

Mr J. Aguiar Machado
Director General DG MOVE
European Commission
Rue De Mot 24-28
1049 Brussels

Brussels, 17 December 2014

Re: introduction of minimum wages in Germany

Dear Mr Machado,

We are writing to you with regards to a new law (Mindestlohngesetz) which has been adopted in Germany introducing a minimum wage of 8,50 € as of 1 January 2015.

Whereas we have no problem with the fact that a minimum wages will be introduced in Germany, we are concerned about the lack of communication on the implementation of the law and how it will apply to non-German companies, which have workers in Germany, in the transport and logistics sector. At this moment in time German authorities have not made information available to non-German based industry in English and there are many remaining open questions.

We understand that international transport companies that are not established in Germany need to comply with the minimum wage law. In this respect, we would like to ask the Commission to provide clarification on the European framework conditions under which the German minimum wages can be applied to international road transport and companies that are not established in Germany. We are still not clear on whether the regulation will apply to transit and cabotage activities. Also, is the German law compatible with Preamble (17) in (EC) 1072/2009 on access to the international road haulage market and the provisions of Directive 96/71/EC concerning the posting of workers?

Companies that are not based in Germany need to notify German customs authorities on the workers that will enter Germany. They are allowed to provide information up to six months in advance. Documentation needs to be available and – on request – be delivered to the relevant customs office (Bundesfinanzdirektion West in Cologne). The law states that the party giving instructions/consignor (e.g. a freight forwarder) is co-responsible for respecting the law. Both can be penalised with a maximum penalty of €500.000 for non-compliance. In view of the difficulty to comply with these measures, at least at short notice given the need to arrange for new clauses in contracts, does the Commission consider this requirement to foreign companies reasonable, and if so can it explain for what reason?



Since the economic risk for industry is large, we therefore ask the Commission to call on Germany not to enforce the law until clear information has been provided to industry and to set reasonable deadlines for this, so as to allow industry to prepare itself.

We thank you for the attention you may give to this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nicolette', followed by a long horizontal line extending to the right.

Nicolette van der Jagt
Director General