

Instructions & FAQ - “Loi Macron”

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Legal Requirements

1. What are the key requirements of the *Loi Macron*?

- these adaptations are into force on July 1st, 2016
- the new regulation is designed solely to lay down formalities in case of posting of workers in the transport sector. It doesn't alter the relevant rules, as set out in directive 96/71/EC.
- they shall apply in particular to cabotage and international transport to and from France (if conditions are met) but not to transit
- French minimum wage only applies if higher

2. What documents need to be kept by the driver on board the vehicle in relation to Loi Macron?

- the original filled in Attestation you receive per e-mail from [SIPSI](#) upon its submission;
- a copy of the employment contract
 - in the language it is signed for the general case
 - accompanied by a translation in French if case of intra-corporate transfer or temporary employment agency
- Collective Labour Agreement if one exists.

3. What documents need to be provided to the French representative?

- Pay-slip (for the period of each attestation)
- proof of payment of the pay-slip
- the name of the Collective Labour Agreement if applicable.

These document as of July 1st 2017 need to be provided with a translation in French.

4. What does (in practice) a company need to do to comply to the Loi Macron legislation:

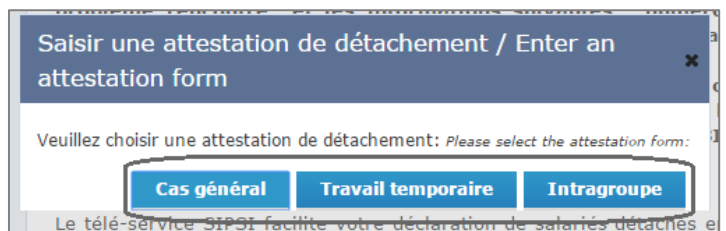
- to appoint a French representative
- to have a valid attestation form transmitted via SIPSI
- to keep a [list of documents](#) on board the vehicle
- to provide a [list of documents](#) to the appointed French representative

5. What information does the pay-slip need to contain?

- gross hourly wages, including increases for overtime, converted into euro
- the period and hours of work to which the salary relates, distinguishing between hours paid at the standard rate and those with an increase
- leave and holidays and related remuneration

6. I am a transport company, which section do I need to select on SIPSI?

You need to select section 4 TRANSPORT, and then select the one relevant for your own case.



Legal Scope of the Minimum Wage Law

1. What is the scope of the specific regulation applicable in the transport sector?
 - under a contract concluded between the undertaking making the posting and the party for whom the services are intended, established or operating in France (international transport to and from France, cabotage but not transit)
 - in case of intra-corporate transfer to France
 - when hired by a temporary employment undertaking, to a transport undertaking operating in France
2. What is out of the scope of the Loi Macron legislation?
 - applicability of the posting rules to different kind of transport operations is only based on the objective criteria provided by directive 96/71/EC (No change to existing legal scheme).
 - type of vehicle (heavy or light) doesn't matter.
 - type of transport (goods or passengers) doesn't matter.
 - self-employed workers are out of the scope

Penalties

1. What are there penalties for not complying with the legislation?
 - the penalties are listed on page 17th of the document at the link below.
http://www.ecologique-solidaire.gouv.fr/sites/default/files/presentation_formalites_detachement_15_juin_2016.pdf

Useful links

More information can be found from the sources of the above listed information at the official links below:

In EN, FR, DE, ES, PT, IT, HU, PL and RO languages

<http://www.ecologique-solidaire.gouv.fr/formalites-declaratives-applicables-au-detachement-dans-transport-routier#e4>

In EN and FR:

<https://www.sipsi.travail.gouv.fr/SipsiFO/public/PageFAQ.action>

In FR:

<https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000023086525&dateTexte=20170701>

Transfer to Servicios Bagem

1. Who is Servicios Bagem (SB)?

SB is a Spanish company founded in 1987. Among other services that the company provides, in 2016 they developed an IT solution that provides a fast and effective software solution to the transport industry with regards to requirements related to Minimum wage laws, like Loi Macron.
2. Does SB provide representation for other countries than France regarding the Minimum Wage laws.

Yes, SB provides minimum wage representation in the other country that requires a local representative (only when cabotage) in Italy.
3. In which languages can I contact SB?

Spanish, English, German, French, Romanian, Lithuanian

4. Does customer need to sign a contract with SB when they have one with REMOBIS? Why?
Yes, customers need to reaccept the conditions of the new contract, regardless of the type of service they previously had (Self-upload or REMOBIS). This is because the future service will be provided by SB and not by REMOBIS.

5. Why can customers not upload all documents on one website?

SIPSI or SB's?

The reason is because SIPSI is a French governmental website which is used only to submit the information related to the posting of the employee. Once the Attestation is submitted, the customer will receive a .pdf copy on the e-mail of the account. The document needs to be printed out and given to the employee to keep it with him.

An official SIPSI user manual has been provided by the French authorities at [this link](#). It contains information on how to submit an attestation, how to retrieve a new password, how to correct errors, etc.

A list with additional documents needs to be made [available to the French representative](#) (translated in French language) after July 1st 2017, this is the purpose of the SB's web-tool. It provides customers a platform where they can at convenient for them time upload the documents. The designation letter (the confirmation that the French representative has accepted the representation) gets uploaded on SB's web-tool as well, you can find and download yours there.

6. A customer has an Attestation which expires on September 15th. What does the customer need to do?

I. -The REMOBIS service customer has three options:

- a. to continue using the REMOBIS service until it expires. In this case, customer needs to continue sending all the documents on a monthly base as until now and they will be uploaded by REMOBIS until their expiration date. *No Attestations with a start date after July 15th 2017 will be processed via REMOBIS.

Exception to this case is when the customer has three other Attestations (for other employees) which expire on July 20th. This means that the customer needs to make a decision of who the new service provider will be with the first expiring Attestation after July 15th (in this example the one on 20th).

- b. to transfer to SB's and start using the self-service tool.

In this case, the customer can request a new password on SIPSI to the e-mail that he first applied with to REMOBIS. SIPSI will generate and send a new password to the customer's e-mail. From that point on, the customer needs to start submitting the attestations for his employees and upload the [list of documents](#) on SB's web-tool.

***Companies need to register as carriers.

- [DKV customers](#) (billing goes via DKV invoice)

- c. to check for an alternative Loi Macron service provider.

II. The SELF-UPLOAD service customer has two options:

- a. To transfer to SB's and continue using the same tool he used so far. The only thing he has to do is to read and agree to the SB's contract. He will be prompted to do so at the first updating of his account after July 15th. Customer will continue using the same account and all so far uploaded documents will remain available.

- b. to check for an alternative Loi Macron service provider.

7. -How to create an account on SB's web-tool?

- a. [Customers with REMOBIS service.](#)
- b. [Customers with SELF-UPLOAD.](#)

8. -Where can I find this document?

The content of the current document will be available on SB's web-tool.