Road Transport-Posting Declarations

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1 Introduction

1.1 Scope and purpose

The Mobility Package which aims to improve the working conditions of the drivers, introduces special posting rules for drivers in international transport and updates provisions on access to the haulage market. These new rules would ensure better enforcement of requirements for posting in road transport and by digitalising the exchange of information with the use of IMI, make the information exchanges more efficient. The so-called Mobility Package foresees the use of IMI for the enforcement of Road Transport rules and consists of 3 different types of exchanges:

1. **Obligation for economic operators to submit declarations of posted drivers to the host country / an amendment to Directive 2006/22 (Road Transport – Posting Declaration module of IMI)**

2. Exchange of information about how a company meets the establishment criteria which is set out in Regulation 1071/2009 (Road Transport – Condition of Establishment module of IMI)

3. Information exchange on national interpretation and application of Regulation 561/2006 (harmonisation of certain social legislation relating to road transport, Road Transport – Social Rules module of IMI).

This document is intended for the exchange listed in in Point 1 for the users of the IMI part of the Posting declaration exchange i.e.; the Competent authorities and explains the process of handling the posting declarations submitted by the road transport operators via the public interface connected to IMI and further processing as required.

The primary scenarios covered are;

- Review and processing of the posting declarations submitted by the transport operators using the public interface

- Request for documents by host Member State from the transport operator/and request for assistance from the home Member State.

1.2 Legal background

Directive (EU) 2020/1057 lays out sector-specific rules for posted drivers in road transport that need to be taken into account in addition to general rules for posted workers as set out in Directive 96/71/EC and Directive 2014/67/EU. As indicated by Article 1(11)(a) and 1(11)(b), a transport operator is obliged to submit a posting declaration to the competent authorities of the Member State to which the driver is

posted (host country) using the public interface connected to IMI and a copy of the document has to be kept by the driver and presented as required. According to Article 1(11)(c), the competent authorities of the host Member State can ask for documents from the transport operator after the period of posting which should be provided by the transport operator within eight weeks. In situations where the transport operator fails to respond, the competent authorities of the host Member State may reach out to the home Member State (the country where the road operator is established, i.e from where the driver is posted to the host country) of the transport operator for assistance in procuring the necessary documents. This request should be answered by the home Member State within 25 working days of submitting the request.

2 Using IMI

2.1 Logging in to IMI

IMI is accessed via a standard Internet browser. To log into IMI, copy and paste the following link into your Internet browser, or click below:
https://webgate.ec.europa.eu/imi-net/

When logging in for the first time, enter your username and the temporary password provided to you outside of IMI via an automatic email following a user of your registered authority or an access manager has registered you in the system. For users logging in for the first time, you will immediately be asked to change the temporary password to a new password of your choice. Once this is done, you will be asked to create and confirm a 12-character security code that will be used each time you log into IMI.

For subsequent logins, you will need to enter your username and password, and then provide three randomly selected digits from your security code as highlighted on screen. Once logged in you will be redirected to the IMI dashboard.

2.2 The IMI Dashboard

When you successfully log into IMI, your IMI dashboard will be presented. The dashboard supports day-to-day management of information exchanges and provides a comprehensive view of all the declarations, recently received and recently updated requests. If the user has access to other modules of IMI, they will be listed in the dashboard as well.

A menu on the left side of the screen allows you inter alia to:
- Search for posting declarations

- Request for documents

- Download reports

- Change your password and security code

- Manage / view your Authority's details

- View the details of other authorities registered to use IMI for the same module

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All the mandatory fields are marked with a red asterisk (*) and cannot be left blank. There are Info points indicated by ⓘ next to certain fields, which provide additional information about the fields. Click on it to view them.

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3 Workflow

This exchange focuses on the use of the public interface (connected to IMI) by transport operators for submission of posting declarations, subsequent follow up, and necessary actions by national authorities in IMI. The competent authorities may use IMI to review the posting declarations submitted by the transport operators, request for additional/missing documents and in case of lack of response from the operator, involve the home Member State for assistance in attaining the requested documents. This exchange allows the communication between the host Member State and transport operator as well as between the host and home Member States.

