ELA and CORTE online information session on road transport social legislation for operators, drivers and social partners, with a focus on passenger transport

2 June 2025







## **Opening remarks**

**Tonio BOER** Senior Labour Mobility Officer Information and EURES Unit, ELA

Iwona KASPRZYK-SOWA Senior Labour Mobility Officer, Cooperation Support Unit, ELA

> Katarzyna KUSKE Policy Officer, DG MOVE, European Commission





## Agenda



14.15 – 14:30	Registration (CET time zone)
14:30 – 14:35	<ul> <li>Welcome words by ELA and EC</li> <li>Tonio Boer, Senior Labour Mobility Officer, Information and EURES Unit, ELA</li> <li>Iwona Kasprzyk-Sowa, Senior Labour Mobility Officer, Cooperation Support Unit, ELA</li> <li>Katarzyna Kuske, Policy Officer, DG MOVE, European Commission</li> </ul>
14:35 – 14:45	ELA information activities in the road transport sector <ul> <li>Tonio Boer, Senior Labour Mobility Officer, Information and EURES Unit, ELA</li> </ul>
14:45 – 15:15	Driving and rest times in passenger transport <ul> <li>Hans Drijer, Senior Expert, CORTE</li> </ul>
15:15 – 15:30	Experience from the side of drivers and operators by ETF and IRU
15:30 – 15:45	Discussion
15:45 – 16:15	Posting of drivers in passenger transport • Artur Toczko, Road Transport Inspector, Provincial Road Transport Inspectorate in Białystok, Poland
16:15 – 16:25	<ul> <li>Coordination of social security systems (enforcement at the roadside)</li> <li>Danijela Wittine, Seconded National Expert, Cooperation Support Unit, ELA</li> </ul>
16:25 – 16:40	Experience from the side of drivers and operators by ETF and IRU
16:40 – 16:55	Discussion
16:55 – 17:00	Closing remarks by CORTE • Remy Russotto, Chief Executive Officer, CORTE

# ELA information activities in the road transport sector

### **Tonio BOER** Senior Labour Mobility Officer, Information and EURES Unit, ELA



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### INFORMATION PILLAR

COOPERATION PILLAR

### ENFORCEMENT PILLAR

## **ELA Information Activities in the Road Transport Sector**

Videos

Leaflets

Posters

Resources





economy. However, it is also a sector that has to deal with several challenges, some are specific for drivers, or operators, others are problematic for both

Road Transport sector constitutes an increasingly important area for the European Labour Authority. Enforcing EU legislation addressing the social aspects of specific legislation in a highly mobile environment raises numerous challenges. Relevant legal framework for this sector 'Mobility Package I' in place since August 2020 addressed some of these issues. It contains a set of rules that have gradually become applicable, for example the rules on posting of drivers or the rules on driving and resting time. These new rules brought changes the road transport sector and also new challenges in their practical application

It is one step to have the rules in place, the second step is to ensure that drivers and operators are informed about the rules, and a third, that the rules are enforced effectively. In line with this, the Authority published its Framework for Action on road transport. where it announced a number of activities planned for 2022, including the set-up of a coordinated information and awareness raising campaign on road transport



#Road2FairTransport Campaign



**Review of National Websites** and EU portals



Road Transport Local Information events





## Available in all EU languages and several non-EU languages

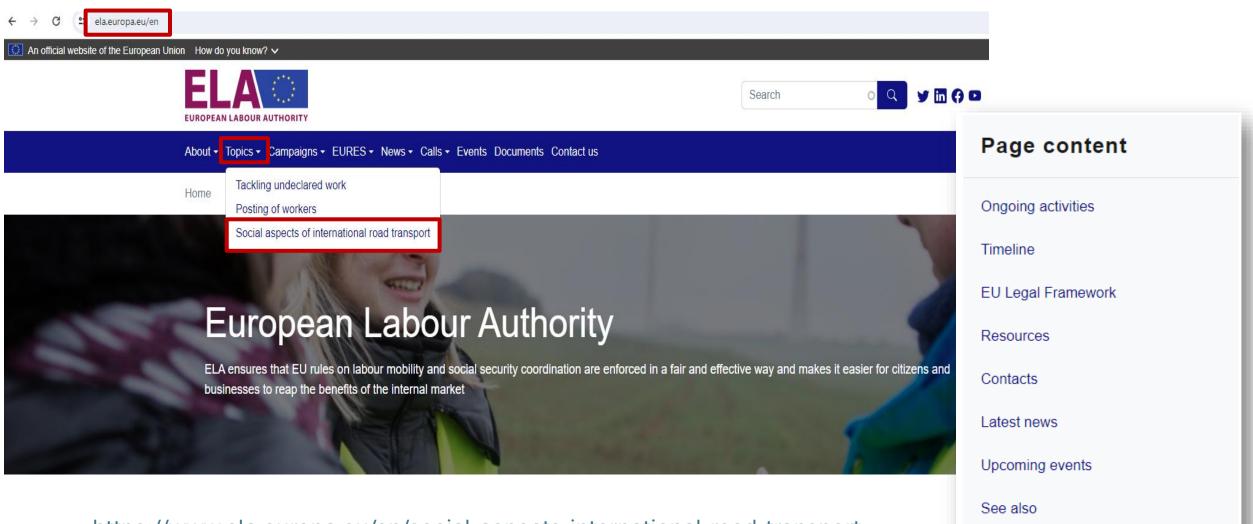


<u>htm</u>

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Search Life and travel V	Doing business v Contact assistance services Report an obstacle	work/work- abroad/rules-
Your Europe > Citizens > Work	k and retirement > Working abroad > EU rules for working in road transport	working-road- transport/index_en.

### EU rules for working in road transport

s page	Допомога ЄС Україні				
ong can I drive?	EU assistance to Ukraine				
ong should I rest?					
ays use the tachograph	As a transportation driver you must follow certain EU rules on <b>driving times, rest times, and how</b> to register them. These rules apply if you drive a heavy goods vehicle over 3.5 tonnes, or a bus or				
you a posted driver?	coach with 10 or more seats (including the driver). You must follow these rules if you are driving long-haul or making deliveries domestically or abroad, regardless of where your vehicle is				
0	registered, and whether you are self-employed or an employee. The <u>EU rules on driving times</u> do not apply to all types of transport. Read the exceptions below.				
What is the minimum wage for posted drivers?	registered, and whether you are self-employed or an employee.				
	Exceptions				



**EUROPEAN LABOUR AUTHORIT** 

https://www.ela.europa.eu/en/social-aspects-international-road-transport



#Road2FairTransport: ELA's 2022

awareness raising campaign

Campaign materials

Videos

Leaflets

Posters

Resources

Infographics

Content

### **EU Legal Framework**

Relevant EU legislation in ELA's mandate:

- Regulation (EC) No 561/2006 on rules relating to driving times and rest periods as amended by Regulation (EU) 2020/1054
- Directive 2006/22/EC on rules relating to enforcement requirements as revised by Directive (EU) 2020/1057
- Directive (EU) 2020/1057 on rules relating to posting of drivers in the road transport sector
- Regulation (EC) No 1071/2009 on rules relating to access to the profession as revised by Regulation (EU) 2020/1055

### Resources

### **Training materials**

- Training session on the use of the posting declaration portal for Road Transport 💣 [part 1] 💣 [part 2] 🖻
- Training session on Road Transport
- Information session on the new modules of the IMI System for Road Transport sector
- Workshop on Passengers Transport

More training materials

### **Communication materials**

See all  $\rightarrow$ 







European Commission					⊕ EN			Q 5	Search		
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•	lome	Ukraine 🗸	Transport modes	$\sim$	Transport themes	$\sim$	EU Mobility & Transport achievements 2019-2024	News & Events	$\sim$	Facts & Funding	$\sim$
Но	ome >	> Transport mo	des > Road	> M	lobility Package I						

### Mobility Package I

#### Posting rules

Questions and Answers on posting of drivers under Directive (EU) 2020/1057

#### Market rules

Rule on the return of the vehicle as applicable from 21 February 2022 Rules on cabotage as applicable from 21 February 2022

TRACE 2 guidance and training materials

Efficient and harmonised enforcement of Mobility Package 1

#### Tachographs

Questions and Answers on the manual recording of border crossings in tachographs under Regulation (EU) No 165/2014

#### Driving & Rest times

Regulation (EU) 2020/1054 in application from 20 August 2020



### New rules for the EU road transport sector





Commission Road Transport - Posting Declaration

### Welcome

#### Welcome to the Road transport posting declaration portal.

This portal is designed for road transport operators who have to comply with the EU rules on posting of drivers established in Directive (EU) 2020/1057. It will allow you, as a road transport operator, to submit the following:

- · Posting declarations to the Member State(s) where your drivers will be posted;
- Documents to the authorities of the Member States where your drivers have been posted, when those authorities request such an action.

#### Instructions for use

You are now on the landing page of this portal. If you have not yet created your account, you will have to do so by clicking on "Create account". If you or another person in your company has already created an account, please click on "Go to account".

Once your account is created, you will be able to register drivers' profiles and to create and manage posting declarations.

