



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

24 November 2025



Opening remarks

Caroline MEUMANN

*Head of Sector Information and Services,
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

09:00 – 09:30	Registration (CET time zone)
09:30 – 09:45	Welcome words by ELA and EC • Caroline Meumann, Head of Sector Information and Services, Information and EURES Unit, ELA • Iwona Kasprzyk-Sowa, Senior Labour Mobility Officer, Cooperation Support Unit, ELA • Katarzyna Kuske, Policy Officer, DG MOVE, European Commission
09:45 – 09:55	ELA information activities in the road transport sector • Caroline Meumann, Head of Sector Information and Services, Information and EURES Unit, ELA
09:55 – 10:25	Driving and rest times in passenger transport • Hans Drijer, Senior Expert, CORTE
10:25 – 10:40	Experience from the side of drivers and operators by ETF and IRU
10:40 – 10:55	Discussion
10:55 – 11:25	Posting of drivers in passenger transport • Artur Toczko, Road Transport Inspector, Provincial Road Transport Inspectorate in Białystok, Poland
11:25 – 11:40	Coordination of social security systems (enforcement at the roadside) • Danijela Wittine, Seconded National Expert, Cooperation Support Unit, ELA
11:40 – 11:55	Experience from the side of drivers and operators by ETF and IRU
11:55 – 12:10	Discussion
12:10 – 12:15	Closing remarks by CORTE • Remy Russotto, Chief Executive Officer, CORTE

ELA information activities in the road transport sector

Caroline MEUMAN

Head of Sector Information and Services
Information and EURES Unit, ELA



ELA 
EUROPEAN LABOUR AUTHORITY



THREE PILLARS



**INFORMATION
PILLAR**

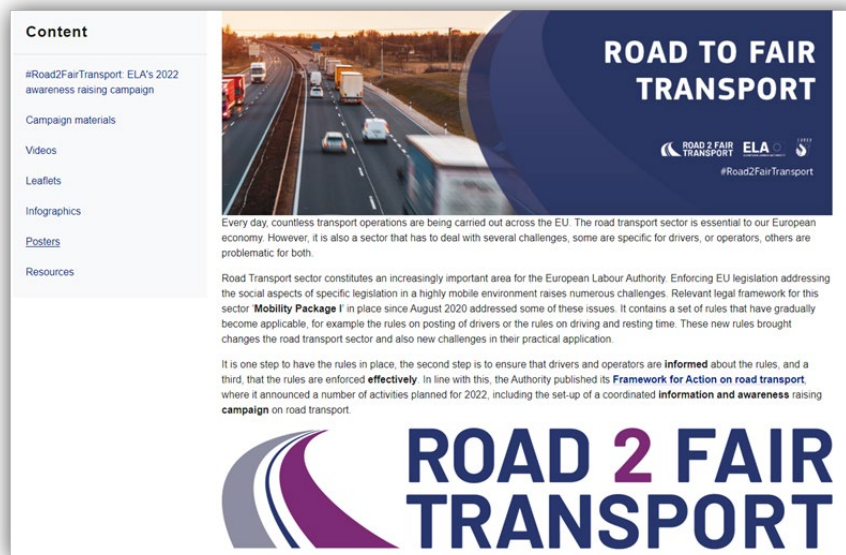


**COOPERATION
PILLAR**



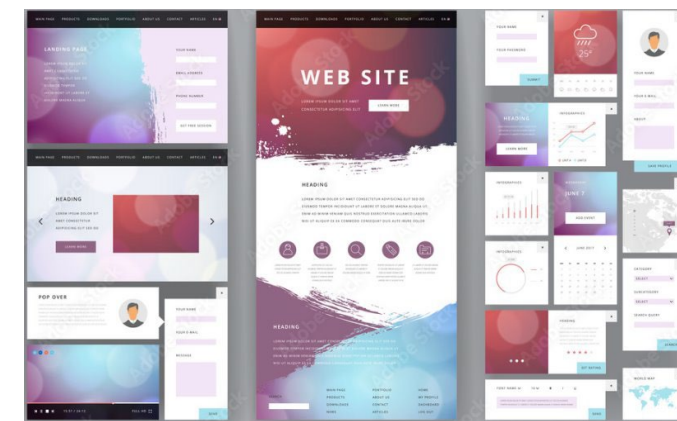
**ENFORCEMENT
PILLAR**

ELA Information Activities in the Road Transport Sector



Road Transport Local
Information events

#Road2FairTransport
Campaign



Review of National Websites
and EU portals

ELA Information Activities in the Road Transport Sector

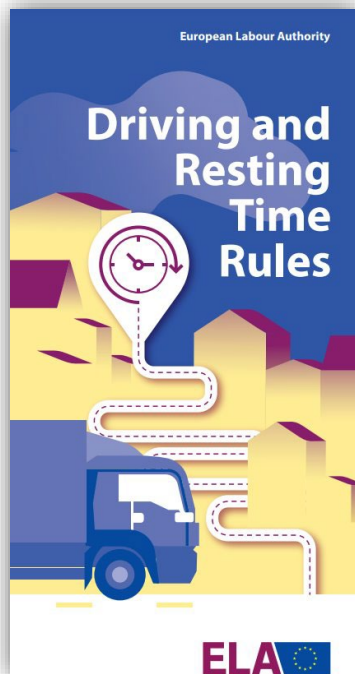
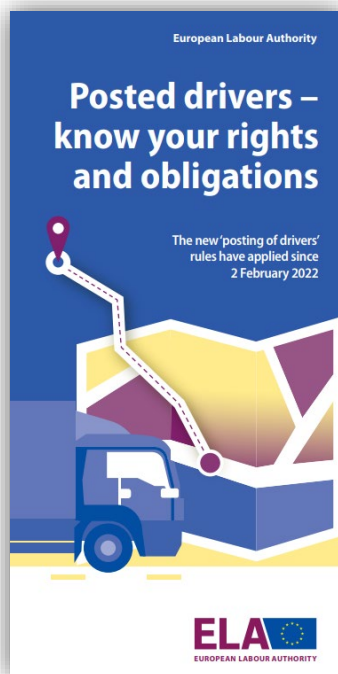
Campaign for light commercial vehicles



Webinar on 9 December, 10 hrs.:

- Driving and rest time rules (including tachograph rules)
- Posting
- [Link to webinar](#) (check on 2 Dec!)

Information Resources in the Road Transport Sector



Available in all EU languages and several non-EU languages

Information Resources in the Road Transport Sector



EN English

Choose country

Search

Life and travel

Doing business

Contact assistance services

Report an obstacle

Your Europe > Citizens > Work and retirement > Working abroad > EU rules for working in road transport

https://europa.eu/your-europe/citizens/work/work-abroad/rules-working-road-transport/index_en.htm

EU rules for working in road transport

On this page

[How long can I drive?](#)

[How long should I rest?](#)

[Always use the tachograph](#)

[Are you a posted driver?](#)

[What is the minimum wage for posted drivers?](#)

Допомога ЄС Україні

EU assistance to Ukraine

As a transportation driver you must follow certain EU rules on **driving times, rest times, and how to register them**. These rules apply if you drive a heavy goods vehicle over 3.5 tonnes, or a bus or 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 registered, and whether you are self-employed or an employee.

The [EU rules on driving times](#) do not apply to all types of transport. Read the exceptions below.

Exceptions



Information Resources in the Road Transport Sector

← → ↻ ela.europa.eu/en

 An official website of the European Union How do you know? ▾

ELA 
EUROPEAN LABOUR AUTHORITY

Search     

About ▾ **Topics ▾** Campaigns ▾ EURES ▾ News ▾ Calls ▾ Events Documents Contact us

Home

- Tackling undeclared work
- Posting of workers
- Social aspects of international road transport**

European Labour Authority

ELA ensures that EU rules on labour mobility and social security coordination are enforced in a fair and effective way and makes it easier for citizens and businesses to reap the benefits of the internal market

Page content

[Ongoing activities](#)

[Timeline](#)

[EU Legal Framework](#)

[Resources](#)

[Contacts](#)

[Latest news](#)

[Upcoming events](#)

[See also](#)

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

Information Resources in the Road Transport Sector

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 >



Content

[#Road2FairTransport: ELA's 2022 awareness raising campaign](#)

[Campaign materials](#)

[Videos](#)

[Leaflets](#)

[Infographics](#)

[Posters](#)

[Resources](#)



Information Resources in the Road Transport Sector

Mobility and Transport

Home

Ukraine

Transport modes

Transport themes

EU Mobility & Transport achievements 2019-2024

News & Events

Facts & Funding

Home > Transport modes > Road > Mobility 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

