



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

1 April 2025

ELA 
EUROPEAN LABOUR AUTHORITY

CORTE



Opening remarks

Tonio Boer

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

Iwona Kasprzyk-Sowa

*Senior Labour Mobility Officer,
Cooperation Support Unit, ELA*

Romain Durand

*Policy Officer, DG MOVE,
European Commission*

ELA 
EUROPEAN LABOUR AUTHORITY


CORTE

Agenda

14.15 – 14:30	Registration (<i>CET time zone</i>)
14:30 – 14:35	Welcome words by ELA and EC <ul style="list-style-type: none">• Tonio Boer, Senior Labour Mobility Officer, Information and EURES Unit, ELA• Iwona Kasprzyk-Sowa, Senior Labour Mobility Officer, Cooperation Support Unit, ELA• Romain Durand, Policy Officer, DG MOVE, European Commission
14:35 – 14:45	ELA information activities in the road transport sector <ul style="list-style-type: none">• Tonio Boer, Senior Labour Mobility Officer, Information and EURES Unit, ELA
14:45 – 15:15	Driving and rest times in passenger transport <ul style="list-style-type: none">• Hans Drijer, Senior Expert, CORTE
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 <ul style="list-style-type: none">• Artur Toczko, Road Transport Inspector, Provincial Road Transport Inspectorate in Białystok, Poland
16:15 – 16:25	Coordination of social security systems (enforcement at the roadside) <ul style="list-style-type: none">• Danijela Wittine, Seconded National Expert, Cooperation Support Unit, ELA
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 <ul style="list-style-type: none">• 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*



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

Content

- #Road2FairTransport: ELA's 2022 awareness raising campaign
- Campaign materials
- Videos
- Leaflets
- Infographics
- Posters
- Resources



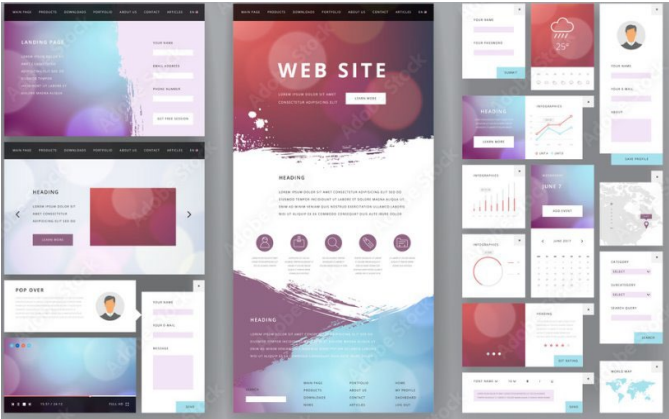
Every day, countless transport operations are being carried out across the EU. The road transport sector is essential to our European economy. However, it is also a sector that has to deal with several challenges, some are specific for drivers, or operators, others are problematic for both.

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 1' 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.

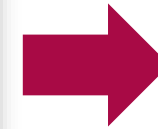
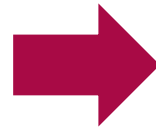
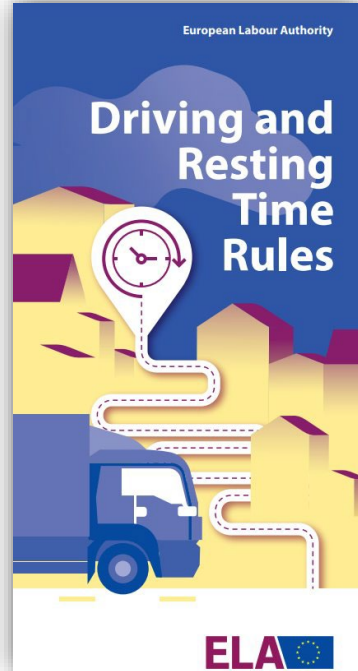
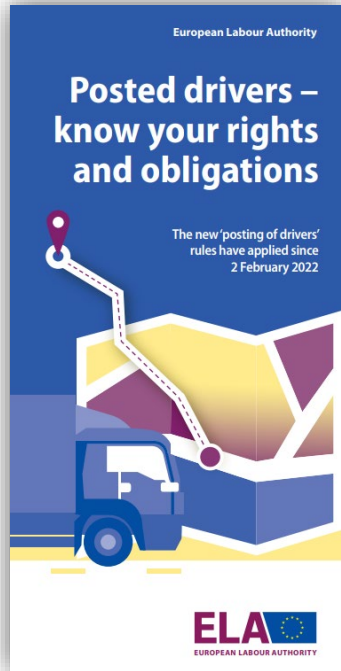


#Road2FairTransport Campaign



Review of National Websites and EU portals

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/eurome/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? ▾

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](#) >

#Road2FairTransport Campaign

[Go to the campaign webpage](#) >

ROAD TO FAIR TRANSPORT

ROAD 2 FAIR TRANSPORT ELA CORTe

Content

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

[Campaign materials](#)

[Videos](#)

[Leaflets](#)

[Infographics](#)

[Posters](#)

[Resources](#)



ROAD 2 FAIR TRANSPORT

Information Resources in the Road Transport Sector



EN

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



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

Join the EURES job market!
Find the appropriate candidate within the over 1 million CVs available via EURES and become visible on the market by creating your EURES employer profile.

[Register for free!](#)

EURES 2023 Employer Tutorial Video

Step 1 - homepage

Employers

Location

- Germany (71)
- Belgium (68)
- Spain (25)
- Denmark (18)
- Sweden (16)
- Switzerland (14)
- Norway (14)

Work schedule

- Full-time (71)
- Flexible (52)
- Part-time (7)

Contract type

- Direct hire (71)
- Temporary to hire (54)
- Temporary (4)

Find candidates

International Drivers

Active filters: International Drivers, Country: Germany, Work schedule: Full-time, Contract type: Direct hire, Education level: Lower secondary education, Education field: Services

71 candidates found (showing from 1 to 10).
Sort by Relevance
Results per page 10

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

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



SOLVIT

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](#)

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

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. [\[More information\]](#)

How SOLVIT works



A cartoon illustration showing a man in a blue shirt holding a document, a woman in a blue dress at a computer, and a yellow trash can labeled 'SOLVIT'. A speech bubble above them contains three checked boxes: 'PUBLIC AUTHORITY', 'ANOTHER EU COUNTRY', and 'EU LAW'. A red play button icon is between the man and the woman.

SOLVIT for individual citizens



A cartoon illustration of a person walking on a path that is shaped like a map of Europe. A red play button icon is in the center of the path.

SOLVIT for businesses



A cartoon illustration of a person in a suit standing on a path that is shaped like a map of Europe. A red play button icon is in the center of the path.

