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Answer given by Mr Brunner
on behalf of the European Commission
(16.1.2025)

The Commission regularly monitors the implementation of the Employer Sanctions Directive 2009/52/EC¹ by Member States and organises regular expert group meetings on the topic of irregular migration and the Directive to exchange information and good practices. The Commission intends to step up enforcement and, where necessary, review the rules on preventing exploitation of workers in Europe with an irregular status. In this context, the Commission is currently evaluating the European Labour Authority's performance in relation to its objectives, mandate and tasks.

In accordance with Article 5 of Regulation (EC) No 1072/2009², Member States should issue EU hauliers holding a community licence with a driver attestation for each driver they lawfully employ or use and who is neither a national of a Member State nor a long-term resident. The attestation certifies that the driver is lawfully employed in accordance with the relevant rules in the Member State that issues it. The Commission is not aware of any systematic issues regarding the issuance of driver attestations by Member States.

The Commission strongly condemns any discriminatory practice between foreign drivers and EU drivers as regards working conditions and remuneration. Mobility Package I³, which was adopted in July 2020, substantially improved the working conditions and remuneration of drivers and must be applied to all drivers, irrespective of their nationality. It is for Member States to enforce these rules through checks at roadside and at premises.

¹ OJ L 168 30.6.2009, p. 24.

² OJ L 300, 14.11.2009, p. 72.

³ OJ C 252, 31.7.2020, p. 1.