

VIOLETA BULC
Member of the European Commission

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JF ARES (2016)2667387

Mr Jan BUCZEK
President
Association of International Road Transport Carriers in Poland
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POLAND

Dear Mr Buczek,

Thank you for your letter of 29 April 2016 addressed to Mr Jean-Claude Juncker, President of the European Commission, who asked me to reply to your concerns with regard to the application of the French legislation on minimum wage (*Loi Macron*) and of the German Minimum Wage Act (MiLoG) to transport sector.

Regarding the French law on the application of the minimum wage to road transport, which will enter into force on 1 July, I wish to inform you that I have instructed my services to thoroughly examine this matter.

Already in July 2015 the Commission requested clarification from the French authorities regarding the scope of application and the enforcement requirements of their national provisions, with regard to the road transport sector. Following the reply from the French authorities, the Commission sent a second request for information, the response to which was given on 25 February 2016.

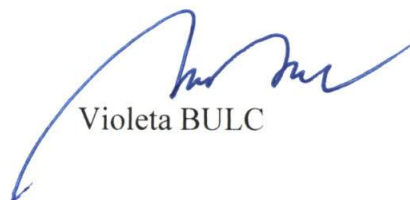
My services are carefully analysing those replies as well as the implementing decree adopted by the French Government on 7 April 2016. The administrative burden related to the notification and control requirements imposed on foreign operators constitutes one of the aspects this assessment is looking at. As the assessment, which involves several Commission services, is still ongoing it is not possible for me to indicate at this stage what will be the position of the Commission on this case.

As regards the infringement case on the application of the German Minimum Wage Act to the transport sector, I wish to inform you that the Commission has also been active in pursuing the matter. The German authorities expressed their willingness to hold talks with the Commission with the aim of reaching an amicable solution. The Commission is currently re-assessing the different aspects of the file and will soon decide on the follow-up of the case and will make every effort to find an appropriate solution, which will balance the social protection rights of workers and the freedom to provide services, so as to ensure the smooth functioning of the EU Internal Market.

As you may know the Commission's proposal of 8 March 2016 for a revision of the Posted Workers Directive, highlights that the application of this Directive to the international road transport sector raises particular legal questions and practical difficulties, which should be addressed through sector-specific legislation.

Therefore, the Commission intends to address the issue of the posting of workers in international road transport in the context of the on-going review of road transport legislation.

Yours sincerely,



Violeta BULC