

European Labour Authority



# ELA Framework for Action on Road Transport

February 2022

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# ELA Framework for action on social aspects of cross-border road transport

## 1. Introduction

The European Labour Authority (ELA or the Authority) was established with the mission to facilitate and support cooperation between the Member States, together with the European Commission and the social partners, in enforcing labour mobility legislation in the European Union. In a cross-border setting, effective application of legislation ensures that the objectives of social fairness and a level playing field in the EU single market are attained to the eventual benefit of individuals and employers.

In this perspective, the international road transport sector constitutes an increasingly important area for the operations of the Authority. Enforcing EU legislation addressing the social aspects of specific legislation in a highly mobile environment raises numerous challenges. These challenges touch upon the main objectives and areas of activity of the Authority, including ensuring transparent information to drivers and operators, facilitating and enhancing cooperation between the relevant national authorities, including in the support of concerted and joint inspections, support to capacity building, and supporting cooperation in tackling undeclared work.

The Authority stands ready to mobilise its resources to support the stakeholder community in this sector to enforce the social aspects of the sectoral EU legislation falling in its remit. To do so, this Framework for Action puts forward a set of initiatives that the Authority will conduct in the year 2022 together with the European Commission, the relevant authorities in the Member States, the social partners, intra-European enforcement organisations, such as the Confederation of Organisations in Road Transport Enforcement (CORTE), EuroControl Route (ECR) and ROADPOL, as well as other EU Agencies such as EU-OSHA. The initiatives included in this Framework will continue and develop further over the coming years.

This Framework has been prepared in line the Authority's Work Programme for the year 2022 and its draft multiannual planning, where focus on the social aspects of the international road transport sector is one of the areas of its mandate.

Cooperation with this stakeholder community is an essential method for effective, result-oriented action. Therefore, this Framework proposes a set of actions that were jointly and transparently discussed with these stakeholders in the Road Transport Workshop organised by the Authority, on 9 December 2021. The Framework was consulted with the Member States, social partners and other stakeholders and was supported by the ELA Management Board. The implementation of the actions will also follow the same participative approach through constant exchange and extensive involvement of the relevant working groups set up by ELA.

## 2. ELA's mandate in the social aspects of road transport sector

The mandate of the Authority involves the international road transport sector from a variety of perspectives.

First, the Authority's activities include this sector for the general aspects relating to the posting of workers and social security coordination, as well as for what concerns cooperation between Member States in tackling undeclared work.

Second, the Authority has a specific mandate to support cross-border administrative cooperation on the social aspects of international road transport sector legislation.<sup>1</sup>

In particular, the scope of ELA's sector-specific competence includes the following **legislation**:

- **Regulation (EC) No 561/2006**<sup>2</sup> on rules relating to driving times and rest periods as amended by Regulation (EU) 2020/1054<sup>3</sup> (*currently applicable*);
- **Directive 2006/22/EC**<sup>4</sup> on rules relating to enforcement requirements as revised by Directive (EU) 2020/1057<sup>5</sup> (*currently applicable with new provisions to be applicable from 2 February 2022*);
- **Directive (EU) 2020/1057** on rules relating to posting drivers in the road transport sector (*to be transposed by 2 February 2022*);
- **Regulation (EC) No 1071/2009**<sup>6</sup> on rules relating to access to the profession as revised by Regulation (EU) 2020/1055<sup>7</sup> (*currently applicable with new provisions applicable from 21 February 2022*).

The so-called **Mobility Package I** recently introduced significant changes to this sector-specific legislation, which the Member States are currently implementing or whose implementation they are preparing. The Authority can play a pro-active role in supporting the Member States and the

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<sup>1</sup> See Article 1(4) of Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, henceforth referred to as 'ELA Regulation'.

<sup>2</sup> Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (Text with EEA relevance) Text with EEA relevance.

<sup>3</sup> Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs.

<sup>4</sup> Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC (Text with EEA relevance).

<sup>5</sup> 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.

<sup>6</sup> Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (Text with EEA relevance).

<sup>7</sup> Regulation (EU) 2020/1055 of the European Parliament and of the Council of 15 July 2020 amending Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EU) No 1024/2012 with a view to adapting them to developments in the road transport sector.

Commission for the cross-border enforcement of these rules, together with the social partners and relevant European enforcement organisations. Directive (EU) 2020/1057 mentions an explicit role for the Authority for what concerns assistance to the Member State enforcement authorities in carrying out concerted checks and support to education and training efforts for staff.<sup>8</sup>

The objective of this Framework is to lay down a set of activities through which the Authority can fulfil its mandate in this context. The Framework includes tools and activities the Authority can activate.

### 3. The challenges for ELA to address

Road transport is essential to the EU economy in terms of its contribution to GDP in the Internal Market, as well as of its social function to ensure that citizens have access to essential goods. The sector also employs almost 5 million people in the EU. The single market has provided an important resource for the development of the sector over the last decade. However, significant policy challenges also ensued. Strong cost competition has put **pressure on labour costs with harder working conditions** for lorry drivers and further risks on road safety due to fatigue, while **unfair business practices** unlevelled the playing field amongst operators. Also, as a result of unattractive working conditions, employers experience significant labour shortages adversely affecting the smooth functioning of the sector.

