



Department
for Transport

Consultation: Posting of Road Transport Workers and Additional Operator Licensing Changes

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Introduction

1. This consultation is being run by the Department for Transport ("DfT") to collect evidence and views on changes that need to be made following the conclusion and signing of the [EU-UK Trade and Cooperation Agreement \("TCA"\)](#). The planned changes we are consulting on included within this document relate to two areas associated with road transport and in particular information connected with the "posting" of goods vehicle drivers.
2. At the beginning of February 2022 new requirements associated with the TCA between the UK and the EU came into force. These changes apply to the operators of goods vehicles, and their drivers, involved in the commercial transport of goods within the territory of the EU and within the UK. Direct journeys between the UK and EU and vice versa are outside these requirements. For example, a journey by a UK operator from London to Paris is exempt from these requirements but a journey made by a UK operator between Paris and Nice is not exempt. Similarly, an EU operator travelling from Berlin to Newcastle is exempt, but an EU operator travelling between Exeter and Manchester is not, and would require a posting declaration to be made.
3. Operators and drivers who are involved in, or making journeys affected by the changes are required to post information about this into a database, which will provide a declaration document that can be scrutinised by enforcement authorities across the EU and within the UK when required. There is also a process to seek and check further information as part of enforcement procedures. This consultation is about two specialised issues necessary to ensure effective implementation of those requirements within the UK by the UK authorities.
4. The first area that we are consulting on is the mechanism to assist the relevant competent authorities in the UK to require UK-based operators to produce documentation related to posting information when their vehicles are used for commercial goods operations within the EU. This is needed in situations where operators have not provided the relevant information further to requests from authorities in EU Member States, and those EU Member States have asked UK enforcement authorities for assistance. These changes would especially assist cases related to operators of goods vehicles which are not currently part of the goods vehicle operator licensing system.
 - 4.1 Not providing the information to the UK competent authorities when requested can already affect the repute of licensed operators. Good repute forms an essential part of the operator licensing regime and its loss may ultimately mean that an operator loses its authorisation to hold an operator licence. The proposals supplement this and apply requirements to other relevant operators of goods vehicles.
 - 4.2 Generally, a 'posted driver' is a worker who, for a limited period, carries out their work in the territory of an EU Member State (or the UK) other than the state in which they normally work. It is a system designed in the EU as an exception for commercial road

transport drivers operating across borders to the normal rules related to worker documentation. Its practical effect is to allow UK-based drivers to undertake their work within the EU temporarily, in the course of short spells of international driving. It also prevents additional administration being required by EU countries and is included in the TCA negotiated and agreed between the UK and EU.

- 4.3 The changes described in this document concern procedures applicable to goods vehicle drivers in the context of commercial road transport provided for in the TCA. The specific postings requirements apply to the driving of UK goods vehicles (of any size) being used to move goods commercially between two points within the EU. This is a different situation from drivers working for an organisation established as an operation in the EU, even if that is for a brief period. Other rules are applicable to this type of working.
- 4.4 The new postings rules will apply to the driving of UK-operated cabotage (transport of goods or passengers within the same country by a transport operator based in another country) within the EU and international transports where goods are loaded and then unloaded in the EU. The TCA allows UK operators to conduct a maximum of two such journeys within the EU (subject to other restrictions) before departing back to the UK.
- 4.5 The TCA allows UK goods vehicles (subject to other conditions) to be used for transports from the UK to the EU, transit across the EU between different parts of the UK (for example, a trip that would go from Holyhead to Belfast via Dublin), and between the UK and other countries across the EU. The TCA driver postings requirements do not apply to any of these journeys or unladen movements of goods vehicles
5. The second area of change is associated with exemptions to the goods vehicle operator licensing regime for Great Britain in respect of EU operators and drivers on cabotage transports in the UK. These amendments make a posting declaration a condition for cabotage movements within the UK, where this is undertaken by goods vehicles operated by businesses established in the EU. Some other issues related to temporary exemptions for certain foreign goods vehicles from operator licensing in Great Britain are also covered in this consultation.
6. Neither of the proposed areas of change require drivers or operators operating in the EU (whether they be UK or EU established) to take any additional actions beyond their existing obligations. UK operators and drivers are already required to make posting declarations and follow the associated processes under retained EU legislation. These proposed legal changes allow the UK authorities to enforce certain requirements made of UK operators by authorities abroad and enforce in the UK certain requirements in respect of EU operators.

