



A MUTUAL DECLARATION

between transport associations from Bulgaria, Czech Republic, Denmark, Estonia, Greece, Hungary, Ireland, Latvia, Lithuania, Netherlands, Poland, Portugal, Romania, Slovakia, Spain

**- against the application of the Posting of Workers Directive (96/71/EC)
to international transport operations in the EU.**

At an overall level, we welcome the mobility package, as there is a need for clear, fair, enforceable and uniform European rules. However, we must not introduce a disproportionate and symbolic application of the Posting of Workers Directive that will not ensure a stronger Single Market. This is why we disagree with the Commission's *lex specialis* proposal, which presupposes that international transport (transit, bilateral transport and cross-trade) is subject to the Posting of Workers Directive, and which intends to create only a marginal derogation.

Firstly, applying the Posting of Workers Directive to all international transports where hypermobile workers cross borders every day goes against the rationale of the Directive itself, as the intention has been to apply the posting rules to employees that carry out work for months or years in the territory of one Member State other than the state in which the driver normally works. The posting rules are thus inapplicable to drivers who work on a daily or even hourly basis in different Member States.

Secondly, applying the Posting of Workers Directive will not be enforceable due to the large and complex administrative challenges it causes. The Directive will entail applying numerous national legislations to a month's salary – control authorities and companies will likely have to deal with up to 20 different national legislations depending on the countries they operate in every single month with up to 50 different minimum wages per legislation, depending on the seniority of the driver, on the truck, on the goods being transported etc. Applying the Directive would further entail applying just as many different national legislations regarding minimum paid holidays. Applying the Directive would disproportionately restrict the activities of the vast majority of EU transport companies, especially the small and medium sized companies, which have less flexibility and resources to lift the strict and heavy requirements; they will likely largely reduce their cross-border activities, withdraw from such activities or even experience insolvency. Accordingly, the complex regulatory proposal will also have adverse effects on the road transport market as a whole and consequently on the functioning of intra EU trade, as it will become very burdensome for small, medium sized and large transport companies to apply different national labour laws with different remunerations systems, different compositions of minimum wage, different social entitlements, different collective agreements etc. to cross-border drivers.

Thirdly, applying the Posting of Workers Directive to international transport would not ensure a stronger Single Market. The proposal will potentially diminish growth in the EU, as it will increase costs of international transport operations and thus lead to a decrease in cross border trade. This would weaken the Single Market and negatively affect the overall financial state and employment rates of EU.

Finally, applying Posting of Workers Directive will become counter-productive, as it 1) will likely lead to the creation of more self-employed drivers that do not need to comply with posting rules, which will lead to unfair and even harder competition in the market, and 2) will likely also increase establishments in non-EU countries to circumvent the posting rules or even lead to existing transport companies outside of EU overtaking parts of the European market.

For these reasons, the Signatories to this Declaration are against the application of the Posting of Workers Directive to international road transport operations and therefore urge the institutions to explicitly exclude them from the scope of the Directive.

Signatures:



Associação Nacional de Transportadores Públicos Rodoviários de Mercadorias



ČESMAD BOHEMIA, the association of road transport operators



Hungarian Road Transport Association



Association of the Bulgarian Enterprises for International Road Transport and the Roads (AEBTRI),



Association of road carriers "Latvijas Auto"



Association of Estonian International Road Carriers



ČESMAD Slovakia Association



Lithuanian National Road Carriers Association LINAVA



Dutch association on international trade, transport and logistics



Asociación del transporte internacional por carretera



Association for the Danish road transport of goods



Association of International Road Transport Carriers in Poland



The National Union of Road Hauliers from Romania



Hellenic Federation of Road Transport



The Irish Road Haulage Association