3.1 Review of posting declaration

After logging in to IMI, the new posting declarations can be found on the dashboard under **Road Transport Declarations**. Alternatively, from the dashboard menu on the left, select *Posting Declarations and* click on *"Search"*. There are 2 options to choose from:

RTPD - Posting Declarations

RTPD - Request for documents

RTPD - Posting Declarations (RTPD stands for Road Transport Posting Declaration) is a repository containing the list of all the posting declarations submitted to your respective Member State for which no documents have been requested. The RTPD - Request for documents workflow supports the document request as well as

information exchange between the road transport operator and concerned authorities. This is explained in detail in the upcoming sections.

The competent authority can search for the posting declaration using the *Search* option and selecting the criteria of search from the varied options displayed on the screen. The search may be done based on the *Posting declaration criteria* (status, submission date etc.), *Posting details criteria* (envisaged start and end dates, type of operations etc.) *Road transport operator criteria* (name of the operator) or *Driver criteria* (name of the driver, tachograph details etc.).

Open the declaration that you would like to check by requesting documents from the *Search* list to view the posting details. The declaration page consists of the following information;

Posting details - Declaration number, Country of posting, Envisaged start and end date, Type of transport and operations.

Operator details - Name of the operator, Country of registration, VAT and National Company register number, Community licence number.

Transport Manager details - Name of transport manager, Contact details, Certificate of professional competence details.

Other Contact person details - Name and contact details of the contact person, can also be the Transport manager

Driver details - Name of the driver, employment related details, driving licence and other identification document details.

Vehicle details - Number plates of the vehicle.

If the host authority has no questions about the posting declaration, no further action is required and the declaration, which is in *Submitted* status, changes to the *Expired* status after the period of posting.

3.2   Request for documents

In case the competent authority of the host Member State has any questions, they can ask for documents related to the declaration by using the *Request for documents* option in IMI. Click on the *Request documents* button at the top right of the declaration page and select **RTPD Request for documents**. This opens up a new tab titled **Request for documents,** which contains information related to the request. The authority may choose the types of documents requested and the period for which the documents are requested. The authority may choose one or more

documents from the list; CMRs (consignment notes), tachograph records, payslips, employment contract, Timesheets and proof of payment.

Authorities can provide additional details on the requested documents in the **Communications** tab.

Once the authority hits the *Save* button, the request for documents is sent to the concerned road transport operator and they receive a corresponding notification about the request. This declaration is now updated in the dashboard view under **Pending requests for documents**. For each document requested, an additional tab is added to the request in addition to the **Communications** tab and **Management information** tab.

When the operator uploads the requested documents using the public interface, the document-specific tabs of the request are populated with the documents received. Once all the documents requested are received and verified, the authority may click on *Confirm provision of all documents* to inform the operator that all the documents have been received and verified. This does not close the request in the system yet. To edit and respond to documents received, click on *Edit verification outcome*. The authority should click on each tab and review the documents provided by clicking on the *Download* button next to the attached document. For each document received, the authority has to confirm if the document is valid and if not, provide a reason as to why the document does not correspond to the request. This information is not sent to the Road transport operator. In these additional tabs referring to the requested documents, the authority can keep a record of what has been provided, whether or not all the requested documents have been received, and also make comments on them in the free text field. These tabs and comments are visible to all the involved authorities of the Member State.

After reviewing the documents received, the authority may provide the details pertaining to the verification of the documents in the *Outcome of the verification* field under **Request for documents** tab. Once the *Save* button is clicked, this information is sent to the concerned road transport operator. The Outcome of Verification contains the final assessment of the check that has been carried out by the authority on the posting declaration.

If the authority requires more documents in addition to the ones already requested or received, they may use the *Request additional documents* button at the top. This provides a list of the documents that haven't been requested already and the authority may choose the additional required documents and click on *Save*. The request for additional documents has now been sent to the operator who will receive a corresponding notification.

If the road transport operator fails to provide all the documents requested or provides incorrect/invalid documents, the authority may request those from the operator by selecting *Request missing documents*. When clicked, a prompt appears on the screen where you can select the documents that are incorrect or invalid under *Justification*. Click on *Confirm* and the request is sent and the operator is notified.