Through the legislation included in the Mobility Package I, the European Union has aimed at tackling **three complementary goals**:

- (1) to ensure the **adequate social protection of road transport workers**;
- (2) to guarantee **fair competition between operators**;
- (3) to **improve road safety** by averting road fatigue.

The implementation and enforcement of this legislation in a consistent way across the EU in the context of a highly mobile sector entails some critical challenges which constitute the subject of action for the Authority, in tight coordination with the European Commission and the relevant competent authorities in the Member States.

For highly mobile workers regularly crossing borders or working in multiple Member States, labour and social rights depend on the legislation and collective agreements applicable in several Member States. Conversely, operators are required to comply with a combination of the labour and social provisions set by all the Member States they are providing services in. This underlines the need to step up cooperation and exchange of information by the national competent authorities to verify rule compliance by drivers from and operators based in other Member States, as well as in third countries.

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<sup>8</sup> Recital (29) of Directive 2020/1057 postulates that the European Labour Authority [...] could play an important role in assisting Member States carrying out concerted checks and could support education and training efforts.

To identify specific challenges faced by authorities, workers and operators which ELA could contribute to addressing, the Authority carried out a survey with the participants in its first Workshop on Road Transport, held on 2 December 2020, including the European Commission, the Member States' authorities, social partners and intra-European road transport enforcement organisations.

The **stakeholders** concurred on the **following challenges**:



**1. Insufficient availability of accurate and user-friendly information for drivers and operators** on the rights and obligations set by Mobility Package legislation.

*The need for complete information on the applicable EU and national rules is perceived as particularly acute for the application of the lex specialis on the posting of workers with respect to the remuneration due to those drivers whilst engaged in international carriage in host countries, as well as the necessary administrative requirements. While Member States have legislative obligations to provide accessible, accurate and user-friendly information, different standards in the quality and accessibility of the information provided may cause relevant gaps. The need to support quality information sources at EU and national level extends more broadly to the entire legislation in the scope of the Authority, including on aspects such as driving times and rest periods.*

**2. Insufficient administrative cooperation and exchange of information between the national competent authorities**, including understanding the usage of common tools such as the Internal Market Information system (IMI) and the European Register of Road Transport Undertaking (ERRU).

*EU legislation has established two systems for the exchange of information between national authorities in the field of road transport, that is, ERRU for the interconnection of national electronic registers on road transport undertakings of the different Member States and IMI for the exchange of information between national authorities concerning the posting of drivers, the conditions of establishment and driving times and rest periods. There is a need for national authorities to explore the full potential of these systems, especially the new IMI modules, and to ensure that they are adequately and effectively used. Moreover, alongside those three new modules, a new public IMI interface will be introduced for operators to allow them to submit drivers' posting declarations. The long-term benefits of this new interface entail short-term challenges in terms of awareness-raising amongst the system's users, support to the roll-out of the new modules, and need for hands-on trainings for authorities and operators. More broadly, the enforcement of the new social rules requires close cooperation at the national level between transport authorities and labour inspectorates to exchange relevant information and expertise, including in-depth knowledge of the national institutional framework, road transport and social legislation and administrative procedures. To this end, training and other capacity building activities are in great need amongst practitioners.*

**3. Insufficient resources and support tools to organise cross-border checks and inspections, as well as to provide adequate training to staff of national enforcement authorities.**

*The Enforcement Directive 2006/22/EC puts an obligation on each Member State to carry out at least six concerted roadside checks per year. Concerted checks imply simultaneous inspections to be carried out in two or more Member States. These require adequate coordination and cooperation between national competent authorities in planning, organising and executing enforcement activities. Due to insufficient coordination and cooperation, including at the preparatory stages, in some cases, Member States have difficulties in meeting this target. In addition to checks at the roadside, Member States are encouraged to organise concerted checks at the operators' premises. With a view to assisting the Member States and providing them organisational and logistical help in those actions, support to the Member States in concerted and, where necessary, joint enforcement activities is often in demand.*

**4. Overarching language barriers** making access to information, knowledge of national legislation and administrative practices, exchange of information and administrative and social partners' cooperation, as well as common enforcement activities more difficult.

*Language constitutes a natural horizontal challenge in a cross-border environment. Workers and operators require access to information sources about the applicable rules in other EU Member States in a language they can understand. Experts and operators also need quality renditions of legislation and administrative acts of other Member States in their language. At the same time, language barriers hamper cooperation between competent enforcement administrations, for example when exchanging relevant documents, coordinating concerted or joint inspections with authorities from other Member States or when addressing drivers during roadside checks. In addition, undeclared work remains to be a challenge in the road transport sector. It can have both a cross-border and national dimension and often takes the form of underreported working time or envelope wages. Bogus self-employment is also common, leading to underpayment, tax and social security fraud and infringements against working time regulations.*

Against this background and in the spirit of its operational mission, the Authority can play an important role in addressing these challenges working alongside the European Commission and the sectoral stakeholder community, building up on and complementing the activities set in place thus far.

The present Framework for Action seeks to provide an added value by adopting a holistic plan integrating different branches of national administration, multi-functional instruments of cooperation support and a strong and nurturing further exchange within the lively network of practitioners.

