

By email and post

Mr Radu Dinescu
Secretary General
National Union of Road Hauliers from Romania
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Geneva, 5 January 2015

Dear Mr Dinescu,

Firstly, I wish you a Happy New Year and hope that you had an enjoyable and restful holiday.

Secondly, thank you for your letter dated 24 December concerning the German law on the minimum wage.

The IRU is closely following the developments in this regard and is concerned by the lack of practical information, potential additional administrative and financial costs and lack of realism when it comes to understanding the planning cycle in the road transport sector, if the German law is applied to international road transport, including for example transit.

On these grounds, the IRU Secretariat has raised the issue and its potential consequences for the EU road transport industry with the cabinets of the European Commissioners for Employment and Transport, several Member States' representatives and is in contact with the German Ministries of Finance, Transport and Employment to clarify the situation and verify the compatibility of the German law with the relevant EU legislation, notably the market legislation and the posting of Workers Directive.

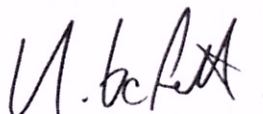
Currently, there is no additional confirmed information available regarding not only the requirements imposed on the operators, but also how German authorities intend to enforce this law on foreign operators. It seems that the scope of the German law on the minimum wage was set out to target other sectors, such as the construction industry, while forgetting the completely different, highly mobile character of the road transport sector. If applied on the road transport sector in the widest sense, for example including transit, for the IRU this would represent an unprecedented increase in the administrative burden for transport companies undertaking international operations and could indirectly jeopardise the free movement of goods and freedom to provide services, which are two fundamental principles in EU law.

The IRU Secretariat will continue its efforts to find a solution to this situation and has already requested that the German authorities introduce a moratorium on the application on road transport. It is important that these steps are coupled with the efforts by the IRU Member Associations. I would therefore encourage you to raise this issue with the Romanian Transport Ministry in order for them to influence their colleagues at the various German Ministries (Transport, Finance and Employment) with the aim to firstly obtain clarity and secondly, if the act indeed applies to road transport, ensure that sufficient information is made available to international road transport operators.

In this regard it is important to call for a moratorium until such information is available and the legal base is clarified. It would be of benefit if they could also use their influence to put this problem on the political agenda of the EU Institutions.

The IRU Secretariat will regularly inform the IRU Members on the developments of this dossier.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'U. de Pretto'.

Umberto de Pretto
Secretary General