

Assignments and postings of drivers and accompanying staff (as mobile workers) in the road transport sector within the meaning of Directive (EU) 2020/1057 by a road transport undertaking established in an EU Member State

This information was last updated in September 2023.
It covers workers who are not habitually resident in Austria.

The special provisions referred to here are found in the Anti-Wage and Social-Dumping Act (Lohn- und Sozialdumping-Bekämpfungsgesetz, LSD-BG). This information supplements the general information on the website “www.postingofworkers.at”

This information does not cover

- transport operations using vehicles which are **not** required to be fitted with a **tachograph in accordance with Regulation (EU) No 165/2014**;
For smaller or lighter vehicles of this kind, see this [information](#).
- road transport operations by an **undertaking established in Switzerland, Iceland, Norway or Liechtenstein or in any other non-EU Member State**; For transport operations of this kind carried out by an undertaking established in Switzerland, Iceland, Norway or Liechtenstein, see this [information](#).
- hiring-out of workers;
- postings to an establishment or to an undertaking affiliated with the same group in Austria.

Definition of posting – what types of work arrangements are involved?

Cases of the posting of workers as defined in the LSD-BG exist under the following work arrangements:

- **Cabotage**, i.e. transport operations within Austria.
- **Cross-trade operations**

Transport operations which originate or terminate in Austria and which

- do not originate or terminate in the Member State of establishment of the transport undertaking concerned, and
- do not take place in the course of (i.e. not during) a bilateral transport operation.

If the operation originates in Austria, the posting begins at the start of the journey in Austria (in some cases when the border into Austria is crossed).

For information about cross-trade operations in the course of bilateral transport operations, see below.

- **Cross-trade operations in the course of (i.e. during) a bilateral transport operation** if the **maximum number** of exempt cross-trade operations has been **exceeded** (re this maximum number, see cases which do not constitute postings below).

Work arrangements which are not regarded as postings

The following arrangements are **not** regarded as postings for the purposes of the LSD-BG:

Transport of goods:

- **Transit journeys:**
Goods are not loaded or unloaded in Austria. The transport operation is not carried out for the purpose of transporting goods to Austria. Transit through Austria is necessary in order to reach the actual destination. Whether a journey constitutes a transit operation is unaffected by stops en route (e.g. for hygiene reasons, refuelling or breaks).
- **Bilateral transport operations in respect of goods:**
The movement of goods, based on a transport contract, from or to the Member State in which the transport undertaking is established.
- **Certain cross-trade operations** in the course of (i.e. during) a bilateral transport operation:
 - **The first cross-trade operation in the course of a bilateral transport operation**

👉 **Caution:** The first cross-trade operation can also be from or to a country other than Austria (including a third country), in which case there cannot be another first cross-trade operation in Austria.

This exemption applies only to mobile workers using vehicles fitted with **smart tachographs** in accordance with Articles 8, 9 and 10 of Regulation (EU) No 165/2014.
 - If **following a bilateral transport operation** in respect of goods which began in the Member State of establishment (outward journey) and during which no cross-trade operation was carried out, there is a bilateral transport operation in respect of goods to the Member State of establishment (bilateral transport operation on the return journey), the first two cross-trade operations carried out during the second bilateral transport operation (return journey) are exempt.

👉 **Caution:** Here too, any cross-trade operations from or to a country other than Austria count towards the maximum number of exempt operations. No further transport operations are allowed to have taken place between the first bilateral transport operation (outward journey) and the second bilateral transport operation (return journey).

This exemption applies only to mobile workers using vehicles fitted with smart tachographs in accordance with Articles 8, 9 and 10 of Regulation (EU) No 165/2014.

- **Combined transport:** Initial or final legs of a combined transport operation within the meaning of Directive 92/106/EEC, if the road-section part of the operation itself constitutes a cross-border bilateral transport operation.

Passenger transport:

- **Transit journeys:**
Passengers are not picked up or dropped off in Austria. The transport operation is not carried out for the purpose of carrying passengers to Austria. Transit through Austria is necessary in order to reach the actual destination. Whether a journey constitutes a transit operation is unaffected by stops en route (e.g. for hygiene reasons, refuelling or breaks).
- **Bilateral transport operations** in respect of passengers:
 - transport operations from or to the Member State of establishment of the transport undertaking
 - transport operations from and to the Member State of establishment with local excursions in accordance with Regulation (EC) No 1073/2009 (round trip).
- **Certain cross-trade operations** in the course of (i.e. during) a bilateral transport operation:
 - The first cross-trade operation in the course of a bilateral transport operation
👉 **Caution:** The first cross-trade operation can also be from or to a country other than Austria (including a third country), in which case there cannot be another first cross-trade operation in Austria.