## 4. Objectives of the Framework for Action

Through this Framework for Action, ELA aims at equipping itself with an initial set of instruments for sector-specific action to be further developed over the coming years, while contributing to tackling the outstanding challenges related to the enforcement of the social legislation included in the Mobility Package.

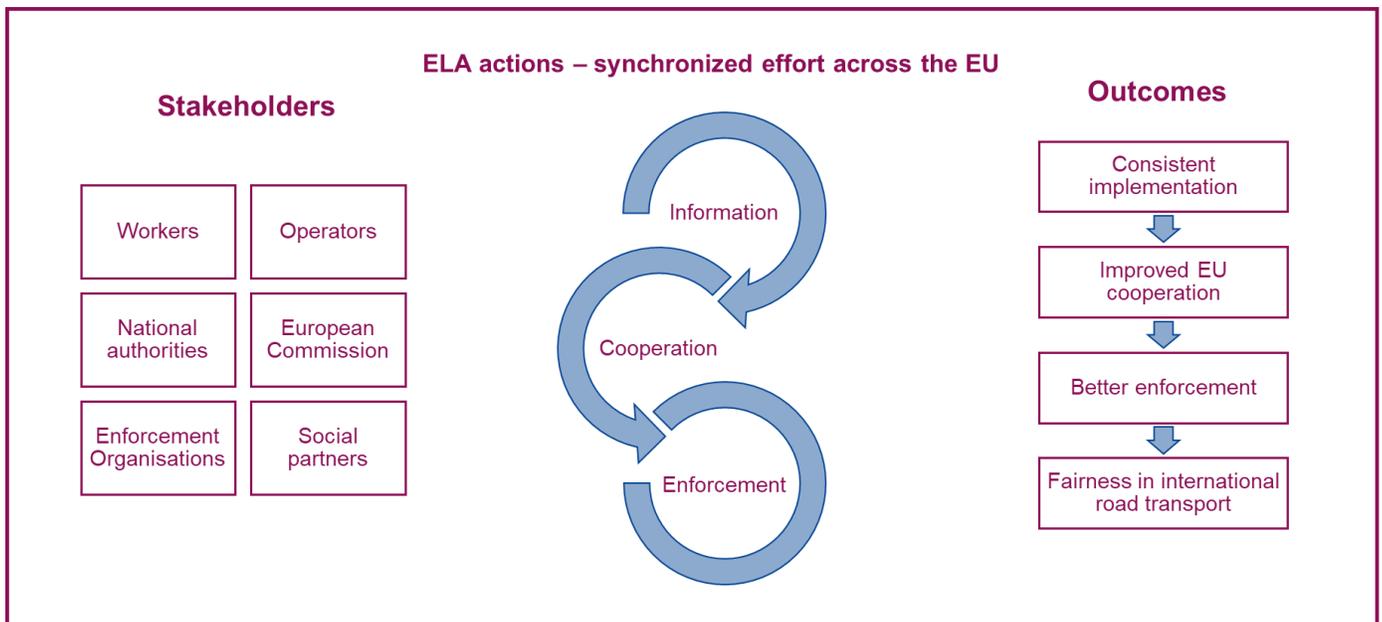
The **overarching objective** is to cater for the needs of cross-border drivers and operators for fair and effective labour mobility in the European Union. ELA will develop an integrated set of instruments and processes in the areas of information, administrative cooperation and enforcement for the European and the national authorities, the social partners and enforcement organisations to use in their regular activities.

This Framework rests on the following **key principles**:

- A **joint and sustained effort** of European and national authorities, as well as the social partners is required in order to enforce the legislative framework in a consistent way across the EU;
- **Coordination and cooperation** are necessary as a preventative tool for the preparedness of the road transport sector for the application of the Mobility Package I;
- **Synchronisation of actions** at European and national level will contribute to the convergence of enforcement practices.

The Framework is structured around three pillars within the scope of the Authority’s mandate:

- Information
- Cooperation
- Enforcement



**Figure 1: Mobility Package Legislation**

While the Pillars are discussed individually on the following pages, the implementation of the Framework benefits from their interaction. A holistic approach creates value-added by considering the various needs of workers, operators and institutions as well as the different types of interventions to jointly contribute to an improvement of the social aspects in road transport.

Activities under each pillar are complementary and will be conducted in a sequential approach to support each other. More specifically, the information gaps identified under the Information Pillar will not only lead into preparation of dedicated materials and campaigns, but also inform the activities conducted under the Cooperation Pillar, where cooperation and capacity building activities will reflect on the issues identified under the Information Pillar. Consequently, the actions under the first two pillars will support the Enforcement Pillar in more focused targeting of the cross-border checks and inspection activities as well as tackling undeclared work.



### I. Information Pillar

**Main objective:** to address information gaps for drivers and operators by coordinating and supporting the production and dissemination of transparent and effective information on the relevant rules and available assistance services by the national authorities, the social partners and the enforcement organisations.

### II. Cooperation Pillar

**Main objectives:** to reinforce trust and cooperation amongst the Member States by facilitating and improving the knowledge on the use of joint tools for the exchange of information, and to promote a common understanding of the applicable rules by the competent Member States authorities.

