

**European Labour Authority**

# Handbook on posting of drivers

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## National rules at a glance

ANNEX

Information on national rules on posting of drivers															
Item	To be filled in by Member State														
Applicable legislation/provisions	<p>- <b>For postings falling within the scope of Directive 2020/1057:</b>  <a href="#">Article L1332-1 et seq. of the Transport Code</a>  <a href="#">Article R1332-1 et seq. of the Transport Code.</a></p> <p>- <b>For other postings:</b>  <a href="#">Article L1331-1 of the Transport Code</a>  <a href="#">Articles R1331-1 to R1331-8 of the Transport Code.</a></p> <p><a href="#">National collective agreement for road transport and ancillary transport activities of 21 December 1950</a></p>														
Scope of application	<p>- <b>For postings falling within the scope of Directive 2020/1057:</b></p> <p>The rules laid down in Articles L1332-1 to L1332-8 and R1332-1 to R1332-7 of the Transport Code apply to drivers of heavy goods vehicles with a maximum authorised mass exceeding 3.5 tonnes who perform a contract for the carriage of goods and to drivers of vehicles able to carry more than nine persons (including the driver) who perform a contract for the carriage of passengers (provision of an international service within the meaning of Article 1(3)(a) of Directive 96/71/EC).</p> <p>- <b>Other postings</b> in road transport remain governed by Articles L1331-1 to L1331-3 and R1331-1 to R1331-8 of the Transport Code:</p> <ul style="list-style-type: none"> <li>- drivers providing transport services in respect of goods or passengers using light vehicles that do not fall under the scope of Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport;</li> <li>- drivers posted by temporary employment agencies (as provided for in Article L1262-2 of the Labour Code) or drivers supplied to a company in the same group as their employer company (as provided for in paragraph 2 of Article L1262-1 of the Labour Code).</li> </ul>														
Remuneration	<p style="text-align: center;"><b>FREIGHT TRANSPORT WORKERS</b></p> <p style="text-align: center;"><a href="#">Agreement of 3 February 2022 (extended)</a> and <a href="#">decree of 29 July 2022 introducing an increase in the minimum wage</a></p> <p style="text-align: right;">Basic hourly rates in Euros</p> <table border="1"> <thead> <tr> <th>Group</th> <th></th> <th>Coefficient</th> <th>Hourly rate</th> </tr> </thead> <tbody> <tr> <td>3b</td> <td>Driver of vehicle with a GVWR of up to 3.5 tonnes</td> <td>118M</td> <td>11,07 €</td> </tr> <tr> <td>4</td> <td>Driver of heavy goods vehicle with a GVWR of between 3.5 and 11 tonnes</td> <td>120M</td> <td>11,07 €</td> </tr> </tbody> </table>			Group		Coefficient	Hourly rate	3b	Driver of vehicle with a GVWR of up to 3.5 tonnes	118M	11,07 €	4	Driver of heavy goods vehicle with a GVWR of between 3.5 and 11 tonnes	120M	11,07 €
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5	Driver of heavy goods vehicle with a GVWR of between 11 and 19 tonnes	128M	11,07 €
6	Driver of heavy goods vehicle weighing more than 19 tonnes	138M	11,07 €
7	Highly qualified heavy goods vehicle driver	150M	11,07 €

In accordance with the national collective agreement, the figures in the above table are increased, where applicable, by:

- €11.03: working on a bank holiday and working on a Sunday (fewer than 3 hours);
- €25.65: working on a bank holiday and working on a Sunday (more than 3 hours).

**PASSENGER TRANSPORT WORKERS**  
Amendment no 115 of 23 March 2022 (extended)  
**Basic hourly rates in Euros**

Group		Coefficient	Hourly rate
8	Coach driver - Worker in charge of driving a coach; assists the conductor, including handling transported parcels and postal consignments	138V	€11,2875
9	Coach driver/conductor - Worker in charge of driving a coach and collecting courier, luggage and passenger receipts	140V	11,37 €
9b	Tourist vehicle driver - Worker who has been driving a coach for at least two years and fulfils all of the conditions laid out in job descriptions 8 or 9	145V	€11.6052
10	Grand tourer driver - Worker who is normally responsible for driving a luxury coach with at least 32 seats; drives along tourist routes, i.e. for a duration of at least 5 days	150V	€11.8872

In accordance with the national collective agreement, the figures in the above table are increased, where applicable, by:

- €41,20 : working on a bank holiday and working on a Sunday (regardless of the number of hours worked).