How to Respond

This consultation was issued on 24th June 2022 and will run until 23:59 on 5th August 2022. You must ensure that your response reaches us before the closing date.

When responding, you should state whether you are:

- responding as an individual

or if you are representing the views of an organisation

- the size of the organisation, in terms of the number of employees (less than 10, 10 - 49, 50 - 249 or 250+);
- who the organisation represents;
- how the views of members were assembled;

Electronic responses to this consultation would be preferred by responding to the online survey.

If you are unable to respond by the online survey, please respond by email to OperatorLicensingChanges@dft.gov.uk or by post at the below address:

Posting and OL Consultation, 3rd Floor, Zone 19, Great Minster House, 33 HorseferryRoad, London SW1P 4DR

We do not expect you to submit evidence or views in response to every question listed if these are not applicable.

A complete list of the consultation questions can be found in Annex B

Freedom of information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, be aware that, under the FOIA, there is a statutory code of practice with which public authorities must comply and which deals, among other things, with obligations of confidence.

In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on DfT.

DfT will process your personal data in accordance with the Data Protection Act, this will mean that your personal data will not be disclosed to third parties.

Data Protection

The Department for Transport (DfT) is carrying out this consultation to gather evidence in relation to the changes to the rules on the posting of workers, and on potential consolidation measures in relation to goods vehicle operator licensing. This consultation and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. If your answers contain any information that allows you to be identified, DfT will, under data protection law, be the Controller for this information.

As part of this consultation, we are asking for your name, whether you are answering in a personal capacity, or on behalf of a business or organisation, and for your email address. This is in case we need to ask you follow-up questions about any of your responses. You do not have to give us this personal information. If you do provide it, we will use it only for the purpose of asking follow-up questions.

DfT's privacy policy has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer. You can view it at <https://www.gov.uk/government/organisations/department-for-transport/about/personalinformation-charter>.

To receive this information by telephone or post, contact us on 0300 330 3000 or write to Data Protection Officer, Department for Transport, Ashdown House, Sedlescombe Road North, St Leonards-on-Sea, TN37 7GA.

Your information will be kept securely on the Department for Transport's secure IT system and destroyed 12 months after the consultation has been completed.

Crown copyright

This consultation is covered by the rules of Crown copyright that DfT and the UK government adhere to.

1. Background

- 1.1 The European Union (EU) introduced Directive (EU) 2020/1057⁽¹⁾ which specifies new drivers' posting rules, and required national measures transposing them to be applicable in EU Member States on 2 February 2022. The rules are also intended to take effect in the wider European Economic Area (which includes Norway, Iceland and Liechtenstein), although UK access rights to and for these countries are different from the EU arrangements and are outside the TCA. The changes that have been introduced affect cabotage and cross-trade journeys within the EU.
- 1.2 Some aspects of the drivers' postings rules were included in the TCA. This ensures that the UK has the best goods road transport rights into and within the EU of any country that is outside the EU internal market. As a result, UK operators of vehicles on some types of journey now need to provide information via the EU's Internal Market Information System ("IMI"), which can then be accessed by national licensing and enforcement authorities in the EU Member States.
- 1.3 We are working closely with the Northern Ireland Department for Infrastructure (DfI) on the implementation of these requirements, which will affect UK transport operators undertaking some types of journey.
- 1.4 If you are planning to operate a goods vehicle on a journey within the EU, then since February 2022, you have been required to post information about the driver and the planned journey in advance, using the Internal Market Information System (IMI) platform. The IMI platform is an EU operated system; however, the UK is also using it, as a pragmatic approach intended to minimise the administrative burden and duplication for businesses both within the UK and the EU. In addition to entering information on the driver and the journey being undertaken, countries where goods are being loaded or unloaded may also request further information about the specific transport operation being made.
- 1.5 Under the terms of the TCA, EU operators are able to perform two cabotage journeys in seven days within the UK before having to return to the EU. The UK has the same rights within the EU. The new provisions applicable under the TCA means the EU

⁽¹⁾[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](#)

operators would have to provide information via IMI, to which the UK has access (and vice versa), to ensure drivers are compliant with the applicable working conditions.