Driving & Rest times

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

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

https://transport.ec.europa.eu/transport-modes/road/mobility-package-i_en

New rules for the EU road transport sector

Other relevant Resources in the Road Transport Sector

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

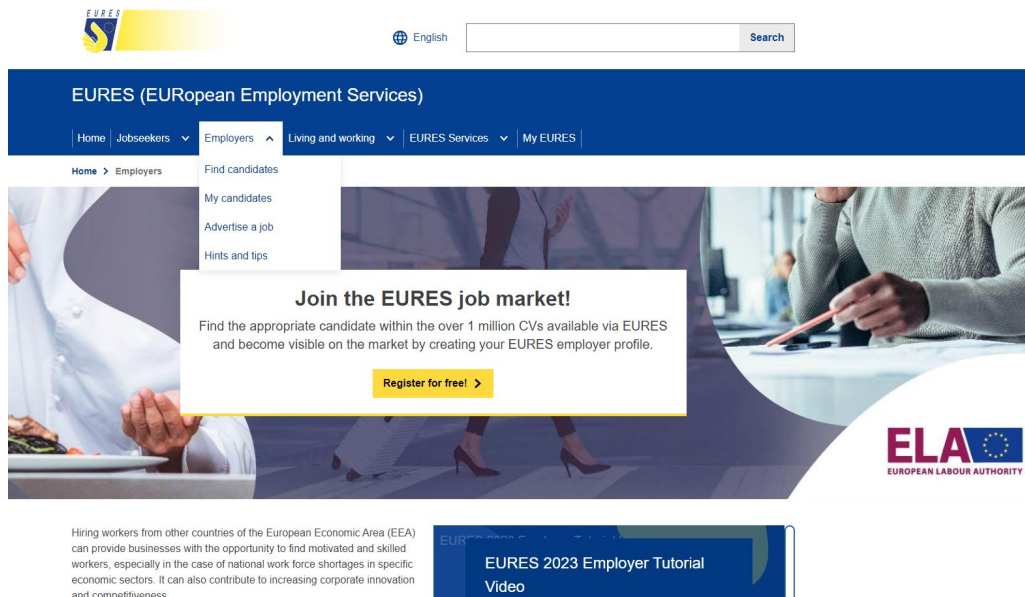
<https://www.postingdeclaration.eu/landing>

Other relevant Resources in the Road Transport Sector

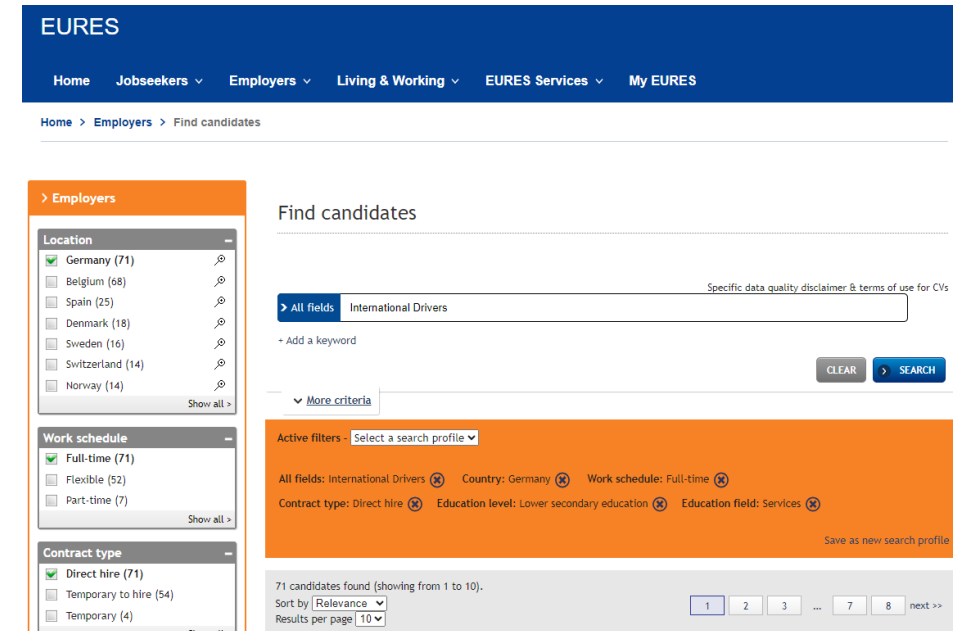


Finding skilled workers in international road transport

https://eures.europa.eu/employers_en



Step 1 - homepage



Step 2 – find candidates
(for employers)

Other relevant Resources in the Road Transport Sector

Home > Employers > Find candidates

> Employers

Find candidates

Candidate search profile

My candidates

Advertise a job

Hints and Tips

Anonymous candidate - CV (Last update : 13/01/2024)

Some private data may be hidden on this CV due to privacy settings

View CV in Dutch

PRINT **HOW TO CONTACT** **FIND MATCHING VACANCIES**

Personal information

> 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)
- > Transport clerks (01/05/1993 - 01/02/2004)

Step 3 – candidate CV

Prerequisite

- [EU Login](#)
- [EURES Login as employer](#)

Relevant Links

- https://eures.europa.eu/employers_en
- [EURES Employer Tutorial 2023](#)

Other relevant Resources in the Road Transport Sector



Solutions to problems with your EU rights

- Homepage
- What is SOLVIT?
- How SOLVIT works
- Problems solved
- Policy documents
- Submit a problem to SOLVIT

Unfair rules or decisions and discriminatory red tape can make it hard for you to live, work or do business in another EU country.

So, if you as **an EU citizen or business** face obstacles in another country because a public authority isn't doing what is required under EU law ...

... SOLVIT can help!

SOLVIT reminds the authorities in question what your EU rights are and works with them to solve your problem.

 **Submit a problem to SOLVIT**

The **United Kingdom** left the SOLVIT network on 31 December 2020. As a result, SOLVIT can no longer assist UK nationals in European Union member countries or EU nationals in the UK. [\[More information\]](#)

https://ec.europa.eu/solvit/index_en.htm

How SOLVIT works



SOLVIT for individual citizens



SOLVIT for businesses



Thank you!



information@ela.europa.eu



www.ela.europa.eu



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

Hans DRIJER

*Senior Expert,
CORTE*



New rules for occasional passenger transport - Regulation (EU) 2024/1258

BACKGROUND

Specificities of the occasional passenger transport, in comparison to regular/freight transport justifying recently adopted derogations:

- ☐ High seasonality
- ☐ Generally involves less driving time compared to freight transport or regular bus services
- ☐ Varying driving distances
- ☐ Unscheduled and impromptu requests for additional stops, for changes of the route or schedule where feasible
- ☐ Drivers usually sleep in hotels and seldom drive at night

New rules for occasional passenger transport - Regulation (EU) 2024/1258

BACKGROUND

Mobility Package I required the European Commission to examine whether more appropriate rules can be adopted for drivers engaged in the occasional passenger transport due to the specificity of the sector:

The new rules, under Regulation 2024/1258 were adopted on 24 April 2024 and **entered into force on 22 May 2024**

Derogations for Occasional Passenger Transport (**international + national*)

New derogations:

1. **Breaks - Splitting the 45-minute break**
2. **Daily rest - Extension of the 'period of 24 hours' under certain conditions**

Extension of existing derogation to national occasional transport:

3. ***Weekly rest - The '12-day derogation' extended to national transport***

1st new derogation: BREAKS

Splitting of the 45-minute break

Inserted in art.7 (3) of Reg.561/2006

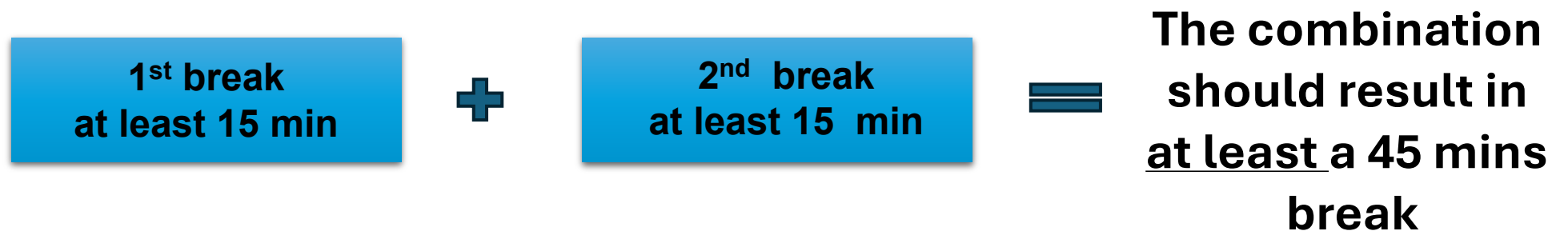
*“ (...) For a driver engaged in an **occasional passenger service**, the break referred to in the first paragraph **may also** be replaced by **two breaks**, **of at least 15 minutes each**, distributed over the driving period referred to in the first paragraph, in such a way as to comply with the provisions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