Please note that this portal, provided by the European Commission, is the one and only official portal where you can submit posting declarations and respond to requests for documents by the national authorities.

For help on registration, click here Help

If you don't have a company account Create an account	
If you already have a company account Go to my account	https://www.p ostingdeclarat ion.eu/landing





## Finding skilled workers in international road transport



ELIRES (ELIRopear	n Employment Services)			
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My ca Adver	andidates rtise a job and tips	MAIN		K
		over 1 million CVs available via EURES eating your EURES employer profile.	12	- Anno-
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	s of the European Economic Area (EEA) pportunity to find motivated and skilled national work force shortages in specific ribute to increasing corporate innovation	EURES 2023 Employer Tutorial Video		

<u>Step</u> 1 - homepage

#### **EURES** Jobseekers v Employers v Living & Working v EURES Services v My EURES Home Home > Employers > Find candidates Find candidates Location Germany (71) ø Belgium (68) ٢ Specific data quality disclaimer & terms of use for CVs Spain (25) All fields International Drivers Denmark (18) + Add a keyword Sweden (16) ø Switzerland (14) ٥ CLEAR SEARCH Norway (14) ✓ More criteria Show all > Work schedule Active filters - Select a search profile ♥ Full-time (71) Flexible (52) All fields: International Drivers 🛞 Country: Germany 🛞 Work schedule: Full-time 🛞 Part-time (7) Contract type: Direct hire 🛞 Education level: Lower secondary education 🛞 Education field: Services 🛞 Show all > Contract type Direct hire (71) 71 candidates found (showing from 1 to 10). Temporary to hire (54) Sort by Relevance V 1 2 3 ... 7 8 next >> Temporary (4) Results per page 10 ~

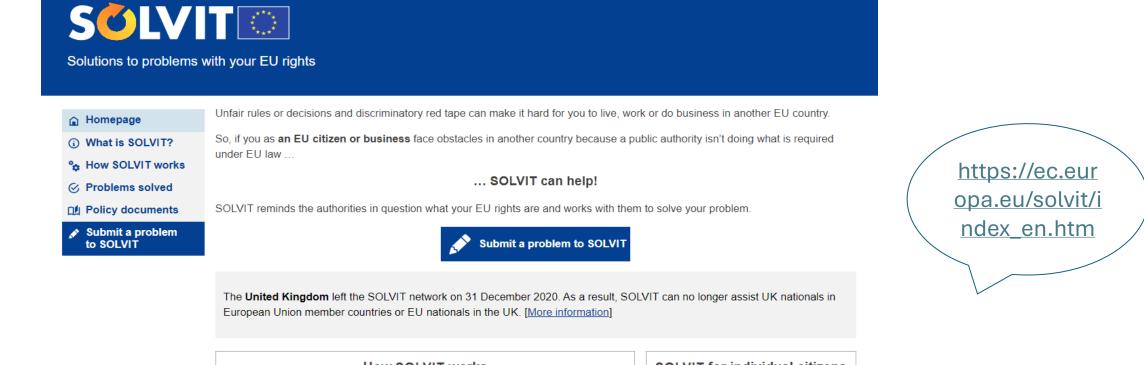
Step 2 – find candidates (for employers)





Home > Employers > Find candidates > Employers Anonymous candidate - CV (Last update : 13/01/2024) Find candidates - Candidate search profile Some private data may be hidden on this CV due to privacy settings 6 My candidates • EU Login Advertise a job View CV in Dutch v Prerequisite Hints and Tips A HOW TO CONTACT FIND MATCHING VACANCIES PRINT Personal information EURES Login as employer  $\bullet$ > Anonymous candidate Work experiences > Heavy truck and lorry drivers (01/05/2020 - 01/12/2023) > Heavy truck and lorry drivers (01/06/2019 - 01/12/2019) > Supply, distribution and related managers (01/05/2007 - 01/06/2018) > Supply, distribution and related managers (01/02/2004 - 01/09/2006) <u>https://eures.europa.eu/emp</u> > Transport clerks (01/05/1993 - 01/02/2004) Relevant loyers\_en Links Step 3 – candidate CV • EURES Employer Tutorial 2023







# **Opportunity to participate in ELA studies for employers**



Ongoing ELA studies aiming to better understand employers and workers needs in labour mobility:



- 1) Needs in the areas of **labour mobility information**
- Online survey for employers and workers
- Focus groups and interviews with employers

2) Feasibility study on the establishment of an **EU help desk for labour mobility** 

• Interviews with employers and social partners

Interested? Contact us: information@ela.europa.eu







Online information session on the changes introduced to driving & rest times in occasional passenger transport - Regulation (EC) 561/2006

> Hans DRIJER, CORTE







Regulation (EC) No 561/2006 was amended by *Regulation (EU) 2024/1258* 

## Reasons for special rules for occasional passenger transport (as per recitals of Regulation (EU) 2024/1258)

- high seasonality and different lengths of time spent driving
- varying driving distances depending on touristic activities
- accommodate passenger needs (unscheduled stops and changes of route or schedule)

## Changes in Driving/Rest time rules for occasional passenger transport – KEY CHANGES



### **BREAKS:**

• in addition to the current option of splitting the break into 15+30 minutes, any combination is allowed (e.g. 21+24; 19+26, 15+40 etc.), under the condition that the minimum duration of each split break should be at least 15 minutes, and the two split breaks together should amount to at least 45 minutes.

### DAILY REST:

- Normally a daily rest has to be taken within 24 hours, but in occasional passenger transport a derogation is allowed and the daily rest can be taken within 25 hours, if below conditions are met:
  - > The service is a "single" occasional passenger service with a duration of at least six consecutive 24-hour periods, and
  - > The total driving time for the day does not exceed 7 hours.
- For a service with a duration of at least six consecutive 24-hour periods the derogation can be used once
- For a service with a duration of at least eight consecutive 24-hour periods the derogation can be used twice.
- The use of above derogation allows drivers to spread their driving time over a period of 14 to 16 hours instead of 13 to 15 hours.

### WEEKLY REST:

- Normally a weekly rest must start <u>no later than</u> at the end of **six** 24-hour periods from end of previous weekly rest. But for occasional passenger transport a derogation is allowed and the weekly rest may be <u>postponed up to</u> **twelve** 24-hour periods, if the below conditions are met:
  - > After the use of the derogation the driver has to take either two regular weekly rests **OR** a regular & reduced weekly rest.
  - > The vehicle is equipped with a G1 or G2V1 or G2V2 tachograph, and
  - > The service is a "single" occasional passenger service
  - if driving occurs during the period from 22,00 to 06,00, the vehicle is multi-manned OR the breaks have to be taken after 3 hours of driving (instead of 4.5 hours).



- To understand these changes it is first important to understand what is occasional passenger transport.
- For this we must consider **Regulation (EC) No 1073/2009** which defines "regular services" and "occasional services" in passenger transport.

Changes to Driving/Rest time rules for occasional passenger transport – *Definition of 'occasional services'* 



REGULATION (EC) No 1073/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 21 October 2009

on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006

Article 2

### Definitions

2. **'regular services'** means services which provide for the carriage of passengers at specified intervals along specified routes, passengers being picked up and set down at predetermined stopping points;

3. 'special regular services' means regular services, by whomsoever organised, which provide for the carriage of specified categories of passengers to the exclusion of other passengers;

4. **'occasional services'** means services which do not fall within the definition of regular services, including special regular services, and the main characteristic of which is the carriage of groups of passengers constituted on the initiative of the customer or the carrier himself;

## Changes to Driving/Rest time rules for occasional passenger transport – *Article 7 of Regulation 561/2006*

### Article 7 of Regulation (EC) No 561/2006

After a driving period of four and a half hours a driver shall take an uninterrupted break of not less than 45 minutes, unless he takes a rest period.

This break may be replaced by a break of at least 15 minutes followed by a break of at least 30 minutes each distributed over the period in such a way as to comply with the provisions of the first paragraph.

For a driver engaged in an occasional passenger service, the break referred to in the first paragraph may also be replaced by two breaks, of at least 15 minutes each, distributed over the driving period referred to in the first paragraph, in such a way as to comply with the provisions of the first paragraph.

A driver engaged in multi-manning may take a break of 45 minutes in a vehicle driven by another driver provided that the driver taking the break is not involved in assisting the driver driving the vehicle.