2. Posting Declarations implemented from February 2022

- 2.1 Since February 2022, UK operators of vehicles on some types of journey within the EU have been required to provide information via the IMI platform, which can then be accessed by national licensing and enforcement authorities in the EU Member States.
- 2.2 Any journey made further to the transport of goods title in the TCA, which is not bilateral (between the UK and one EU Member State) or transiting through an EU Member State, will require a "Posting Declaration". Goods movements within a Member State and between Member States will require a Posting Declaration. In this context, a journey is a movement of goods using a goods vehicle (of any size).
- 2.3 In order to gain a Posting Declaration an operator has to go through the EU's Posting Declaration site and create an account. Operators will then need to log the following information onto the site:
 - the identity of the operator, at least in the form of the number of the valid licence where this number is available (noting this is needed for holders of standard international licences but not for restricted licences)
 - the contact details of a transport manager or other contact person in the UK to liaise with the competent authorities of the EU Member State/s in which the services are provided and to send out and receive documents or notices
 - the identity, the address of the residence and the driving licence number of the driver
 - the start date of the driver's contract of employment, and the law applicable to it
 - the intended start and end date of the posting
 - the number plates of the motor vehicle or vehicles being used.
- 2.4 Drivers are required to carry a physical print out or a digital copy of this Posting Declaration when undertaking the journey.

- 2.5 These new rules mean that any journeys using a goods vehicle to move goods commercially (including goods used for the own business of the goods vehicle operator, even if that business is not primarily about moving goods) between two points in the EU require a Posting Declaration. A driver undertaking these journeys would be considered a 'posted' driver.
- 2.6 The requirement does not apply to:
- movements of empty vehicles
 - journeys made between the UK and a non-EU country across the EU without loading or unloading in the EU
 - journeys just between the UK and EU on a point to point basis
 - journeys just from the UK to EU where goods are unloaded at more than one place
 - journeys from the EU to UK where goods are loaded at more than one place. But if any goods are both loaded and unloaded in the EU it does apply
- 2.7 This means that during posted journeys, a driver is considered as working in the EU Member State for the duration of that journey and so the following regulations of that Member State apply:
- maximum work periods and minimum rest periods
 - minimum paid annual leave
 - remuneration, including overtime rates; this point does not apply to supplementary occupational retirement pension schemes
 - health, safety, and hygiene at work
 - protective measures with regard to the terms and conditions of employment of pregnant women or women who have recently given birth, of children and of young people
 - equality of treatment between men and women and other provisions on non-discrimination.
- 2.8 The UK and EU Member States have provided a portal from which the relevant laws applicable for visiting drivers are accessed. For EU Member States to check that these conditions are being met, businesses (operators) undertaking posted journeys in the EU will be required to share information with the 'competent authorities' of the EU Member States.
- 2.9 Competent authorities tend to be those responsible for issuing or checking operator licences and other commercial road transport-related documentation. The UK government has [published terms and conditions](#) for foreign drivers being posted into the UK and this is also a requirement for all EU Member States.

- 2.10 The competent authorities, for the purposes of postings rules, are the Traffic Commissioners for Great Britain, and the Traffic Regulation Unit NI for Northern Ireland.
- 2.11 This is needed to enable requests from abroad about operators who have not provided the information required or made posting declarations to be pursued. Failures to comply with the requirements are relevant to the repute of both operators and their transport managers, which are matters for Traffic Commissioners and their counterparts in Northern Ireland.

Northern Ireland

- 2.12 Journeys within the Republic of Ireland by Northern Ireland operators are covered by the posting requirements within the TCA.² We are working closely with the DfI for Northern Ireland in preparing this request for evidence and as such this consultation covers the entirety of the UK.

