



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:

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15/00285/SEK/GBU

Warszawa, 12.02.2015

Mrs. Andrea Nehles

Federal Ministry of Labor

and Social Affairs.

Germany

Dear Madam,

I would like to draw your attention to the seriousness of new law implemented by your Government on the minimum wage in transport.

According to your new legislation, any foreign transport operator whose employees perform transports 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 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.

Unfortunately our fears confirmed and all transports to, from and within Germany are subject to this legislation.

I have to underline great negative consequences your legislation will bring to the international transport as well as real problems regarding its practical application. We see enormous impact your legislation will have on transport not only in Germany, on our bilateral exchange of goods but mainly on the European level and on the European internal market as such.

One has to point out additional administrative burden and extra costs foreign companies have to cover due to your obligations. We fully understand your right to secure national employees and provide proper social conditions but do not understand why such rules are imposed on

foreign operators registered and living in other Member States, performing on your territory international transports and cabotage in accordance with the European law. Your minimum wage disturbs the international transport which is quite exceptional as regards services provided in Europe. Drivers working within this sector cannot be treated as delegated employees.

Germany is imposing other Member States the minimum wage ignoring completely our economic reality, the fact that social differences still exist. In fact, we have different salary systems and cannot change the Polish legislation just to adapt to your new requirements. There are many additions to drivers' salaries which are not recognised by your minimum wage.

We learnt with great satisfaction your decision to suspend the minimum wage requirement in case of transit, however recognize this measure as insufficient.

Transport operations nowadays are completely unpredictable and very changeable. Drivers often receive transport orders in the course of transit through Germany. How should such a driver act if there was no notification made? His intention was to transit only. There are so many possible transport scenarios which are not foreseen by your legislation. The effective use of transport loads and reduction of transport costs, CO2 emission were always priorities for the European Union. Your minimum wage requirement contradicts the EU policy in this regard.

We believe there is still need for discussion and compromise. The trade exchange between our countries, our economic links are significant and strong, however without transport will no longer develop and no longer bring economic growth to our countries.

The issue is of great importance. The penalty foreseen is highly disproportionate. There is very little knowledge how to apply and calculate the minimum wage in practice. Therefore, on behalf of the Polish transport operators I call on you to eliminate this new barrier in the EU trade and to suspend the minimum wage requirements in case of transports to/from/within Germany performed by foreign operators. Please do not limit the free competition and basic EU freedoms of providing services and free movement of goods.



With kind regards,

Jan Buczek

ZMPD President