Splitting of the 45-minute break

General Rule: (all drivers of freight and/or passenger transport)
15minutes (at least) + 30minutes (at least)

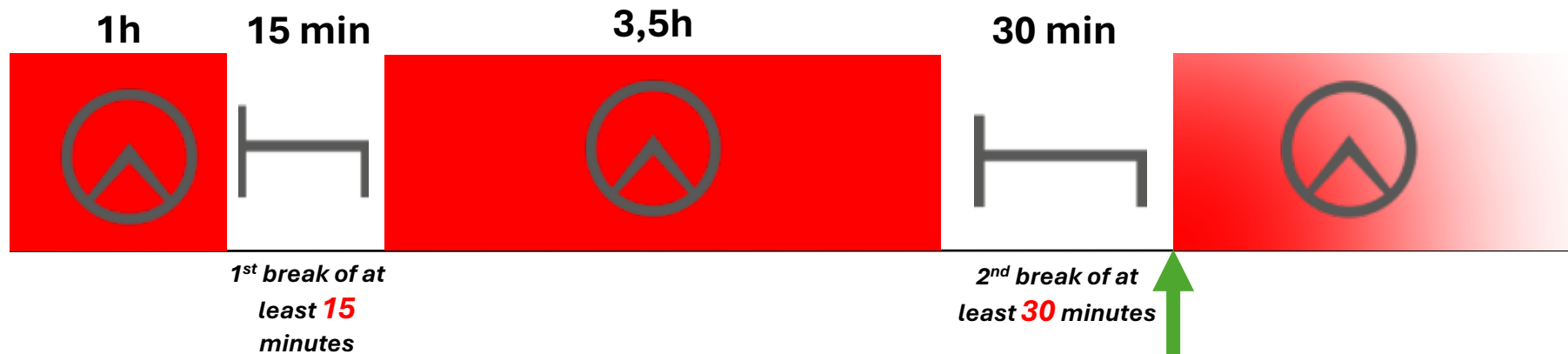


Derogation: (only applies to occasional passenger transport)



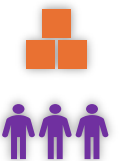
Permits the driver to split the 45-minute break into any combination (such as 20 + 25; 17 + 28; 30 + 15 etc.)

General Rule: Splitting of 45 min. break (all drivers of freight and/or passenger transport)



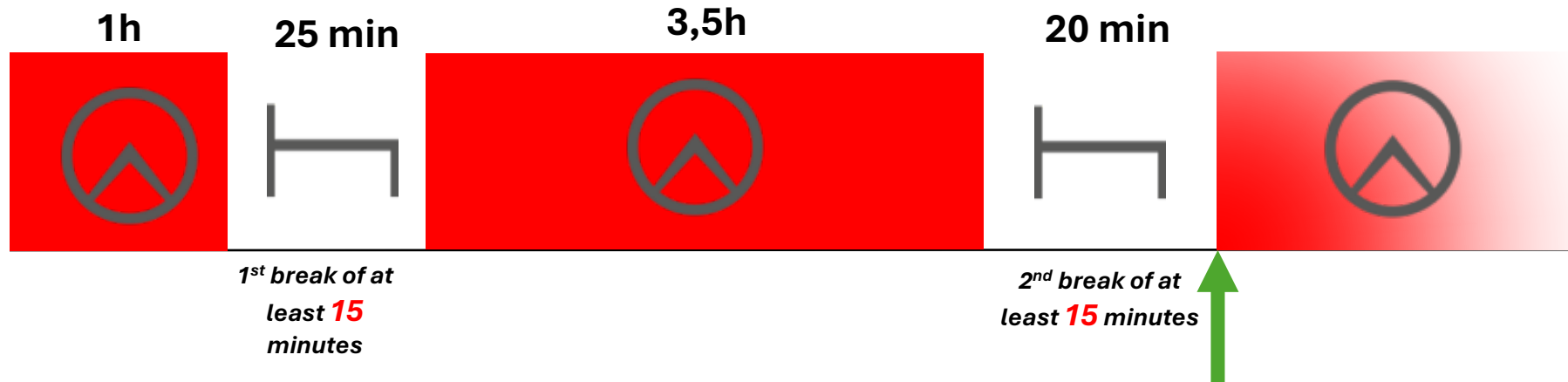
Next calculation starts after the 2nd break of 30 min

Allowed in
all types of
transport.



*The enforcement calculation is because of
the Charlton case - C-116/92*

Derogation for occasional passenger transport - additional option for splitting the 45-minute break



In **occasional passenger transport** next calculation starts after the 2nd break of 20 min

Allowed **only**
occasional
passenger
transport.



Derogation for occasional passenger transport - additional option for splitting the 45-minute break

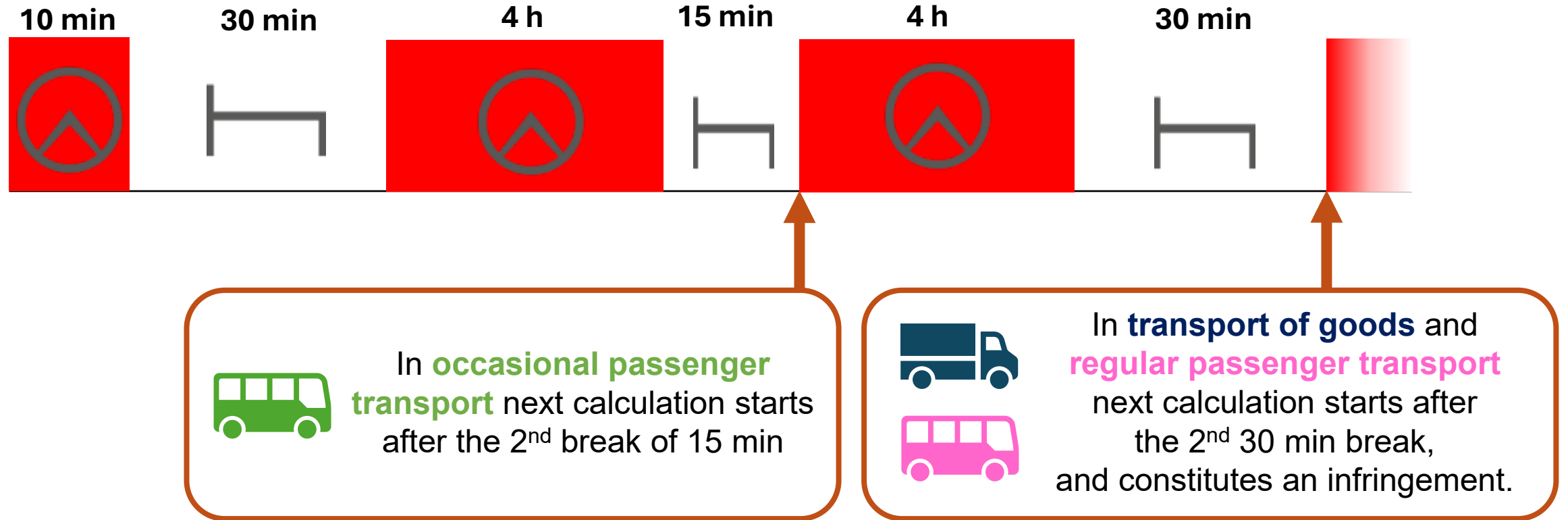


Allowed **only** in
occasional
passenger
transport.



