



ZRZESZENIE MIĘDZYNARODOWYCH PRZEWOŹNIKÓW DROGOWYCH W POLSCE
ASSOCIATION OF INTERNATIONAL ROAD TRANSPORT CARRIERS IN POLAND
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Członek: INTERNATIONAL ROAD TRANSPORT UNION - IRU GENEVA
Member:

Zarejestrowane pod nr KRS 0000109043 w Sądzie Rejonowym dla m.st. Warszawy w Warszawie, XII Wydział Gospodarczy Krajowego Rejestru Sądowego

14/01810/DTR/AGA

Geneve, du. 08.12.14

Mr. Umberto de Pretto

IRU Secretary General

3, rue de Varembé

1211 Geneva 20, Switzerland

Dear Mr. de Pretto,

I need to draw your attention to the seriousness of new law implemented and applicable as of 1st of January 2015 in Germany on the new minimum wage for employees working in this country, also for foreigners. It seems the legislation applies also to the transport sector.

According to this new legislation, any foreign transport operator whose employees work in Germany has a duty to report this to the German customs. This obligation foresees that before any activity in Germany is undertaken the presentation of a written report has to be done, the employer has to report who is executing the work, where is it executed and duration of such activities. The documentation regarding such activities has to be retained for a minimum of 2 years and has to be shown on request. The documentation has to be stored in Germany. For foreigners without a permanent office in Germany there is a need to appoint a representative or an authorized agent living in Germany. This person is also liable towards the German government to enforce the law on the minimum wage. The employer, but also the client are jointly liable for compliance with minimum wage. Both can receive a maximum fine of €500,000 if the law is not properly applied.

I cannot even imagine what consequences such a legislation will bring to the international transport. If our concerns are confirmed and all transports to, from and through Germany are subject to this legislation, there will be an enormous impact on transport not only in Germany but mainly on the European level.

There are several problems that occur when analysing the German legislation. The first one concerns the lack of preparation of the German customs to execute the law and the lack of practical guidelines for transport operators how to prepare to these new requirements. The other one concerns the additional administrative burden and extra costs foreign companies have to cover due to new obligations. Taking into account the mobile character of transport activities this might be extremely difficult for operators to foresee all transport operations or plan their drivers participation in these transports in 6 months future. What is the most important, Germany is imposing us the minimum wage, ignoring completely the economic reality of our country. One can consider it as another example of national protectionism within the European Union and new barrier in the UE trade.

As we cannot be fully sure what is the scope of this new legislation, have no practical information on its application and execution, in order to prepare our operators for these new requirements I kindly ask you to intervene within the German administration. The issue is of great importance, the penalty foreseen is highly disproportionate therefore your assistance is very required and would be much appreciated.

With kind regards,

Jan Buczek/
ZMPD President

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A handwritten signature in black ink, appearing to be 'Jan Buczek', written over the typed name. The signature is stylized and includes a large loop at the bottom.