

Article 3.-

18 months since the entry into force of the Posting of Workers Directive

The month of February 2022 was very important for the transport of goods by road , since *European Directive 1057/2020* came into force. *which regulates the movement of professional truck drivers and the new cabotage regulations* , replacing the previous directive 2006/22/EC.

Actually, the Directive imposed a deadline, February 2, to comply with the obligation to register on the platform and its simultaneous use; all of this, regardless of whether or not each European country had transposed this directive.

This Directive is part of the so-called ***Mobility Package*** of the European Union, a set of legislation approved on July 15, 2020 intended to regulate road transport for the countries of the European Union , along with two other basic regulations: Regulation (EU) 2020/1054 and Regulation (EU) 2020/1055.

The Directive establishes a new regulation that requires drivers subject to an employment relationship who carry out international transport or cabotage operations to receive the minimum wage of the country in which the transport is carried out. This measure aims to fight against the so-called mailbox companies (a company without economic activity in the country where it has its headquarters that hires workers, but with activity in other Member States of the European Union where they actually provide their services) and the competition carried out by companies subject to to more advantageous salary conditions.

To carry it out, it incorporates two measures that aim to change the reality of the sector by controlling relocated companies and drivers, limiting their stay in third countries and forcing the return of commercial vehicles to the country of origin, all through registration in the specific telematics platform developed by the European Union.

This new regulation for displaced drivers obliges all international transport companies with vehicles weighing more than 2.5 tons to register and use the aforementioned platform , regardless of the country of origin and whether it is a Member State or the European Economic Area. To do this, each company must create a valid account and “dump” the data related to the transport authorization, the vehicle and the driver to the start and end dates of the trip , as well as the data related to the transport manager.

The displacement declarations will have a maximum duration of six months and may be modified, canceled and/or renewed. The platform will allow the declarations to be printed for delivery to the driver who must carry a copy of the declaration, physical or

digital, on board the vehicle, in addition to the employment contract and the payroll that proves the employment relationship between the driver and the company.

However, several transport operations are excluded from this obligation as the nature of the service is considered to be closely linked to the Member State of establishment. Specifically, the following are excepted: Transport in transit (circulation through a Member State without loading or unloading goods); and to bilateral transport (the transfer of goods based from the State of establishment to another Member State or third country, or from another Member State or third country to the State of establishment).

In addition, transport companies, before providing the service, must make a declaration about the movement of their drivers, which must be sent to a centralized electronic system in the European Commission, called IMI, so that the State where the service is going to be provided can control correct execution of it.