This exemption applies only to mobile workers using vehicles fitted with smart tachographs in accordance with Articles 8, 9 and 10 of Regulation (EU) No 165/2014.
 - Unlike with the transport of goods, only one exempt cross-trade operation can be carried out on the bilateral transport operation back to the Member State of establishment (return journey).

Minimum pay for posted workers – Austrian collective agreement

- **Carriage of goods using motorised vehicles – workers**
 - Motorised vehicles with a maximum permitted **total weight exceeding 3,500 kg**:
[Collective agreement for the carriage of goods sector](#)
- **Passenger transport sector**
 - [Collective agreement for private bus companies](#)

The minimum wage defined in the collective agreement applies to **the entire working time spent in Austria**. Working time includes

- **driving time**
- time spent carrying out **other work** (such as loading or unloading), and
- periods of **readiness for work, excluding breaks** (such as time spent waiting while loading/unloading is carried out by others).

Notification requirements:

Postings of mobile workers must be reported. Retroactive changes of data must be reported without delay.

Notifications are submitted via the public interface to the Internal Market Information System (IMI): <https://www.postingdeclaration.eu/landing>

More information is available at: <https://www.postingdeclaration.eu/help>

Keeping documents available

1. In the case of posting of workers:

Transport undertakings must provide drivers with the following documents in paper or electronic form and drivers must keep them available and present them in electronic format in case of inspection:

- **Notification of posting** in paper or electronic format.
- **A1 social security document** (in the language of the issuing country):

For the event that the employer was not yet able to obtain the A1 certificate, the following are considered **equivalent evidence** of social insurance registration:

 - The **application** for issue of the A1 certificate in German or in English translation and, **in addition**,
 - **a document in German or English from which can be determined the employee's registration for social insurance in the posting country for the posting period**, e.g.
 - an earlier A1 certificate issued no earlier than the beginning of the employment relationship or
 - proof of wage payment or bank statements as evidence of payment of social insurance contributions in the posting country.
- If the employee does **not have citizenship** of an EU Member State, an EEA state or the Swiss Confederation, that employee must, if carrying out **cabotage** operations, keep available any **employment permit** required by the posting country.

2. In all cases, no matter if the employment constitutes a case of posting or not:

Transport undertakings must provide drivers with the following documents in paper or electronic form and drivers must keep them available and present them in electronic format in case of inspection:

- **Records relating to the transport operation** showing:
 - a) in the case of the carriage of goods: the goods carried, the place of loading and unloading, and the client
 - b) in the case of carriage of passengers, the pick-up and drop-off points of the passengers carried.

In case a) above, this can be an electronic consignment note (e-CMR) or evidence referred to in Article 8(3) of Regulation (EC) No 1072/2009.

- **Tachograph records** and in particular the country symbols of the Member States in which the driver was when carrying out cross-border road transport operations or cabotage operations, in accordance with registration and record-keeping requirements under Regulations (EC) No 561/2006 and (EU) No 165/2014.

Submission of documents

In the case of posting of workers, **the Austrian authorities may require submission of the following documents** via the public interface to the Internal Market Information System (IMI) **after the posting has ended**:

- **Records relating to the transport operation** showing:
 - a) in the case of the carriage of goods: the goods carried, the place of loading and unloading, and the client
 - b) in the case of the carriage of passengers, the pick-up and drop-off points of the passengers carried.

In case a) above, this can be an electronic consignment note (e-CMR) or evidence referred to in Article 8(3) of Regulation (EC) No 1072/2009.

- **Tachograph records** and in particular the country symbols of the Member States in which the driver was when carrying out international road transport operations or cabotage operations, in accordance with registration and record-keeping requirements under Regulations (EC) No 561/2006 and (EU) No 165/2014.
- **Employment contract or information in writing describing the essential aspects of the employment contract** as defined in Article 3 of Directive 91/533/EEC and the corresponding provisions of Directive (EU) 2019/1152.
- **Payslip, proof of payment or bank transfer statements**
- Documents relating to **pay categorisation** (e.g. education or training and earlier employment periods, if stipulated as significant in the collective agreement).
- Records of the **hours worked** for each posted employee.

The transport undertaking must submit these documents via the public interface to the Internal Market Information System (IMI) within eight weeks of the date of the request.