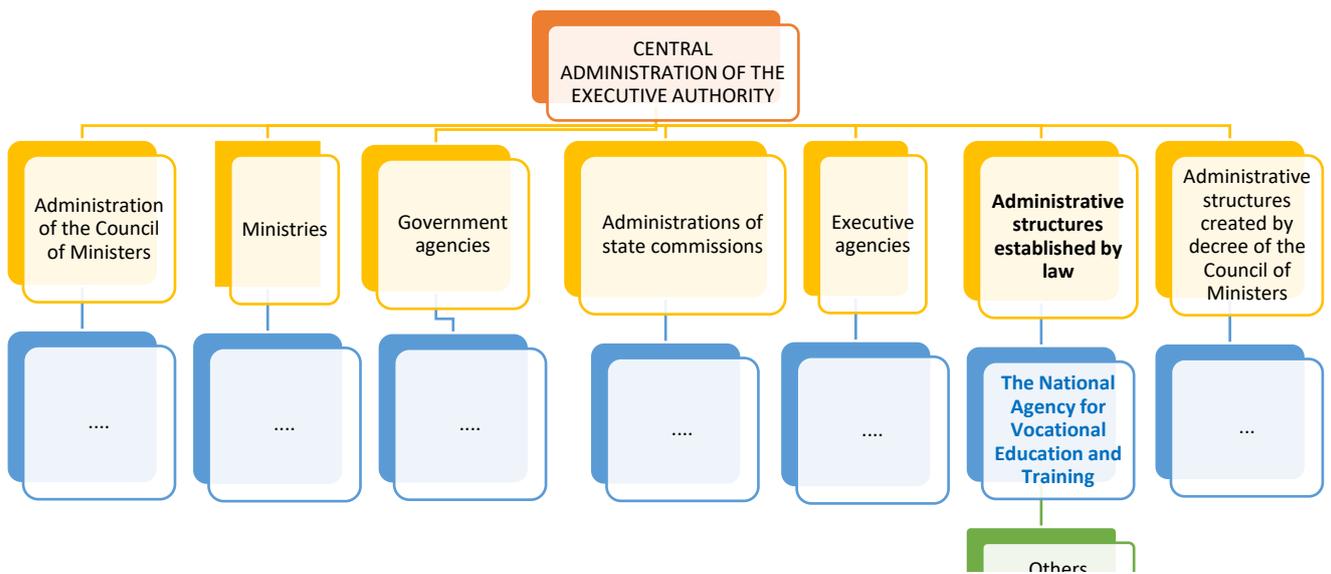
The competent body in Bulgaria is “The National Agency for Vocational Education and Training” (NAVET<sup>1</sup>).

“The National Agency for Vocational Education and Training” in Bulgaria is a public authority to the Council of ministers. It is one of the agencies that were established by law (the “Vocational Education and Training Act” in Bulgaria, in particular).

“The National Agency for Vocational Education and Training” in Bulgaria is part of the bodies of the Central Administration of the executive power. The agency is responsible for the licensing of activities in the vocational education and training system. It evaluates and controls the quality service, provided by licensed professional organisations and coordinates institutions related to professional guidance, training and education.

The affiliation of “The National Agency for Vocational Education and Training” to the State government structures is as follows:

Figure 5: Governmental structures of the Bulgarian State.



Source: own elaboration

<sup>1</sup> <http://www.navet.government.bg/en/>

More information on this link: <https://www.unioviado.es/ei/net.html>

#### D. FINLAND

The Ministry of Education <sup>2</sup>and the Finnish Transport and Communications Agency Traficom.

#### E. SWITZERLAND

Federal Department of the Environment, Transport, Energy and Communications - Federal Office of Transport <sup>3</sup>, Federal Department of Economic Affairs, Education and Research – EAER <sup>4</sup>, and Circulation Service Association – ASA, for training certification <sup>5</sup>.

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<sup>2</sup> <http://www.cimo.fi/>

<sup>3</sup> <https://www.bav.admin.ch/bav/en/home.html>

<sup>4</sup> <https://www.admin.ch/gov/en/start/departments/departament-of-economic-affairs-education-research-eaer.html>

<sup>5</sup> <https://asa.ch>

## 2.4. NATIONAL PROCEDURE FOR CONVERTING A COURSE INTO A VET COURSE

### A. SPAIN

The **National Catalogue of Professional Qualifications** is the instrument of the National System of Qualifications and Vocational Training (SNCFP) that serves to **assess and certify** professional competences acquired through work experience or training. It includes the most significant professional qualifications of the Spanish productive system by professional families and levels according to the criteria established by the European Union.