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

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,
CORTE

- **Regulation (EC) No 561/2006** was amended by *Regulation (EU) 2024/1258* to introduce some changes in relation to driving and rest time rules for occasional passenger transport.
- 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;

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.

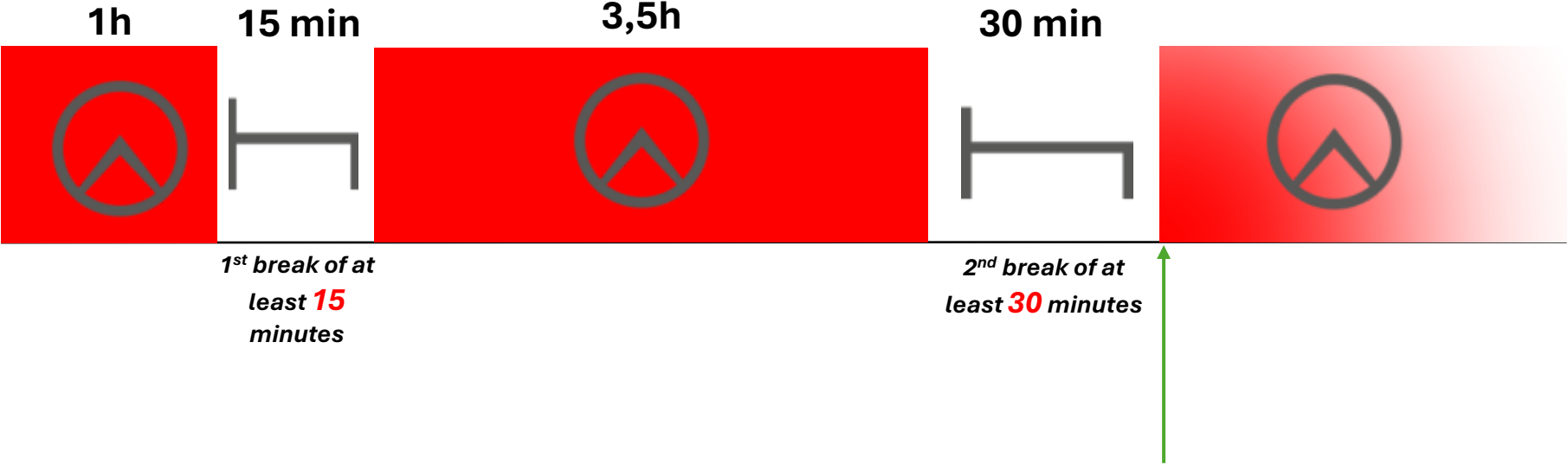
For a driver engaged in an occasional passenger service, the break referred to in the first paragraph **may also** be replaced by **two breaks**, of at least 15 minutes each, distributed over the driving period referred to in the first paragraph, in such a way as to comply with the provisions of the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

Comments

- 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.

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

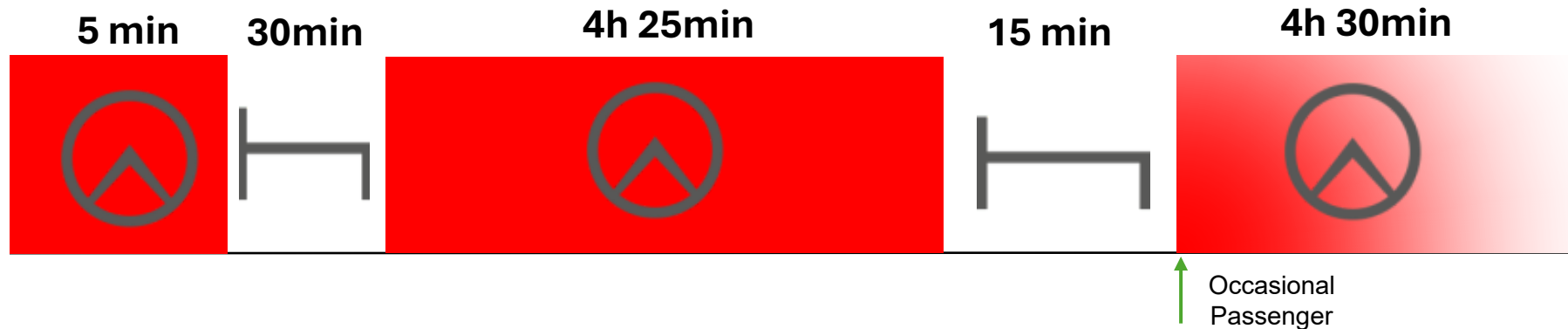


Next calculation starts after the 2nd break of 30 min

Allowed in all types of transport.

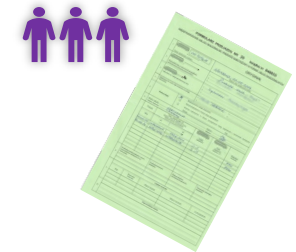


Possible divisions of breaks to wipe the slate clean: Example 2



The next calculation starts after 2nd break of 15 min for passenger.

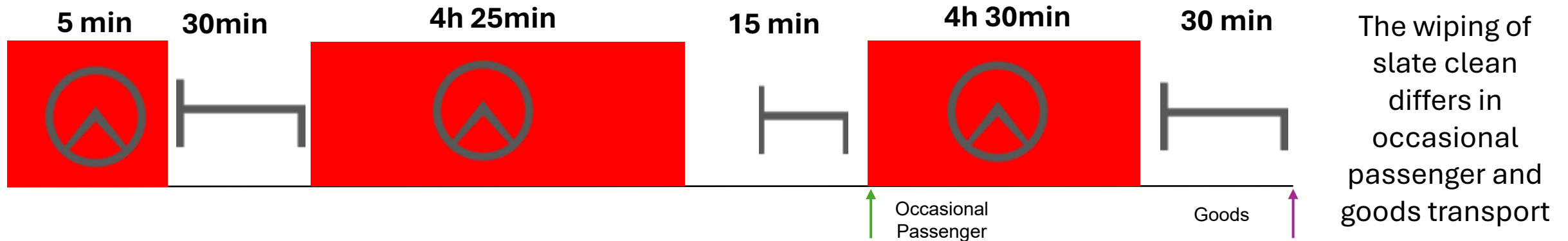
Allowed **only** in occasional passenger transport.