### III. Enforcement Pillar

**Main objective:** to support the efficient enforcement of the rules by facilitating and supporting cross-border checks and inspection activities and by tackling fraudulent practices and undeclared work.

These objectives are coherent with the mission of the Authority to ensuring fair labour mobility across the Union and with the objectives of the legislation adopted under the Mobility Package I. The Authority will pursue them under the strategic and policy guidance of the Commission and respecting the competences of the Member States and the autonomy of the social partners.

The international road transport sector benefits from a lively community of organisations active in supporting the provision of information, cooperation and enforcement of rules on different aspects of the relevant legislation. This is the case of the above-mentioned enforcement organisations such as CORTE, ECR and ROADPOL, as well as other EU Agencies. Working together with the European Commission, the Authority aims at feeding in and where relevant reinforcing this network of cooperation and the existing initiatives with its resources and expertise, avoiding duplications.

## 5. The Framework for Action: proposed actions

With the present Framework, the Authority presents a holistic package of actions under each pillar that build upon the processes and tools it developed over its first two years of operations. Some of these activities have targeted the road transport sector in an explicit manner although given the start-up phase of the Authority they have to be considered as in an early stage of development.

This Framework for Action expands such activities with a specific, dedicated focus on the international road transport sector and its network of stakeholders. The practical impact of the actions will be multiplied by the activities and efforts done at national level.

While the timeframe of the actions mainly refers to the year 2022, the initiatives have a longer-term horizon. Their continuation, termination or further development will be assessed against the results of the first year.

### 5.1 The Information Pillar

Availability and access to transparent, accurate and user-friendly information for drivers and cross-border operators represents one of the most relevant challenges for the material implementation of the rules. In a context characterised by operators needing to comply with the rules of several Member States they are active in, it is essential to supply easily-readable information material provided in a readily accessible manner through reliable sources of information and assistance services. In this respect, language constitutes a relevant barrier to fair labour mobility. To be effective, information and assistance must be provided in the most relevant languages to cater for the needs of workers and operators. Information and services also include cross-border recruitment services as one tool to address significant labour shortages in the sector, ensure the fairness “of employment and working conditions upon recruitment and ultimately help to prevent undeclared work.

**The Authority can deploy its actions on two levels, that is, the EU-level and the national level.**

First of all, **the Authority will support the Member States and the social partners in the development of high-standard national sources of information, notably including national websites.** National sources of information constitute a first-hand resource for drivers and operators. National authorities are responsible for ensuring transparency and accuracy of information about aspects such as the applicable working conditions in posting situations, including remuneration set by universally applicable collective agreements, declaration obligations and the necessary support documents to be provided in case of checks and controls.

With the thematic meeting of the ELA Working Group on Information of 8 February 2022, the Authority proposed an information support toolbox consisting of a set of common approaches for the development of those websites, as well as templates for information material to be developed by the Member State to illustrate their national legislation. The Working Group is composed of

experts from the Commission, the Member States and the social partners. ELA will also carry out **horizontal reviews of national websites of information on road transport** to identify the current availability of information on social aspects of road transport (driving times and rest periods), including posting of drivers in the road transport sector, as well as good practices of web-based information and significant challenges. By Q3 2022, the Authority will review progress in the development of national websites and information material with the aim of coordinating the production of an ELA Guide summarising the applicable national rules on the posting of workers in the road transport sector. Furthermore, the Authority will also provide financial support to the translation of national website content and this information material into all languages, including non-EU languages to cater for the needs of third-country nationals, through its Translation Facility.

The Authority will continue working with the European Commission to **improve the information available on the road transport sections for citizens and employers of the Your Europe portal**. In line with the single digital gateway, Your Europe represents the main gateway for accessing information on internal market matters at the EU level. Your Europe plays a key role in aggregating national information sources in one repository in an easily accessible and user-friendly manner, making the most out of existing instruments of communication. ELA will continue the work started together with the Commission and the social partners in 2021 with the aim of presenting a first revamped version of the webpages within the first half of 2022, to be completed by the end of the year. At the same time, the Authority will review the relevance and user-friendliness of the information provided by the EURES Portal, especially in its Living and Working Conditions section, for the profession of lorry driver.

The Authority will provide a decisive boost to the dissemination of information to drivers and operators through an information campaign and a roadshow of local information sessions. **ELA will coordinate an information campaign with the Member States, the social partners and the relevant enforcement organisations** to ensure that information about the applicable social legislation in the road transport sector effectively reaches cross-border workers and operators. The campaign will also raise awareness amongst workers about the negative impact of undeclared work and the associated risks as well as sensitise employers concerning their obligations to declare workers. In the end of 2021, the Authority performed a media use analysis of the target groups and shared the results in February 2022 with the Member States, the social partners and enforcement organisations in the thematic meeting on international road transport of the Working Group on Information and in the Subgroup on Communication and Information of the European Platform Tackling Undeclared Work. On this basis, the Authority will begin discussions with the campaign contact group from the Commission, the Member States, the social partners and other relevant stakeholders in March 2022. The group will conceptualise the campaign, its methodology, messages and information material, and identify the relevant communication channels with a view on ensuring the most effective and efficient targeted outreach. A survey will be circulated among stakeholders to collect information on the needs for the campaign. The preparation of the campaign will also benefit from the input of the Platform tackling undeclared work and the EURES network through specific consultations. The campaign will be launched in the second half of 2022.