In **occasional passenger transport** next calculation starts after the 2nd break of 15 min

Splitting of the 45 min break – comparison between the general rule and the derogation



The **wiping of slate clean** differs between **occasional passenger transport** and **goods transport/regular passenger transport**

DAILY REST - Recap of the general rule

24h period

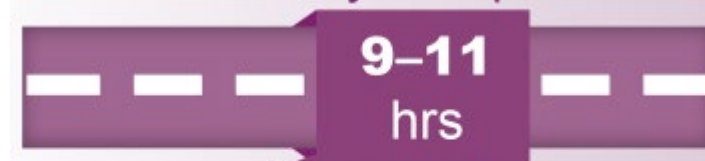
daily period of activity of the driver



Regular daily rest period

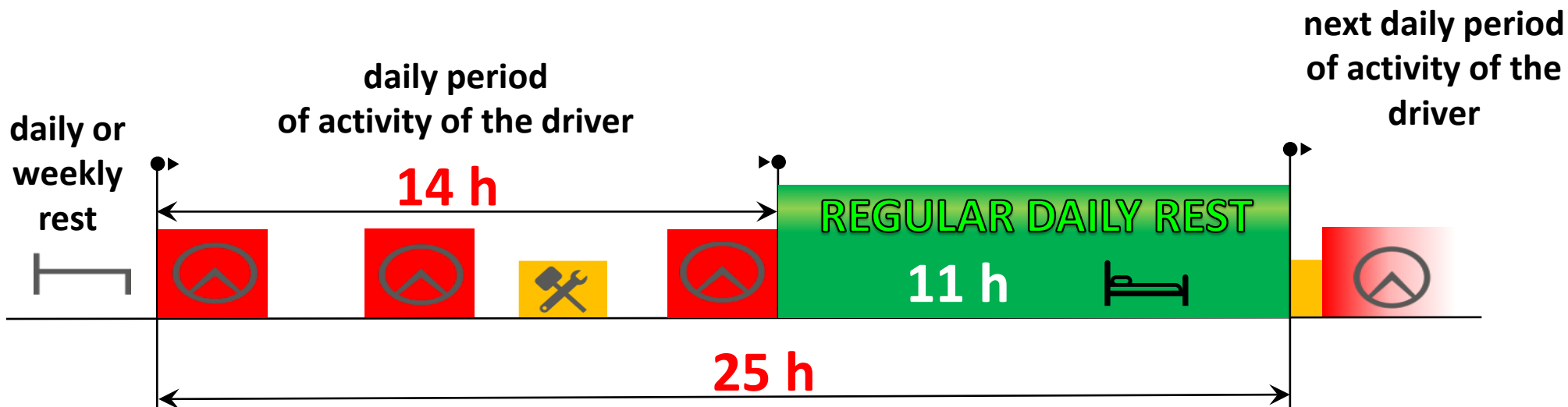
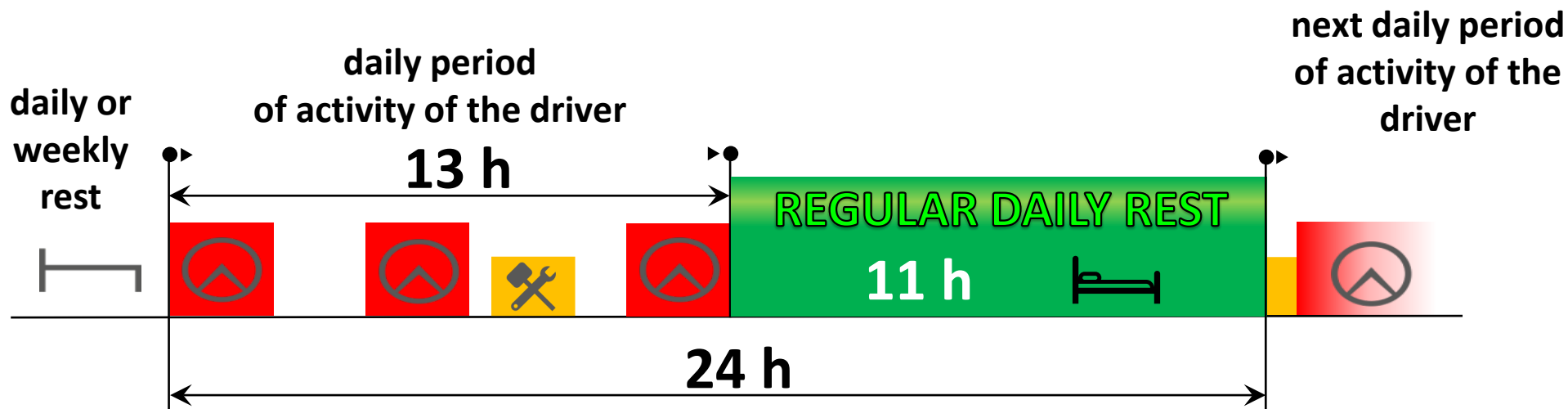


Reduced daily rest period

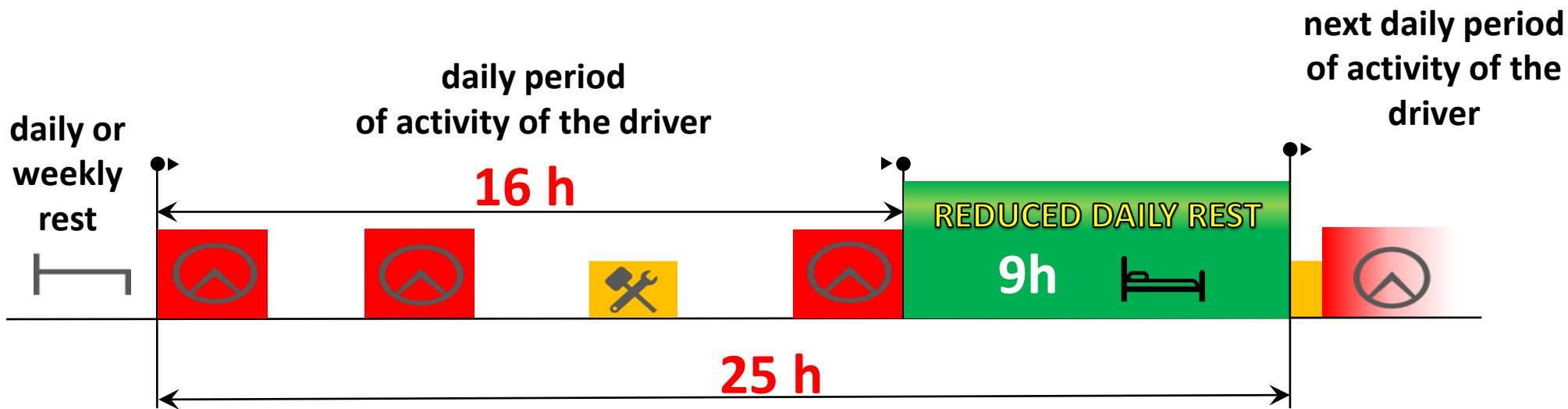
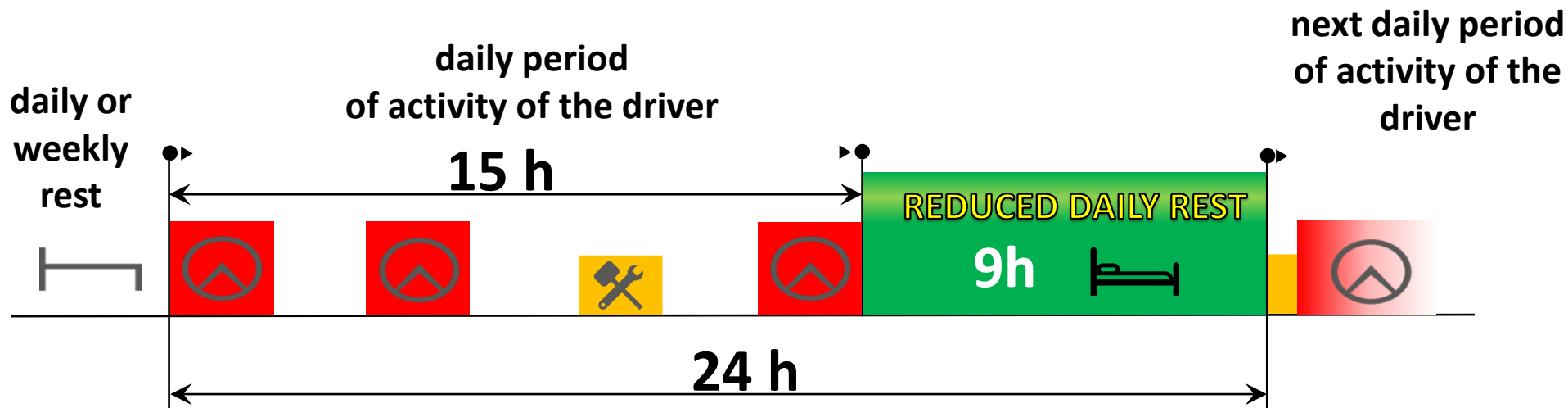


Max 3× between 2 weekly rest periods.