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

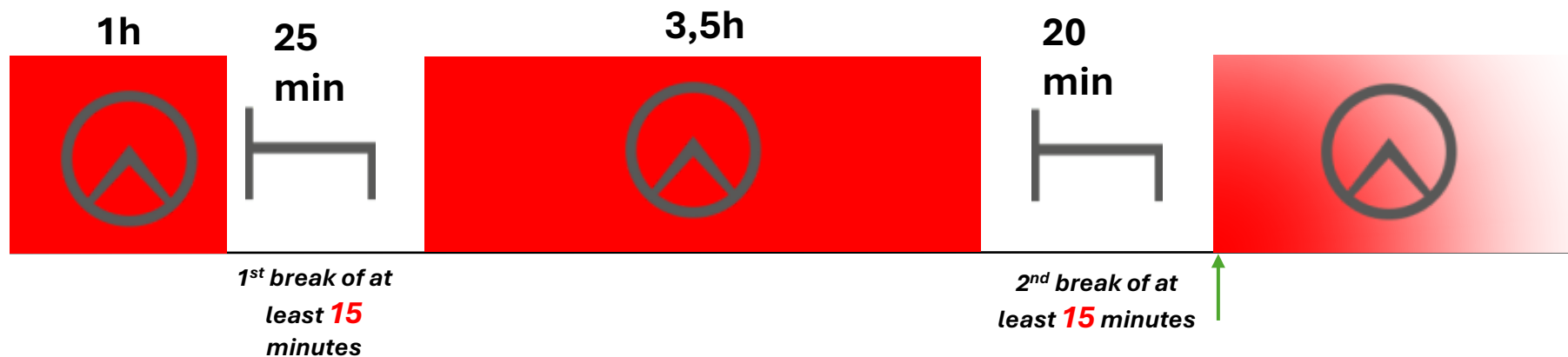



The next calculation starts after 2nd break of 15 min for occasional passenger transport.


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 4



Allowed **only**  occasional passenger transport.



The next calculation starts after the 2nd break of 20 min

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

1. A driver shall take daily and weekly rest periods.

2. [.....]

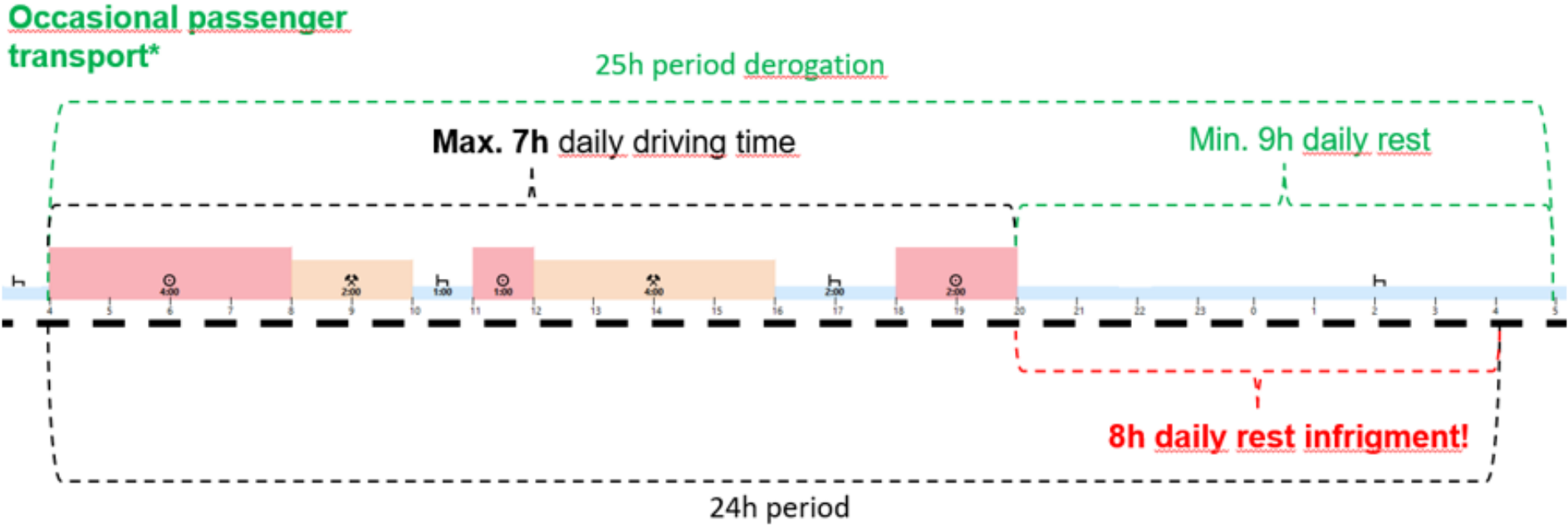
2a. Provided that road safety and the working conditions of the driver are not thereby jeopardised, a driver engaged in a **single occasional passenger service** with a duration of at least **six consecutive 24 hour periods** may derogate from paragraph 2, first subparagraph, by taking the daily rest 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.

□ Comments

- The Article refers to “single” occasional passenger service.
- 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

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

Example 1



Other transport types

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 24-hour** 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;

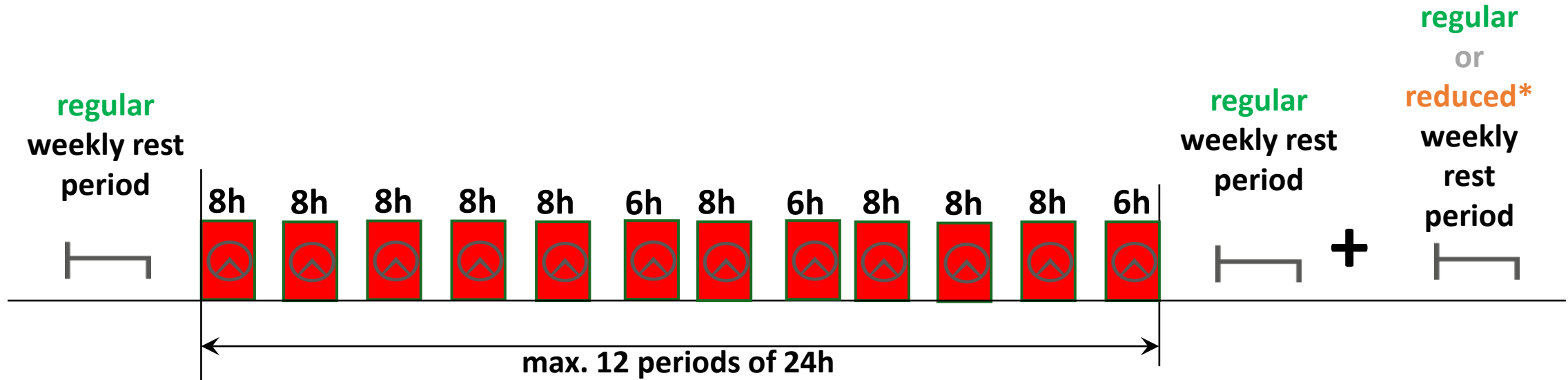
(c) after 1 January 2014, the vehicle is equipped with recording equipment in accordance with the requirements of Annex IB to Regulation (EEC) No 3821/85; and

(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.