² Section 2: Posting of Drivers Heading 1 [Trade and Cooperation Agreement between UK and EU – CP 426 \(publishing.service.gov.uk\)](#)

3. Proposed legal structure for the enforcement of reporting requirements to UK authorities for UK vehicles

- 3.1 The objectives of these proposals are to make it an infringement under domestic law (as opposed to laws related to postings in place abroad) for an operator to:
- conduct transports within the EU without following the relevant postings requirements
 - not to respond to requests for information from the competent authorities in Great Britain and Northern Ireland made further to requests from non-UK authorities under the postings procedure in the timescales provided for.
- 3.2 The relevant postings requirements from the TCA are reproduced in Annex A to this consultation document.
- 3.3 The UK Licence for the Community ("UKLFC") held by holders of standard international goods vehicle operator licences are required by the TCA for transports in EU territory. The operators of some goods vehicles (for example related to "own account" haulage or with a maximum weight of less than 2.5 tonnes) do not need a standard international operator licence or a UKLFC. 'Own account' is where either: the vehicle is only carrying goods in connection with the owner's or operator's own business, or the delivery contents are not for hire or reward.
- 3.4 It is important to emphasise that the TCA requires Posting Declarations to be made for all UK goods road transports (regardless of the weight of the vehicle) made with a commercial purpose within the EU.
- 3.5 The TCA (at Article 460(2)) defines 'non-commercial purpose' as "any transport of goods by road for which no direct or indirect remuneration is received and which does not directly or indirectly generate any income for the driver of the vehicle or for others, and which is not linked to professional activity".
- 3.6 Article 460(1) indicates that the goods transport section (which also includes the posting requirements) is without prejudice to the application of the rules established

by the [European Conference of Ministers of Transport \("ECMT"\)](#) which is part of the [International Transport Forum \(ITF\)](#)

- 3.7 The proposal is to require a permit to be issued under the [International Road Transport Permits \(EU Exit\) Regulations 2018](#) ("2018 Regulations") for any goods vehicle undertaking commercial journeys where goods are both loaded and unloaded within the EU (cabotage journeys if loading and unloading points are in the same EU Member State, international "EU cross-trade" journeys if loading and unloading is in different EU Member States). Permits for international transports are available further to the ECMT multilateral quota.
- 3.8 The proposal is to then allow an exemption from the requirement for permits on condition Posting Declarations are made for relevant journeys and operators comply with the posting procedures required of them in Article 6(1)(a), (b), (c) and (2) of Section 2, Part A of Annex 31 of the TCA (also outlined in Annex A of this document).
- 3.9 Under the 2018 Regulations, there are already exemptions for some operations in international agreements requiring permits. Examples of permit exemptions are for transporting postal packets, damaged vehicles, goods for medical care required for emergency relief, moving goods on own account, and a vehicle of a maximum laden weight not exceeding 3.5 tonnes. This proposal works on the same principle.
- 3.10 DfT is proposing to add an exemption for an operator of a goods vehicle from the requirement to have a permit, when performing cabotage or cross-trade work within the EU, if they have completed a Posting Declaration and that this declaration is being held by the driver. This would result in any goods vehicle performing cabotage or cross trade work, including own account work, further to the TCA rights, requiring a Posting Declaration.
- 3.11 Therefore, if no Posting Declaration is made or follow up enquiries from the UK competent authorities further to a request from an authority in an EU Member State are not complied with, an operator would be guilty of breaching the requirement to carry a valid permit under regulation 4(2) of the 2018 Regulations. The offences currently attract a fine of up to £2,500 for an operator. DfT is considering whether to allow drivers to be sanctioned in the UK in relation to not providing documentation abroad.
- 3.12 DfT may also amend the lists of exemptions under the 2018 Regulations to ensure that any exemptions are fully up to date on the specific requirements required for travel to certain countries for the movement of goods.
- 3.13 These exemptions are listed in international road transport agreements between the United Kingdom and Albania, Belarus, Bosnia and Herzegovina, Georgia, Jordan, Kazakhstan, Kosovo, Liechtenstein, Moldova, Montenegro, Morocco, North Macedonia, Norway, Russia (including as successor state to the former USSR), Serbia, Switzerland, Tunisia, Turkey and Ukraine.
- 3.14 DfT intends to engage further with trade associations to outline these drafting changes and to invite comments.

Q1: To what extent do you agree or disagree that the ability of the competent authorities (the Traffic Commissioners in Great Britain, and the Traffic Regulation Unit in Northern Ireland) to consider postings as an issue for licensed operator and transport manager repute is sufficient to encourage UK operators to respond when asked for postings information further to requests from EU Member States' authorities?

