

Dear ladies and gentlemen,

The European Union has decided to tighten the international regulations in connection with international transport. The objective here was to come to an international agreement regarding the very often different national legislation. The mobility package consists of 2 regulations and 1 directive.

Some regulations are already valid and applicable, other regulations will follow step by step until 2025. The tightening of the legal provisions is of course aimed at the improving of the working conditions of the drivers and achieving social justice, but this certainly also requires the necessary efforts and documentation obligations from the transport company.

The regulation will continue to allow a driver to spend his daily rest in the cabin of his truck, but for weekly rest each driver must be given the opportunity to either enjoy it at home or be offered suitable accommodation, for example a hotel. In any case he is no longer allowed to spend his weekend rest in the cabin of his truck.

What is new, however, is that all drivers must be given the opportunity to take a weekly break of at least 45 hours at home every 4 weeks, and this must also be documented by the employer in a verifiable manner.

Probably the most important regulation, however, is the future handling of the cabotage legislation.

A foreign truck that drives across the border with a load may do the so-called "3 in 7", but with such cabotage the intention is that the truck may no longer be used in the same country for a period of 4 days (cooling off).

In addition, as of February 21, 2022 there is a legal obligation that all trucks used for cross-border traffic must return to their country of origin once within 8 consecutive calendar weeks.

Since February 2nd, 2022, all drivers who are equipped with a truck with a digital tachograph have to go to the next parking lot every time they cross a border in order to enter the symbol of the country into which they have just entered.

This will therefore make the daily and permanent use of trucks and drivers more difficult.

A solution and answer to these changed legal provisions can be the establishment of a GmbH (company with limited liability) in Germany. Germany is still one, if not the most important country for transport of goods or transit country for many surrounding countries.

Against the background of the new legal regulations mentioned above, but also the existing legal provisions, it can be very interesting as a solution to many problems of a factual and legal nature to have a location in Germany in the form of a real business branch in the legal form of a GmbH.

With a German GmbH drivers can take their legally described breaks much more easily and there is no longer any obligation not to use the truck for 4 days after a cabotage trip and, moreover, to send it back to the country of origin every 8 weeks.

What are the requirements for founding a GmbH?

A limited liability company (GmbH) has a share capital of 25.000,--€ and you can and may of course work with it. The capital used does not have to be paid again. In order to keep the formalities of founding a limited liability company as low as possible, we have been setting up stocks for many years for our clients and those who are interested in founding a limited company.

Of course, these storage companies never had any activities, which is also expressly stipulated in the notarial contract on the transfer of the company shares. This means that there is no risk of assuming any of the GmbH's liabilities, as is of course the case with the purchase of an existing company.

With the takeover of the GmbH previously founded by us and its shares, there is therefore no risk at all. However, a real place of business is a prerequisite, so just renting an office that nobody ever uses is of course not possible, but we can support you in your search for suitable company headquarters. Furthermore the limited liability company in the transport-sector needs a so called "traffic manager", who must also be physically present in the business premises in order to exercise a management function for the staff and the drivers there.

We are happy to support you with the establishment of a GmbH as well as with the application process for the granting of a necessary transport permission. Here we can refer to more than 25 years of experience and legal expertise, in addition we have a large network of specialists for tax matters or brokers for finding a suitable location for your future company.

If you have any questions please do not hesitate to contact us at

Anwaltskanzlei Claus J. Peters,

Stettiner Strasse 5 a,

D- 47533 Kleve

Phone number:

00 49 28 21 89 50 90

or contact us under our mail-address: info@anwaltskanzlei-peters.de

If there is anything we can do for you, we look forward hearing from you.

With best regards

C. Peters

Ps. Of course we can also help you with advice and collection of unpaid transport claims or the handling of accidents in Germany.

Your driver had an accident and must be held criminally responsible, for example leaving the scene of the accident without permission or other criminal offences? Of course we can also help you with solving this.