It is the basis and reference for the elaboration of the training offer:

- vocational training qualifications and
- certificates of professionalism

It is valid nationwide and covers the different ways of acquiring vocational training.

The **National Institute of Qualifications** (INCUAL) and the Sub-Directorate General for the Organisation and Innovation of Vocational Training (SGOIFP), both in the Ministry of Education and Vocational Training, carry out actions related to the development of the National System of Qualifications and Vocational Training (SNCFP) through the: elaboration, revision and updating of professional qualifications, diplomas, curricula and specialisation courses.

Studies for the permanent updating of the National System of Qualifications and Vocational Training (SNCFP), as well as in the revision and updating of the National Catalogue of Vocational Qualifications (CNCP).

As for the procedure, a **new Qualification on vocational training would have to be elaborated**, requesting it **through the form of the Alert Network of the Professional Observatory of INCUAL**<sup>6</sup>.

Once the request is received, a **feasibility analysis** is carried out and if it is determined that a new qualification is necessary, this is done.

Subsequently, if it is desired that the Qualification has an associated training (Certificates of Professionalism / Vocational Training Qualifications), a request should be made to the **Subdirector General for the Organisation and Innovation of Vocational Training** for training associated with this Qualification.

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<sup>6</sup> The form is available at the following link: <https://incual.educacion.gob.es/red-de-alerta>

Figure 6: Differences between VET and Certificate of Professionalism.

	VET	CERTIFICATE OF PROFESSIONALISM
ISSUANCE OF THE QUALIFICATION	Ministry of Education and Vocational Training	SEPE or the employment administrations of the Autonomous Regions.
LEVEL OF STUDY	intermediate and superior grades	<ul style="list-style-type: none"> <li>i. Simple activities;</li> <li>ii. Focused on the demands of more specific skills and knowledge;</li> <li>iii. Certifies the development of different specific activities in an autonomous way.</li> </ul>
TYPE OF QUALIFICATION	They certify occupational qualifications and are regulated studies.	It is not an academic qualification but a labour accreditation.
TYPICAL STUDENT PROFILE	Students looking for a specific specialisation in order to enter the labour market in a short period of time and those who want to enter university.	Unemployed or specialists looking to retrain in the labour market
OBTAINING THE QUALIFICATION	face-to-face or distance learning	Passing all the training modules through actions authorised by the Labour Administration; or accrediting professional competences through work experience.

Source: own elaboration.

