



ZRZESZENIE MIĘDZYNARODOWYCH PRZEWOŹNIKÓW DROGOWYCH W POLSCE
ASSOCIATION OF INTERNATIONAL ROAD TRANSPORT CARRIERS IN POLAND
Al. JANA PAWŁA II 78, 00-175 WARSZAWA, adres korespondencyjny: 00-198 WARSZAWA 80, skr. poczt 1
TEL.: (+4822) 536 10 00, FAX (+4822) 536 10 35, NIP: 522-000-21-10, www.zmpd.pl

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

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Mrs. Elżbieta Bieńkowska

Commissioner

Internal Market, Industry,

Entrepreneurship and SMEs

European Commission

Dear Madam,

I would like to draw your attention to the seriousness of new law implemented and applicable as of 1st of January 2015 in Germany on the minimum wage for employees working in this country, also for foreigners. 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 or even fears 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 and on the European internal market.

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 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. This legislation limits free competition and the basic EU freedom of providing services.

As we are not 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, there is not much time left us to prepare, therefore your assistance is very required and would be much appreciated.

With kind regards,


Jan Buczek
ZMPD President