- Strongly agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Strongly disagree

4. Policy for the enforcement of reporting requirements to UK authorities for UK vehicles

- 4.1 Under the TCA, UK operators are required to complete a Posting Declaration when performing cabotage or cross-trade work in the EU. Drivers are required to have their Posting Declaration on their person when undertaking these journeys in the EU.
- 4.2 A Posting Declaration is required for own account journeys as well as hire or reward journeys. This requirement is not wholly for heavy goods vehicles; any goods vehicle which moves goods within the EU will be required to have a Posting Declaration.
- 4.3 If a UK driver is stopped by an EU Member State's enforcement authorities and is unable to produce their Posting Declaration, the EU country's authorities would request the information from the operator. If an operator fails to provide this evidence within eight weeks, the EU country's authorities can request this information from the Driver and Vehicle Standards Agency ("DVSA"), who then work in conjunction with the Office for the Traffic Commissioners ("OTC"). The UK is required by the TCA to support any enforcement efforts and so the UK would attempt to seek this information from the operator. It is proposed to introduce a specific offence for the failure of the UK operator to provide the UK authorities with this information, once requested from the EU authorities.
- 4.4 Failure to provide the DVSA with this information could result in an operator breaching the requirement to carry a valid permit under regulation 4(2) of the 2018 Regulations. Breaching this requirement would result in a fine up to £2,500 for an operator and the relevant vehicles and operators would be placed on a watchlist for DVSA and the OTC to stop to help retrieve information. The operator would also be at risk of facing measures in the EU Member State that they were stopped in, according to local laws.

Q2: To what extent do you agree or disagree with the proposal that operators who fail to make a Posting Declaration and refuse an EU authorities' request for information, but subsequently comply with DVSA requests, be spared enforcement/fines? For the benefit of doubt, an operator who fails to comply with DVSA requests would be fined regardless.

- **Strongly agree**
- **Somewhat agree**
- **Neither agree nor disagree**
- **Somewhat disagree**
- **Strongly disagree**

5. Proposed legal structure for the enforcement of postings requirements for EU-operated vehicles in GB

- 5.1 The intention is to include a statutory requirement in Great Britain for EU operators to have completed the Posting Declaration processes, for those transports within the UK which according to the TCA require a Posting Declaration. These transports are all cabotage transports by EU operators within Great Britain or between Great Britain and Northern Ireland.
- 5.2 The proposal is to require that, as a condition of these transports, the operator fulfils the obligations in Article 6(1)(a) and (b) of Section 2 of Part A of Annex 31 of the TCA. The relevant parts of the Article are at Annex A of this document. If they are not fulfilled the cabotage operations would fall outside the exemption provided from the general requirement to possess an operators' licence valid in Great Britain, as provided for in section 2(1) of the [Goods Vehicles \(Licensing of Operators\) Act 1995](#) ("1995 Act"). The TCA is a binding agreement between the UK and the EU but does not bind individuals. If individuals fail to fulfil their obligations, they would be breaching the [1995 Act](#).
- 5.3 The obligations under Article 6(1)(a) and (b) would apply mainly to operators as opposed to drivers. The intention is that if any of these obligations (whether they be on the operator or driver) are not fulfilled, the transport would then not be a cabotage transport exempted from the requirement to have an operator licence for Great Britain. The operator would be in breach of the requirement in section 2(1) of the 1995 Act, to hold a licence issued further to the 1995 Act.
- 5.4 The section 2(1) requirement applies to both "for hire or reward" operators and "own account" operators. EU operators using the exemption from operator licensing specified in Article 464 of the TCA (which includes "own account") would nonetheless be required to comply with the Article 6(1)(a) and (b) Posting Declaration obligations in order to avoid a breach of section 2(1) of the 1995 Act.
- 5.5 This would apply to all goods vehicles regardless of weight or size and for any type of goods journey in the UK. If the operator had not made a Posting Declaration, the use of the vehicle would not be exempt from requiring an operator licence and so there would be an offence committed.

- 5.6 The obligations for Posting Declarations do not apply to cabotage in the UK for operators established in third countries (i.e. outside the UK and EU). These third countries are not parties to the TCA.

Q3: To what extent do you agree or disagree provision that Posting Declaration obligations in the TCA related to EU drivers and operators undertaking cabotage in the UK should be made legal requirements in Great Britain (i.e. a statutory requirement in Great Britain for EU operators to have completed the Posting Declaration processes)?

