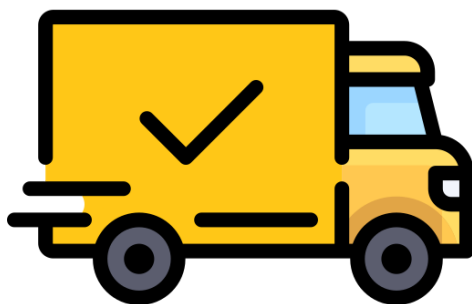


GUIDE










THE MOBILITY PACKAGE AT A GLANCE

The first changes in the functioning of international road transport were initiated by Germany with the introduction of **MiLoG**. Next was the French **Loi Macron** law.

Soon, carriers will face further changes in road law. Starting from 20 August, the first provisions of the Mobility Package will come into force. The regulations will be introduced in stages, so the owners of transport companies still have time to fully prepare for them. According to the European Commission, the aim of changes in international transport law is to maintain a balance between driver safety, social justice and a sustainable economy, while taking care of the market and economic needs of EU countries.

In short, the aim of the Mobility Package is to improve the working conditions of drivers in all Community countries. The Directive applies to the following:

-  Obligatory rest for drivers
-  Return of drivers to the base
-  Extensions of driving time
-  Cabotage
-  Rules for posting of drivers
-  Licences and tachographs for carriers with a fleet of 2.5 t to 3.5 t vehicles in international transport
-  Replacement of tachographs



1. Obligatory rest for drivers (20.08.2020)

The Mobility Package introduces new rules on drivers' working time and rest periods. As its authors argue, the aim is to improve road safety and prevent unfair competition resulting from the non-compliance of certain operators. It is also important to protect drivers' working conditions and their safety not only at work but also during rest. Hence, checks on transport undertakings for compliance will be extended.

Drivers will also need to have full knowledge of driving times, rest periods and the dangers of excessive fatigue at work.

1.1. Taking regular weekly rest

According to the new regulations, every rest lasting more than 45 hours will have to be taken outside the cab, in a place with adequate sanitary facilities to ensure the safety of both the trucker and the load being carried. This place may be adjacent to the parking lot.

IMPORTANT!

Safe and secure parking areas should be audited and certified according to EU standards. The audit procedures should ensure that parking lots continuously meet certain standards.

It will be the responsibility of the transport company to pay for accommodation in such a parking lot.

Carriers and drivers will have access to information on available rest areas with the required standards. The information will be available on a website and updated on a regular basis. The European Commission will publish a list of all certified parking areas.

Such parking areas will guarantee the following:

- ✓ detection and prevention of intrusions
- ✓ lighting and visibility
- ✓ emergency contact point and emergency procedures
- ✓ sanitary infrastructure for each gender
- ✓ possibility to buy food and beverages
- ✓ connectivity for communication
- ✓ power supply

As part of the TEN-T (Trans-European Transport Network), as many new secure parking areas are to be created so that the distance between them does not exceed 100 km.

IMPORTANT!

In the case of a multi-man crew, a driver may take a break of 45 minutes in a vehicle driven by another driver, provided that during this break he is not involved in assisting the trucker driving the vehicle.

1.2. Breaks

The driver's working time and, above all, rest periods, are set so as to minimise the risk to traffic. At present there are weekly rest periods - regular (45 hours) and reduced (at least 24 hours). Today, a driver takes at least two regular weekly rests and one reduced weekly rest within two weeks.

The Mobility Package changes the rule on weekly rest (reduced and regular). From the moment the new regulations come into force, the driver will have to take within two weeks:

- two regular weekly rest periods
- or one regular rest period and one reduced weekly rest period of at least 24 hours.

1.3. Taking reduced weekly rest

A reduced rest can be taken at the latest at the end of six 24-hour periods (which count from the end of the previous weekly regular rest period). Drivers engaged in international transport may take two reduced weekly rest periods in a row, provided that they take weekly rest periods during the following four weeks of work, of which at least two must be regular weekly rest periods.

1.4. Taking regular weekly rest

When a driver takes two weekly reduced rests in a row, the next will be a regular weekly rest, with due compensation. Such rest will have to take place obligatorily at the company's headquarters, in the country where it is registered or in the driver's place of residence. The return of the driver to the country will need to be documented.

1.5. What is due compensation

The driver must take the remainder of the reduced weekly rest period in one go. The compensation is to be taken before the end of the third working week immediately following that in which the reduced weekly rest period took place.

On the other hand, if a driver takes two reduced rests in a row, the subsequent regular weekly rest must be preceded by compensation for them.

Rest periods taken as compensation, lasting over 45 hours, may not be spent in a cabin. As with any rest lasting more than 45 hours, it should take place under appropriate conditions - in a place equipped with appropriate accommodation and sanitary facilities adapted to each gender. The costs of accommodation are then borne by the employer.

1.6. Breaking the rest on the ferry

A driver who, during the journey, is on a ferry or on a train and takes a regular daily or reduced weekly rest period may interrupt this period twice with other professional activities, lasting no more than one hour in total.

IMPORTANT!