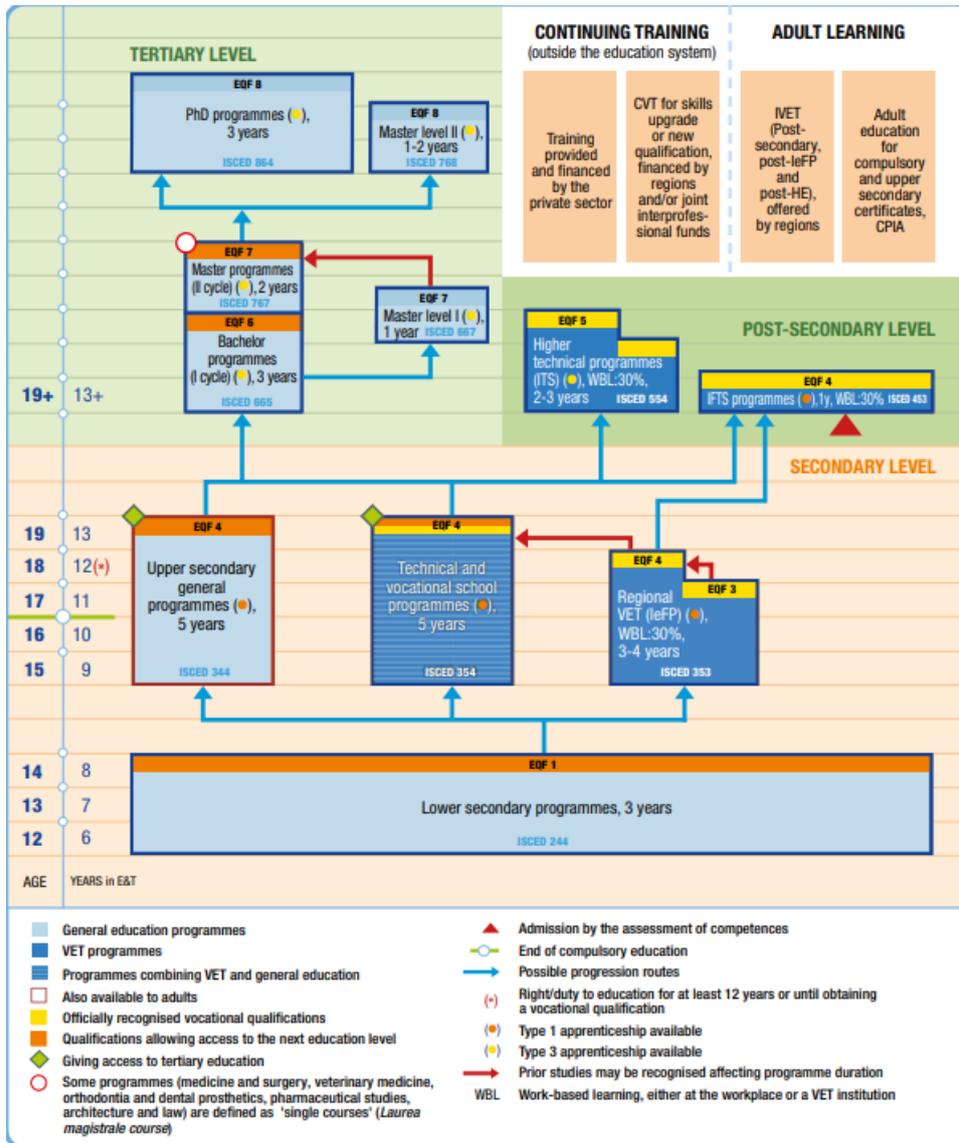
## B. ITALY

Vocational education and training (VET) in Italy is characterised by multilevel governance with broad involvement of national, regional and local stakeholders. Ministries of education and labour lay down general rules and common principles for the education and training system. Regions and autonomous provinces are in charge of VET programmes and most apprenticeship-type schemes. The system for the recognition of degrees and qualifications follows different procedures depending on the training sectors involved. The procedures depend on the responsibilities assigned to the various institutions providing the service (State and regions). The vocational education and training sector, which is the responsibility of individual regions, consists of:

- a. three-year vocational education and training courses issuing vocational qualifications (NQF/EQF level 3) and four-year pathways awarding vocational diplomas (NQF/EQF level 4) defined by the National Inventory of reference profiles for vocational qualifications and diplomas. The courses are standardised throughout Italy. The recognition procedure is the responsibility of the individual regions and recognition is released by the training organisation offering the course. The decree (or legal provision) recognising the qualification (three-year qualification or professional diploma) is valid throughout Italy, irrespective of the region granting recognition.
- b. vocational training courses of varying duration (six-monthly, annual, biennial and triennial) which issue certificates and/or qualification related to the professional profiles defined by *regional qualification inventories*. The recognition procedure is the responsibility of the region where the course is taught and for which recognition of the final certificate is requested. In this case, the certificate recognition is valid only within the region granting recognition.

VET for adults is offered by a range of different public and private providers. It includes programs leading to upper secondary VET qualifications to ensure progression opportunities for the low-skilled; these are provided by provincial centres for adult education (centri provinciali per l'istruzione degli adulti, CPIA) under the remit of the ministry of education. Continuing vocational training (CVET) to meet enterprise, sectoral and regional needs is supported by joint inter-professional funds managed by social partners.

Figure 7: Outline of the different levels of education and VET.



Source: Cedefop and ReferNet Italy<sup>7</sup>.

The ministry of labour defines the VET framework for courses provided within the scope of vocational education and training pathways, for higher technical education and training (in agreement with the ministry of education) and for courses provided for apprenticeships and for continuous training within the scope of the public system.

At national level, the national institute for public policy analysis monitors vocational education and training pathways, higher technical education and training courses, apprenticeship training pathways and continuous training interventions

The regions and autonomous provinces are responsible for the planning, programming, organisation and implementation of interventions provided for within the scope of vocational education and training pathways, higher technical education and training, post-vocational

<sup>7</sup> <https://www.cedefop.europa.eu/en/tools/vet-in-europe/systems/italy-2019>

education and training pathways, and post-university education for most types of apprenticeship-based training and for publicly-funded continuous training interventions (in agreement with social partners).

