

Lorry Drivers and the Implementation of Regulation (EU) 2017/2226

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Introduction

This position paper provides an overview of the challenges arising from the application of the Schengen short-stay rule (90 days within any 180-day period) to professional long-distance lorry drivers from third countries, from the perspective of companies engaged in trade with the European Union (EU). It also outlines the recommendations of AmCham Croatia and its members for addressing the current situation.

The issue of work permits for professional long-distance lorry drivers has gained additional importance in the context of stricter and more systematic enforcement of Schengen rules, including the adoption of Regulation (EU) 2017/2226 and the introduction of the Entry/Exit System (EES). It has also been further underscored by recent border protests organized by transport associations from Western Balkan countries (Serbia, Bosnia and Herzegovina, Montenegro, and North Macedonia), as well as blockades at freight border crossings, which have had a direct impact on the movement of goods between the Western Balkans and the European Union.

Regulatory framework

Regulation (EU) 2017/2226 establishes the Entry/Exit System (EES), designed to digitally record the entry and exit of third-country nationals in order to strengthen border controls and ensure the uniform application of Schengen rules. The EES does not provide an exemption for professional long-distance lorry drivers as a distinct category entering the Schengen area solely for the purpose of providing cross-border transport services, which in practice creates operational challenges for supply chains.

At the same time, the 90/180 rule is governed by Regulation (EU) 2016/399 (the Schengen Borders Code). Under this framework, third-country nationals who are not required to hold a visa, or who hold a short-stay visa, may remain in the Schengen area for a maximum of 90 days within any 180-day period, calculated across all Schengen Member States. The original purpose of this rule is to manage migration and prevent illegal stays, and it was primarily designed for short-term visitors, such as tourists or private travelers.

The current challenges stem from the increasingly strict and systematic enforcement of this rule, particularly in the context of the introduction of the Entry/Exit System (EES) and the return of professional drivers from third countries for exceeding the 90/180-day rule.

Operational and business impact on companies

Companies engaged in international trade in goods via road transport are facing challenges arising from two interrelated factors: (1) the strict application of the 90/180-day rule to professional drivers, and (2) the operational consequences of border disruptions, including coordinated blockades at key border crossings.



(1) Strict application of the 90/180-day rule to professional activities and its equivalence with private stays

The strict calculation of calendar days spent in the Schengen area leads to situations in which the professional nature of a driver's assignment is treated as equivalent to private stays. As a result, drivers are prevented from completing planned routes, despite operating in line with contractual obligations, holding bilateral permits with destination countries and complying fully with applicable transport regulations. For companies importing goods from the EU into Western Balkan markets, as well as those exporting from these countries to the EU, this results in a reduced availability of qualified drivers for international routes. It is important to note that such profiles are already scarce in local labor markets, while workers from the EU generally show limited interest in these roles due to long border wait times and extensive administrative requirements. This situation will inevitably lead to increasing recruitment challenges, operational disruptions, higher labor and compliance costs, and ultimately a significant rise in transport service costs.

Restricting the availability and mobility of professional drivers who meet all professional standards can also have a broader impact on EU-based companies that rely on just-in-time production and complex, time-sensitive supply chains, resulting in delays, reduced delivery reliability, and increased operating costs across the EU.

(2) Operational consequences of recent blockades

At the end of January 2026, transport associations organized protests by blocking freight border crossings between the EU and Western Balkan countries (Serbia, Bosnia and Herzegovina, Montenegro, and North Macedonia) in response to the frequent returns of professional drivers from the EU. The resulting trade disruptions caused by these blockades had direct and measurable consequences for companies operating in the region. Delays at border crossings directly affected the reliability of delivery schedules, the fulfillment of contractual obligations, and the functioning of just-in-time supply chains, while also undermining the stability of business relationships between companies in the region and their EU partners.

According to available media reports, blockades at freight terminals along EU borders halted up to 93% of the region's exports, resulting in daily losses of approximately EUR 92 million. The Croatian economy also experienced indirect effects due to disruptions in the transit of goods to the EU.

The EU's response to date and the proposal of the Government of the Republic of Croatia

At the end of January 2026, the European Commission adopted a Visa Strategy in which long-distance lorry drivers are recognized as a special category, representing an important starting point for addressing this long-standing issue. The strategy states that the European Commission will work closely with Member States to identify pragmatic solutions for extended short stays for selected categories of third-country nationals, while ensuring security and economic benefits for the EU, as well as clearly defined rights for travelers. The document also emphasizes that these are strategic considerations and analytical directions, and that any potential changes to the current framework will depend on further negotiations between the European Commission and the Member States. Among the next steps identified is the consideration of new rules for extended short stays for professionals from third countries, including long-distance lorry drivers.

