

## Article 8.-

### Guide to filling out the driver displacement declaration

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The European Commission has produced a guide on the movement of transport drivers on roads, to clarify any doubts that may arise. To do this, it is necessary to determine when a driver is posted or not under Directive (EU) 2020/1057.

Directive 2020/1057 establishes specific rules with respect to Directive 96/71/EC and its amendments, the last one, Directive 2018/957; on the posting of workers carried out within the framework of the provision of services.

Specifically, Directive 2020/1057 distinguishes between the types of transport operations depending on the degree of connection with the territory of the host Member State. Thus, it is understood that drivers who carry out transport operations in Member States other than the Member State in which the driver's employer has his establishment are posted whenever they carry out cross-trade operations, understood as transport operations carried out between two Member States, or between a Member State and a third country, neither of which is the country of establishment of the operator carrying out these operations; or cabotage operations, understood as national transport operations on behalf of others carried out on a temporary basis in the territory of a Member State by an operator established in another Member State

The driver is not considered to be displaced when carrying out international bilateral transport operations; limited additional loading and/or unloading activities; transit through the territory of a Member State; or the initial or final section of a combined transport operation.

The *Guide* reminds us of the administrative **obligations** of the carrier before, during and after the trip. Specifically, it states that, before the trip, the operator must: Submit a posting declaration to the authorities of a Member State in which the driver is posted and do so before the start of the trip and through the multilingual public interface connected to the driver. Internal Market Information System (IMI).

Regarding the content of the displacement declaration, it specifies that the identity of the operator must be reported; the contact details of a transport manager or other contact person; of the driver's identity; of the start date of the employment contract and the planned start and end of the posting; as well as the license plates of the vehicles and the transportation services provided.

Finally, the *Guide* recalls that, during the trip, the operator must guarantee that the drivers have at their disposal a series of documents that they must show when checked by the authorities: Declaration of trip, evidence of transport operations; and tachograph records.

Pending the presentation by the operator and within a maximum period of eight weeks after receiving the request from the host Member State, other documents that must be sent through the public interface connected to the IMI. Among these documents are: Consignment letters; the employment contract; documentation relating to the driver's remuneration and proof of payments; and time sheets related to the driver's work.

Furthermore, remember that the authorities of the Member States may not impose additional administrative requirements on operators than those specified in the Directive, in order to verify compliance with its provisions.