.....




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
	 x1	

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

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) **carrying on board the vehicle** paper or electronic **copies of such journey forms** which cover the **previous 28 days**, and, from 31 December 2024, 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).

Digital journey form?

4. ...continues:

No later than 31 December 2026, the Commission shall assess the options for **digitalising the journey form for drivers engaged in occasional 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.

5. 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. (...)

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



ELA 
EUROPEAN LABOUR AUTHORITY



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		✓
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		✓
Cross-trade / Non bilateral operation	✓	
Unladen journeys	depending on the operation 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.



**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

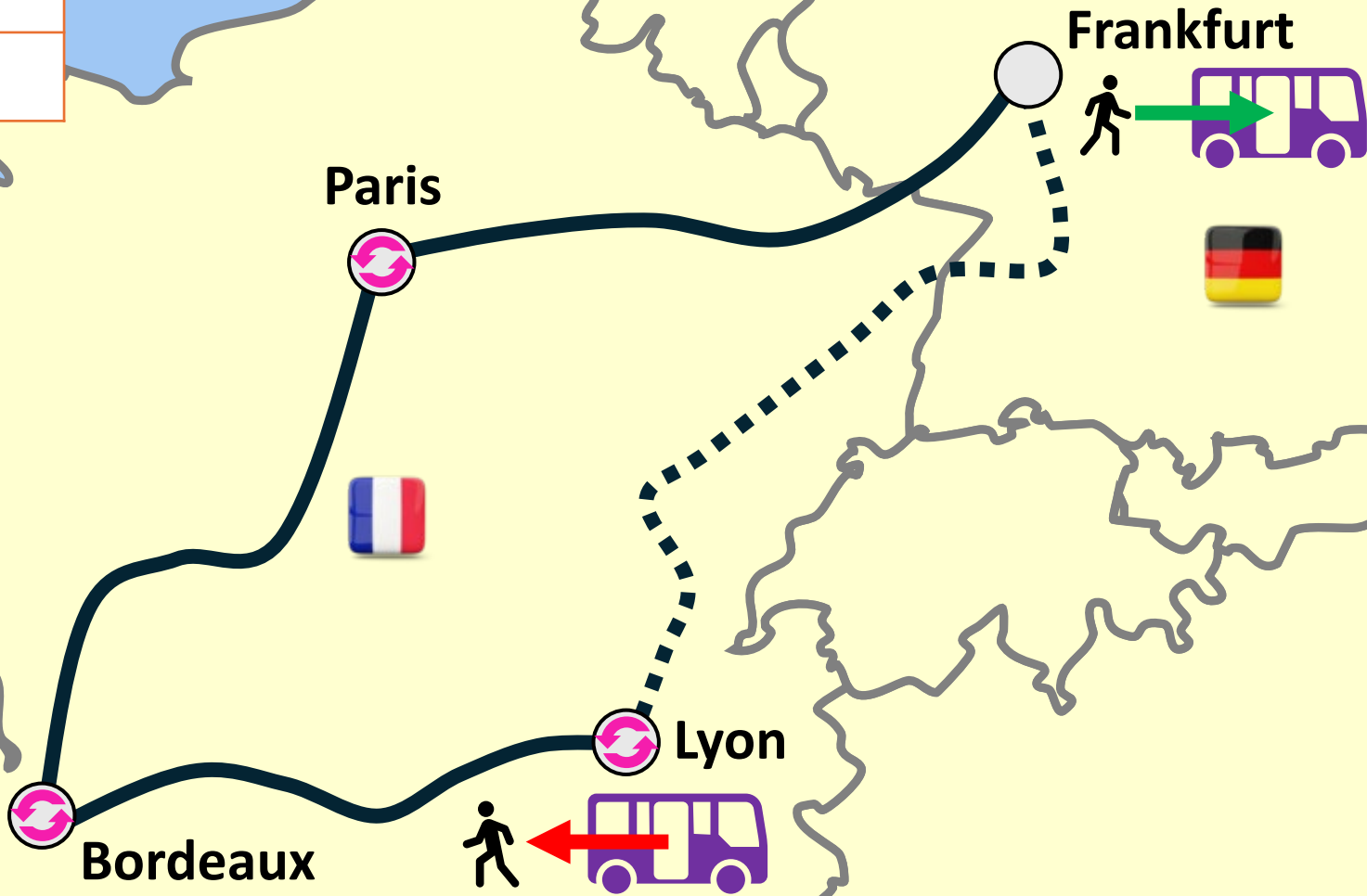
Nature of transport

occasional carriage of passengers

Carriage route

DE ⇌ FR

Bilateral operation with local excursions



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 passengers, picked up and set down in the host MS (DE) is subject to posting rules on the entire journey. The driver starts to be posted to DE when he crosses the NL-DE border, **continues to be posted to DE when in FR and BE**, until he sets down the passengers back in DE.