### □ KEY TAKE AWAY

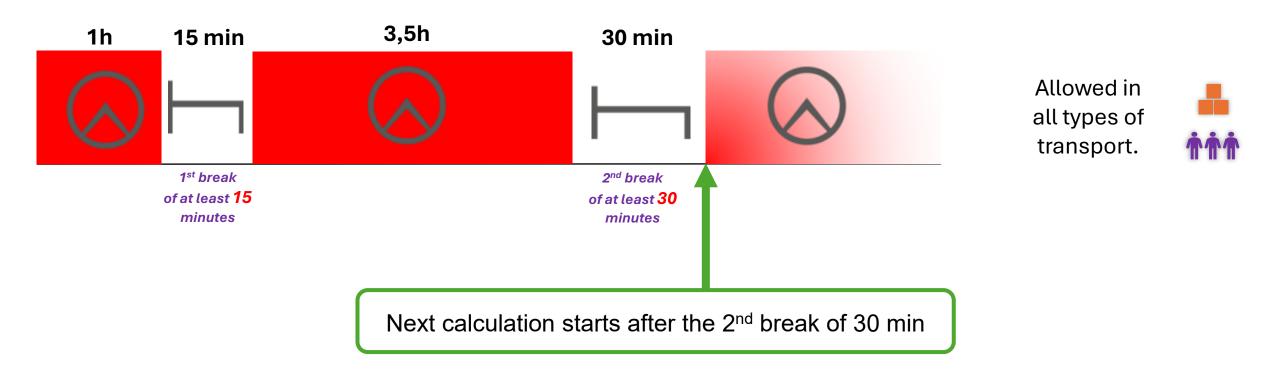
- in addition to the current option of splitting the break into 15+30 minutes.
- allows any combination 21+24; 19+26, 15+40 etc.
- under the condition that the minimum duration of each split break should be at least 15 minutes, and the two breaks together should amount to at least 45 minutes.



Changes to Driving/Rest time rules for occasional passenger transport – *Article 7 of Regulation 561/2006* 

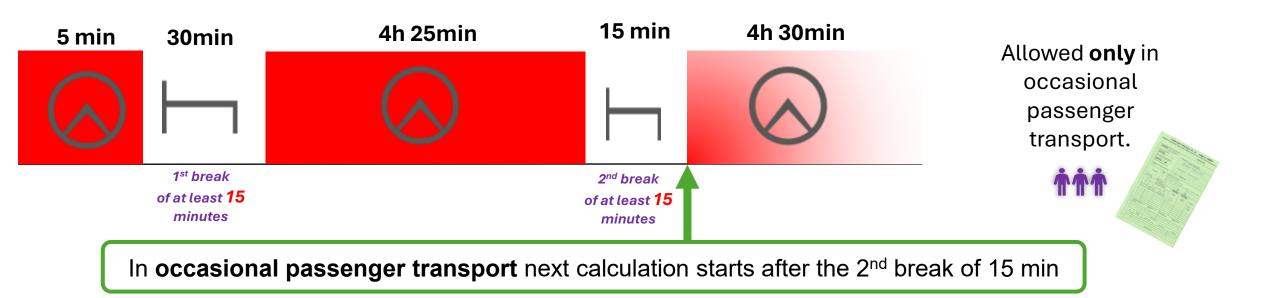


## Possible divisions of breaks to wipe the slate clean: Example 1





## Possible divisions of breaks to wipe the slate clean: Example 2

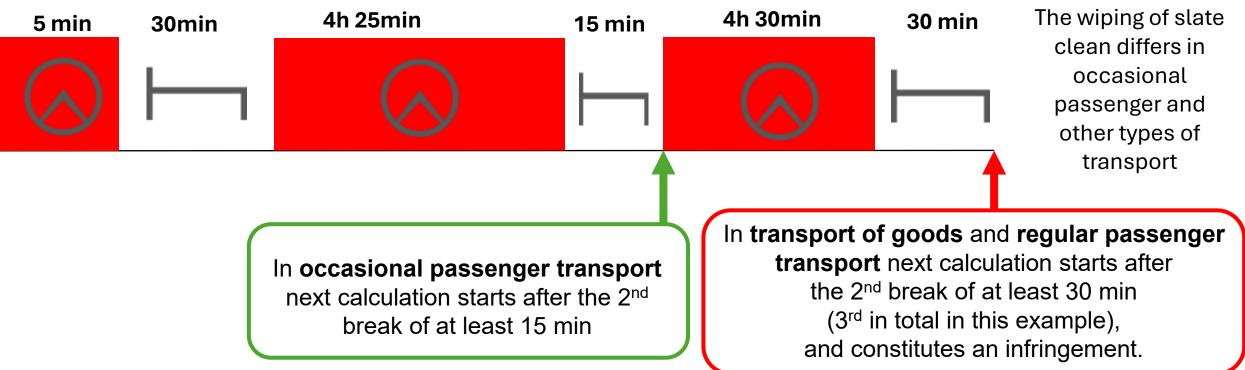


### Consequences of Charlton case (ECJ C-116/92):

- Problem with calculation rules used for goods and regular passenger transport 8hr 55 min driving allowed with only break of 15 min
- The above example is an infringement in case of goods transport or regular passenger transport. But it is okay for occasional passenger transport.



## Possible divisions of breaks to wipe the slate clean: Example 3



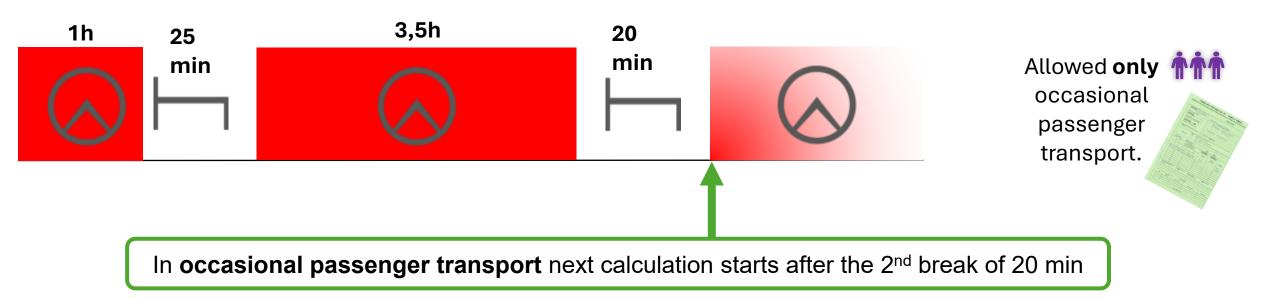
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Changes to Driving/Rest time rules for occasional passenger transport – *Article 7 of Regulation 561/2006* 



### Possible divisions of breaks to wipe the slate clean: Example 4



Changes to Driving/Rest time rules for occasional passenger transport – *Article 8.2a of Regulation 561/2006* 



## Article 8 of Regulation (EC) No 561/2006 (daily resting time)

- 1. A driver shall take daily and weekly rest periods.
- 2. Within each period of 24 hours after the end of the previous daily rest period or weekly rest period a driver shall have taken a new daily rest period. If the portion of the daily rest period which falls within that 24 hour period is at least nine hours but less than 11 hours, then the daily rest period in question shall be regarded as a reduced daily rest period.

Changes to Driving/Rest time rules for occasional passenger transport – Article 8.2a of Regulation 561/2006

ELA \*\*\*\*

Article 8 of Regulation (EC) No 561/2006

(daily resting time)

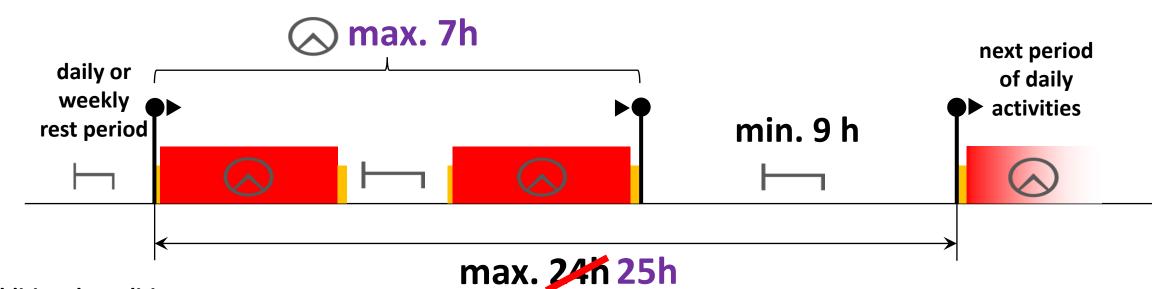
2a. Provided that road safety and the working conditions of the driver are not thereby jeopardised, a driver engaged in a single occasional passenger service with a duration of at least six consecutive 24 hour periods may derogate from paragraph 2, first subparagraph, by taking the daily rest period once within a maximum of 25 hours after the end of the previous daily rest period or weekly rest period, provided that the total accumulated driving time for that day has not exceeded seven hours. Complying with the same conditions, that derogation may be used twice in a single occasional passenger service with a duration of at least eight consecutive 24-hour periods. The use of that derogation is without prejudice to the maximum working time under the applicable law.