- Strongly agree
- Somewhat agree
- Neither agree or disagree
- Somewhat disagree
- Strongly disagree

6. Policy for enforcement of postings reporting requirements for EU-operated vehicles in GB

- 6.1 Operational decisions about the enforcement of the proposed legislation will be for the appropriate authorities and agencies in the UK (including the police). In practice the vast majority of enforcement within Great Britain related to operator licensing is undertaken by the DVSA.
- 6.2 DVSA has a [published enforcement sanctions policy](#) including related to cabotage breaches. Transports with both loading and unloading in the UK by EU based operators (i.e. cabotage) without the Posting Declarations being fulfilled can be sanctioned in the same way as illegal cabotage transports as outlined in section 5 of this document, which is concerned with heavy goods vehicle operator licensing.
- 6.3 The DVSA routinely and using a risk-based approach stops foreign heavy goods vehicles. It focuses on the most safety-critical offences. Current enforcement practice is also to check systematically in respect of cabotage. Some checking of Posting Declarations in the context of cabotage is envisaged for the short term once the proposed legislation is in place.
- 6.4 However, it is envisaged that referrals to operators for information regarding the Posting Declarations will not be a general priority. These referrals are a part of the mechanism provided for in the postings rules to enable checks of contractual information (for example pay levels) to be made – in the case of operators established in the EU under the TCA by the UK.
- 6.5 The priority for the DVSA and other enforcement related to non-UK heavy goods vehicles should continue to be of offences which if breached have significant safety risks (such as the more severe infringement types related to roadworthiness of vehicles, drivers' hours and tachographs, overloading, operator licencing and dangerous goods carriage) or have other significant consequences (including environmental breaches).

Q4: Should the UK authorities make the possession of Posting Declarations during cabotage by EU operators a higher or lower priority than enforcement of the maximum numbers and timing of cabotage transports?

- **Higher priority**
- **Lower priority**
- **Same priority**

7. Possible consolidation of regulations related to operator licensing exemptions for foreign goods vehicles in GB

- 7.1 The changes we propose to implement include a legislative requirement in Great Britain for EU operators to comply with the TCA postings obligations here. This would involve amendments to regulations made further to the 1995 Act. Two sets of Regulations in particular (the Goods Vehicles (Licensing of Operators) Regulations 1995 ("1995 Regulations") and the Goods Vehicles (Licensing of Operators) (Temporary Use in Great Britain) Regulations 1996 ("1996 Regulations") are connected in part with cabotage and we propose to consolidate parts of them. Both the 1995 Regulations and 1996 Regulations have been amended since their introduction.
- 7.2 The 1996 Regulations have a number of redundant provisions. These include exemptions from GB operator licensing for international transports undertaken by operators established in most of the countries which have joined the EU since 1996, further to the bilateral agreements between the UK and those countries in place in 1996. These rights do not have a substantive effect now because the countries have access rights to the UK further to their EU memberships.
- 7.3 We are also considering whether to systematically redraft the 1996 Regulations and consolidate them into the 1995 Regulations.

Annex A: Extract of Posting Annex in UK/EU Trade and Co-operation Agreement

This material is an annotated excerpt of Section 2 of Part A of Annex 31 of the TCA³.

ARTICLE 6: Administrative requirements, control and enforcement

1: Each Party or, in the case of the Union, each Member State may only impose the following administrative requirements and control measures with respect to the posting of drivers:

(a) an obligation for the operator established in the other Party to submit a posting declaration to the national competent authorities of the Party or, in the case of the Union, of the Member State to which the driver is posted at the latest at the commencement of the posting, using from 2 February 2022 a multilingual standard form of the public interface connected to the EU Internal Market Information System¹ for administrative cooperation (IMI); that posting declaration shall consist of the following information:

(i) the identity of the operator, at least in the form of the number of the valid licence where this number is available;

(ii) the contact details of a transport manager or other contact person in the Party of establishment or, in the case of the Union, in the Member State of establishment to liaise with the competent authorities of the host Party in which the services are provided and to send out and receive documents or notices;

(iii) the identity, the address of the residence and the number of the driving licence of the driver;

(iv) the start date of the driver's contract of employment, and the law applicable to it;

(v) the envisaged start and end date of the posting; and

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/982648/TS_8.2021_UK_EU_EAEC_Trade_and_Cooperation_Agreement.pdf

(vi) the number plates of the motor vehicles;

(b) an obligation for the operator to ensure that the driver has at his or her disposal in paper or electronic form and an obligation for the driver to keep and make available when requested at the roadside:

(i) a copy of the posting declaration submitted, via the IMI system from 2 February 2022;

(ii) evidence of the transport operations taking place in the host Party, such as an electronic consignment note (e-CMR); and

(iii) the tachograph records and in particular the country symbols of the Party or, in the case of the Union, of the Member State in which the driver was present when carrying out transport operations, in accordance with registration and record-keeping requirements under Section 2 of Part B and Section 4 of Part B.

