

Truck drivers reform: Coreper confirms provisional agreement on mobility package

A major step forward was taken today in securing key **reform of the EU road transport sector**, when the Council's Permanent Representatives Committee (Coreper) approved a set of proposals – known as **the mobility package** – on **drivers' working conditions, special posting rules for drivers in international transport, access to the haulage market, and improved enforcement**. The new rules are designed to ensure a balance between improved working conditions for drivers and the freedom to provide cross-border services for operators, and will also contribute to road safety. In addition, they will provide much-needed clarity for the sector and put an end to uneven application of these rules between member states. A provisional agreement was reached between the Council presidency and the European Parliament on 11 December.

The rules we endorsed today are clear, fair and enforceable. They will improve working and social conditions for drivers, in a profession that needs to become more attractive. At the same time, we are creating more harmonised and stable business conditions for transport companies, many of which are SMEs. Smoother procedures and more uniform enforcement will make life easier for drivers, businesses and national authorities.

*Timo Harakka, Finland's Minister for Transport and Communications,
President of the Council*

The rules on maximum work and minimum rest times for drivers will remain unchanged. However, a degree of flexibility will be introduced in the **organisation of work schedules** for drivers in international freight transport to enable them to spend more time at home. Drivers will also have the right to return home every three or four weeks, depending on their work schedule.

The new rules confirm that the regular weekly rest period (at least 45 hours) must be spent **outside the vehicle**. If this rest period is taken away from home, the accommodation must be paid for by the employer.

Although the regular weekly rest period cannot be taken in a parking area, the EU will promote the construction and use of **safe and secure parking areas**. The Commission will develop standards and a certification procedure for such parking areas through secondary legislation. It will also create a website to make it easier to find these areas.

With regard to rules on transport operations carried out within a national market outside a transport operator's own country ('**cabotage**'), the current

system allowing a maximum of 3 operations in 7 days will remain unchanged. To prevent systematic cabotage, a 'cooling-off' period of 4 days will be introduced before further cabotage operations can be carried out in the same country using the same vehicle. A member state may apply these same rules to road legs of combined transport in its territory.

Rules on the **posting of drivers** clarify how professional drivers in goods or passenger transport will benefit from the principle of the same pay for the same work at the same place. The general rule will be that if an operation is organised in such a way that the link between the driver's work and the country of establishment remains intact, the driver will be excluded from posting rules. This means that bilateral transport operations are explicitly excluded. On the way to the destination country and on the way back, one additional activity of loading and/or unloading goods is permitted in both directions without falling under the posting regime, or there may be zero activity on the way out and up to two activities permitted on the way back. Transit is also excluded. For all other types of operations, including cabotage, the full posting regime will apply from the first day of the operation. Similar rules will apply to the carriage of passengers, with one additional stop during bilateral operations. The posting rules will also create a unified control standard, based on a communication tool developed by the Commission, to which the transport operator can send its posting declarations directly.

To ensure a level playing field between operators using different vehicles, rules on access to the European road haulage market, as well as driving and rest-time rules, will be extended to cover **vans used in international transport** (light commercial vehicles of over 2.5 tonnes), with a transition period of 21 months for market supervision, and until the middle of 2026 for tachograph and rest-time rules.

To combat the phenomenon of 'letterbox companies', the reform tightens the **link between the transport operator's place of establishment and its activities**. To ensure that the link is genuine, trucks in international transport will have to return to the company's operational centre at least once every eight weeks. This eight-week period is designed to allow drivers to return home, together with the vehicle, at the end of their second four-weekly work cycle.

One key element for improving **enforcement** is having a reliable way to register when and where the truck has crossed a border and to localise loading and unloading activities. The **second version of the smart tachograph** will do all this automatically. It will be introduced in three different stages for vehicles carrying out international transport. New trucks will have to be fitted with this device in 2023; those vehicles which have an analogue or digital tachograph will have to be retrofitted by the end of 2024; and those equipped with a 'version 1' smart tachograph, in 2025.

To improve cross-border monitoring of compliance, the text also modernises the rules for information sharing and administrative cooperation between member states.

The rules in the posting and market access proposals (including the rule on the return of trucks) will become applicable 18 months after the entry into force of the legal acts. The rules in the driving times proposal (including the return of drivers) will apply 20 days after publication, with the exception of the special deadlines for tachographs.

The proposals are part of the first mobility package, presented by the Commission in June 2017.

The agreed text will now undergo legal and linguistic finalisation. It must then be formally adopted, first by the Council and then by the Parliament (early second reading).

A link to the approved texts will be added to this press release on our website.

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