In response to the current challenge, a Working Group has been established, bringing together representatives of the EU, ministries from Western Balkan countries, and professional drivers, with the aim of proposing concrete measures and identifying solutions. Several meetings have been held to date. **One of the specific proposals put forward by the Ministry of the Interior of the Republic of Croatia is to allow transport companies from third countries that have contracts with companies in Croatia or other EU Member States to obtain long-stay visas for their drivers from this Ministry on the basis of those contracts** (rather than requiring drivers to reside in the EU and be employed by a company registered in the EU, as has been the case until now).

Final Draft of the Act on Amendments to the Foreigners Act

The proposal of the Government of the Republic of Croatia, presented at the Working Group meeting, has been incorporated into the Final Draft of the Amendments to the Foreigners Act. The current Foreigners Act has been in force since March 15, 2025, while the Final Draft of the Amendments is currently under consideration. It provides for the issuance of long-stay visas to professional drivers who are third-country nationals, for a period of up to one year.

In the Final Draft, Article 3 defines the long-stay visa, and a new paragraph 2 is added following paragraph 1.

Article 3 of the Final Draft of the Act on Amendments to the Foreigners Act

Article 35, paragraph 1, is amended to read as follows:

(1) *A long-stay visa is a residence authorization in the territory of the Republic of Croatia for up to 30 days and is issued:*

- *to a third-country national who has been granted temporary residence for the purposes referred to in Article 57 of this Act, or who has been issued a residence and work permit, and who requires a short-stay visa to enter the Republic of Croatia;*
- *to a third-country national who requires a short-stay visa to enter the Republic of Croatia and who may submit an application for temporary residence at a police administration or police station in accordance with Article 58, paragraph 3 of this Act."*

(2) **By way of derogation from paragraph 1 of this Article, a long-stay visa shall also constitute a residence authorization in the territory of the Republic of Croatia for a third-country national who is not required to hold a short-stay visa to enter the Republic of Croatia, for a period of up to one year, and shall be issued:**

- *to a third-country national long-distance lorry driver in international road transport of goods, employed by a legal entity established in a third country, and who, within the framework of business cooperation with a legal entity established in the Republic of Croatia, delivers goods or materials to or from the Republic of Croatia;*
- *to a third-country national long-distance lorry driver in international road transport of goods, employed by a legal entity established in a third country, that, within the framework of business cooperation with a legal entity established in the third country referred to in subparagraph 1 of this paragraph, delivers goods or materials to or from the Republic of Croatia;*
- *to a third-country national bus driver, employed by a legal entity established in a third country, engaged in the regular international transport of passengers between the Republic of Croatia and that third country."*

Explanation:

"The new paragraph 2 enables the issuance of a long-stay visa to professional long-distance lorry and bus drivers who are third-country nationals and do not have regulated residence within the EU, and who are subject to the calculation of length of stay in accordance with Article 6, paragraph 1 of the Schengen Borders Code (SBC). Under this rule, they are permitted to stay in the Schengen area for a maximum of 90 days within any 180-day period.

Given the significant importance of this category of third-country nationals for the uninterrupted and efficient functioning of supply chains and passenger transport, the Republic of Croatia has repeatedly proposed appropriate amendments to the Schengen Borders Code, in order to identify, in the course of revising the SBC, a suitable solution to facilitate border crossing for this category and to allow longer stays within the Schengen area when performing professional activities.

As a possible solution, the European Commission has proposed that individual applications be submitted to the competent national authorities in the relevant EU Member States in order to grant drivers from third countries an extended lawful stay beyond the 90/180-day limit, in the form of a national long-stay visa (D).



Accordingly, this Final Draft seeks, within the existing legal framework, to mitigate potential risks to the Croatian economy arising from disruptions in supply chains or passenger transport. It therefore proposes the introduction of a long-stay visa for third-country nationals engaged in the transport of goods, products, or materials produced by legal entities in the Republic of Croatia or in a neighboring third country, which are essential for the functioning of our economy.

Paragraph 5 stipulates that the period of validity of a long-stay visa is six months, while for professional long-distance lorry and bus drivers, the visa may be issued with a validity period of one year."

Conclusion and recommendations

- **First concrete solution for third-country national professional drivers** – The proposal of the Ministry of the Interior of the Republic of Croatia presented at the Working Group meeting, as well as the Final Draft of the Act amending the Foreigners Act, has been assessed by AmCham Croatia and its members as highly significant and as the first concrete step toward addressing the challenges faced by professional drivers from third countries. AmCham supports this proposal and considers that the proposed solution will reduce potential risks to the Croatian economy and mitigate disruptions in supply chains that may arise in the transport of goods by carriers who are third-country nationals without access to a long-stay visa (D).
- **AmCham Croatia recommends the urgent adoption of the Final Draft of the Act amending the Foreigners Act**, as well as **the adoption of the Ordinance governing the issuance of visas** (as referred to in Article 6, paragraph 4 of the Final Draft of the Act). This is particularly important given the planned launch of the Entry/Exit System (EES) in April 2026.

For additional information, please contact: American Chamber of Commerce in Croatia

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