Scenarios for posting of drivers in REGULAR passenger transport

MS of establishment

PT

G2V2 

Nature of transport

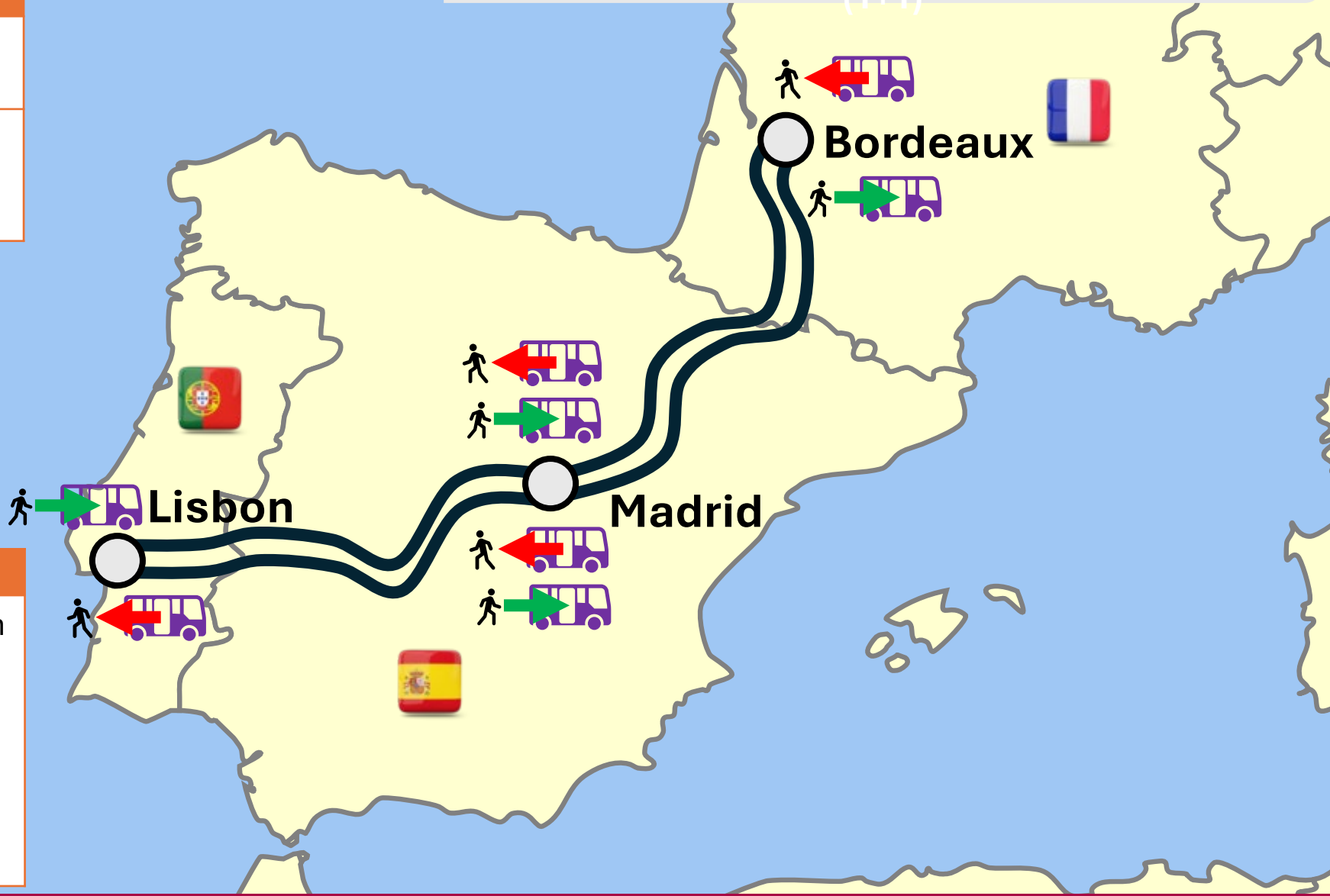
regular carriage of passengers

Carriage routes

PT ⇒ ES ⇒ FR

FR ⇒ ES ⇒ PT

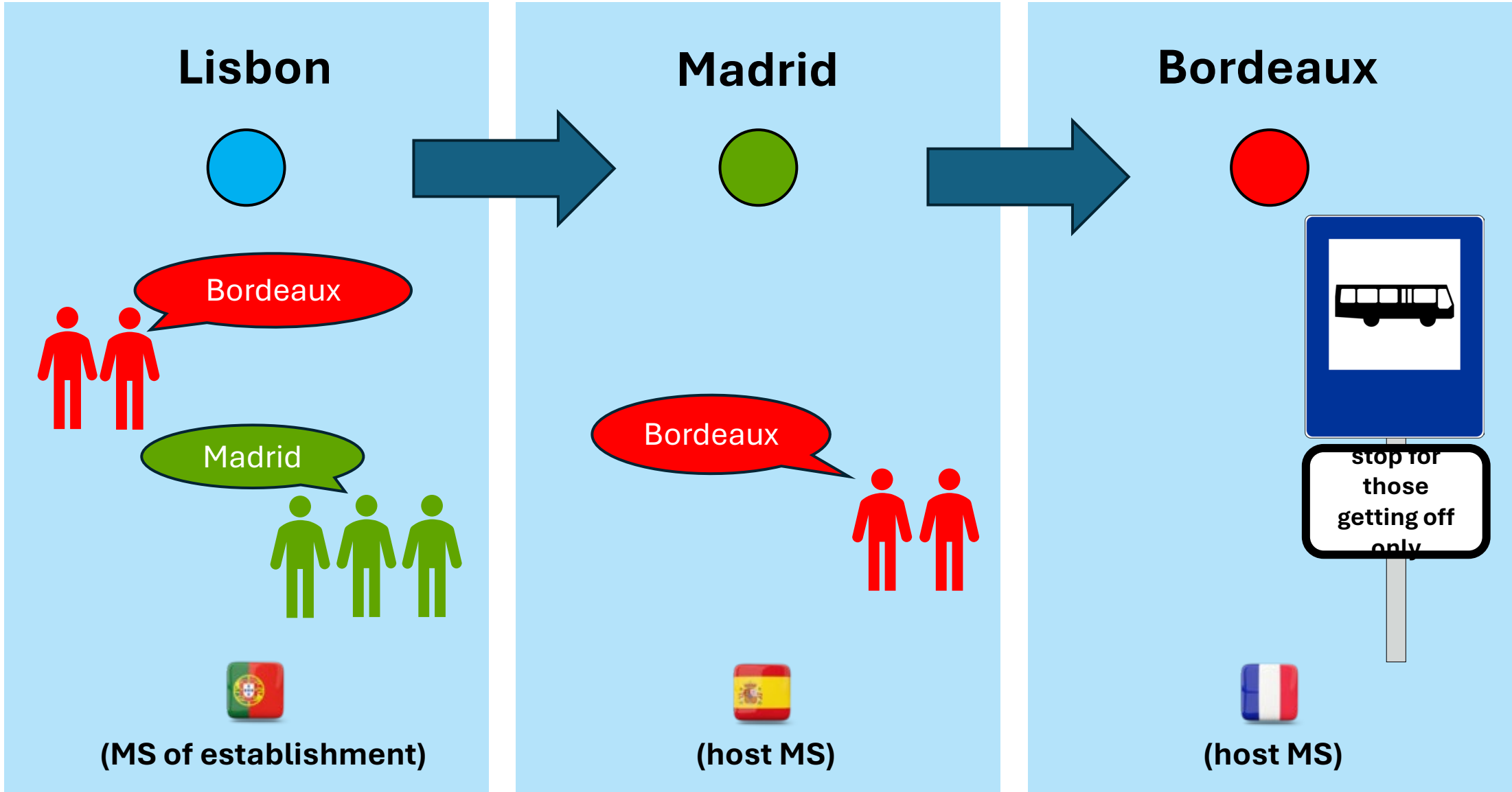
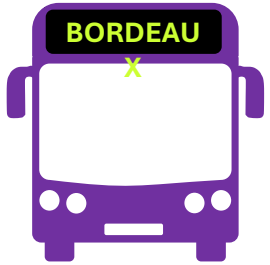
Regular passenger transport -
A bilateral operation with a cross-trade operation
(1+1)



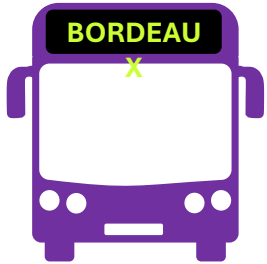
Conclusion

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.