To complement the campaign, the Authority will start in the first half of 2022 a **roadshow of local information sessions targeting drivers and operators**, as well as the relevant consultancy

services across the Member States to disseminate, including through webinars, practical information about applicable EU and national rules (see also section 5.2, capacity building). In this respect, ELA may also seek synergies with and draw inspiration from the best practices from other EU agencies, including EU-OSHA. The roadshow will aim at organising at least one local event in the main five countries of origin of international road transport operators.

Finally, the Authority will mobilise **the EURES network to support fair and transparent recruitment of drivers across borders and promote the profession of lorry driver**, thereby also contributing to tackle labour shortages in the road transport sector. In the first half of 2022, the Authority will organise a sector-specific workshop with EURES coordinators and advisers to exchange practices and explore cooperation options to deepen its activities with respect to the road transport sector, for instance by fostering multilateral cooperation projects between Member States centred on this sector, organising further mutual learning and training session(s) for EURES staff, and encouraging the organisation of dedicated recruitment events through the European (Online) Job Days platform. As mentioned above, the EURES network will also be asked to contribute to the information campaign with respect to fostering transparent cross-border recruitment practices.



### The European Authority will:

- **Support the development of national websites of information** through horizontal reviews of official national websites, the development of an information support toolbox and the availability of the ELA Translation Facility for the translation of information into other languages, starting from Q1 2022;
- **Continue working with the Commission to revamp the road transport section of the Your Europe Portal, and review the relevant sections of the EURES portal** in line with the quality standards set by the single digital gateway, with a first release proposed for Q2 2022;
- **Prepare and coordinate an information campaign** together with the Member States, the social partners and enforcement organisations to be launched in the second half of 2022;
- **Organise a roadshow of local information sessions on the applicable legislation** reaching drivers and operators in at least five relevant countries within the year;
- **Support fair and transparent recruitment across borders** through the EURES network by fostering cooperation projects, promoting an understanding of sectoral recruitment challenges, and organising targeted recruitment events, starting from Q2 2022.



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| <p><b>Q4 2021</b></p> | <ul style="list-style-type: none"> <li>• Media use analysis of road transport campaign target group</li> </ul>  |
| <p><b>Q1 2022</b></p> | <ul style="list-style-type: none"> <li>• Presentation of information toolbox;</li> <li>• Preparation of first website review by ELA WG on Information</li> <li>• Information campaign preparation</li> <li>• Undeclared Work Platform subgroup meeting on information campaign</li> </ul> |
| <p><b>Q2 2022</b></p> | <ul style="list-style-type: none"> <li>• EURES workshop on road transport</li> <li>• Start of the information roadshow</li> <li>• First revamp of Your Europe Road Transport sections</li> <li>• Information campaign preparation</li> </ul>  |
| <p><b>Q3 2022</b></p> | <ul style="list-style-type: none"> <li>• Finalisation and dissemination of information toolbox</li> <li>• Launch of the information campaign</li> <li>• Second review of national website by ELA WG Information</li> </ul>  |
| <p><b>Q4 2022</b></p> | <ul style="list-style-type: none"> <li>• Second revamp of Your Europe road transport sections and review of the EURES Portal</li> <li>• Conclusion from the information roadshow</li> </ul>   |
| <p><b>2023</b></p>    | <ul style="list-style-type: none"> <li>• Follow-up actions</li> </ul>   |

## 5.2 The Cooperation Pillar

Cooperation gaps and challenges in the exchange of information between Member States make the enforcement of international road transport legislation more difficult and complex. Most notably in this field, the capacity of national authorities to enforce EU and national rules is highly dependent on their ability to cooperate with one another. Inadequate cooperation may lead to adverse consequences on the effectiveness of rule enforcement, mutual trust between administrations, and have practical effects on drivers and operators alike. The Authority thus aims at strengthening the framework for effective and close cooperation and mutual assistance, sharing information on good cooperation practices, and enhance the knowledge of and use of the available cooperation tools, most notably the Internal Market Information (IMI) System and its new modules. Effective cooperation also presupposes a background of common knowledge amongst practitioners. Through its capacity-building action, ELA will support the Member States with activities aimed at promoting the consistent application and enforcement of Union law in the road transport sector. To this end, ELA also aims at cooperating with road transport operators and social partners, to foster the necessary capacities at national level.

The Authority will thus unroll its activities across three streams, i.e. cooperation and exchange of information, capacity building and mediation in administrative disputes.

The Authority will favour a better understanding on the exact challenges and obstacles concerning cooperation between national authorities in this sector. In the first months of 2022, ELA will launch an **analytical report to identify cooperation challenges and practices** in the road transport sector, which will be later followed by a workshop to present its outcome. In addition, ELA's network of **National Liaison Officers** (NLOs) will continue to support national authorities by following-up on requests for cooperation and accelerating information exchanges, where such cooperation or exchange of information was unsuccessful through the established channels. To this end, all throughout 2022 the NLOs will also have the possibility to organise national or multinational events, such as workshops and seminars, involving their national authorities, other Member States' authorities and the social partners.

