

Annex 1

Country: Lithuania		
Item (related provision in Directive 96/71/EC as amended by Directive (EU) 2018/957)	Content of the information to be provided	Example
APPLICABLE PROVISIONS	<ul style="list-style-type: none"> - national law, regulation or administrative provision <p>AND/OR</p> <ul style="list-style-type: none"> - collective agreements or arbitration awards declared universally applicable <p>AND/OR</p> <ul style="list-style-type: none"> - collective agreements that otherwise apply in accordance with Article 3(1) and (8) of Directive 96/71/EC as amended by Directive (EU) 2018/957 	<ul style="list-style-type: none"> - Labour Code of the Republic of Lithuania - Resolution of the government of the Republic of Lithuania on Resolution No. 99 of the government of the Republic of Lithuania on 28 January 2003 „On the amendment of the rules on the deduction of mission expenses from income“ - Resolution of the government of the Republic of Lithuania on the minimum wage applicable in 2022
SCOPE OF APPLICATION	<ul style="list-style-type: none"> - types of transport activities covered - types of vehicles covered - enterprise size/type of employment covered (if relevant) - reference to posted drivers and definition of posting (if applicable) <p><i>Please also include procedure to calculate the time spent/hours worked by the posted driver to be covered by the national remuneration:</i></p> <ul style="list-style-type: none"> • <i>clarification of the paid working time of the posted driver: driving time but also other activities/loading/unloading, availability?</i> • <i>clarification of the applicable posting regime/exemption during daily/weekly rest of the driver.</i> 	<p>There are no universally applicable collective agreements regulating pay rates in individual economic activities in Lithuania. The Labour Code speaks in general. The wage or salary of a staff member consists of:</p> <ol style="list-style-type: none"> 1) The base remuneration (base rate), i.e. an hourly rate or a monthly salary, or a fixed part of a job-based salary. 2) The additional part of a remuneration set by agreement between the parties or paid on the basis of the provisions of labour law or the remuneration framework applicable at the workplace. 3) Bonuses for acquired qualifications. 4) Bonus payments for additional work or additional duties or tasks. 5) Premiums for completed work agreed on between parties or paid on the basis of provisions of labour law or the remuneration framework applicable at the workplace.

		<p>6) Premiums awarded by an employer at their own initiative as an incentive for employees' good work, their activity or results, or those of a company, establishment or an employee group.</p> <p>The Resolution of the Government of the Republic of Lithuania singles out the "peculiarities of drivers in road transport". That document lays down the working time of the driver, namely working hours, breaks and rest periods, as provided for in Directive 2002/15. As well as all requirements for night work and weekly working time.</p>
<p>REMUNERATION (Art 3(1)(c))</p>	<ul style="list-style-type: none"> - Minimum gross wage (incl. calculation method: per hour/per operation) - Minimum gross wage per category (occupational group) -- <i>Please also include the amount of the national minimum</i> 	<p>In Lithuania, there is a general minimum monthly wage for employees. Under Government resolution No 834 of 13 October 2021, the minimum hourly wage is € 4,47 and the minimum monthly wage €730 (from January 1st).</p> <p>The minimum wage for drivers, as posted workers, is multiplied by a factor of 1.65. Monthly wage of posted workers, including drivers – $730 \times 1,65 = 1204.5$ €. Hourly – $4,47 \times 1,65 = 7,38$ €, regardless of category.</p>