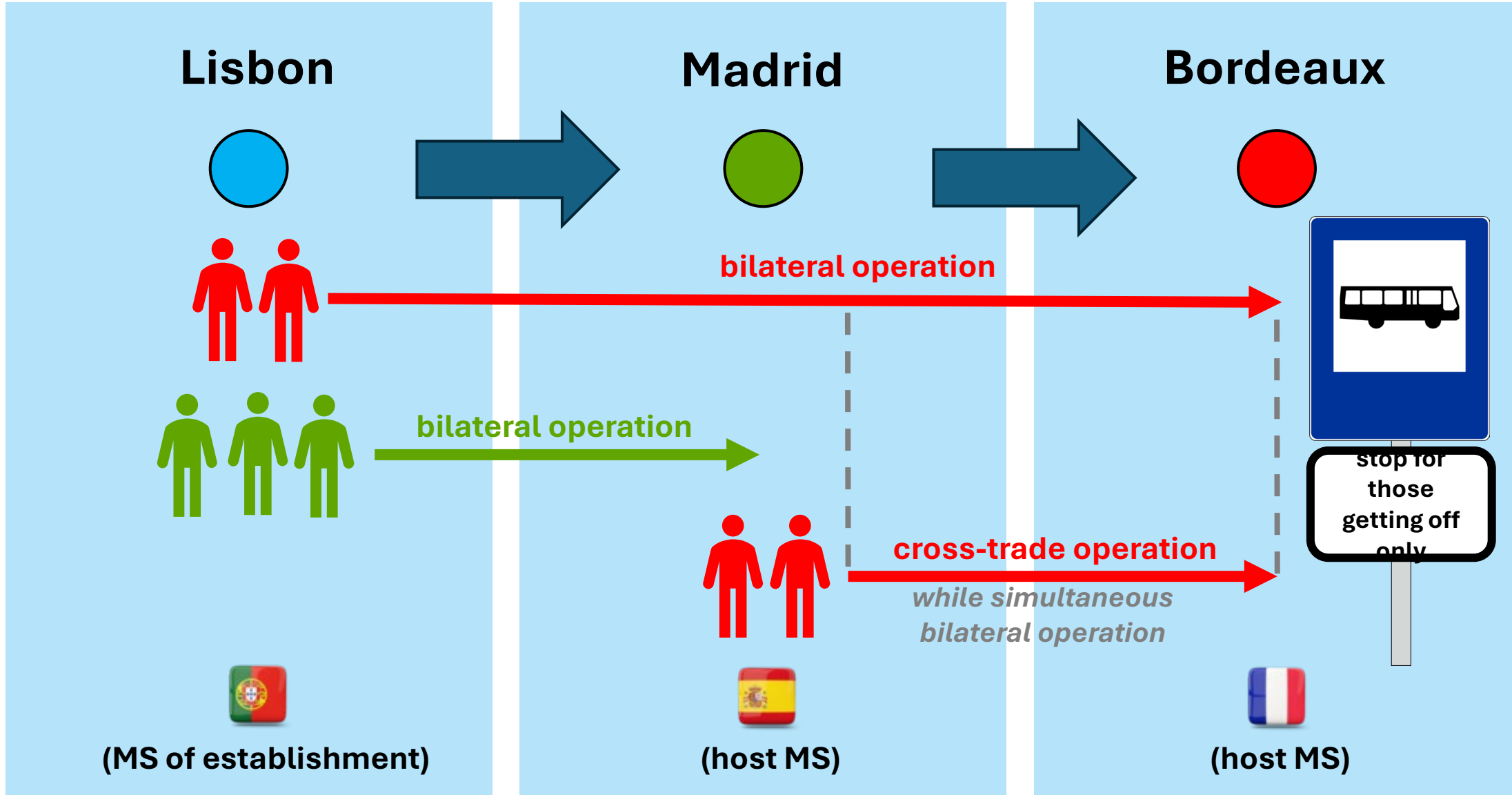
Regular passenger transport - analysis



Regular passenger transport - analysis

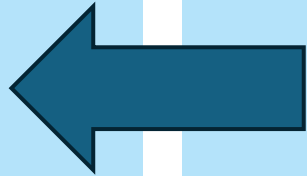


G2V2

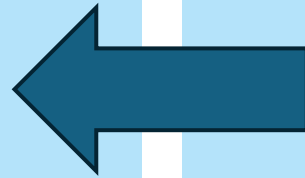
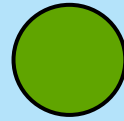


Regular passenger transport - analysis

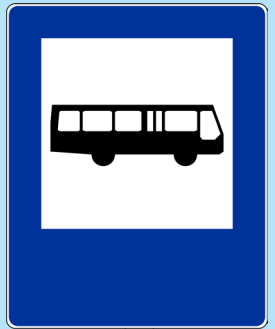
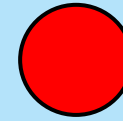
Lisbon



Madrid



Bordeaux

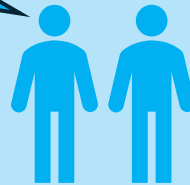


stop for
those
getting off
only



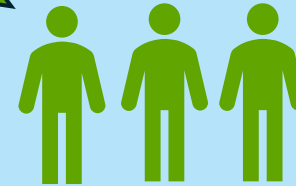
(MS of establishment)

Lisbon



(host MS)

Madrid

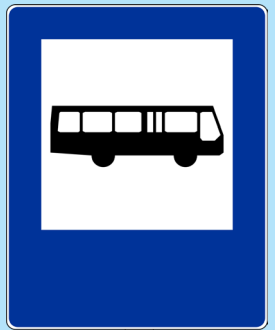


(host MS)



Regular passenger transport - analysis

Lisbon

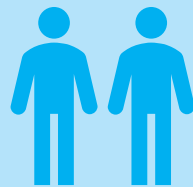
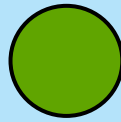


stop for
those
getting off
only



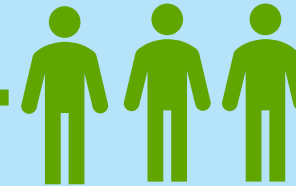
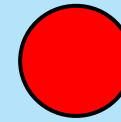
(MS of establishment)

Madrid

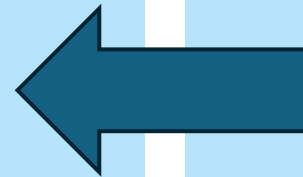
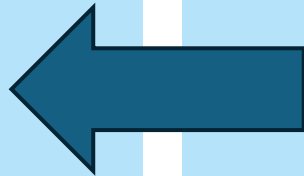


(host MS)

Bordeaux



(host MS)




← **cross-trade operation**
*while no simultaneous
bilateral operation*

← **bilateral operation**



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

1+1



0+2






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	HU 
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