The Authority will promote a common understanding of the cooperation obligations and provide information to support Member States in their effective application of the new rules in the road transport sector. ELA has already prioritised - and will continue to do so in view of the application of the new posting rules - the organisation of a series of **information sessions and hands-on trainings on the new modules of IMI and the Posting Declaration Portal** targeting both the national enforcement authorities and the representatives of the road transport operators (the sessions are organised together with the Commission). The Authority may also envisage organizing information session dedicated to the ERRU system. ELA will also support the translation of the necessary learning resources into the relevant EU languages. Alongside the roadshow of information sessions (cf. the information pillar), it will also organise **workshops with the national competent authorities** to discuss outstanding issues on priority topics, such as posting of drivers operating in the passenger transport, and tackling letterbox companies in road transport. Moreover, in the first half of 2022 the Authority plans to offer sector-specific trainings to inspectors and training materials. The Authority will also continue its cooperation with **National**

**Training Centres** for labour inspectors by analysing the training needs of labour inspectors across different sectors, and subsequently carry out training programmes on the organisation of concerted and joint inspections, including in the road transport area.

In the beginning of 2022, the Authority will launch a call to **collect good practices of administrative cooperation** in the area and in the second half of the year organise a **mutual learning and understanding programme** bringing national authorities and the social partners closer together in their understanding on the uniform application of EU legislation, also in collaboration with the Platform for tackling Undeclared Work. To conclude this action, the Authority will organise a workshop to disseminate the collected practices and the recommendations stemming from the report on cooperation practices and challenges.

The **Platform tackling Undeclared Work** will be involved in supporting mutual learning and facilitating cooperation between national authorities by applying the expertise and consolidated practices of its network to address undeclared work challenges and available policy instruments in this sector. To this end, it will use instruments such as staff exchanges, peer-learning dialogue, workshops or webinars.

Building on its newly-established framework, the Authority will also offer its mediation services where necessary as concerns legislation in this sector. The Authority's mediation role aims at reconciling divergent points of view between the Member States that are party to a dispute and to adopt a non-binding opinion.



### The European Authority will:

- **Identify and address outstanding cooperation** challenges through an analytical report to be launched in the first months of 2022 and through the continuous action of its National Liaison Officers to organise information sessions in the Member States;
- **Organise together with the Commission information sessions and hands-on training** for national authorities and operators on the use of the IMI system and the Posting Declaration Portal, while translating the necessary learning resources into other EU languages, in the first months of 2022;
- **Organise throughout the year workshops with the national authorities on outstanding challenges in the road transport sector;**
- **Continue the cooperation with National Training Centres for labour inspectors** as of the beginning of 2022 by analysing the training needs of labour inspectors organised tailored programmes on the organisation of concerted and joint inspections;

[...]

[...]

- **Organise a mutual learning and understanding programme and dissemination of good practices**, in the field of road transport legislation, in the second half of 2022;
- **The Platform tackling undeclared work will cast a specific focus on road transport in some of its activities**, including a workshop on innovative practices to prevent undeclared employment.



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| <p><b>Q4 2021</b></p> | <ul style="list-style-type: none"> <li>• Information sessions for national authorities on the three new IMI modules for road transport</li> <li>• Train-the-trainer sessions for the representatives of national road transport operators (private sector) on the use of the Posting Declaration Portal</li> </ul>  |
| <p><b>Q1 2022</b></p> | <ul style="list-style-type: none"> <li>• Follow-up train-the-trainer sessions for the representatives of national road transport operators (private sector) on the use of the Posting Declaration Portal</li> <li>• Provision of translated learning resources for national authorities, social partners and road transport operators.</li> <li>• Involvement of the Undeclared Work Platform: staff exchanges and a peer-learning dialogue</li> </ul>                      |
| <p><b>Q2 2022</b></p> | <ul style="list-style-type: none"> <li>• Workshop with national authorities and social partners on the new rules concerning posting of drivers in passenger transport, including issues related to undeclared work.</li> </ul>  |
| <p><b>Q3 2022</b></p> | <ul style="list-style-type: none"> <li>• Organisation of a mutual learning and understanding programme for interested Member States in relation to road transport legislation</li> <li>• Joint training sessions with the national training centres for labour inspectors on the organisation of concerted and joint inspections</li> </ul>   |
| <p><b>Q4 2022</b></p> | <ul style="list-style-type: none"> <li>• Workshop with national authorities and social partners on tackling letterbox companies in road transport</li> <li>• Presentation of good practices collected and the results of the report on cooperation practices and challenges between road transport stakeholders in the sector</li> <li>• UDW Platform workshop on innovative approaches to prevent undeclared employment, including in the road transport sector</li> </ul> |
| <p><b>2023</b></p>    | <ul style="list-style-type: none"> <li>• Follow-up actions</li> </ul>   |

### 5.3 Enforcement and analysis

Building on its specific mandate in the field of social aspects of international road transport sector, ELA is intentioned to fulfil its role in assisting and supporting Member States with the organisation and execution of concerted and joint checks aimed at enforcing EU legislation in this area.

