

Posted drivers – know your rights and obligations

The new 'posting of drivers'
rules have applied since
2 February 2022



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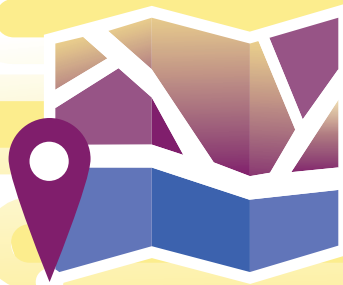
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You are a posted driver



If you carry out transport operations for a limited period in another EU Member State than the one where your employer is established, and you perform the following operations, you are a posted driver.

- **Cabotage.** The employer you work for is not established in the Member State where you carry out domestic transport operations.
- **Cross trade.** Transport operations between two Member States, or a Member State and a non-EU country, and your employer is not established in any of these countries.
- **Unladen journey.** A journey that is carried out in connection with a cabotage or a cross-trade operation that falls under posting rules.
- **Combined transport operations.** If the first or last part of a combined transport operation is a cross-trade or cabotage operation, then you are a posted driver only when performing that first or last part.

In the event of a roadside check, you need to be able to show the inspector:

- a copy of the posting declaration (electronic or paper version);
- evidence of transport operation(s), taking place in the host Member State (e.g. a consignment note); and
- tachograph records.

Your employer must ensure that you have these up-to-date documents at your disposal.

What remuneration and other working conditions are you entitled to?

If the overall remuneration and working conditions are better in the country you are posted to than in the country where your employer is established, then you are entitled



to the higher level of remuneration and better working conditions. If the level is not higher, then the rules of the country of establishment apply.

You are not a posted driver

If you perform any of the following transport operations, you are not a posted driver.

- **A bilateral operation.** Transporting from the Member State where your employer is established to another country (inside or outside the EU), or returning from any other country (inside or outside EU) to the Member State where your employer is established.
- **Limited additional activities of loading and/or unloading.** In the Member States or non-EU countries crossed whilst carrying out a bilateral operation.
- **Transit.** Crossing a Member State without any loading or unloading.
- **Unladen journey.** If your journey is carried out in connection with a bilateral operation.
- **Combined transport operations.** If the first or last part of a combined transport operation is a bilateral operation, then you are not a posted driver only when performing that first or last part.

What remuneration and working conditions are you entitled to?

When you are not a posted driver, the levels of remuneration and working conditions of the Member State where your employer is established apply.