END OF POSTING

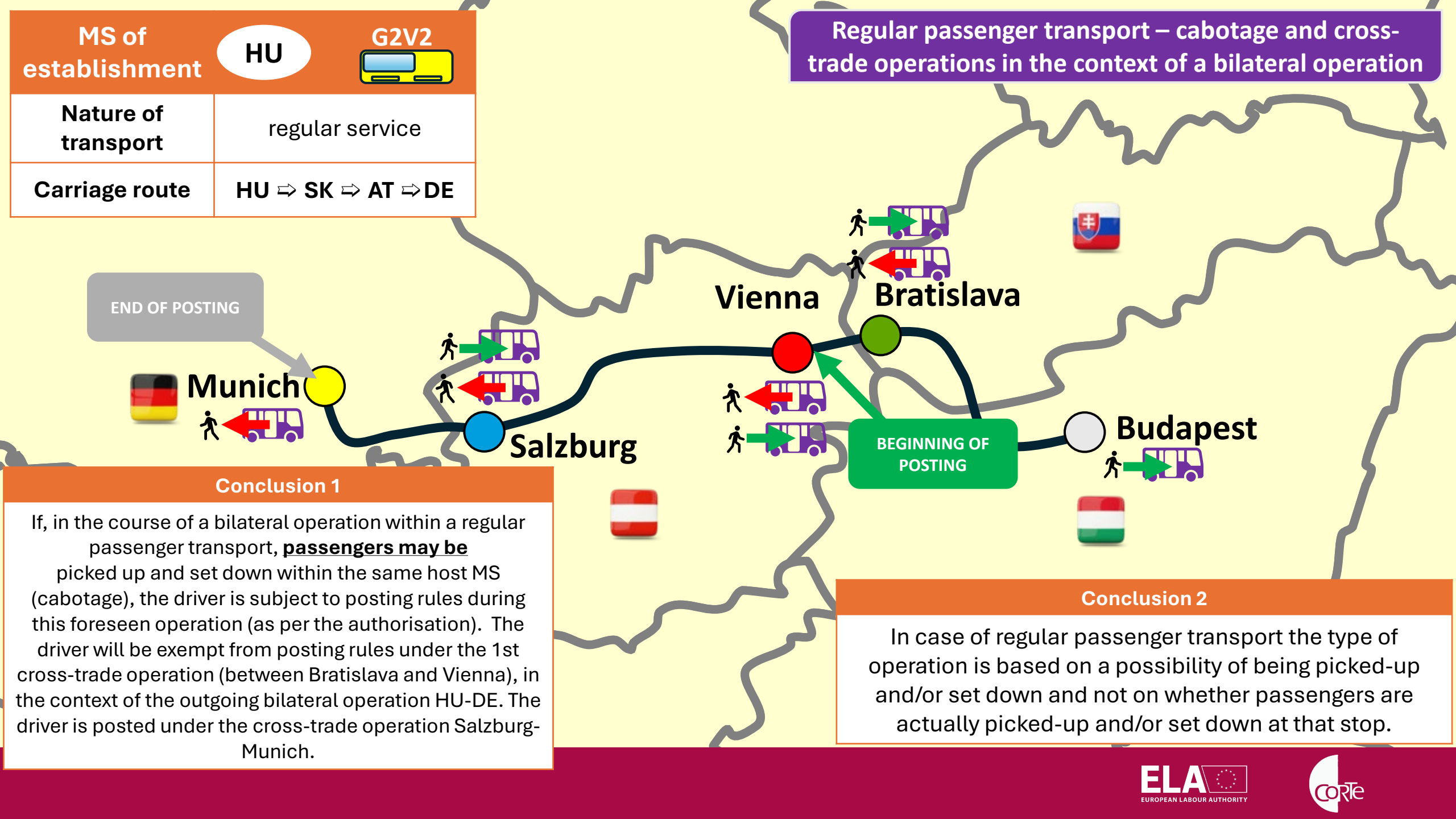
BEGINNING OF POSTING

Conclusion 1

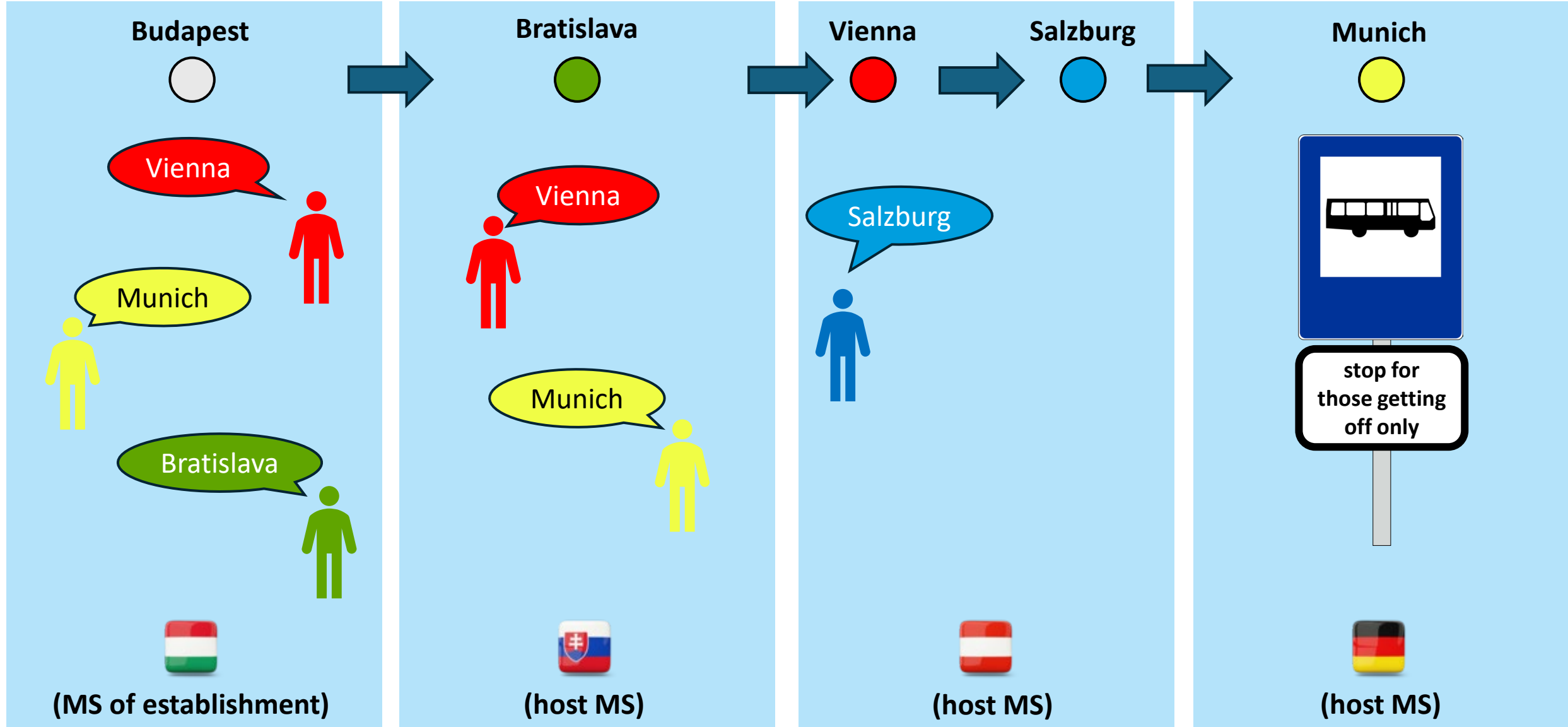
If, in the course of a bilateral operation within a regular passenger transport, **passengers may be** picked up and set down within the same host MS (cabotage), the driver is subject to posting rules during this foreseen operation (as per the authorisation). The driver will be exempt from posting rules under the 1st cross-trade operation (between Bratislava and Vienna), in the context of the outgoing bilateral operation HU-DE. The driver is posted under the cross-trade operation Salzburg-Munich.