The national collective agreement provides for an increase in guaranteed standard pay under the following conditions for workers engaged in the transport of goods and passengers: +2%, +4%, +6% and +8% after 2, 5, 10 and 15 years at the company respectively.

**The detailed classification of jobs by group indicates which coefficient an employee should be linked to during their posting in France and can be found on the Légifrance website via the following links:**

	<p>The detailed classification of posts by group, which makes it possible to determine to which coefficient an employee must be assigned during their posting to France, can be found on the Légifrance website at the following links:</p> <ul style="list-style-type: none"> <li>- <a href="#">road freight transport</a>: Agreement of 16 June 1961 on manual workers; nomenclature and definition of jobs – Annex I</li> <li>- <a href="#">road passenger transport</a>: Agreement of 16 June 1961 on manual workers; nomenclature and definition of jobs – Annex I.</li> </ul>
<p><b>Further elements of remuneration</b></p>	<p><b>Article L3221-3 of the Labour Code</b></p> <p>Remuneration shall mean, within the meaning of this chapter, the ordinary basic or minimum wage or salary and all other benefits and supplements which the employee receives, directly or indirectly, in cash or in kind, in respect of their employment, from the employer.</p> <p>In accordance with Article L1262-4 of the Labour Code, the elements of the reference minimum wage applicable in France must include:</p> <ul style="list-style-type: none"> <li>- the minimum wage (hourly or monthly),</li> <li>- overtime payments,</li> <li>- as well as statutory or contractually agreed wage supplements.</li> </ul> <p>▪ <b>Remuneration of equivalent hours and overtime in road freight transport</b> (<a href="#">Agreement of 23 April 2002 on the salaries of drivers: long-distance lorry drivers</a>):</p> <p><b>Long-distance lorry drivers</b> (at least 6 days of rest per month away from home):</p> <ul style="list-style-type: none"> <li>- from the 36th to 43rd hour (D3312-46): 25% increase;</li> <li>- from the 44th to 56th hour (overtime) (D3312-47): 50% increase.</li> </ul> <p><b>Other drivers, except couriers and CIT security staff:</b></p> <ul style="list-style-type: none"> <li>- from the 36th to 39th hour (D3312-46): 25% increase;</li> <li>- from the 40th to 52nd hour (overtime) (D3312-47): 50% increase.</li> </ul> <p><b>Courier driver, beyond 35 hours: overtime:</b></p> <ul style="list-style-type: none"> <li>- from the 36th to 43rd hour: 25% increase;</li> <li>- from the 44th to 48th hour: 50% increase.</li> </ul> <p><b>Road passenger transport driver, beyond 35 hours: overtime</b> (L3121-36 of the Labour Code):</p> <ul style="list-style-type: none"> <li>- from the 36th to 43rd hour: 25% increase;</li> <li>- beyond the 43rd hour: 50% increase.</li> </ul> <p>▪ <b>Remuneration for breaks in road passenger transport:</b> breaks are periods that are not actual work (driving time, ancillary work, on-call status):</p> <ul style="list-style-type: none"> <li>- breaks taken at the place of work or at home: no compensation;</li> <li>- breaks taken in a dedicated driver’s room: compensation of 25% of the break’s duration;</li> <li>- breaks taken at any other location: compensation of 50% of the break’s duration.</li> </ul>