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	<p><i>remunerations applicable for each driver category:</i></p> <ul style="list-style-type: none"> • <i>LDV (2.4-3.5 tonnes)</i> • <i>HDV</i> • <i>transport of passengers</i> • <i>any other criteria applicable to posted drivers, such as age, experience, type of transported goods-general goods/ADR/abnormal transport etc.</i> 	
<p>FURTHER ELEMENTS OF REMUNERATION Art 3(1)(c) and 3(1) para 3))¹</p>	<ul style="list-style-type: none"> - Overtime - Standby pay - Saturday/Sunday/public holidays work - Shift work [if applicable] - Hazardous work/bonuses for particular working conditions - Daily allowances specific to posting (in so far as they do not constitute reimbursement of costs related to transport to and from work/board and lodging) - Annual holidays allowance - 13th/14th month bonuses, incl. end of the year bonuses - Other (additional wage components, e.g. seniority allowance, meal vouchers, compensation for daily travel time, etc.) 	<p>The standard working time of an employee is 40 hours per week.</p> <p>For work on rest days not included in the work (shift) schedule and for work on holidays, at least double the employee's regular rate of pay shall be paid.</p> <p>For work during night shifts and for overtime work, at least one and one-half times the employee's regular rate of pay shall be paid.</p> <p>If workers are sent on a mission in the Republic of Lithuania for more than one work day or sent abroad, they shall be paid expenses for the mission:</p> <ul style="list-style-type: none"> • Daily allowances • Accommodation expenses. • Transportation expenses and other mission expenses (e.g. car parking fees at the location of the mission, local fees, event registration fees or event ticket expenses, etc.).
<p>MINIMUM PAID ANNUAL LEAVE (Art 3(1)(b))</p>	<ul style="list-style-type: none"> - Amount of minimum paid annual leave 	<p>Minimum annual leave is an annual leave of at least 20 work days</p>

¹ Mainly posting allowance, night hours, hours worked during holidays/Sundays:

- Clarification of other national elements of the minimum remuneration of the posted drivers (13th, 14th month salary, paid holidays): Should a haulier pay *to the driver performing international transport the 13th/14th month in EUR proportional to the working time in each MS*, if during 1 year, the respective driver worked in 20 EU countries? In order for an employee to benefit from the 13th, 14th month salary, paid holidays and other bonuses, he should have worked a minimum number of days, usually about a year. We consider that these elements of D96/71 should not be applicable to posted drivers.

<p>ALLOWANCES OR REIMBURSEMENT OF EXPENDITURE TO COVER TRAVEL, BOARD AND LODGING EXPENSES (Art 3(1)(i))ⁱ</p>	<ul style="list-style-type: none"> - Travel allowance (incl. board and lodging) - Meal allowance - Extra information (incl. any deductions, reimbursement of expenditure) 	<p>3. With the exception of payments allocated for the reimbursement of actual travel, accommodation and meal expenses related to the posting, the daily allowance and other payments payable to a driver shall be considered a part of the remuneration if, according to the labour legislation of the country laws of which are applied to the employee's employment contract or employment relationship, daily allowances and other posting related payments are separated from actual travel, accommodation and meal expenses. If daily allowances and other posting related payments are not separated from actual travel, accommodation and meal expenses, the daily allowance and other posting related payments paid to the employee shall be deemed to cover the actual travel, accommodation and meal expenses related to the posting.</p>
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<p>FINES for not observing national posting rules/minimum remuneration</p>		
<p>LINK</p>	<p>-Link to the original text of the collective agreement and/or national law [available languages]</p>	<ul style="list-style-type: none"> - XII-2603 Lietuvos Respublikos darbo kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymas (lrs.lt) – Labour Code of the Republic of Lithuania (LT) - 836 Dėl Lietuvos Respublikos Vyriausybės 2003 m. sausio 28 d. nutarimo Nr. 99 „Dėl Komandiruočių sąna... (lrs.lt) - Resolution of the government of the Republic of Lithuania on Resolution No. 99 of the government of the Republic of Lithuania on 28 January 2003 „On the amendment of the rules on the deduction of mission expenses from income“ (LT) - 834 Dėl 2022 metais taikomo minimaliojo darbo užmokesčio (lrs.lt) - Resolution of the government of the Republic of Lithuania on the minimum wage applicable in 2022 (LT)

CONTACT POINTS	<ul style="list-style-type: none"> - Link to the contact points of trade unions/employer associations - Information on the contact points for liaison office/competent national bodies (such as Labour Inspectorate, Road Transport Authority) 	<ul style="list-style-type: none"> - On the payment of wages – State Labour Inspectorate (+ 370 5 213 9772). E-mail: info@vdi.lt - Lithuanian Transport Safety Administration (tel. +370 5 278 5601), e-mail: konsultavimas@ltsa.lrv.lt

- ⁱ Allowances or reimbursement of expenditure to cover travel, board and lodging expenses - these expenses are reimbursed/covered by the transport companies but should the companies also observe the national rates of the host MS?