### □ KEY TAKE AWAY

- The Article refers to "single" occasional passenger service. Meaning one single trip of occasional passenger transport and not several trips together done occasionally.
- Coach tourism drivers engaged in trips of 6 days and more can extend once (twice for trips of 8 days or longer) their daily spread-over to 14/16 hours (currently 13/15)
- Total accumulated driving time during that day should be 7 hours or less.
- Derogation can be used anytime during the trip of minimum 6 days
- Applicable for single manning, but not for multi-manning

## Occasional Passenger Transport Art . 8.2a of Regulation 561/2006





Additional conditions:

Nature of transport	Daily driving time	Permissible number of times of					
single occasional		use					
passenger service	limited to 7h	Length of	up to	6x24h and	8x24h		
	3h + 2h + 2h	the service	6x24h	up to 8x24h	or more		
	e.g.	times of use	-	once	twice		

## Occasional Passenger Transport – Art . 8.6a of Regulation 561/2006



### Postponing weekly rest in a single occasional passenger service

6a. By way of derogation from paragraph 6, a driver engaged in a single occasional passenger service may postpone the weekly rest period for up to 12 consecutive 24hour periods following a previous regular weekly rest period, provided that:

a) the service lasts at least 24 consecutive hours in a Member State or a third country to which this Regulation applies other than the one in which the service started;

b) the driver takes after the use of the derogation:

(i) either two regular weekly rest periods; or

(ii) one regular weekly rest period and one reduced weekly rest period of at least 24 hours.

However, the reduction shall be compensated by an equivalent period of rest taken en bloc before the end of the third week following the end of the derogation period;

(c) after 1 January 2014, the vehicle is equipped with recording equipment in accordance with the requirements of Annex IB to Regulation (EEC) No 3821/85; and

(d) after 1 January 2014, if driving during the period from 22,00 to 06,00, the vehicle is multi-manned or the driving period referred to in Article 7 is reduced to three hours.

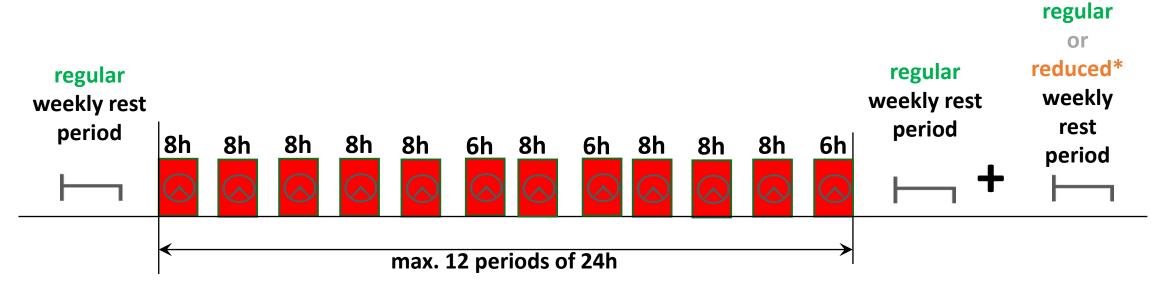
### KEY TAKE AWAY

- The Article refers to "single" occasional passenger service. Meaning one single trip of occasional passenger transport and not several trips together done occasionally.
- Coach tourism drivers can postpone taking of weekly rest up to 12 days, provided they take 2 regular weekly rests OR 1 regular and 1 reduced weekly rest after the use of derogation.
- The vehicle has to be equipped with either digital or a smart tachograph.
- If driving occurs between 22:00 to 06:00 hrs then either the vehicle has to be multimanned OR the breaks have to be taken for every 3 hours of driving.

## Occasional Passenger Transport Art . 8.6a of Regulation 561/2006







### **Additional requirements:**

Tachograph	Nature of transport	Continuous driving at night
digital or smart	single occasional passenger service	limited to 3 hours, unless multi-manned
G1 G2V1 G2V2		or



4. For the purpose of roadside checks, until a digital journey form is available, the driver shall be able to justify the use of the derogations under Article 7, third paragraph, and Article 8(2a) and (6a) by:

(a) **carrying on board the vehicle** a completed **journey form** (shown later in slides below), containing the information required in accordance with Regulation (EC) No 1073/2009, which the transport undertaking shall be responsible for providing the driver with prior to each journey; and

(b) <u>carrying on board the vehicle</u> paper or electronic copies of such journey forms which cover the previous 28 days, and, <u>from 31 December 2024</u>, the previous 56 days.

The obligation in point (b) of the first subparagraph shall cease to apply at the latest when the vehicle uses a tachograph allowing the recording of the type of passenger service referred to in paragraph 5.

For national services, the journey form for international services may be used, indicating its use for national service. The Commission may adopt an implementing act establishing the format of the journey form for national services to simplify checks on compliance, if appropriate. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 24(2a).

Changes to Driving/Rest time rules for occasional passenger transport – Article 16 (4) of Regulation 561/2006



### Digital journey form?

4. ...continues:

<u>No later than 31 December 2026</u>, the Commission shall assess the options for **digitalising the journey form for drivers engaged in** <u>occasional</u> **passenger services** in terms of feasibility, cost-effectiveness and its impact on enforceability and working conditions of drivers and, if appropriate, present to the European Parliament and the Council a legislative proposal regarding such digitalisation.

That assessment shall cover the **development of a digital journey form** containing the information required in accordance with Regulation (EC) No 1073/2009 to allow such information to be electronically registered prior to the start of the journey in a multilingual interface to which operators have access. To that end, the Commission may also explore the possibility of developing one or more new modules for the Internal Market Information System established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council.



 To ensure uniform application and enforcement of Article 7, third paragraph, and Article 8(2a) and (6a), the Commission shall, (...)
 at the latest by 23 November 2025,

adopt acts laying down appropriate technical specifications that enable the **recording** and storage on the tachograph of data relating to the type of passenger service, namely regular or occasional passenger service. (...)

## Changes in Driving/Rest time rules for occasional passenger transport – KEY TAKEAWAYS



### **BREAKS:**

 in addition to the current option of splitting the break into 15+30 minutes, any combination is allowed (e.g. 21+24; 19+26, 15+40 etc.), under the condition that the minimum duration of each split break should be at least 15 minutes, and the two split breaks together should amount to at least 45 minutes.

### **DAILY REST:**

- Normally a daily rest has to be taken within 24 hours, but in occasional passenger transport a derogation is allowed and the daily rest can be taken within 25 hours, if below conditions are met:
  - > The service is a "single" occasional passenger service with a duration of at least six consecutive 24-hour periods, and
  - > The total driving time for the day does not exceed 7 hours.
- For a service with a duration of at least six consecutive 24-hour periods the derogation can be used once
- For a service with a duration of at least eight consecutive 24-hour periods the derogation can be used twice.
- The use of above derogation allows drivers to spread their driving time over a period of 14 to 16 hours instead of 13 to 15 hours.

### WEEKLY REST:

- Normally a weekly rest must start <u>no later than</u> at the end of six 24-hour periods from end of previous weekly rest. But for occasional passenger transport a derogation is allowed and the weekly rest may be <u>postponed up to</u> twelve 24-hour periods, if the below conditions are met:
  - > After the use of the derogation the driver has to take either two regular weekly rests **OR** a regular & reduced weekly rest.
  - > The vehicle is equipped with a G1 or G2V1 or G2V2 tachograph, and
  - > The service is a "single" occasional passenger service
  - if driving occurs during the period from 22,00 to 06,00, the vehicle is multi-manned OR the breaks have to be taken after 3 hours of driving (instead of 4.5 hours).

# Experience from the side of drivers and operators by ETF and IRU





## Discussion







Online information session on posting of drivers in passenger transport

#### **Artur TOCZKO**

*Road Transport Inspector* Poland





## **Overview of the posting rules**





Type of operation	In posting	Out of posting
Cabotage	$\checkmark$	
Bilateral operation		$\checkmark$
Bilateral operation + one activity of loading and/or unloading (1+1 rule)*		$\checkmark$
Bilateral operation + two activities of loading and/or unloading during return journey (0+2 rule)**		$\checkmark$
Bilateral operation as part of an initial or final leg of combined operation*		$\checkmark$
Non bilateral operation as part of an initial or final leg of combined operation*	$\checkmark$	
Transit		$\checkmark$
Cross-trade / Non bilateral operation	$\checkmark$	
Unladen journeys	depending on the ope	eration that follows it
*only with G2V2 tachograph *transport of goods only		



#### Is an unladen journey the same as 'transit'?

No. A transit situation is always exempt from posting rules, while an unladen journey is exempt if it is carried out in connection with a bilateral operation and is not exempt when it is carried out in connection with cabotage or non-bilateral international operation falling under posting rules (cross-trade).

In principle, posting ends with unloading (*setting down passengers*) goods carried within the operation falling under posting rules (e.g. cabotage or cross-trade). The classification of the subsequent unladen journey as posting or as exempt from posting depends on whether the new operation, which actuates that unladen journey, is covered by posting rules or not. In this context, it is important to note, that the driver is not considered posted if, after unloading the goods (*setting down passengers*) within the operation covered by posting rules, he/she performs an unladen journey back to his/her MS of establishment.