While resting he must have a sleeping cabin, berth or couchette.



2. Return of the driver to the company's operations centre in the home country (20.08.2020)

The Mobility Package requires the carrier to organise the drivers' work in such a way that they are able to return to the operations centre (base) in order to take the required appropriate rest. During this time they should take at least one regular weekly rest or a weekly rest of more than 45 hours as compensation for the reduced weekly rest.

It is important that transport companies organise the work of drivers in such a way that they do not spend too much time away from home and that they can take long rest periods for example at home. Drivers should ultimately have the freedom to choose where they will spend their rest period - at home or at company headquarters.

Such activities must be documented in the form of tachograph records, drivers' duty rosters or other documents. They should be available at the premises of the transport undertaking and presented to the inspection authorities on request.



3. Extensions of driving time (20.08.2020)

A driver will be allowed to exceed the daily or weekly driving time by a maximum of one hour to reach his base or place of residence in order to take a weekly regular and reduced rest period. However, the condition is that the extra hour of driving must not jeopardise road safety.

The driver will also have a second option - he will be able to extend his journey by up to two hours, provided that he takes a 30-minute break immediately before the start of the additional working time.

The reasons for the extension of working hours shall be entered by hand on the record sheet of the recording equipment, on a printout from the recording equipment or on a duty roster, at the latest upon arrival at the destination.

Any extended working time must be compensated by an equivalent period of rest, taken in one go before the end of the third working week following the week in which the extended driving took place.



4. Cabotage (March 2022)

The Mobility Package introduces changes to the existing regulations on cabotage. At present, three cabotage operations are permitted in a foreign country, within seven days. Once the Mobility Package has entered into force, the carrier will be able to carry out a maximum of three cabotage operations within seven consecutive calendar days, but the driver will not be able to carry out another cabotage on the territory of the same country unless at least four days have passed since the last trip of this type. This means that the vehicle will be 'cooled off' for a period of at least 4 days after the cabotage (e.g. in Germany).



5. Rules concerning the posting of drivers in international transport (March 2022)

The Mobility Package introduces an exemption from posting rules for drivers engaged in the following:

- bilateral transport
- transit operations
- combined transport (if carried out as part of bilateral transport)
- cross-trade operations (the exemption covers 1 loading or unloading operation or 2 loading or unloading operations on the return journey, provided they take place in the course of a bilateral transport. The exemption is valid for manual recording of the moment of crossing the border).



The rules for reporting and accounting for the pay of posted drivers will also change. Administrative and control requirements have been reduced with regard to:

- the obligation for the carrier to send a notification of posting online via IMI using a multilingual standard form. This should be done at the latest when the posting starts.
- the obligation to keep a copy of the following in the vehicle and present it for inspection in paper or electronic form: the declaration for posting, consignment notes and tachograph records with the symbols of the countries visited.
- the obligation to send, at the request of a control body, online via the IMI system, documentation related to the posting of a driver (including: employment contract, working time records and salary confirmation, tachograph records, consignment notes and copies of the declaration for posting).



6. Licences and tachographs for carriers with a fleet of 2.5 t to 3.5 t vehicles in international transport (June 2022)

The most important change for carriers managing a fleet of vehicles under 3.5 tonnes is the introduction of a permit to pursue the occupation of road transport operator, which has not been required until now.

After the entry into force of the Mobility Package, new obligations will be imposed on undertakings carrying out transport with vehicles with a GVW of 2.5-3.5 tonnes, such as:

- obtaining a permit to pursue the occupation of road transport operator
- obtaining a Community licence
- demonstrating financial capacity at a certain level.

IMPORTANT!

The European Commission has set the level of financial security required at €1,800 for the first vehicle in the fleet and €900 for each additional vehicle.



7. Replacement of tachographs (December 2024 - July 2026)

The timeline for changes concerning these devices is as follows:

- Mandatory replacement of analogue and digital tachographs with 2nd generation smart tachographs - December 2024
- Obligation to store and present for inspection data from the tachograph for the day and preceding 56 days - December 2024
- Mandatory replacement of 1st generation smart tachographs with 2nd generation smart tachographs - September 2025
- Mandatory use of tachographs and recording of working time and rest periods for drivers of vehicles up to 3.5 t in international transport - July 2026.

As a reminder, The new smart tachographs automatically record the position of the vehicle at successive points (or at the point closest to those where a GPS signal is available). In addition, to facilitate compliance check by control authorities, the tachograph shall record information on the purpose (transport of goods or passengers) for which the vehicle has been used.

This is why vehicles registered for the first time 36 months after the entry into force of the specific provisions in the Mobility Package will be equipped with tachographs connected to a GPS system.

The automatic recording of border crossings will apply to vehicles registered for the first time in a Member State, within two years of the entry into force of the specific rules.

Drivers will still have to record the country of start and end of daily working time, as they have done up to now, by entering the appropriate symbol on the tachograph. Each crossing of the border will be recorded by the driver entering the symbol of the country he entered. This must take place immediately after crossing the border, at the nearest possible stop. For smart tachographs, the country will be recorded automatically.