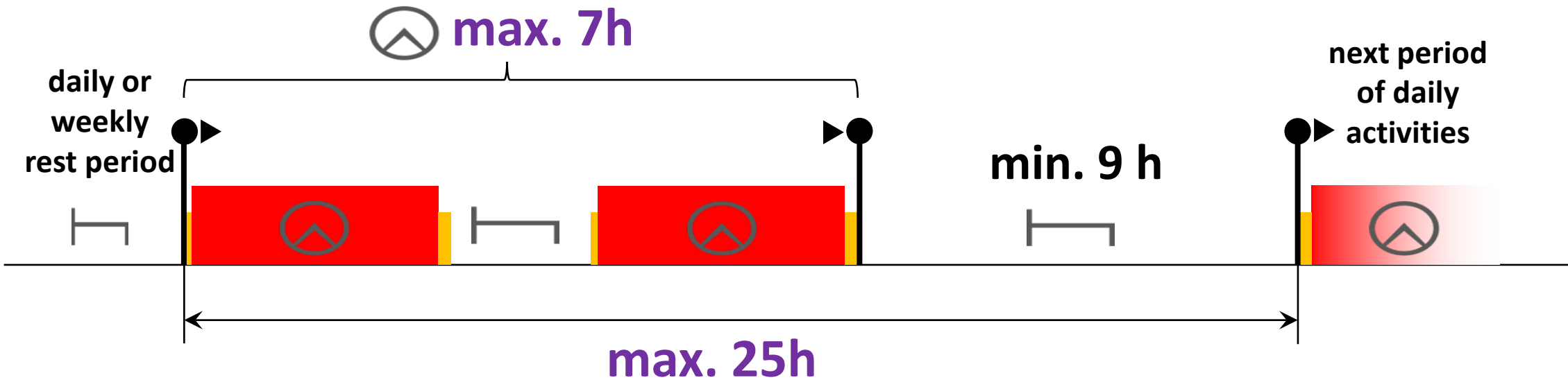
2nd derogation – extension of the 24h period



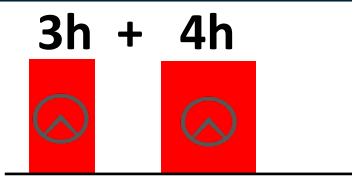
2nd derogation – extension of the 24h period



2nd derogation: extension of 24-hour period Conditions

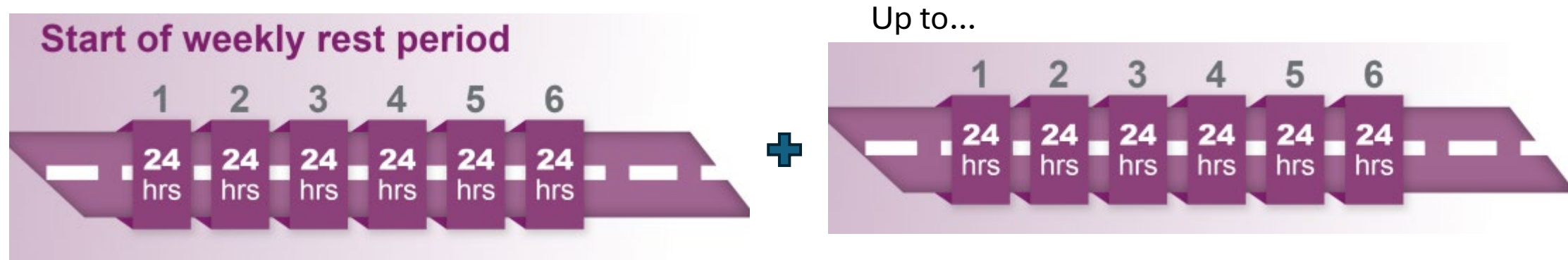


Additional conditions:

Nature of transport	Daily driving time	Permissible number of times of use			
single occasional passenger service	limited to 7h	Length of the service	less than 6x24h	at least 6x24h and less than 8x24h	8x24h or more
 x1	e.g. 	times of use	-	once	twice

3rd derogation – the 12-Day derogation extended to national occasional transport

The 12-day derogation for occasional passenger transport refers to the postponement of a weekly rest period from 6 up to 12 consecutive 24-hour periods



From 22 May 2024 the 12- day derogation is extended to national occasional Passenger transport.

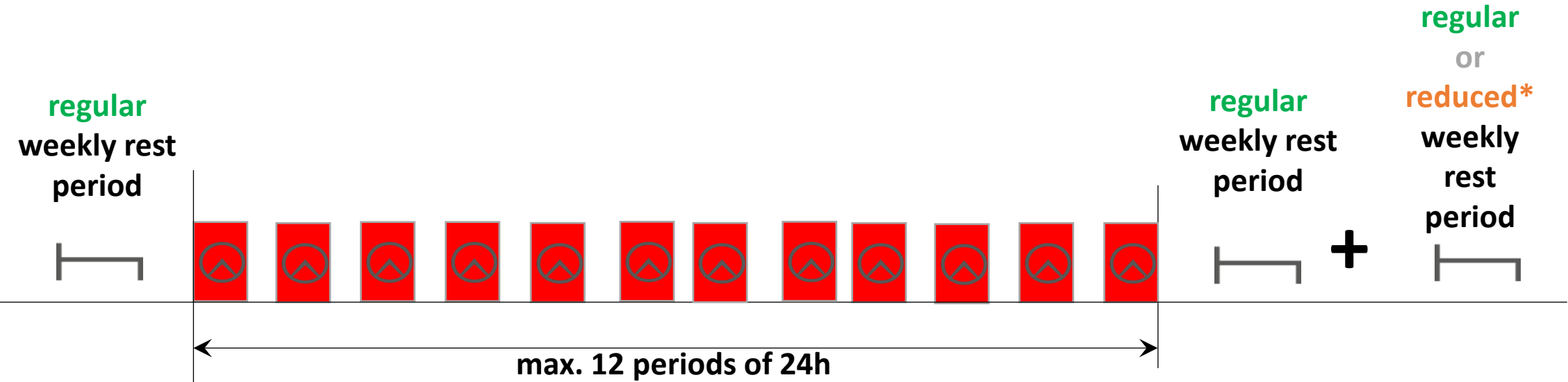
12 Day derogation - conditions

The conditions to avail of the 12-day rule

1. It must be preceded by a regular weekly rest of at least 45 hours
2. After the use of the derogation the driver must take either two regular weekly rest periods (total 90 hours); or one regular weekly rest period and one reduced weekly rest period of at least 24 hours (total 69 hours)
3. Any reduction (of at most 21 hours) must be compensated by an equivalent period before the end of the third week following the end of the derogation period
4. Derogation not permitted with an analogue tachograph - A digital tachograph can be used in vehicles which are only engaged in national occasional services.
5. Single manned vehicle – driver is restricted to three hours of continuous driving time, before he must take a 45-minute break if he drives between 10pm and 6am

Occasional Passenger Transport

Art . 8.6a of Regulation 561/2006



*if reduced, compensation is required

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	x1	max. 3h max. 4h 30min



Obligation to justify derogations

- ☐ Drivers must be able to justify the use of the three derogations during roadside checks, by carrying on board a **completed journey form**
- ☐ the journey form for international services may be used for national services, indicating its use for national service
- ☐ Obligation to carry on board the vehicle, paper or electronic copies of journey forms covering the previous 28 days, and from 31 December 2024, the previous 56 days

Regulation (EU) 2024/1258,



Update of Technical Specifications

- ❑ The obligation to carry on board the vehicle copies of journey forms for previous 56 days ceases to apply at the latest when the vehicle uses a tachograph allowing the recording of the type of passenger service.
- ❑ By 23 November 2025, the Commission is required to adopt implementing acts laying down **appropriate technical specifications** for tachographs to **enable the recording and storage** of data relating to the **type of passenger service**

Regulation (EU) 2024/1258, article 16(4)



Digitalization of a journey form - Timeline

- ❑ By 31 December 2026, the Commission is required to assess the options for **digitalizing the journey form** for drivers engaged in occasional passenger services

Regulation (EU) 2024/1258, article 16(4)

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	✓	
Bilateral operation		✓
Cross-trade / Non bilateral operation	✓	
Bilateral operation + one activity of loading and/or unloading (1+1 rule)*		✓
Bilateral operation + two activities of loading and/or unloading during return journey (0+2 rule)**		✓
Bilateral operation as part of an initial or final leg of combined operation*		✓
Non bilateral operation as part of an initial or final leg of combined operation*	✓	
Transit		✓
Unladen journeys	depending on the operation that follows it	

*only with G2V2 tachograph

**transport of goods only



Unladen journeys

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.

