

# Posting drivers in the road transport sector

2017/0121(COD) - 08/07/2020 - Text adopted by Parliament, 2nd reading

The European Parliament approved, in accordance with the ordinary legislative procedure, the Council's position at first reading with a view to the adoption of a directive of the European Parliament and of the Council laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012.

The proposed Directive aims to ensure a level playing field by avoiding diverging national approaches and to guarantee fair remuneration for road drivers. Its aim is to ensure proportionate enforcement of the rules on posting, to strengthen enforcement and to improve the structure and effectiveness of administrative cooperation between Member States.

The draft legislative act:

- introduces a derogation from the general posting rules owing to a high degree of mobility: the posting rules shall apply to cabotage and international transport operations, with the exception of transit, 'bilateral transport operations' (both in goods and passenger transport), and bilateral operations with two additional carriage-related stops. The derogation shall be limited to cases where a service contract exists between the employer sending the driver and a party operating in the host Member State;
- clarifies that reinforcing posting rules for EU drivers must not create a competitive advantage for third country operators having access to the EU road transport market;
- lays down the administrative requirements relating to posting, control and enforcement: hauliers will have the possibility, and the obligation, to use the Commission's Internal Market Information System (IMI) for sending posting declarations and the requested information;
- lay down penalties in the event of infringements of the provisions of *lex specialis*, and to sanction actors of the logistics chain if they know or ought to know about the infringements;
- introduces a provision on 'smart enforcement' obliging Member States to integrate the control of posting rules into an overall control strategy;
- introduces a special rule on the host Member State's duty to provide transparency about its terms and conditions of employment, including those determined by certain collective agreements;
- incorporates Directive 2002/15/EC into the enforcement rules relating to social legislation as regards, for example, national checking systems, the minimum number of checks, the national risk rating systems, or information exchange;
- improves a company's risk rating system;
- provides for an obligation for Member States to transpose the Directive within 18 months of its entry into force, as well as an assessment by the Commission of the implementation of the Directive by the end of 2025.