### C. BULGARIA

The procedure for including a new profession in the list of professions for vocational education and training in Bulgaria is presented below.

Creating a new profession or specialty is a process that consists of two stages:

First, inclusion of the new profession/specialty in the list of professions for vocational education and training.

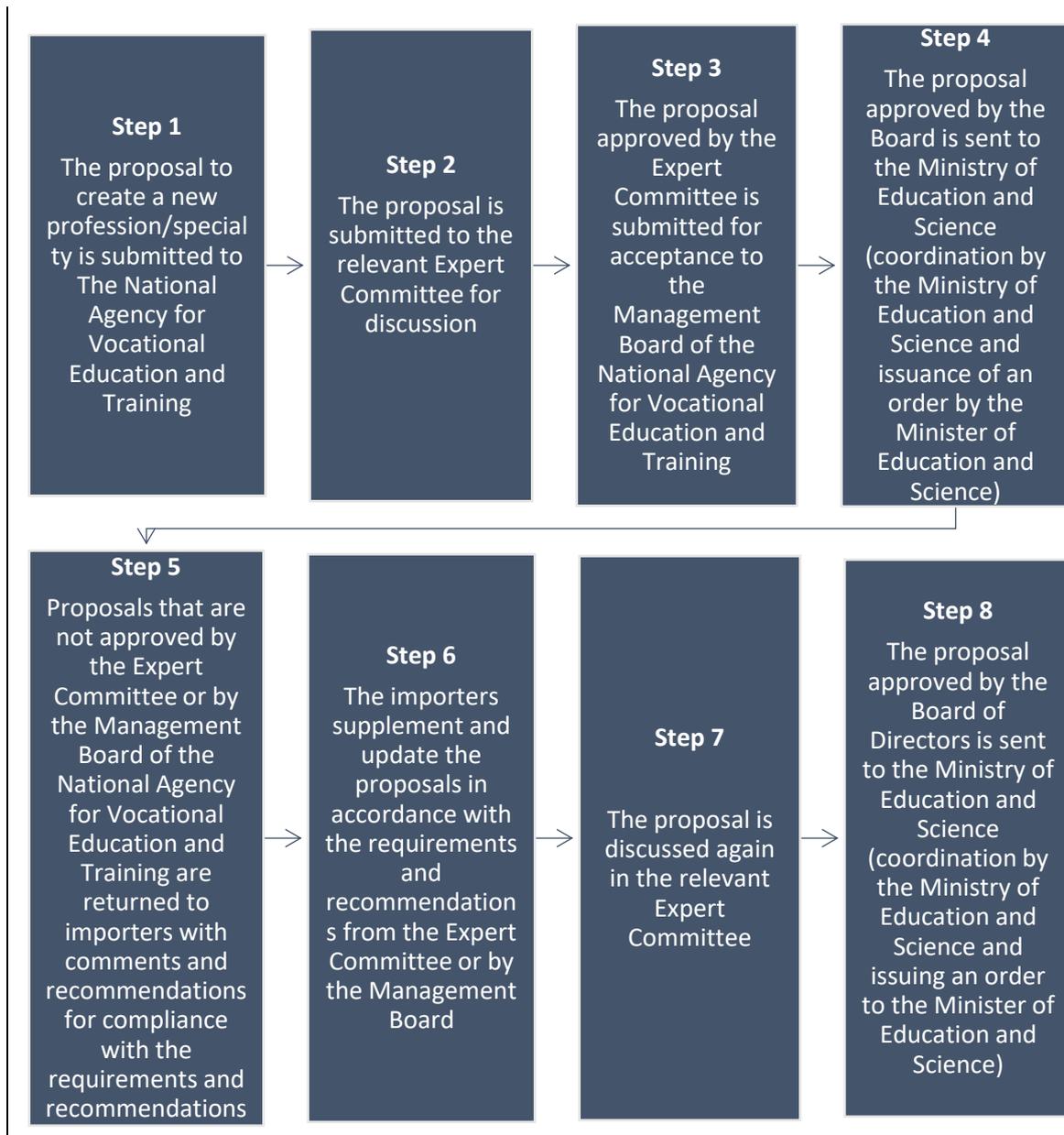
Second, developing a State Education Standard for the new profession or updating and supplementing an existing standard with a new specialty.