	<p>(Agreement of 18 April 2002 on the organisation and reduction of working time (ARTT) (Collective agreement for the road transport sector – CCNTR))</p> <ul style="list-style-type: none"> <li>▪ <b><u>Sundays and public holidays</u></b>, see above.</li> <li>▪ <b><u>Nighttime work</u></b></li> </ul> <p>In the field of road freight transport, any hour worked between <b>21.00 and 6.00</b> gives entitlement to a bonus equal to 20% of a reference hourly rate (associated with the coefficient 150M) (Agreement of 14 November 2001 on nighttime work (CCNTR)).</p> <p>In the field of road passenger transport, more than 1 hour worked between 21.00 and 6.00 entitles the respective personnel to compensatory rest equivalent to 10% of the duration of the nighttime work performed (ARTT agreement of 18 April 2002 (CCNTR)).</p> <ul style="list-style-type: none"> <li>▪ <b><u>Paid leave</u></b></li> </ul> <p>The holiday pay shall be equal to one tenth of the total remuneration received over a year. It may not be less than the remuneration which the employee would have received if they had worked during their leave period (L3141-24 of the Labour Code).</p>
<p><b>Health, safety and hygiene at work</b></p>	<p><u>Article L3141-3 of the Labour Code</u></p> <p>The employee is entitled to 2.5 working days per month of actual work with the same employer.</p>

<p><b>Equality of treatment</b></p>	<p>Posted employees benefit from all the provisions of the Labour Code in terms of professional equality between men and women and non-discrimination established by <a href="#">Articles L1141-1 to L1146-3</a>; <a href="#">L1131-1 to L1134-10</a>; <a href="#">L1155-2</a> of the Labour Code and by <a href="#">Article 225-1</a> of the Criminal Code.</p> <p>Thus, no person may be punished, dismissed or discriminated against directly or indirectly on account of their origin, sex, morals or sexual orientation, age, family status, genetic features, ethnicity, nation or race, political opinions, trade union or cooperative activities, religious beliefs, physical appearance, surname, or, unless an incapacity for work is reported by the occupational physician, the state of their health or disability.</p> <p>Further information is available on a dedicated <a href="#">page</a> on the website of the Ministry of Labour.</p>
<p><b>Employer's obligations during the posting</b></p>	<p><b>- For postings falling within the scope of Directive 2020/1057:</b></p> <p>The administrative formalities to be carried out by companies are set out in <a href="#">Articles R1332-2 et seq. of the Transport Code</a>.</p> <p>Prior to the transport operation, companies must submit a posting declaration for each driver concerned by means of the Internal Market Information (IMI) system, via a dedicated public portal made available by the European Union services at the following address: <a href="https://www.postingdeclaration.eu/landing">https://www.postingdeclaration.eu/landing</a>.</p> <p>During the performance of the transport service giving rise to the application of the posting rules, <a href="#">Article R1332-3</a> of the Transport Code provides that the company must ensure that the driver has the following data or documents on board the vehicle, in paper or electronic format, to present to the officials responsible for monitoring road transport:</p> <ul style="list-style-type: none"> <li>- a copy of the posting declaration submitted via IMI;</li> <li>- evidence of transport operations carried out on the national territory (electronic consignment notes (e-CMR) or evidence referred to in Article 8(3) of Regulation (EC) No 1072/2009 of 21 October 2009);</li> <li>- tachograph records.</li> </ul> <p><a href="#">Article R1332-4</a> stipulates that companies are also required to provide, by means of IMI, to the host authorities, at their request, and within a period of 8 weeks after the completion of the transport service which gave rise to the posting of the driver, the documents provided for in the Directive for monitoring compliance with the rules on the posting of road drivers, such as the employment contract or the pay slip.</p> <p>Furthermore, in order to justify that the transport operation is not subject to the application of the posting rules, section II of Article R1332-3 provides that the transport company must ensure that the driver has the following data or documents on board the vehicle, in paper or electronic form, to present to the officials responsible for monitoring road transport:</p> <ul style="list-style-type: none"> <li>- tachograph records;</li> </ul>