Conclusion 2

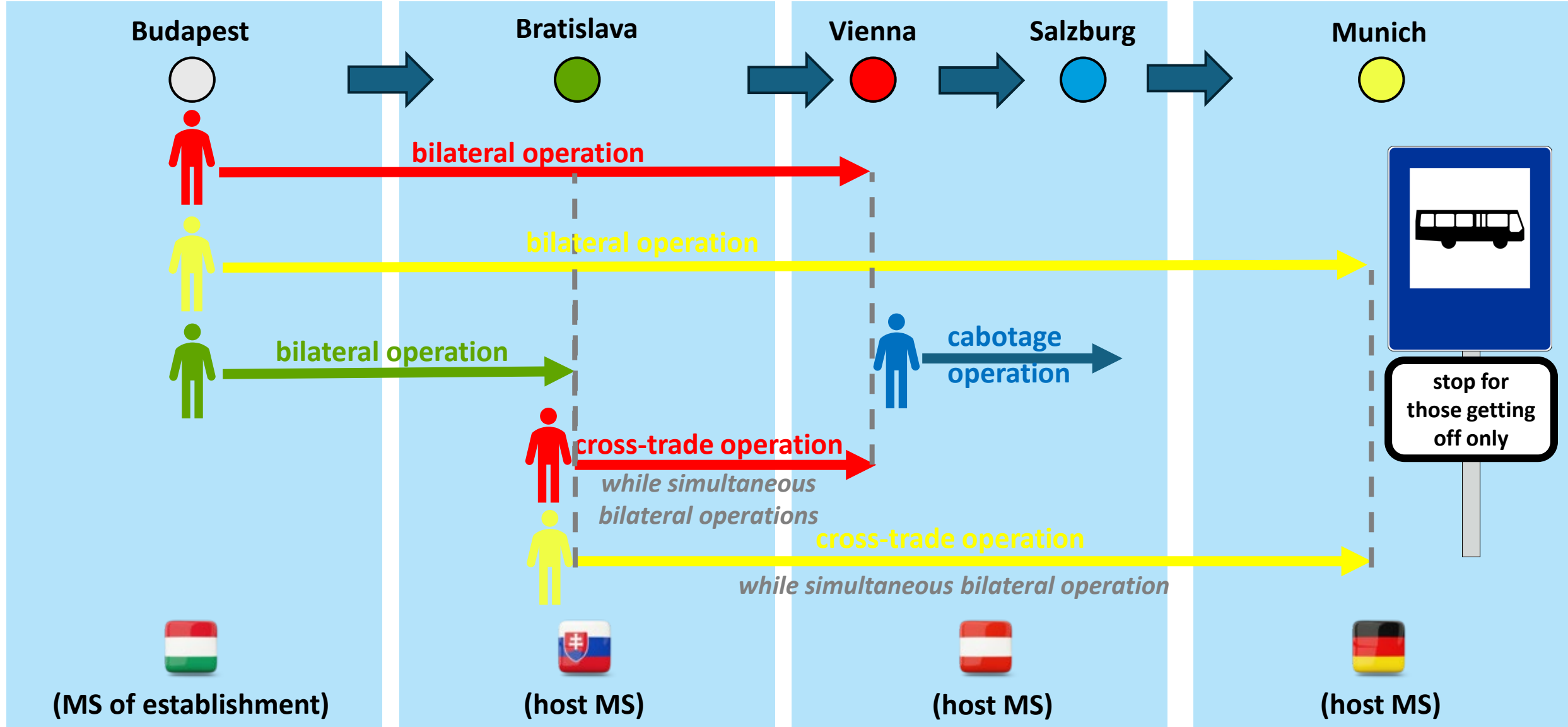
In case of regular passenger transport the type of operation is based on a possibility of being picked-up and/or set down and not on whether passengers are actually picked-up and/or set down at that stop.




Regular passenger transport - analysis



Regular passenger transport - analysis



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

Regular passenger transport – Bilateral operations with cabotage and cross-trade operation (1+1)



Conclusion 1

This is a bilateral transport operation (DE-HU) that includes, cross-trade operations and cabotage (in AT) and cross-trade operations. Only the first cross-trade operation (Munich –Salzburg) will be exempt from posting rules.

There are also other bilateral

Conclusion 2

In case of regular passenger transport the type of operation is based on a possibility of being picked-up and/or set down and not on whether passengers are actually picked-up and/or set down at that 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



Coordination of Social Security Systems in Road Transport

Danijela WITTINE

*Seconded National Expert,
Cooperation Support Unit, ELA*

- › **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	<input type="checkbox"/> Female	<input type="checkbox"/> 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
<input type="checkbox"/> 2.4 The certificate applies for the duration of the activity	
<input type="checkbox"/> 2.5 The determination is provisional	
<input type="checkbox"/> 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

©European Commission

- › **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!



A white bus is parked on a paved surface. The front door is open, and a woman with long dark hair, wearing a light-colored top, blue jeans, and brown boots, is stepping up the stairs to board. She is carrying a white handbag. The bus has red reflective markers along its side. The background shows some greenery.

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

ELA 
EUROPEAN LABOUR AUTHORITY

CORTe

Discussion





Closing remarks

Remy RUSSOTTO

Chief Executive Officer, CORTE

ELA 
EUROPEAN LABOUR AUTHORITY

CORTE

THANK YOU!

ELA 
EUROPEAN LABOUR AUTHORITY



www.ela.europa.eu

www.corte.be