**Scenarios for
posting of drivers
in OCCASIONAL passenger transport**

MS of establishment

CZ

Nature of transport

occasional carriage of passengers

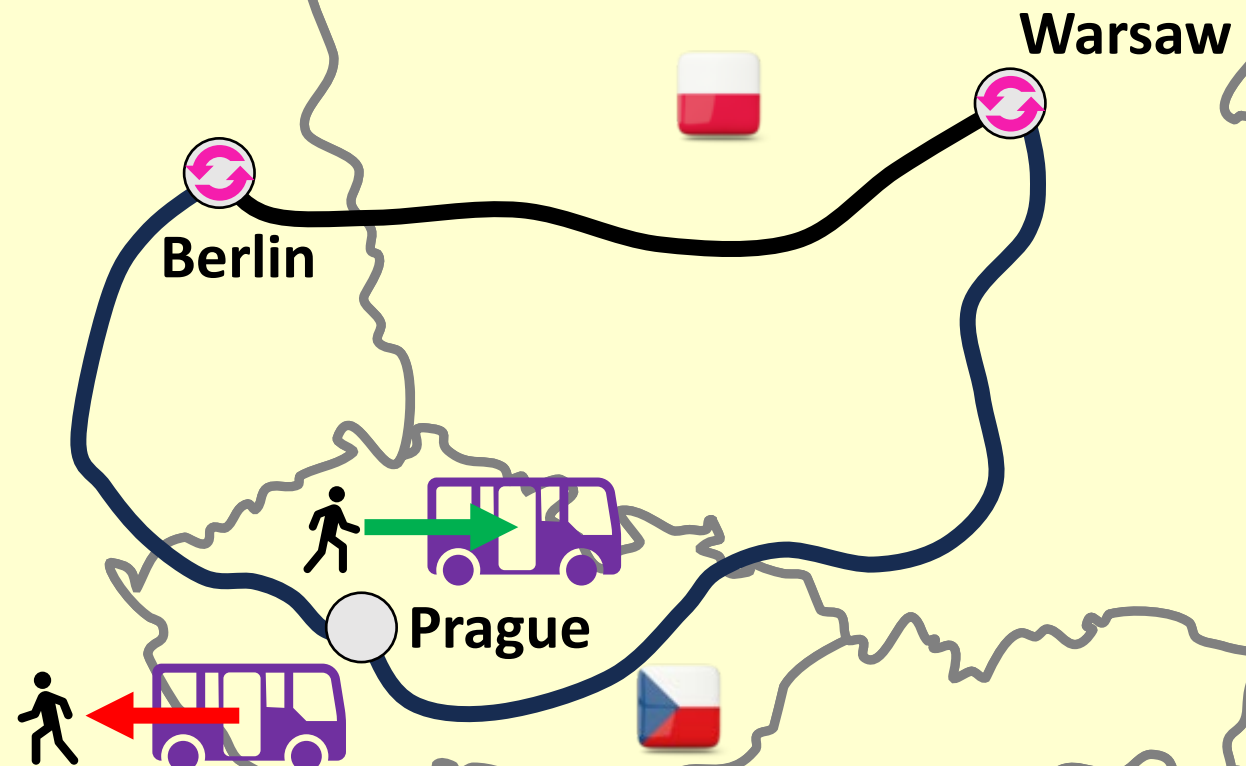
Carriage route

CZ ⇒ PL ⇒ DE ⇒ CZ

Occasional round trip with local excursions in different host countries

Conclusion

Local excursions within different host MSs performed in the context of an occasional carriage of passengers, with a pre-constituted group of passengers that **are picked up and set down in the MS of establishment** are not subject to posting rules.



MS of
establishment

DE

Nature of
transport

occasional carriage of
passengers

Carriage route

DE ⇨ FR

Bilateral operation with
local excursions



Frankfurt

Paris



Lyon

Bordeaux



Conclusion

The lack of return of the pre-constituted group of passengers to the country of establishment of the operator does not change the nature of the transport operation and does not trigger the application of posting rules.

MS of establishment

NL

Nature of transport

occasional carriage of passengers

Carriage route

DE ⇒ BE ⇒ FR ⇒ DE

Occasional round trip starting and ending in host Member State

BEGINNING OF POSTING

END OF POSTING

Conclusion

Occasional round trip of pre-constituted group of passengers, picked up and set down in the same host MS (DE), so the link to the German market remains evident. Consequently, the driver is subject to posting rules on the entire journey including local excursions in BE and FR. The driver starts to be posted to DE when he crosses the NL-DE border, **continues to be posted to DE when in BE and FR**, until he sets down the passengers back in DE.

**Scenarios for
posting of drivers
in REGULAR passenger transport**



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 passengers¹

In order to assess whether an international **regular** 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.

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

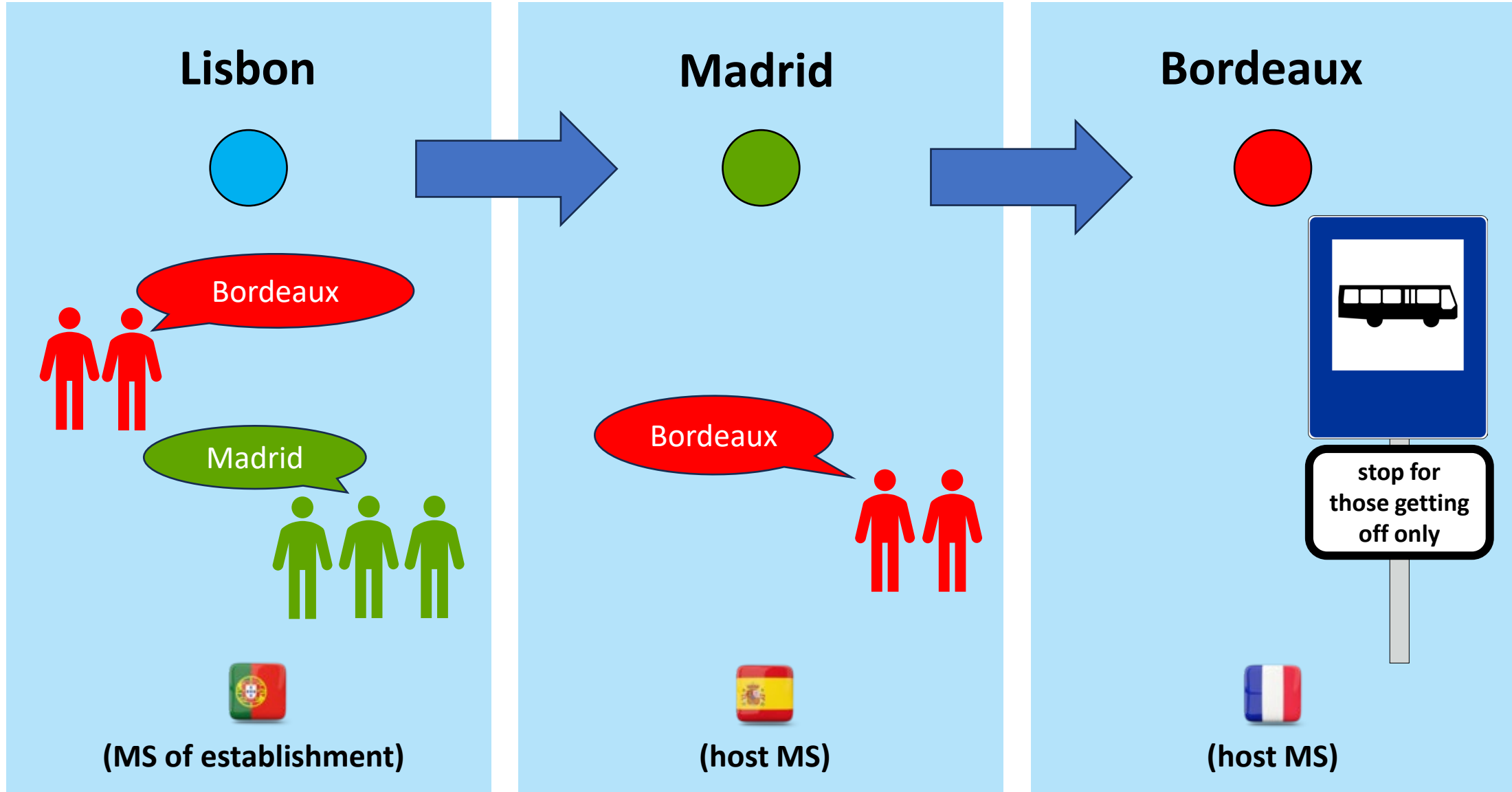
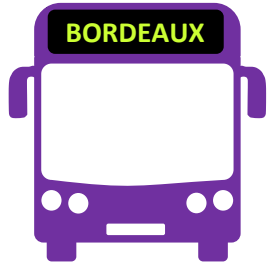
Regular passenger transport -
A bilateral operation with a cross-trade operation (1+1)



