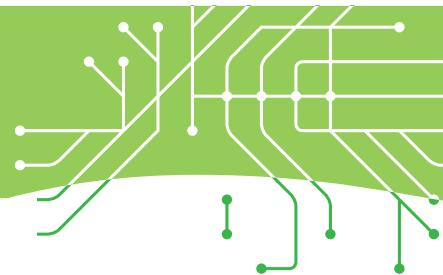




European Commission

NEW RULES for the posting of drivers in road transport



APPLICATION FROM 2 FEBRUARY 2022!

As of 2 February 2022, new rules will apply to the posting of drivers across the EU (Directive (EU) 2020/1057).



WHEN ARE DRIVERS CONSIDERED AS 'POSTED'?

When carrying out transport operations in Member States other than the Member State where the employer of the driver is established, especially:

Cross-trade operations

Transport operations between two Member States or Member State and third country, none of which is the country of establishment of the operator carrying out these operations

Cabotage operations

Domestic transport operations carried out on a territory of a Member State by an operator established in another Member State

Initial or final leg of certain combined transport operations

If the road leg has a nature of cross-trade or cabotage

WHEN ARE DRIVERS NOT CONSIDERED AS 'POSTED'?

Bilateral international transport operations

Operations from the Member State where the operator is established to another Member State or third country, or from another Member State or third country to the Member State of establishment

Limited additional activities of loading and/or unloading

Cross-trade operations carried out in the context of bilateral operations

Transit

Crossing a Member State without any loading or unloading

Initial or final leg of certain combined transport operations

If the road leg has a nature of bilateral operation



WHAT REMUNERATION APPLIES?

When posted

Remuneration of Member State of posting applies

When not posted

Remuneration of Member State of establishment applies

WHAT ADMINISTRATIVE RULES AND CONTROL MEASURES APPLY?

Before the posting

- Operator has to submit posting declaration, at the latest at the beginning of the posting
- Using a new European portal available in 24 languages <https://www.postingdeclaration.eu/>

During the posting

- At the roadside, drivers must present:
 - a copy of the posting declaration (electronic or paper version)
 - evidence that transport operation takes place in host Member States (e.g. consignment note)
 - tachograph records.

After the posting

- Authorities of the Member State where the posting took place can contact the operator to ask them to send:
 - payslips and proof of payment
 - tachograph records and time sheets
 - evidence that transport operation has taken place in host Member States
 - employment contract.



WHAT SANCTIONS ARE IN PLACE?

Each Member State decides individually on type and amount of sanctions. Sanctions apply to consignors and freight forwarders as well as to contractors and subcontractors.

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