Difficult working conditions, highly mobile nature of work in the international road transport sector and fierce competition between operators may cause numerous irregularities, some of which can only be addressed by efficient cross-border enforcement. Moreover, the effective enforcement of the legislation requires strong cooperation of law enforcement authorities across the EU, as well the availability of tools and support to facilitate it. Existing cooperation practices need to be further developed in order to be more targeted, strategic and risk assessment based. Additional training and sharing of good practices between inspectors are also necessary to improve effective enforcement of social legislation, in particular during the start of application of the new rules stemming from Mobility Package I.

**The Authority will deploy its actions via three streams, that is, cross-border enforcement, tackling undeclared work, and analysis. ELA's initiatives will aim to involving all Member States in consideration of their planning and resources taking into account the voluntary nature of participation in cross-border inspections.**

Throughout the year, the Authority will keep offering its **support and assistance to the national enforcement authorities in launching or participating in cross-border concerted or joint inspections** (CJIs). This will also help Member States with meeting the concerted roadside checks target-objectives foreseen in Directive 2006/22/EC. ELA already provides targeted support and assistance in the preparation, coordination and follow-up actions by, among others, deploying its experts on the spot, making use of its network of the Authority's National Liaison Officers to identify competent authorities in other Member States, facilitating communications and exchange of information, organising joint preparatory, operational and follow-up meetings. In addition, the Authority will provide **financial support to cross-border inspections**, such as reimbursement of interpretation, accommodation, travel expenses incurred due to cross-border actions. It will also provide other kind of support, such as translation of case specific documentation or communication material, conceptual and logistical support, and offer its legal expertise where necessary. The Authority will also continue making available the **detailed operational tools and procedures translated into all EU languages**, such as templates of case description, model agreement, inspection plan and post-inspection report to facilitate the operational planning, carrying out and following-up on CJIs.

The Authority will continue to foster participation in cross-border CJIs by all relevant national enforcement authorities, including labour and social inspectorates, road transport authorities, traffic police and, where relevant, the national social partner organisations. In the first part of 2022, the Authority will organise **bilateral meetings with the national enforcement authorities** in order to encourage cross-border cooperation using the available resources. To send strong signals on its core business, the Authority will promote CJIs by virtue of **organisation of intra-European demonstration days**. These events combine roadside inspections with awareness-

raising actions and capacity building with the involvement of all its stakeholders, including intra-European enforcement organisations to facilitate synergies and maximise outreach. In the view of the application of the Mobility Package I, enforcement activities during the demonstration days will play important preventative role by helping transport operators and drivers to better understand and fully comply with the new rules. Demonstration days will be particularly promoted to complement the information campaign planned under the Information Pillar.

In parallel, the Authority will also encourage Member States to **step up domestic checks and inspections** in the road transport sector, tapping into the expertise of the Platform Tackling Undeclared Work.

To cater for most targeted enforcement actions aiming at more effective deterrence, cross-border and national inspections should be based on sector-specific risk analysis. To this end, in the first half of 2022 the Authority will **collect national practices on risk assessment models in the road transport sector**. The objective will be in the second half of the year to start disseminating good practices and enhancing cooperation between Member States and their national contact points in exchanging operators' risk profiles or other information relevant for planning and execution of concerted and joint inspections.



#### The European Authority will:

- **Organise bilateral meetings with national authorities and stakeholders to promote cross-border joint and concerted inspections in all the EU Member States** involving where necessary both national labour and road transport authorities, as of the first months of 2022;
- **Coordinate and support cross-border inspections** by providing conceptual, logistical and technical support and, where appropriate, legal expertise, translation and interpretation services, all throughout the year;
- **Encourage all Member States to step up fight against undeclared** work through domestic checks and controls in the road transport sector, also with the involvement of the Platform tackling undeclared work in the first half of 2022.
- **Organise intra-European demonstration days/weeks of action** combining roadside checks with awareness-raising and capacity-building activities, in February, June/July and October of 2022;
- **Collect and disseminate through a specific workshop at the end of 2022 good practices on national sector-specific risk assessment** tools to improve Member States' enforcement capacities.



|                       |   |
|-----------------------|---|
| <p><b>Q4 2021</b></p> | <ul style="list-style-type: none"> <li>• Demonstration days</li> <li>• Call upon to Member States to organise cross-border inspections with ELA support</li> </ul>  |
| <p><b>Q1 2022</b></p> | <ul style="list-style-type: none"> <li>• Bilateral meetings with national authorities and stakeholders concerning possible enforcement actions and ELA's support</li> <li>• Week of action in February</li> </ul>   |
| <p><b>Q2 2022</b></p> | <ul style="list-style-type: none"> <li>• Concerted and joint inspections</li> <li>• Demonstration days/weeks of actions in June</li> <li>• Collection of good practices on national sector-specific risk assessment</li> </ul>  |
| <p><b>Q3 2022</b></p> | <ul style="list-style-type: none"> <li>• Demonstration days/weeks of actions in July</li> <li>• Concerted and joint inspections [continued]</li> <li>• Collection of good practices on national sector-specific risk assessment [continued]</li> </ul>  |
| <p><b>Q4 2022</b></p> | <ul style="list-style-type: none"> <li>• Concerted and joint inspections [<i>continued</i>]</li> <li>• Demonstration days/weeks of actions in October</li> <li>• Workshop on lessons learnt from cross-border inspections in road transport</li> <li>• Dissemination of good practices on national sector-specific risk assessment</li> </ul> |
| <p><b>2023</b></p>    | <ul style="list-style-type: none"> <li>• Follow-up actions</li> </ul>   |