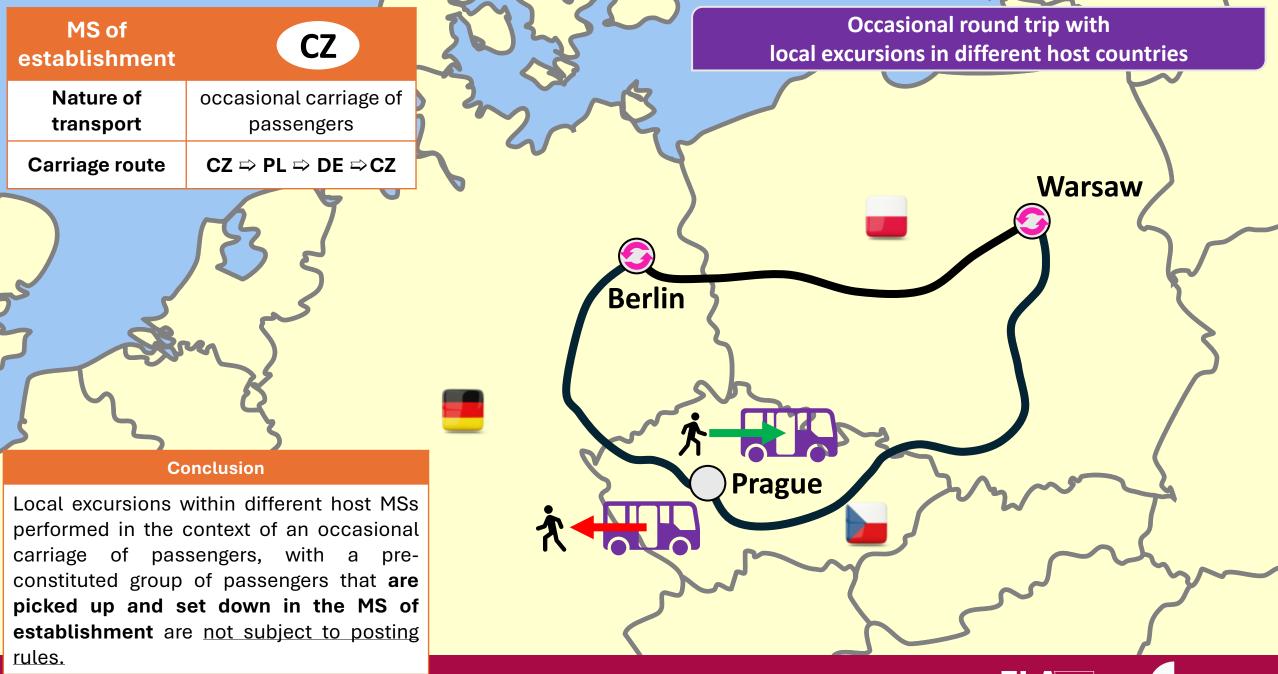
Source: DG MOVE - Questions and Answers on posting of drivers under Directive (EU) 2020/1057



## Scenarios for posting of drivers in OCCASIONAL passenger transport

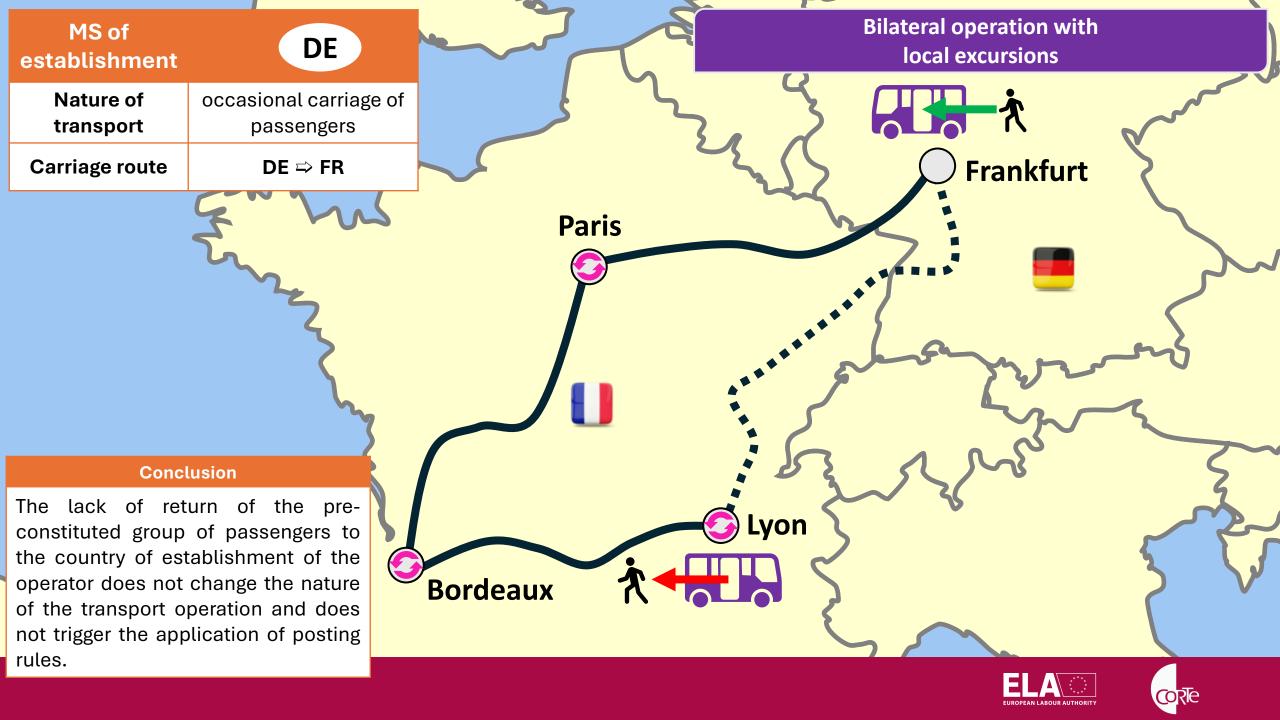


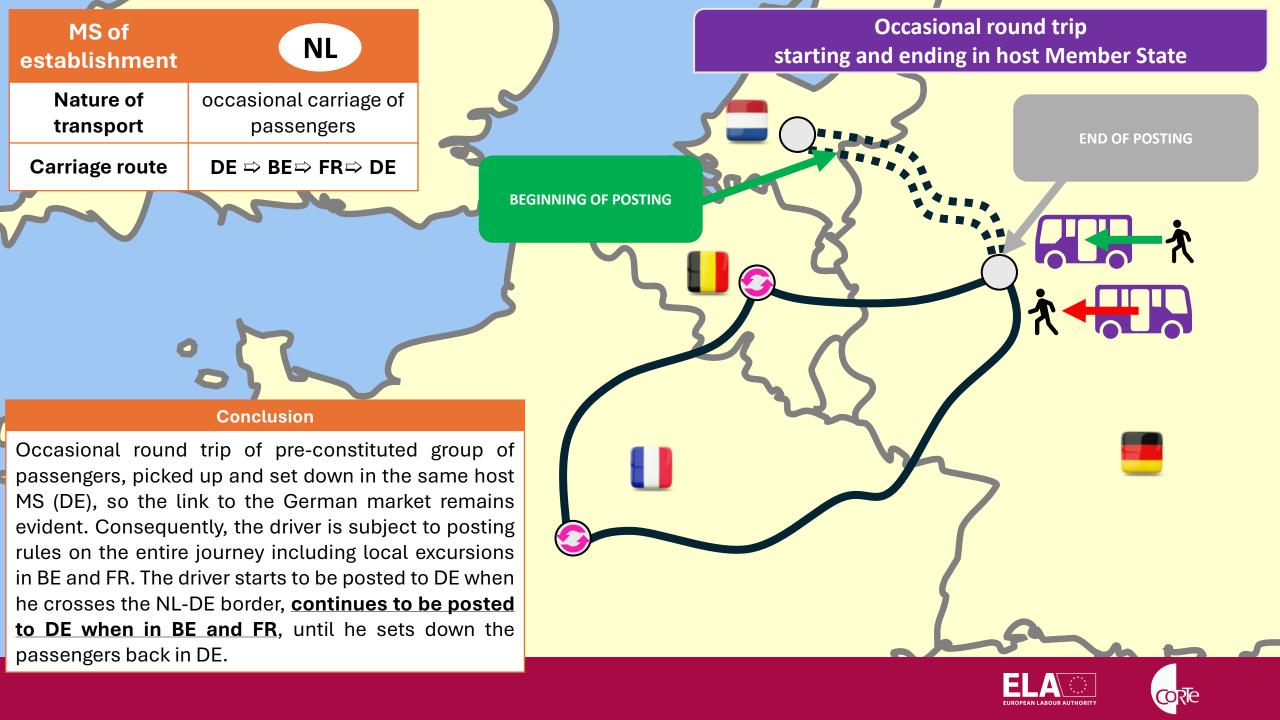














# Scenarios for posting of drivers in REGULAR passenger transport





MS of establishment	PT G2V2
Nature of transport	regular carriage of passengers
Carriage routes	PT ⇒ ES⇒ FR FR ⇒ ES⇒ PT

