

Summary of the social and market access aspects of the 1st Mobility Package as adopted in July 2020

Subject	Current situation	How this will be changed	CLECAT observation
Posting rules	National rules on the posting of workers defined by the Member States.	The posting of workers rules will apply to cabotage and international transport as of day 1. Exemptions: bilateral transport (plus one extra operation of loading and/or unloading in each direction or zero on the way out and up to two on return), transit without loading or unloading of goods, the initial and final road leg of a combined transport operation.	The complex new rules will create additional administrative burden for freight forwarders. They will also be extremely difficult to enforce and may lead to possible legal unclarities in different Member States.
Driving and rest times / return of the driver	The prohibition to spend the regular weekly rest periods in the cabin. The reduced rest periods can be spent in the cabin. Drivers can take maximum once every 2 weeks a reduced weekly rest lasting between 45 and 24 hours.	The driver will be able to spend the weekly rest in the employer's operational centre where the driver is normally based, in the Member State of the employer's establishment or the driver's place of residence. If the driver spends 2 consecutive reduced weekly rest periods abroad, he/she will be able to return to the Member State of establishment of the employer or the driver's place of residence within 3 weeks. The prohibition to spend the regular weekly rest in the cabin remains. The driver will have to spend the weekly rest in suitable accommodation, which may be adjacent to a parking area, at the cost of the employer.	A regular return of the driver is important to prevent a nomadic driving phenomenon, but it should also be possible for the driver to rest at another place of his/her choosing, however, clearly respecting some reasonable guidelines. Moreover, the return of the driver every 3 or 4 weeks will be difficult to enforce. Disappointment that there is no exception for drivers to sleep in the cabin when parked on safe and secure parking area.

Smart tachograph	Smart tachograph is only used for the enforcement of current driving and rest times and is mandatory since June 2019 for new vehicles. The first-generation smart tachograph has new functionalities with regards to the beginning and the end of the working day and 3 hours of driving time. Also, the DSRC antenna makes it possible for enforcement to get data from the tachograph at short distance.	Vehicles with analogue and digital tachograph will have to be retrofitted with the second-generation smart tachograph from 2024. Vehicles equipped with the first-generation smart tachograph will have to be retrofitted with the second-generation smart tachograph from 2025. New vehicles will have to be equipped with the second-generation smart tachograph from 2023. Light-duty vehicles over 2,5 tonnes (LCVs) will have to be equipped with a smart tachograph from 2026.	The second-generation smart tachograph, which records border-crossing and additional activities such as loading and unloading, is instrumental to ensure proper enforcement of the new rules on posting as well as the driving and rest times.
Return of the vehicle	Not addressed in current legislation.	Vehicles will be obliged to return to one of the operational centres in the Member State of establishment every 8 weeks.	This rule will create inefficiencies in the operational processes of road hauliers / forwarders and lead to a substantial increase in CO2 emission due to vehicles running at suboptimal or empty loads. There will also be a disproportionate impact on the peripheral Member States.
Cabotage operations	Maximum of 3 operations in 7 days. The domestic legs of combined transport are part of international transport and can be performed without limitation.	The current regime of 3 operations within 7 days remains, but a mandatory 4-day 'cooling-off' period will be added for cabotage operations to be carried out with the same vehicle in the same Member State. The Member States will have a possibility to impose cabotage rules on the domestic road legs of combined transport.	The 'cooling-off' period is not supported by CLECAT. It will further restrict the opening of road transport market and lead to efficiency losses and capacity gaps. There will be no solution to differences in interpretation between the Member States, in particular on the cabotage restrictions on domestic road legs of combined transport, which will create uncertainty for companies.