



FRANCE: POSTING OF DRIVERS - REPORTING FORMALITIES FROM 1 JANUARY 2023

1 - A POSTING CERTIFICATE is compulsory for drivers of light vehicles (-3.5t) and coaches with less than 9 seats for the provision of an international service (Art. 1 2°art L 1331-1-1 of the transport code). This posting certificate must be filled in online on the SIPSI website. It is transmitted by dematerialised means.

- **The certificate covers several posting operations, and its validity is indicated by the company for a maximum of 6 months from the date of issue. It is drawn up in French before the start of the first posting operation.**

2 - PRELIMINARY DECLARATION OF POSTING of employees SIPSI under the Labour Code, (ord art 13° L1332-4 a)

- a) In the context of the posting of a driver between establishments of the same company or between companies of the same group
- b) or posting via a temporary employment agency

It is transmitted by dematerialised means using the SIPSI service of the Ministry of Labour.

- c) Transport companies established in a non-EU country. Drivers posted to France by these companies remain temporarily under the SIPSI declaration system, until access to IMI is opened to them.

They must make their posting declaration, for each transport operation, using the French SIPSI system. These companies must appoint a representative in France.

3 - The decree of 21/10/22 taken in application of the order of 5/10/22, specifies:

- That the posting certificate or the declaration must be on board the vehicle. Their absence, their non-conformity and if they contain an erroneous, illegible, incomplete or erasable mention, is punishable by a fine for a 4th class contravention: (135€) R1333-2 2°)

- That the employment contract must be presented and translated into French.
- The company must appoint a representative in France.
- For the co-responsibility of the shippers, freight forwarders etc... he must verify that the posting has been declared to the Ministry of Labour via SIPSI. He is deemed to have carried out the checks, by having the following documents delivered to him before the start of the employee's posting
 - either an acknowledgement of receipt of the declaration (in the case of temporary or intra-group posting, or third country haulier)
 - or a copy of the certificate (for posting with light vehicles and -9 seats)



4 - REMINDER: As a transitional measure, the ordinance of 5 October specified that posting certificates sent before 1 January are considered as valid declarations until the date of their expiry. (Art. 3 of the order). This measure may allow temporary work companies posting drivers in France or for companies posting via intra-group contracts, or third country haulier to keep the validity of this posting declaration for 6 months, **as from 1 January the posting declaration will have to be made before each operation.**

5 - TRANSPORT OPERATIONS SUBJECT TO NATIONAL POSTING RULES IN FRANCE.

The cases of posting that do not fall under the *lex specialis* are governed by articles L1331-1 to L1331-3 and R.1331-1 to R1331-8, which together form the "Macron law".

Therefore, in France, drivers carrying out a bilateral transport operation, cabotage or a non-bilateral international transport operation are subject to the national road transport posting rules.

Only transit operations are excluded.

AFTRI Services can act as your representative. Please contact us at aftri.services@aftri.com