## 6. Timeline

This Framework for Action was consulted with the Commission, the Member States, the social partners and the relevant enforcement organisations at the ELA road transport workshop on 9 December 2021. In view of the feedbacks received, the Authority considered how to better target the initiatives included therein with a view to delivering more effectiveness and added value.

A consolidated version of this Framework was presented and discussed in the ELA Management Board in March 2022.

The Authority has started unrolling the actions illustrated above from the first quarter of 2022 with a view to timely contributing to the provision of information and enforcement of the Mobility Package I rules, especially considering the application of the *lex specialis* as of 2 February 2022. Table 1 below provides a synoptic overview on the tentative roll-out of the main activities included under this Framework.

Specific discussions on the implementation of the activities included under each pillar will also be tabled in a number of fora, including the ELA Working Groups on information and inspection, the EURES European Coordination Group and the plenary of the Platform tackling undeclared work.

The time span of this Framework for Action is expected to run throughout 2022. However, the activities and tools organised in this context aim to equipping the Authority to fulfil its mandate in the international road transport area with ever greater effectiveness over the long term. The objective is that by 2023, the Authority should be equipped with a fully-fledged toolbox, resources and network to mainstream the road transport sector in its activities taking into account the obvious specificities of the field. The activities of ELA in the sector will continue and further evolve beyond 2023 in response to the emerging needs and trends as well as taking into account the results achieved by the actions put in place by the Authority within this Framework for action.

The Authority will assess the results achieved under this Framework for Action with the Management Board and the sectoral stakeholders in early 2023 with a view on constantly improving its performance and effectiveness of action.

**Table 1. Timeline of the rollout of the main actions for 2022 under this Framework for Action**

|  | 2021  | Q1 2022   | Q2 2022  | Q3 2022  | Q4 2022   |
|--|---|---|--|--|---|
| <b>Information Pillar</b>  | Campaign preparation: target group analysis   | <p>First website review and proposal of an information toolbox.</p> <p>Platform UDW's input to the campaign.</p> <p>Information campaign preparation</p>  | <p>Information campaign preparation</p> <p>Start of the information roadshow</p> <p>First revamp of Your Europe road transport sections</p> <p>EURES workshop on road transport</p>          | <p>Launch of the information campaign</p> <p>Finalisation of information toolbox and second websites' review</p>   | <p>Second revamp of Your Europe road transport sections.</p> <p>Review of the EURES Portal</p> <p>Conclusion of the Information roadshow</p>  |
| <b>Cooperation Pillar</b>  | <p>Information sessions for national authorities on the three new IMI modules for road transport</p> <p>Train-the-trainer sessions for the representatives of national road transport operators (private sector) on the use of the Posting Declaration Portal</p> | <p>Follow-up train-the-trainer sessions for the representatives of national road transport operators (private sector) on the use of the Posting Declaration Portal</p> <p>Provision of translated learning resources for national authorities, social partners and road transport operators.</p> <p>Involvement of the Undeclared Work Platform: staff exchanges and a peer-learning dialogue</p> | <p>Workshop on posting of drivers operating in passenger transport including issues related to undeclared work</p>   | <p>Organisation of a mutual learning and understanding programme for interested Member States in relation to road transport legislation.</p> <p>Joint training sessions with the national training centres for labour inspectors on the organisation of concerted and joint inspections.</p> | <p>Workshop with national authorities and social partners on tackling letterbox companies in road transport</p> <p>Presentation of good practices and the results of the report on cooperation practices and challenges between road transport stakeholders in the sector.</p> <p>UDW Platform workshop on innovative approaches to prevent under-declared employment, including in the road transport sector</p> |
| <b>Enforcement Pillar</b>  | <p>Demonstration days</p> <p>Call upon to Member States to organise cross-border inspections with ELA support</p>   | <p>Bilateral meetings with national authorities and stakeholders concerning possible enforcement actions and ELA's support</p> <p>Week of action</p>  | <p>Concerted and joint inspections</p> <p>Demonstration days</p> <p>Collection of good practices on national sector-specific risk assessment</p> <p>Call to step up domestic inspections</p> | <p>Concerted and joint inspections [continued]</p> <p>Demonstration days</p> <p>Collection of good practices on national sector-specific risk assessment [continued]</p>   | <p>Concerted and joint inspections [continued]</p> <p>Demonstration days</p> <p>Workshop on lessons learnt from cross-border inspections in road transport</p> <p>Dissemination of good practices on national sector-specific risk assessment</p>   |

**2023**

Road transport workshop assessing the results of the Framework  
Continuation of the activities across all pillars





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