IMI provides its users with the option to withdraw a request with appropriate reasoning in case the period of request is incorrect or the documents are no longer required or for any other reason, by clicking on the *Withdraw* button at the top. The withdraw option is available only for the authority who created the request.

3.3 Assistance of home authority

Road transport operators are expected to provide a response to the request for documents within 8 weeks, starting from the date of the request and in case there is no response from the operators within this timeframe, the host Member State may request the home Member State for assistance.

After the completion of 8 weeks, the host Member State authority is informed that they now have the option to seek assistance from the home authority of the road transport operators Member State. Following the completion of the 8 week period an additional button **Request assistance of home authority** appears for the host authority on the request for document which can be used to involve the home authority by requesting assistance in receiving the requested documents that have not been provided by the road operator. Click on the button and a **Request assistance prompt** is displayed where the home authority should first be selected by the *Select* button and justification for the request can be provided. Click on *Confirm* and the declaration status is changed to *Assistance of the home authority requested*.

The home authority receives the request with the status *Assistance of the home authority requested* and they can now view the declaration, the requests made for different documents and the response registered so far on the request from the road transport operator in case the operator has provided any of the requested documents. They should connect with the concerned road transport operator outside of IMI to gather the requested documents based on the request. The home authority is expected to provide a response to the host authority within 25 days of the request. If there is no response from the home authority on the request, an automatic email is sent out to the home authority indicating the expiry of the 25 day period. If the request remains open in the system for more than one year from the date of creation, it is automatically closed in the system.

The operator may upload the documents using the public interface directly or come to an agreement with the home authority where the documents would be provided to the home authority (outside of IMI) and the home authority would upload the documents directly in IMI on behalf of the road transport operator. The home authority can use the *Upload a document* button at the top and select the type of document along with the period that the document corresponds to, to upload the document as a response to the request. Once the *Upload file* button is clicked, all the documents are uploaded in the respective tabs of the request and the host authority receives a notification about the upload. The host authority can further review the documents uploaded by the home authority and provide the positive verification outcome by clicking on *Submit Outcome.* If further clarification is required before closing the request, the authority can contact the operator or home authority using the **Communications** tab. Once the *Submit Outcome* button is clicked, the request is moved to the *Closed - Verification outcome notified to the road transport operator* status and the road transport operator is informed accordingly.

3.4   Communications

The **Communications** tab has specific sections intended for communication with the different parties involved in the request; with the road transport operator, authorities within the host country and with the home authority.

Message exchange with the road transport operator - as the name suggests, any communication between the host authority and the road transport operator is done using this tab and the records of all such communications are maintained here. To send a message to the road transport operator, click on *Send message*, choose the purpose of the message from the drop down and provide further details in the free text *Message* field. Click on *Send message* and the message is sent to the road transport operator's account in the public interface connected to IMI.

Messages between the authorities in the host country - this section facilitates the communication between the different authorities of the host Member State. This communication is not visible to the road transport operator. Involvement of more than one authority is often the case as there might be different authorities responsible for the different documents requested from the road transport operator.

Messages between the host authority and the home authority - this section facilitates the exchange of information between the host and home authorities involved and this information is not visible to the road transport operator involved in the request. This section becomes visible to both the host and the home authority only after assistance from home authority is sought. The authorities may click on *Add*

comment, select the type of comment and provide additional details related to the message. The message is sent once you click on *Save* and it is recorded in this section of the tab.

3.5   Management information

The **Management** information tab provides a summary and history of all the actions that have taken place on the request/declaration by all the parties involved along with the time stamp. There are no actions required on this tab and it is populated automatically after the actions.

4   Print

For information on how to generate reports and print them, please refer to; how_to_create_report_en.pdf (europa.eu).

5   Machine Translation

Information provided as free text can be translated via a machine translation service. For information about machine translation in IMI, please consult the following manual: machine_translation_en.pdf (europa.eu).

6   For more information and help

Additional support or information is available from your National IMI Helpdesk: https://ec.europa.eu/internal_market/imi-net/contact/index_en.htm