Proposals for a new profession or specialty can be offered both by line ministries and employers' organisations through a motivated written proposal.

In the motivated written proposal, it is necessary to substantiate the need for the new profession, based on analyses with statistical data on the needs of similar specialists in the labour market. The proposal must also contain the positions from the National Classification of Occupation and Positions that the learner can occupy after acquiring professional qualification in the profession and/or specialty. It is also necessary that the new profession and/or specialty do not duplicate an already existing profession and/or specialty in the list of professions for vocational education and training.

The algorithm of steps that have to be taken to include a new profession in the list of professions for vocational education and training in Bulgaria is presented in the process diagram below:

Figure 8: The process of creating the course in Bulgaria.



Source: own elaboration.

#### D. FINLAND

The Board of Education is responsible for preparing the criteria for professional qualifications and decides on the criteria for qualifications. They participate in the preparation of the basis of the degree:

- representatives of labor and business life
- training providers and teachers
- working life committees.

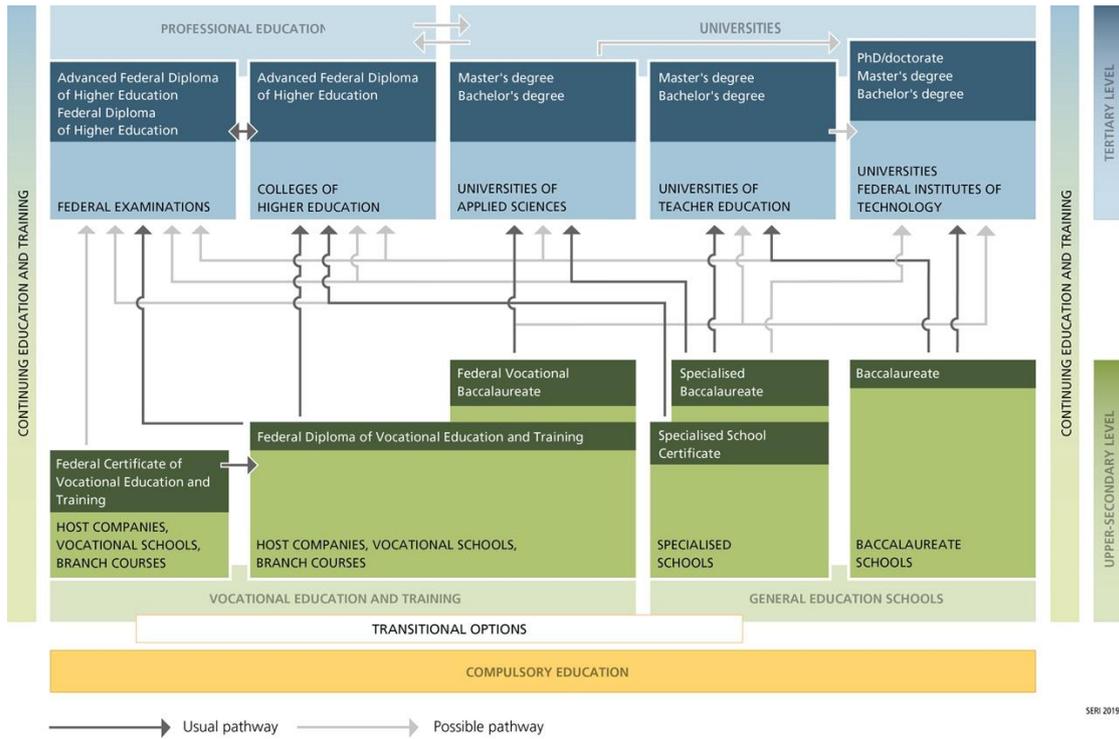
The Board of Education is happy to receive suggestions for developing existing basis of the degree or preparing whole new ones. Influence the content of the foundation of the degree and submit your development idea using the electronic form (<https://www.oph.fi/fi/koulutus-ja-tutkinnot/tutkintorakenne/lomake>.)

#### E. SWITZERLAND

In Switzerland vocational education and training (VET) is provided at upper-secondary level, while professional education is provided at tertiary level. Both VET and professional education follow defined training plans and national qualification procedures, maintaining a high degree of permeability. Switches between vocational/professional pathways and general education/university pathways are possible as shown in the following figure. The Swiss VPET system offers a broad selection of courses covering different abilities to different age groups, also including continuing education and training (CET).

