Honorable Commissioner,

Dear Dr. Schmit,

On behalf of the Asociación Autónoma de Riders, the Asociación Profesional de Riders Autónomos and the Asociación Española de Riders Mensajeros, which represents the majority of couriers operating with delivery apps in Spain, we are contacting you again, after we sent you a first letter in April 2021.

When we first wrote to you, we wanted to inform you about the threat that the “Rider Law” presented to couriers in Spain. Since August the 12th, the law has been in force, and unfortunately, the change resulted in exactly what we have feared would happen. The Law brought us very rigid and inflexible models, instead of a flexible model with additional protections, which is what couriers wanted and, which other countries like France or Italy have regulated.

First, platforms have chosen diverse paths to react to the new law, eg. by employing couriers partially, by collaborating with independent courier fleets, or, as in the case of Deliveroo, by leaving Spain entirely. As a result, there are less platforms for couriers to partner with, and much fewer jobs for us to take. Based on our information, more than 8,000 couriers in the sector are now out of work.

Second, for those of us who are still working as couriers, our situation has worsened significantly. We have lost the ability to work flexibly with the platforms and apps we used before. What the sector truly wanted and needed was a flexible model with additional protections and just the opposite happened. Most of us barely reach the minimum salary after the “Rider Law” entered into force.

While we acknowledge that there also have been improvements with regards to the tax benefits and the stability some couriers now enjoy, we strongly believe that self-employment - in the way it was recently classified by the European Court of Justice in the Yodel Case - is still the best way to build a fair and economically viable ecosystem for couriers, platforms and restaurants. This should include being able to accept or reject orders with no penalties, working with any third party, and fixing our own working hours. At the same time, all platforms should be required to respect the criteria above, and to respect collective bargaining for self-employed.

In our last letter, we asked you to consider our concerns in your legislative initiative on platform work, and to engage with the Spanish government to put a stop to the reform until an EU-wide framework is developed. With our experiences from the last months, and with the situation we are currently in, we can only repeat this plea more strongly. Many of us are suffering from economic hardship and urgently need a perspective on how we can make a living throughout
the winter months. Therefore, we truly hope that you will support our efforts to bring back opportunities to Spain, and to prevent such failures from happening to couriers in other European countries, too.

Best regards,

Asociación Autónoma de Riders
Badr Eddine

Asociación Profesional de Riders Autónomos
Jordi Mateo

Asociación Española de Riders Mensajeros
Héctor José Merino Martínez