



Brussels
MOVE/HH

Subject: Application of the EU rules on posting of drivers in the road transport sector established by Directive (EU) 2020/1057

Your Excellency,

I would like to kindly draw your attention to the implementation of the Mobility Package 1 adopted in July 2020, consisting of a set of social and market rules for the road transport sector. These rules are based on a delicate compromise and strike a balance between the social protection of drivers and the freedom of operators to provide cross-border road transport services.

The key part of this package are the new sector-specific rules on posting of drivers set out in Directive (EU) 2020/1057¹. These rules started applying on 2 February 2022. By that date, the Member States should have notified to the Commission the measures fully transposing the provisions of Directive (EU) 2020/1057 into their national legal framework.

In line with the legal requirements set in Directive (EU) 2020/1057, the Commission services have created unique multilingual electronic tools to facilitate the work of control authorities of Member States to check compliance by foreign operators with the EU rules on posting of drivers and to help operators submit posting declarations to Member State where they post their drivers. Both tools, that is the Internal Market Information ('IMI') posting module (for authorities) and, connected to IMI, the EU portal posting declarations (for operators) are operational.

Effective implementation of the rules on posting of drivers and an efficient use of the harmonised enforcement tools at the disposal of Member States depends greatly on the correct transposition of Directive (EU) 2020/1057 by the Member States and on providing appropriate instructions to the enforcement authorities.

The Commission, as the guardian of the Treaty, monitors the transposition process by Member States and, where necessary, is ready to initiate infringement procedures for non-communication or not-compliance.

Please note that, in the absence of transposition measures, imposing on foreign operators national administrative requirements and control measures with respect to the posting of

¹ Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 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 (OJ 249, 31.7.2020, p. 49).

drivers not in line with the EU rules, and in particular imposing the use of national systems to submit posting declarations, is in violation of EU law.

I would like to kindly ask you to draw your Government's attention to the fact that as of 2 February 2022, under Directive (EU) 2020/1057, the EU Portal for posting declarations must be the only obligatory system that road transport operators may be required to use to send declarations when posting their drivers to other Member States.

Yours faithfully,

Electronically signed

Henrik HOLOLEI