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## EMBASSY OF GERMANY IN ROMANIA

H.E. MR WERNER HANS LAUK - Ambassador Extraordinary and Plenipotentiary

YOUR Excellency, MR. AMBASSADOR,

On behalf of The National Union of Road Hauliers from Romania (UNTRR) as employers' and professional organization which promotes and protects nationally and internationally the interests of Romanian operators performing road transport of passengers and goods, we would like hereby to submit to your attention the abusive provisions of the new law concerning the minimum wage in Germany (MiLoG) and imposing it to the hauliers of other Member States for any activity carried out by their drivers on Germany's territory. With these provisions, Germany is joining Western States that adopted measures against freedom of services in the UE.

**We would like to stress that:**

As of the 1<sup>st</sup> of January 2015 Germany is imposing a minimum wage of EUR 8.5 per hour which will be applicable to the foreign professional drivers carrying out international transport operations of goods and passengers to and from Germany, cabotage in or transiting Germany. Penalty for non-compliance with the minimum wage per hour in Germany can reach EUR 500000!

Thus, for each hour worked by a Romanian driver on Germany's territory, the minimum wage per hour applied is that of Germany, not the Romanian one.

For each trip operated by a Romanian driver on Germany's territory, the Romanian haulier for whom he is working is obliged to notify through a written report the Customs authorities in Germany. Although the law comes into force on the 1<sup>st</sup> of January 2015 German authorities did not issue so far clear and complete information on how this law will be applied to foreign operators.

**We consider that the recently adopted measures are seriously affecting the freedom of services on the European market and express our concern with regard to the direction the European Union is heading to.**

We mention that other Western States such as France and Belgium issued this year measures against the competition and against the European goals through applying drastic penalties if the regular weekly rest for the professional drivers is spent in the cabin of a vehicle.

The aim of these new provisions imposed by the developed Western European States is to raise barriers for foreign competitors, especially those of Eastern Europe who are accused of social dumping, a term used more and more for justifying the recent protectionist measures adopted by the Western countries. However, the term of social dumping is wrongly used since the



differences between Western European and Eastern European wages are not anti-competition practice but a consequence of different living and social standards between East and West.

These protectionist measures are a threat to the other EU Member States as well as to the Western States promoting them. **Through the new regulation concerning the minimum wage per hour, the German Government is penalizing its own citizens and its own economy.**

1. Germany will prejudice its own resident transport companies which will no longer be competitive as these companies will need German government's protection under any circumstance, a fact that is not sustainable on a long term
2. The operational costs of all the other German companies will increase
3. The end result will be the increase of the living cost for all Germany's citizens.

The final outcome targeted by these protectionist measures introduced by developed countries like France and Germany is actually a "new currency" printed in exchange for the European Regulations concerning access to profession and especially to the European market - once these regulations will be adjusted in a similar manner, these national rules will be cancelled.

We do consider that European institutions and all the relevant authorities of the Member States should adopt rapidly a firm stance aimed at stopping such national initiatives directed against other Member States' transport companies having a direct impact on those of Eastern Europe.

To that purpose, we kindly ask you to urgently take all the legal steps and initiate an institutionalized dialogue in order to avoid abusively penalizing the Romanian transport operators by German authorities beginning with the 1<sup>st</sup> of January, 2015 for not applying the German provisions of minimum wage per hour taking into account that:

- As employees of Romanian transport companies, the drivers are paid according to the working contract and the applicable Romanian legislation
- As until this moment – end of December 2014, the German authorities did not provide clear and complete information concerning the minimum wage per hour for the foreign hauliers although the law comes into force on the first day of the next year:
  - o It is unclear how can this legislation be applied to transit operations on German territory. There is no competition with the resident German hauliers as far as the transit operations are concerned either for goods or for passengers
  - o For the international transport operations having Germany as destination/origin the German regulation represents a barrier and an obstruction to the freedom of services within the EU
  - o The cabotage operations are governed by the European Regulations and as such, a national law is not entitled to bring limitations to the European common provisions

Trusting that you will urgently take all necessary measures, we are looking forward to receiving your reply and we assure you of our highest consideration,

Secretary General  
Radu DINESCU



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