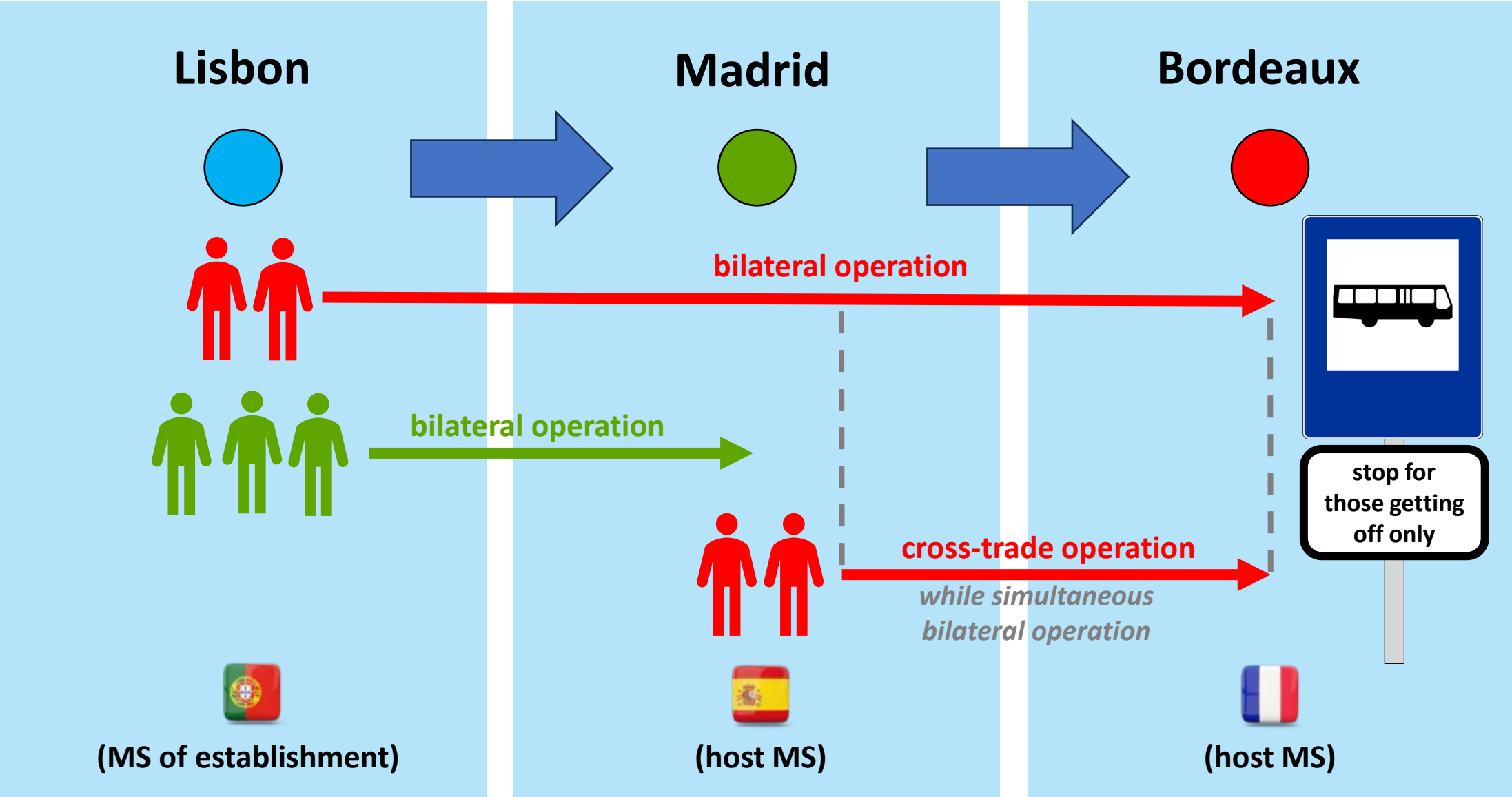
Conclusion

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.

Regular passenger transport - analysis

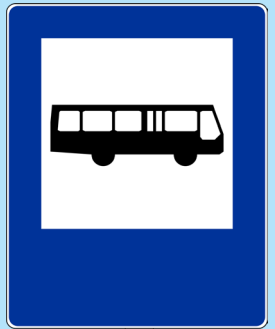


Regular passenger transport - analysis



Regular passenger transport - analysis

Lisbon



stop for
those getting
off only

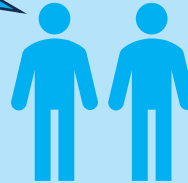


(MS of establishment)

Madrid

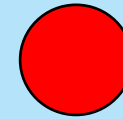


Lisbon

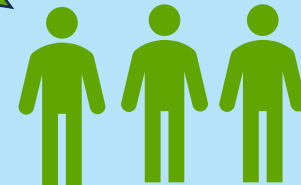


(host MS)

Bordeaux



Madrid

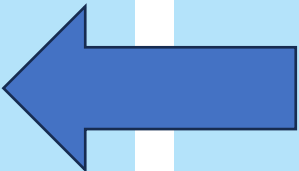


(host MS)

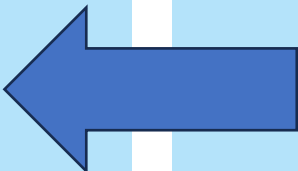


Regular passenger transport - analysis

Lisbon



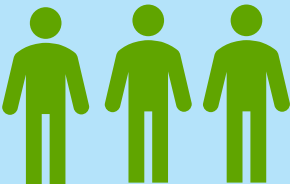
Madrid



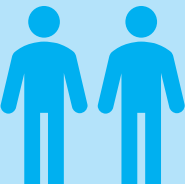
Bordeaux



cross-trade operation
*while no simultaneous
bilateral operation*



bilateral operation



stop for
those getting
off only



(MS of establishment)



(host MS)



(host MS)

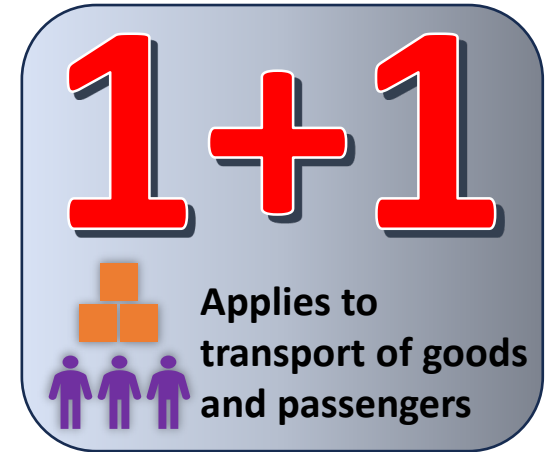


G2V2



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 **G2V2**  tachograph is installed
- The **0+2** rule **applies only to the transport of goods**
- Does not apply to cabotage operations



MS of establishment

HU

G2V2



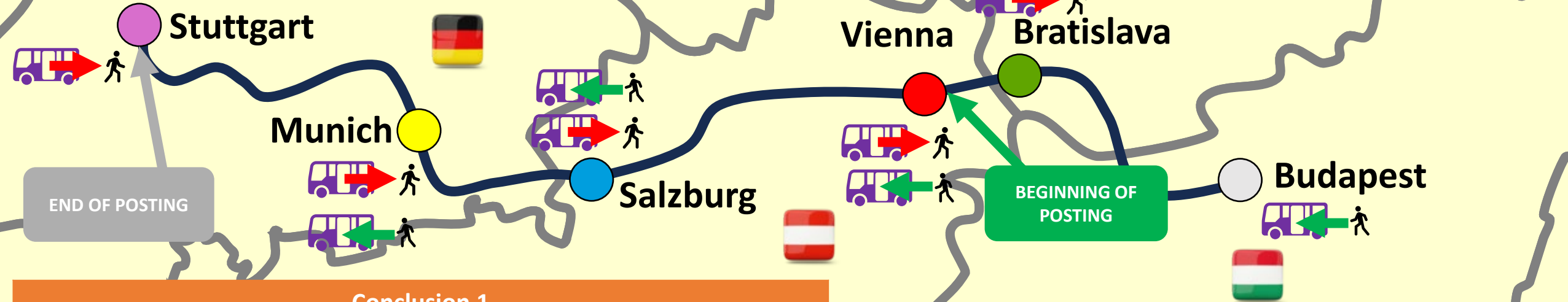
Nature of transport

regular service

Carriage route

HU ⇌ SK ⇌ AT ⇌ DE

Regular passenger transport – cabotage and cross-trade operations in the context of a bilateral operation