The provision of VET and professional education is a task jointly supported by the Confederation, the cantons and professional organisations, assuring the availability of an adequate number of apprenticeships and training courses. This is regulated by a federal law through the Federal Act on Vocational and Professional Education and Training (Vocational and Professional Education and Training Act, VPETA) <https://www.fedlex.admin.ch/eli/cc/2003/674/en>.

Figure 9: The Swiss education system 2022.



## 2.5. REGULATORY APPROACH AND RECOMMENDATIONS TO REGULATION

### A. REGULATORY ANALYSIS

The purpose of this section is to highlight the need for a standard harmonising Member States' legislation on the necessary qualification - and consequent training - to ensure proper regulation of the profession and to improve the working conditions of delivery drivers. Furthermore, if harmonisation of Member States' legislation is achieved, as it was with the Certificate of Professional Competence, mutual recognition of the profession in the other Member States could be an option.

**Directive 2003/59** on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers introduced new compulsory training for certain professional drivers, which differs from the existing training for driving licences. This **new training** consists, on the one hand, of an **initial qualification** which must be obtained independently of the driving licence and, on the other hand, of **continuous training** aimed at keeping the knowledge initially required up to date.

Furthermore, this Directive was amended by Directive (EU) 2018/645 of the European Parliament and of the Council of 18 April 2018 in order to correct the main shortcomings identified in the implementation of the former, as well as to clarify the age at which certain driving licences may be issued to holders of a certificate of professional competence.

As highlighted in IO1, most last mile delivery drivers do not use large vehicles to make deliveries, which is one of the reasons why **it is not appropriate to extend the application of the 2003 Directive to these drivers.**

As with the drivers targeted by Directive 2003/59, it is necessary that last mile drivers, when performing similar functions to last mile drivers, are trained in, among others, road safety, efficient driving, technologies and customer care. This is because one of the fundamental aspects to be taken into account when dealing with this issue is the fact that, in many cases, **last mile delivery drivers lack the necessary training to carry out their profession; there is a Directive that does require other types of drivers to have formal training in order to carry out their duties.**

Take the example of a delivery driver who has not obtained a driving licence and travels by bicycle; this person is unaware of road safety regulations, even though he spends a large number of hours on the roads with other vehicles. This cannot be overlooked if we take into account that the fact that he does not know the meaning of certain signs or the rules of the right of way means that the risk of having or causing an accident is multiplied exponentially.

## B. RECOMMENDATIONS TO THE REGULATION

From the competency map it is possible to extract the main competencies that a last mile delivery person should possess, as well as the content of the training itself. Therefore, an analysis of the competency map can generate a common legal framework in all Member States as a basis for regulating the last mile delivery sector throughout the EU.

Several regulatory instruments exist in the EU to carry out this task. The following is an analysis of the suitability of the main ones for the purposes of this project: regulation, directive, decision, recommendation and opinion.

### A. REGULATION

A "regulation" is a binding legislative act. It must be applied in its entirety across the EU.

In view of the above, it is considered that **the regulation**, in the context of the present draft, is **not entirely appropriate for regulating this matter**, precisely because of the non-existent framework for action or manoeuvre that it leaves to the Member States.

### B. DIRECTIVE

A "directive" is a legislative act that sets out a goal that all EU countries must achieve. However, it is up to the individual countries to devise their own laws on how to reach these goals.

It is not directly applicable, as it requires the Member States to formally transpose it into their legal system by "transposing" its content. The directive itself sets the deadline for transposition, failure to comply with which may lead to infringement proceedings.

Within the framework of this project, **the Directive is considered to be one of the most appropriate Community regulatory instruments to harmonise the training requirements to be met by last mile delivery drivers**. As has been highlighted throughout this section, and as was the case with Directive 2003/59, a Directive harmonising the requirements necessary to exercise this profession throughout the European Union is considered to be the most appropriate instrument.

### C. DECISION

A "decision" is binding on those to whom it is addressed (e.g., an EU country or an individual company) and is directly applicable.

The decision shall be binding in all its elements (result, means and forms). Where it designates addressees, it is binding only on those addressees. Unlike a regulation, it is an individual act, addressed to a specific addressee, be it an individual, a sector, a Member State or several Member States.