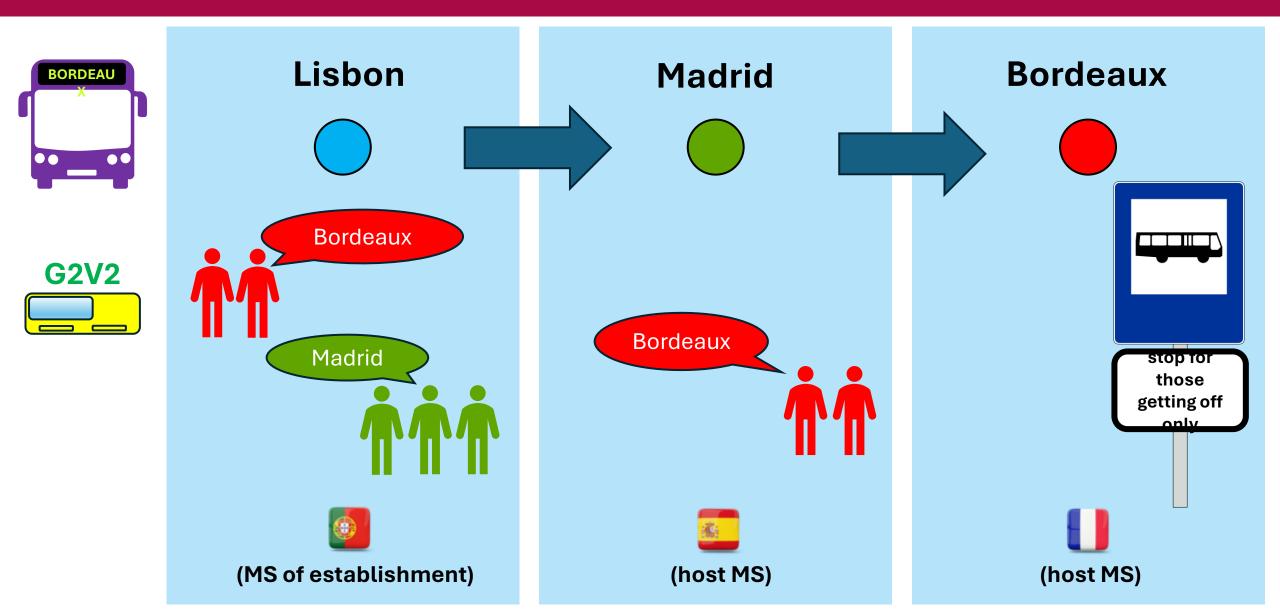
#### Regular passenger transport -A bilateral operation with a cross-trade operation (1+1)



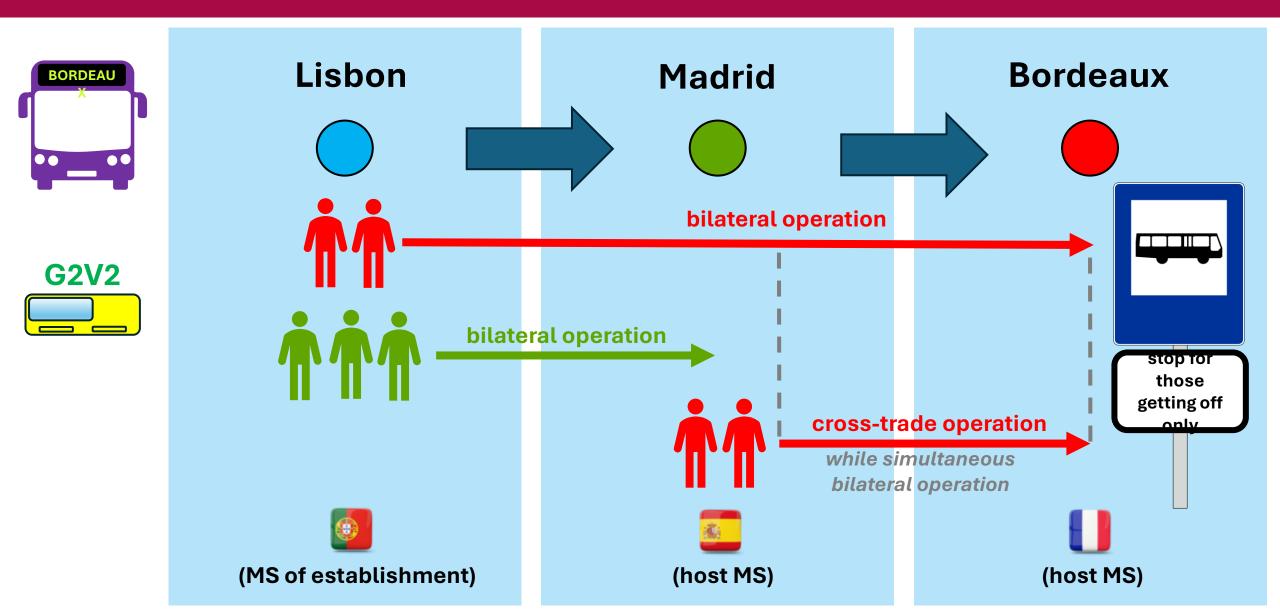
#### Conclusion

When carrying out a cross-trade operation in the context of a bilateral transport operation from the MS of establishment and provided that the vehicle is equipped with a G2V2 tachograph, the driver is exempt from the posting rules. Similar exemption applies on the return journey.

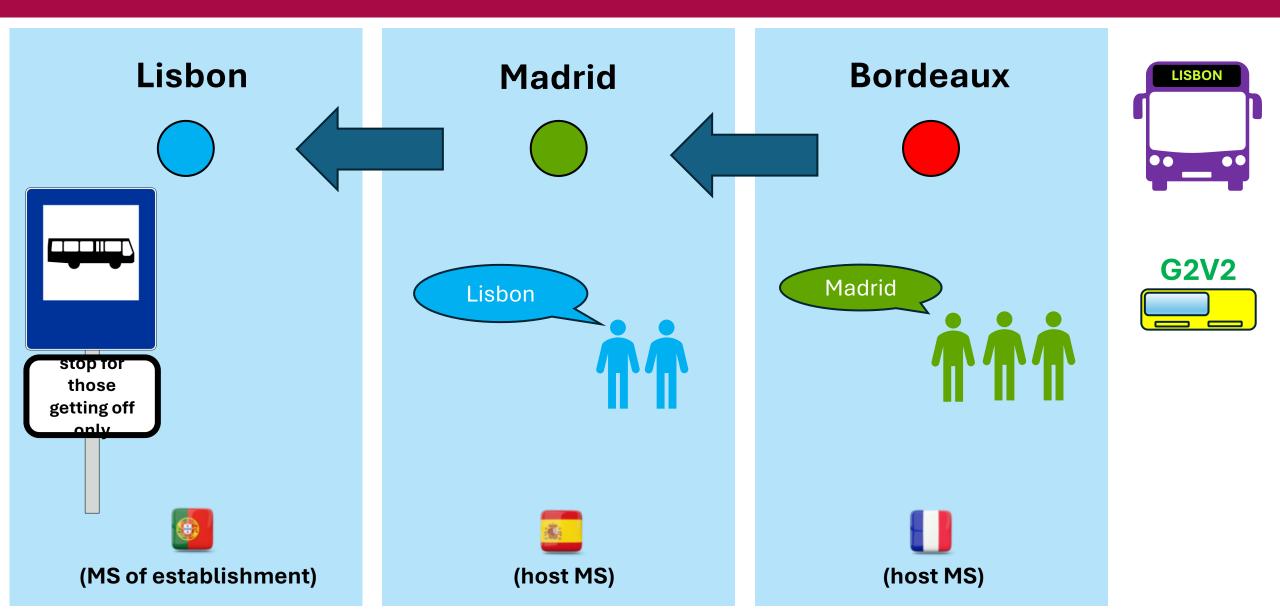




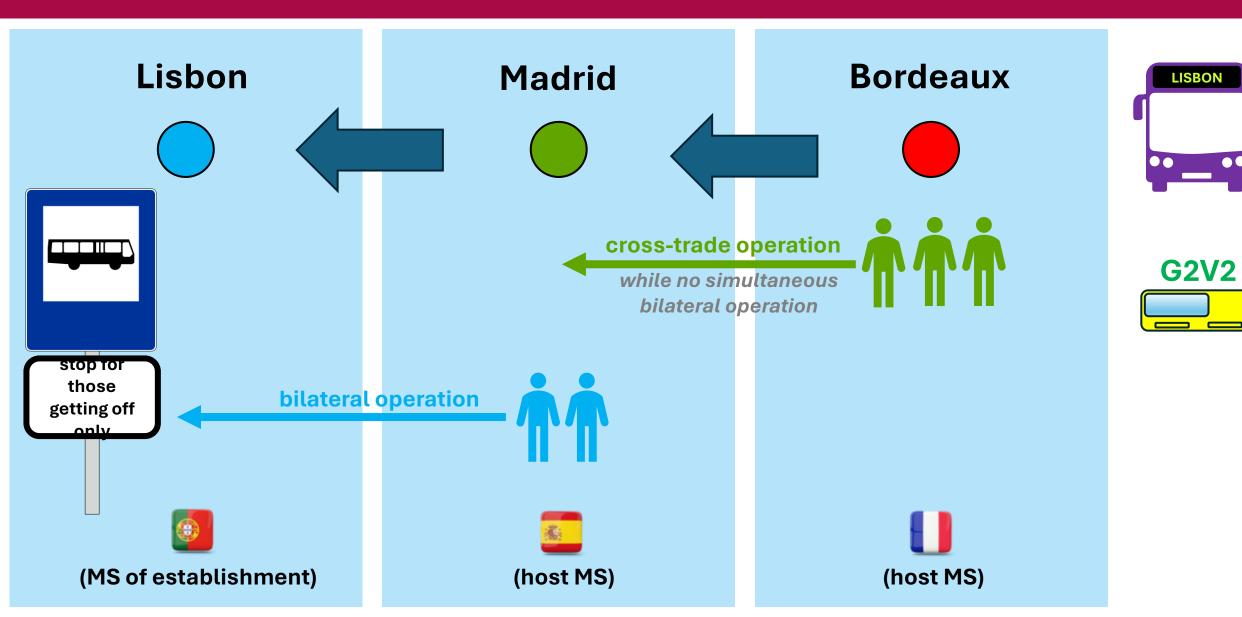












# Exemption rules – summary (goods and passengers)

• Exemptions from the posting rules during certain

cross-trade operations

- Only if in the context of a bilateral transport operation
- Only if a \_\_\_\_\_ tachograph is installed
- The 0+2 rule applies only to the transport of goods
- Does not apply to cabotage operations