	<ul style="list-style-type: none"> <li>– evidence of transport operations carried out on the national territory (electronic consignment notes (e-CMR) or evidence referred to in Article 8(3) of Regulation (EC) No 1072/2009 of 21 October 2009);</li> </ul> <p><b>- For other postings:</b></p> <p>Accordingly, the companies posting employees in these situations must:</p> <ul style="list-style-type: none"> <li>• submit a posting certificate using the national SIPSI system (at the following address: <a href="https://www.sipsi.travail.gouv.fr/#/auth/login">https://www.sipsi.travail.gouv.fr/#/auth/login</a>) and keep a copy of this declaration on board the vehicle used to perform the service;</li> <li>• appoint a representative on French territory responsible for liaising with the officials responsible for road transport control during the posting period and up to 18 months after the completion of the transport service.</li> </ul>
<p><b>Documents for a driver to keep on the truck</b></p>	<p>In order to prove that the transport operation is not subject to the application of the posting rules, the transport company must ensure that the driver has the following data or documents on board the vehicle, in paper or electronic form, to present to the officials responsible for monitoring road transport:</p> <ul style="list-style-type: none"> <li>– a copy of the posting declaration submitted via IMI;</li> <li>– evidence of transport operations carried out on the national territory (electronic consignment notes (e-CMR) or evidence referred to in Article 8(3) of Regulation (EC) No 1072/2009 of 21 October 2009);</li> <li>– tachograph records.</li> </ul>
<p><b>Penalties for infringements, sanctions</b></p>	<p style="text-align: center;"><b>For all postings</b></p> <p><b>Penalties for failure to comply with administrative formalities:</b>  <a href="#">Articles R1333-1 to R1333-4 of the Transport Code</a></p> <p>Failure to have the consignment note and tachograph recordings on board the vehicle is punishable by a <b>third-class fine</b> (max. EUR 450).</p> <p>In addition, administrative fines also apply to the employer’s failure to comply with the obligations relating to the posting declaration and to submit documents (maximum amount of EUR 4 000 / employee).</p> <p>However, the same offence cannot give rise to a combination of criminal and administrative fines for the same employee.</p> <p>Failure to carry the posting declaration on board the vehicle is punishable by a <b>fourth-class fine</b> (max. EUR 750).</p> <p>If the copy of the posting declaration held on board the means of transport with which the service is provided does not comply with the requirements of Article R1332-2 or it contains an incomplete, erroneous, illegible or erasable</p>

	<p>entry, this is punishable by the fine laid down for <b>fourth-class</b> offences (max. EUR 750).</p> <p><b>Penalties for failure to comply with obligations relating to remuneration:</b></p> <p>An employer who does not pay the minimum wage due to the posted worker shall be subject to (primarily) either of the following measures.</p> <ul style="list-style-type: none"> <li>– A criminal penalty: in the event of non-payment of the legal minimum wage (SMIC) or the legal minimum monthly remuneration, a fifth-class fine (max. EUR 1 500), pursuant to Article R 3233-1 of the Labour Code. This is a penalty under common law and not specific to the posting.</li> <li>– An administrative penalty: in the event of non-payment of the legal or conventional minimum wage, an administrative penalty of a maximum amount of EUR 4 000 per employee concerned, pursuant to Article L8115-1 of the Labour Code. In the case of repetition within 1 year, the cap shall be increased by 50%. In the event of repetition within 2 years, it shall be EUR 8 000. This is also a penalty under common law and not specific to the posting.</li> </ul> <p>The following measures may also be taken:</p> <ul style="list-style-type: none"> <li>– suspension of the transnational service provision for a maximum of 1 month, in the event of a failure to remedy a serious failure to comply with the SMIC, pursuant to Articles L1263-3 and L1263-4 of the Labour Code. Failure by the employer to comply with the suspension decision shall be liable to an administrative fine of no more than EUR 10 000 per employee concerned by the violation. However, this measure remains of limited scope for transport operations, except for regular services operated under a contract between the contracting authority and the carrier.</li> <li>– A criminal penalty may be imposed in the case of concealment of overtime on pay slips: pursuant to Article L8224-1 of the Labour Code, a fine of EUR 45 000 and 3 years’ imprisonment. This penalty is not specific to the posting.</li> </ul>
<p><b>Contact details of national institutions</b></p>	