Conclusion 1

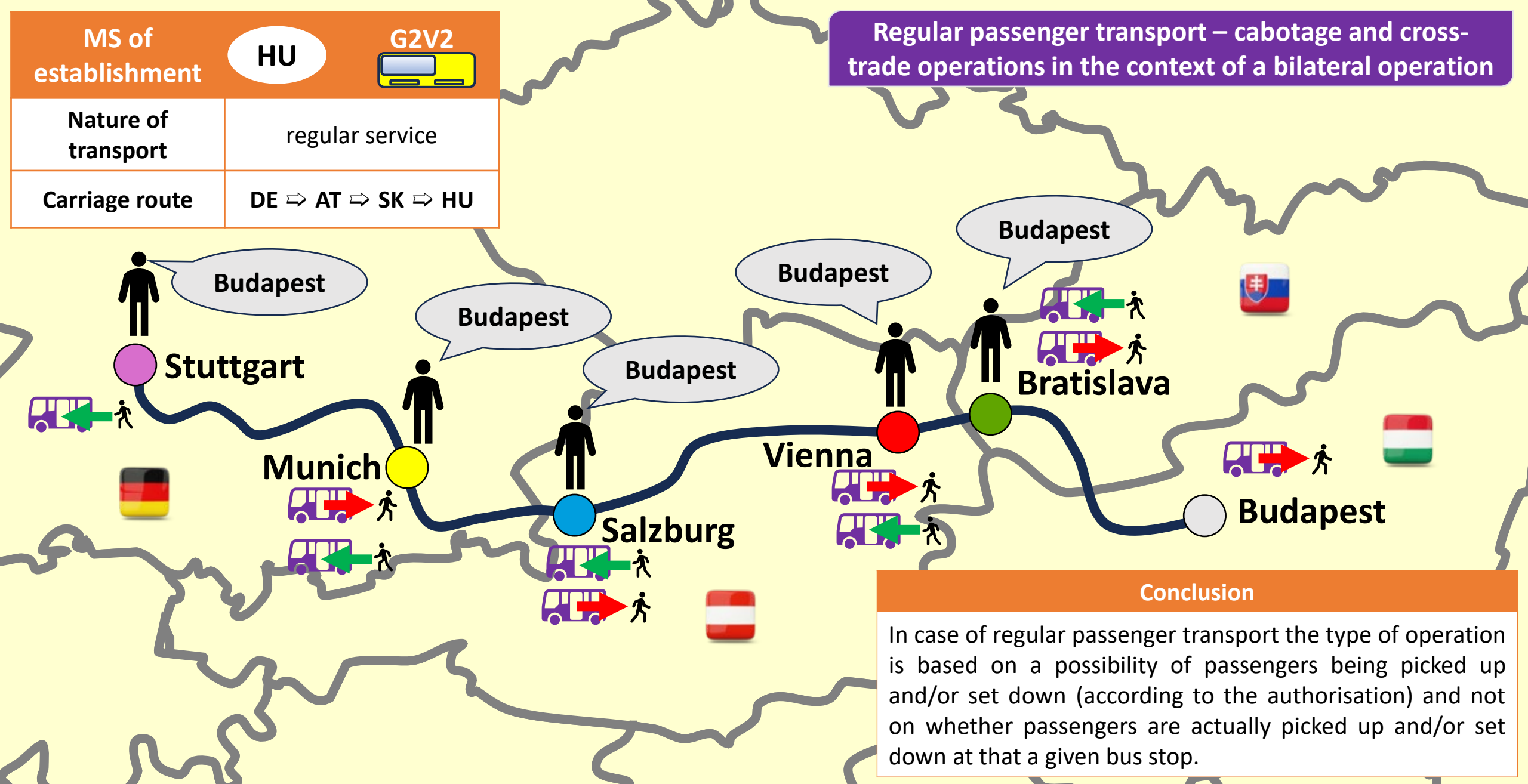
During a bilateral operation between HU and DE, conducted as part of a regular passenger service using a vehicle equipped with a G2V2 tachograph, **only the first cross-trade operation** (picking up the passengers in Bratislava and setting them down in Vienna) is **exempt from posting**, under the so called 1+1 rule. Carriage on the route that starts and ends in the same host MS (Vienna – Salzburg and Munich - Stuttgart) is classified as cabotage, which always constitutes a posting situation.

Conclusion 2

In case of regular passenger transport the type of operation is based on a possibility of passengers being picked up and/or set down (according to the authorisation) and not on whether passengers are actually picked up and/or set down at that a given bus stop.

MS of establishment	HU 
Nature of transport	regular service
Carriage route	DE ⇄ AT ⇄ SK ⇄ HU

Regular passenger transport – cabotage and cross-trade operations in the context of a bilateral operation



Conclusion

In case of regular passenger transport the type of operation is based on a possibility of passengers being picked up and/or set down (according to the authorisation) and not on whether passengers are actually picked up and/or set down at that a given bus stop.



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.

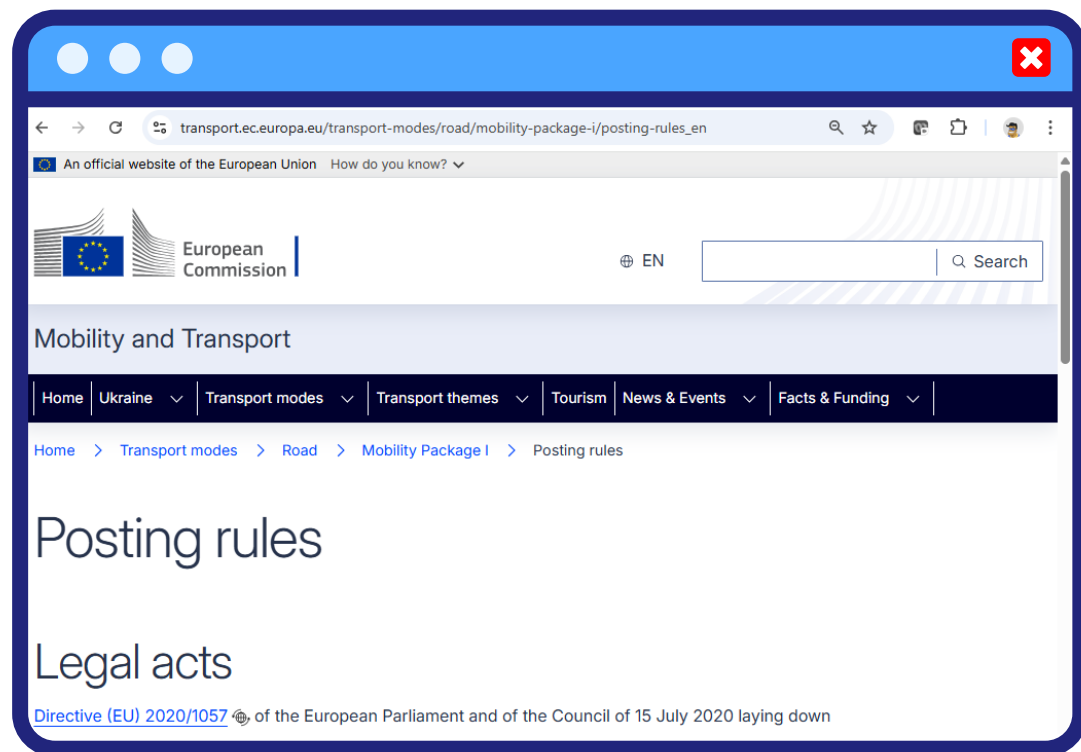
It may lead to the loss of good repute, and consequently, to not meeting the requirements for engagement in the occupation of road transport operator.

TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
	MSI	VSI	SI
Incomplete information on the posting declaration			X
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		X	
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.eu/transport-modes/road/mobility-package-i/posting-rules_en



MORE TO COME ...

THANK YOU!



www.ela.europa.eu

www.corte.be

A row of white buses parked in a lot with trees in the background. The buses are modern, white, and have large windows. They are parked in a row, and the background shows a line of trees under a clear sky. The image is partially covered by a blue and red graphic overlay on the right side.

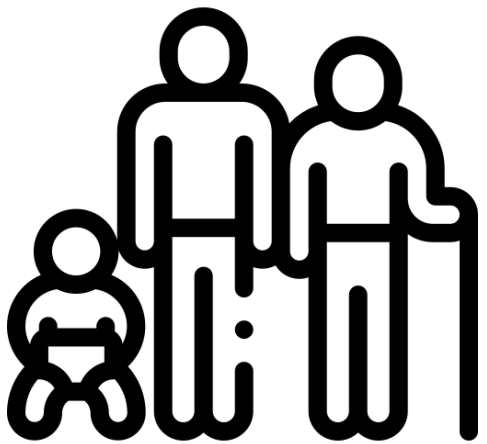
Coordination of Social Security Systems in Road Transport

Danijela WITTINE

*Seconded National Expert,
Cooperation Support Unit, ELA*

Lifecycle Risks & Social Security Benefits

Regulation (EC) **No 883/2004** on the coordination of social security systems applies to all legislation concerning the following branches of social security:



> 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

- › **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 (employees/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 Transport (2023)	1.5% of PD A1s issued under Article 12	40% of PD A1s issued under 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 than 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

A1  **Coordination of Social Security Systems**

Certificate concerning the Social Security legislation which applies to the holder
EU Regulations 883/04 and 987/09 (**)

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 temporarily 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 benefits 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 (INSS), 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

- › **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

ELA 
EUROPEAN LABOUR AUTHORITY



Discussion





Closing remarks

Remy RUSSOTTO

Chief Executive Officer,

CORTE



THANK YOU!



www.ela.europa.eu

www.corte.be