## **Regular services**



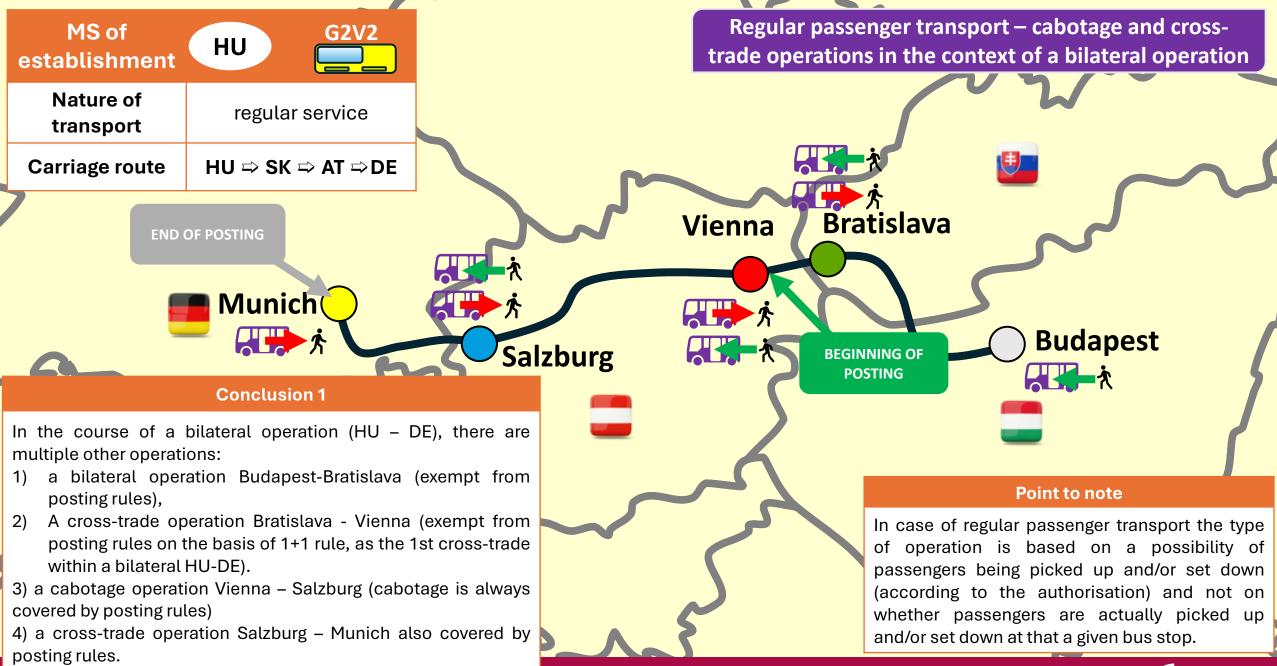


EUROPEAN COMMISSION DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate C - Land C.1 - Road Transport

Questions and Answers on posting of drivers under Directive (EU) 2020/1057 in the context of transport of passengers<sup>1</sup>

In order to assess whether an international <u>regular</u> transport operation is bilateral or not, it is pertinent to assess whether passengers **may be picked up and/or set down** at a given stop (in line with an authorisation to carry operations in another Member State), and **not whether passengers are actually picked up and/or set down** at that stop. This is the only way that enable operator to know in advance whether it must submit a posting declaration or not, and the driver to know whether he/she will be posted or not.







**Bratislava** 

Munich

8)

(host MS)



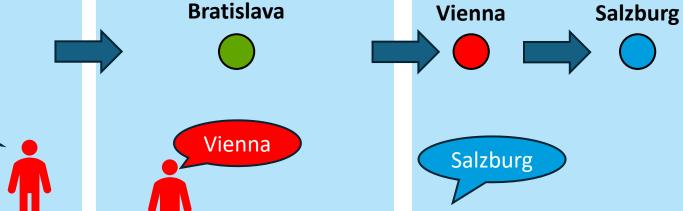
EUROPEAN LABOUR AUTHORITY

ORIE

G2V2

(host MS)