(c) an obligation for the operator to send, from 2 February 2022 via the public interface connected to the IMI system, after the period of posting, at the direct request of the competent authorities of the other Party or, in the case of the Union, of a Member State where the posting took place, copies of documents referred to in point (b)(ii) and (iii) of this paragraph as well as documentation relating to the remuneration of the driver in respect of the period of posting, the employment contract or an equivalent document, time-sheets relating to the driver's work, and proof of payments. The operator shall send the documentation, from 2 February 2022 via the public interface connected to the IMI system, no later than eight weeks from the date of the request.

(2) The operator shall send the documentation, from 2 February 2022 via the public interface connected to the IMI system, no later than eight weeks from the date of the request. If the operator fails to submit the requested documentation within that time period, the competent authorities of the Party or, in the case of the Union, the Member State where the posting took place may request, from 2 February 2022 via the IMI system, the assistance of the competent authorities of the Party of establishment or, in the case of the Union, the Member State of establishment. When such a request for mutual assistance is made, the competent authorities of the Party of establishment or, in the case of the Union, the Member State of establishment of the operator shall have access to the posting declaration and other relevant information submitted by the operator, from 2 February 2022 via the public interface connected to the IMI system.

The competent authorities of the Party of establishment or, in the case of the Union, of the Member State of establishment shall ensure that they provide the requested documentation to the competent authorities of the Party or, in the case of the Union, to the competent authorities of the Member State where the posting took place, from 2 February 2022 via the IMI system, within 25 working days from the day of the request for mutual assistance.

Each Party shall ensure that the information exchanged by the competent national authorities or transmitted to them shall be used only in respect of the matter or matters for which it was requested. Mutual administrative cooperation and assistance shall be provided free of charge.

A request for information shall not preclude the competent authorities from taking measures to investigate and prevent alleged breaches of this Section.

Annex B: List of all questions

Questions for operators of goods vehicles only

Q1. If you are a road transport operator, in a normal (pre-Covid) year, what proportion of your revenue comes from operating within the EU? Please provide a numerical answer, %

Q2. If you are a road transport operator, in a normal (pre-Covid) year, what proportion of your profits come from operating within the EU? Please provide a numerical answer, %

Q3. On average, how long are your worker posting trips to the EU (per trip posted in EU, in days)? For example, if your trip lasted 3 days, enter 3 below

Q4. If you are a road transport operator, in a normal (pre-Covid) year, how many journeys do you make into the EU for worker postings?

Questions for all respondents

Q1: To what extent do you agree or disagree that the ability of the competent authorities (the Traffic Commissioners in Great Britain, and the Traffic Regulation Unit in Northern Ireland) to consider postings as an issue for licensed operator and transport manager repute is sufficient to encourage UK operators to respond when asked for postings information further to requests from EU Member States' authorities?

- Strongly agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Strongly disagree

Q2: To what extent do you agree or disagree with the proposal that operators who fail to make a Posting Declaration and refuse an EU authorities' request for information, but subsequently comply with DVSA requests, be spared enforcement/fines? For the benefit of doubt, an operator who fails to comply with DVSA requests would be fined regardless.

- Strongly agree
- Somewhat agree
- Neither agree nor disagree

- Somewhat disagree
- Strongly disagree

Q3: To what extent do you agree or disagree provision that Posting Declaration obligations in the TCA related to EU drivers and operators undertaking cabotage in the UK should be made legal requirements in Great Britain (i.e. a statutory requirement in Great Britain for EU operators to have completed the Posting Declaration processes)?

- Strongly agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Strongly disagree

Q4: Should the UK authorities make the possession of Posting Declarations during cabotage by EU operators a higher or lower priority than enforcement of the maximum numbers and timing of cabotage transports?

- Higher priority
- Lower priority
- Same priority