In the context of this draft, the decision is **not considered to be the most appropriate**, since it faces the same obstacle as the regulation: a lack of scope for action on the part of the Member States in matters which fall within their exclusive and/or shared competence.

## D. OPINION AND RECOMMENDATION

Recommendations and Opinions shall not be binding. The Council and the Commission usually use Opinions to express an opinion and Recommendations to invite States or individuals to adopt a particular course of action.

In view of the above, the fact that opinions and recommendations **are not binding makes them undesirable instruments for achieving the objectives proposed in the framework of LAST MILE.**

On the other hand, from the 7 modules of the competence map, the following recommendations can be drawn for future regulation to reinforce the safety and work performance of last mile delivery drivers:

### 1. General aspects and traffic regulations.

The establishment of a list of minimum standards to be met by delivery drivers in the Member States. This is a set of basic standards, such as, for example, ensuring knowledge of traffic rules through the introduction of road safety training.

### 2. Safety rules and behaviours of delivery drivers.

The establishment of a set of rules related to last mile urban transport, which for the purposes of this paper is understood as transport using vehicles that fall outside the rules of the 2003 Directive. Examples include speed regulations, the use of protective equipment, rest periods, risk prevention measures, etc.

### 3. New technologies.

Establish a legal framework to ensure that the delivery driver knows how to make use of connected vehicle platforms and last mile delivery platforms. In addition to guaranteeing the levels of implementation of automated vehicles and new Advanced Driving Assistance Systems (ADAS) to manoeuvre in a safe urban environment. Finally, the importance of Artificial Intelligence (AI) and Big Data makes it necessary for delivery drivers to have a solid knowledge in the field of logistics regarding these subjects. An example of the use of Big Data in logistics is route optimisation, as it requires a data analysis process.

### 4. First aid.

Due to the risk to which delivery drivers are exposed and given that, depending on the means of transport, they can be the most vulnerable road users, it is considered necessary to include training that guarantees a rapid and effective response in the event of an emergency.

### 5. Urban logistics.

Another important aspect is the establishment of a training programme to ensure the proper handling of perishable goods and the protection of packages. It should be borne in mind that the goods transported by last mile delivery drivers are often perishable goods and are therefore more likely to arrive in poor condition. Moreover, this is particularly important if we consider that delivery drivers' pay will often depend on the reviews they receive from platform users, so a delivery in poor condition due to poor package protection could have an impact on the delivery driver's income.

## 6. Customer service and Insurance.

Related to the previous point (5), it is also crucial to include in the regulation training to ensure that delivery drivers have the necessary communication skills to provide customer service, as well as personal data protection regulations. It is also important in this regard that delivery drivers have sufficient training in liability and insurance.

## 7. Efficient driving.

It is essential to know how to use the vehicle correctly and efficiently in a profession where the means of transport is one of the key elements for the performance of the activity. It is also essential to know the urban environment in order to choose the shortest route, as well as the Low Emission Zones (LEZ) so as not to be affected by restrictions. Learning how to use techniques to make the best use of fuel, as well as environmental standards and weight restrictions applicable to parcels, among others.

## 3. CONCLUSIONS

After the analysis of the deliveries prior to IO4, it is concluded that **no country has regulated the profession of the last mile delivery driver**. However, Spain has been the first country in the world to regulate some aspects of the profession of riders with the "Rider Law", and Italy has followed in its footsteps.

However, it should be noted that the **requirements necessary to exercise the profession**, such as, among others: the necessary qualification and training, acquired rights, initial qualification, periodic training, rest periods for riders, **are still not regulated**, although there is a professional qualification in Spain whose training is very similar to the one proposed in the framework of the present project.

The standard proposed as the most appropriate instrument to harmonise the requirements for last mile delivery drivers across the EU is the **Directive**. This regulatory instrument was also chosen for the harmonisation of initial qualification requirements and periodic training for drivers of certain road vehicles for the carriage of goods or passengers (Directive 59/2003).

Like any profession, the last mile delivery driver must possess the knowledge and skills to carry out his job. The **Competence Map** sets out a detailed list of modules and their respective units of learning outcomes. Finally, it sets out the necessary knowledge and skills that delivery drivers must possess and the competences they acquire through this training. This is important because the standard regulating the profession will have to take all these aspects into account when establishing the requirements for access to the profession.