Ms Violeta BULC
Commissioner for Transport
European Commission
Rue de la Loi 200
1049 Brussels
BELGIUM

IRJ

By email and post

Brussels, 19 December 2016

IRU CALLS FOR IMMEDIATE MORATORIUM ON THE MiLoG AND LOI MACRON

Dear Commissioner,

As the world's road transport organisation, IRU has repeatedly voiced its concerns regarding the practical implications of the German and French laws introducing a minimum wage and other obligations on national and cross-border road freight and passenger transport operations (MiLoG and Loi Macron).

Both measures represent an immense and unprecedented additional administrative and financial burden for road transport operators, especially for those based outside Germany and France. These national measures are also subject to infringement proceedings by the European Commission on the grounds of their proportionality.

Consequently, I am writing to inform you that during the meetings of the IRU Passenger Transport Council and IRU Goods Transport Council, held on 3 November 2016, IRU members decided to call on German and French authorities to introduce an immediate moratorium on the MiLoG and Loi Macron controls regarding international road transport operations. IRU also called on the Member States considering introducing such measures (such as Austria and Italy) to postpone their entry into force until full legal clarity is established.

For the sake of legal certainty, such a moratorium should remain in force at least until the infringement proceedings initiated by the European Commission have been finalised. We would therefore like to urge the European Commission Services to conclude the infringement as soon as possible. Furthermore, clear and enforceable rules on how to apply the Posting of Workers Directive, especially in a highly mobile sector like road transport, must be established in the European Commission's upcoming legislative initiative.
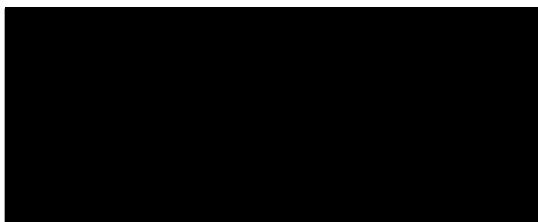
Thank you for your consideration of this extremely important matter.

Yours sincerely,

General Delegate ad interim
IRU Permanent Delegation to the EU

VIOLETA BULC
Member of the European Commission

Brussels   2 3. 01. 2017

Dear ████████

Thank for your letter of 19 December 2016, in which you raise the issue of the administrative and financial burdens for road transport operators resulting from the application in Germany and France of their national measures on minimum wage.

As you may know, the Commission does not have the competence to require a Member State to suspend the application of national measures until the Court of Justice has taken a decision. I am glad to hear, however, that your organisation representing both freight and passenger road transport operators has undertaken to ask the national authorities of Germany and France to introduce a moratorium for the enforcement of their minimum wage measures until legal clarity at EU-level is achieved.

Please be assured that the Commission is making every effort to provide a legal clarity on this important issue. Alongside the two on-going infringement cases with Germany and France, the Commission is working on finding a sustainable solution to the issue at stake. This is being done in the framework of the on-going review of the road transport legislation, and in particular, as regards the social rules applicable to the road transport sector. Within the road initiatives to be proposed in the first half of 2017, we intend to clarify the application of posting conditions to road transport and to establish enforcement measures which do not impose disproportionate administrative burdens on the industry.

I do hope that we will soon find a sustainable EU-wide solution to this important issue at stake, which will ensure the balance between the social protection of road transport workers and the freedom of providing cross-border services for operators.

Your contributions to this work are indeed very welcome.

Yours sincerely,

Violeta BULC

Electronically signed on 23/01/2017 11:50 (UTC+01) in accordance with article 4.2 (Validity of electronic documents) of Commission Decision 2004/563

Address: European Commission - B-1049 Brussels Belgium