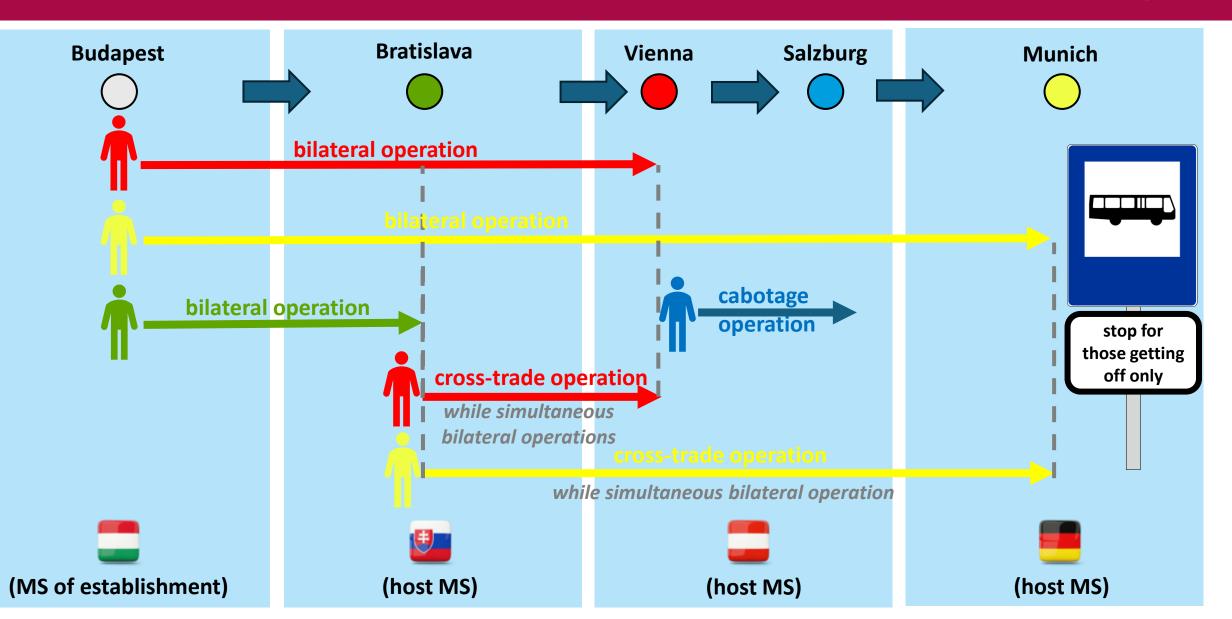


**Budapest** 

Vienna

Munich

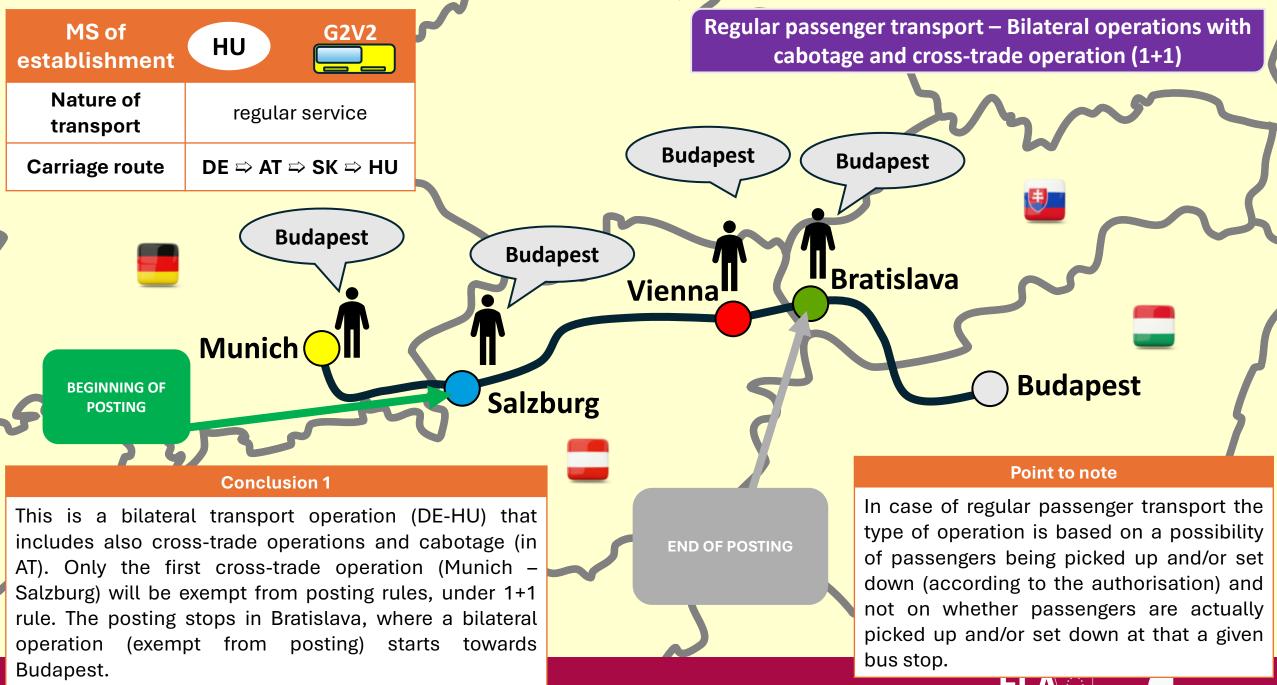
(MS of establishment)



G2V2

EUROPEAN LABOUR AUTHORITY

**OR**P







## Infringements in the area of posting of drivers





Information about violations of the posting rules is sent via **ERRU** to the national registers of road transport operators.

It may lead to the loss of good repute, and consequently, to not meeting the requirements for engagement in the occupation of road transport operator.

TYPE OF INFRINGEMENT		LEVEL OF SERIOUSNESS		
	MSI	VSI	SI	
Incomplete information on the posting declaration			Х	
Failure to submit a posting declaration to the Member State to which the driver is posted no later than at the commencement of the posting		x		
Falsified posting declaration for drivers		Х		
Impossibility of the driver to present a valid posting declaration		X		
Failure to put at the disposal of the driver a valid posting declaration		X		
Failure to submit the requested documents to the host Member State within eight weeks from the date of the request		x		
Failure of the operator to keep the posting declarations up to date in the public interface connected to IMI			x	

# Other sources of information about posting rules





https://transport.ec.europa.e u/transportmodes/road/mobilitypackage-i/posting-rules\_en

← → C Stransport.ec.europa.eu/transport-modes/road	1/mobility-package-i/posting-rules_en	X 《文 原 凸   @	-
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Home > Transport modes > Road > Mobility Packag	ge I > Posting rules		
Posting rules			
Legal acts	and of the Council of 15 July 2020 layi	ng down	



## **THANK YOU!**





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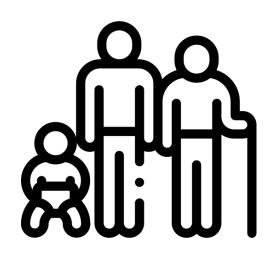
## Coordination of Social Security Systems in Road Transport

## **Danijela WITTINE** Seconded National Expert, Cooperation Support Unit, ELA

## Lifecycle Risks & Social Security Benefits



The following branches of social security are covered by the regulation on the coordination of social security systems (Article 3 of Regulation (EC) No 883/2004):



> Sickness benefits	> Benefits in respect of accidents at work and occupational diseases
> Family benefits	> Unemployment benefits
> Invalidity benefits	Maternity and equivalent paternity benefits
> Old-age benefits	> Pre-retirement benefits
> Survivor's benefits	> Death grants

## **General principles**



- Non-Discrimination: persons to whom the Regulation applies enjoy the same benefits and are subject to the same obligations under the legislation of any Member State as the nationals (Article 4 Regulation (EC) 883/2004)
- Sincere Cooperation: national social security institutions work together to apply EU law (Articles 72 and 76 of Regulation (EC) 883/2004)
- Single Applicable Legislation: Persons shall be subject to the legislation of a single Member State only, the regulation determines which Member State is responsible for social security coverage
- Lex Loci Laboris (place of work) economically active persons (employes/self-employed) are subject to the legislation of the Member State in which they work; Exceptions: posting, multi-state activity Inactive persons –insured in the MS of residence (Lex domicilii – habitual residence)

## **Posting vs Multi-state**



	POSTING	MULTI-STATE ACTIVITY
Regulation (EC) 883/2004	Article 12	Article 13
Work situation	Work in another Member State	Normally working in two or more member states
Type of Activity	Exceptional temporary activity	Regular working arrangement
Requested By	Employer in the State of insurance	Worker in the State of residence
Duration	Anticipated duration not longer than 24 months	Issued for a longer period, typically 24 months (no longer than the employment contract), possibility of extension; less administrative burden
Road Freight	1.5% of PD A1s issued under	40% of PD A1s issued under
Transport (2023)	Article 12	Article 13

## Multi-state activities-Art. 13 Regulation (EC) 884/2004



# Who can be regarded as normally working in 2 or more Member States?

- > A person who performs one or more activities in 2 or more Member States for the same employer or for various employers.
  - Activities performed simultaneously (international road transport driver driving through territories of different MS is a typical example)
  - > Activities performed in alternation successive work assignments carried in different MS

## Multi-state activities-Art. 13 Regulation (EC) 884/2004



Which Member States legislation applies? Only 2 options:

- > Member State of residence (habitual residence)
  - Substantial activity (25%) in that MS or work for multiple employers in various MSs (residence = centre of interests)
  - Marginal activity disregarded activities accounting for less then 5% of worker's regular working time and/or less than 5% of his/her regular overall remuneration

#### > Member State of employer's seat

- If substantial activity is less than 25% the legislation of the Member State where the company has its registered office or place of business is applicable
- Place where essential decisions are adopted and where functions of central administration are carried out.

#### MS centre of interest of activities - for self-employed

## **Portable document A1**





INFORMATION FOR THE HOLDER

This certificate concerns the social security legislation which applies to you and confirms that you have no obligations to pay contributions in another State.

Before you leave the State where you are insured to go to another State to work, make sure you have the documents which entitle you to receive the necessary benefits in kind (e.g. medical care, treatment in hospital, and other) in the State where you are working.

 If you are staying temporally in the State where you are working, ask your health care institution for the European Health Insurance Card (EHIC). You must show this card to your health care provider if you need benfits in kind during your stay.
 If you are going to be living in the State where you are working, ask your health care institution for the S1 document and submit it as soon as possible to the competent health care institution of the place you are going to work (\*\*).
 Provisionally the insurance institution in the State of stay will also provide special benefits in the event of an accident at work or an occupational disease.

1. PERSONAL DETAILS OF THE HOLDER			
1.1 Personal Identification Number		🗆 Female 🔲 Male	
1.2 Surname			
1.3 Forenames			
1.4 Surname at birth (***)			
1.5 Date of birth	1.6 Place of birth	1.7 Nationality	
1.8 Address in the State of residence			
1.8.1 Street, N°		1.8.3 Post code	
1.8.2 Town		1.8.4 Country code	
1.9 Address in the State of stay			
1.9.1 Street, N°		1.9.3 Post code	
1.9.2 Town		1.9.4 Country code	

2. MEMBER STATE LEGISLATION WHICH APPLIES				
2.1 Member State				
2.2 Starting date	2.3 Ending date			
2.4 The certificate applies for the duration of the activity				
2.5 The determination is provisional				
2.6 Regulation 1408/71 remains applicable on the basis of Article 87 (8) of Regulation 883/2004				

(°) Regulations (EC) No 883/2004, articles 11 through 16, and 987/2009, article 19. (°) For Spain, Sweden and Portugal, the certificate must be handed over to, respectively, the head provincial offices of social security National Institute (NISS). the social insurance institution and the social security institution of the place of residence

(\*\*\*) Information given to the institution by the holder when this is not known by the institution.

1/3

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**Certifies MS of insurance** – issued by institution of the MS of insurance

### > Proof of coverage when working outside of State of insurance

- Posting (Art. 12 Regulation (EC) 883/2004)
- Multi-state activity (Art. 13 Regulation (EC) 883/2004)
- PD A1 has declaratory, not constitutive character
- Should be requested whenever possible in advance





- > Posting refers to work on a temporary basis in another Member State; Multi-State activity - refers to work in multiple Member States as a regular working arrangement
- > PD A1 (certificate of coverage) it certifies that a worker is covered by the social security system of one Member State while working in another EU member state
- Apply for PD A1 if the driver is or could be involved in international carriage
- **Request PD A1 whenever possible in advance**
- > Worker is strongly recommended to carry the PD A1 with him when working in another Member State

## **Thank you!**



# Experience from the side of drivers and operators by ETF and IRU

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## **Discussion**





# **Closing remarks**

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### **Remy RUSSOTTO**

#### Chief Executive Officer, CORTE





## **THANK YOU!**





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