EUROPEAN PARLIAMENT

MEMBER OF THE EUROPEAN PARLIAMENT

Brussels 4th May 2016

Dear Mrs. Commissioner,

We would like to address the issue of the new French law on the application of the minimum wage and other social rules for employees in the transport, which was published on April 9 in the Official Journal of the French Republic and will come into force on July 1 (the so-called Loi Macron). The French law is similar to the German law on the minimum wage (ie. MiLoG).

We consider Loi Macron an unacceptable obstacle to the free movement of services in the EU internal market, which ultimately means a threat to foreign road hauliers by requiring many obligations and disproportionately increasing administrative burden (i.e. it obliges carriers to report the movement of the driver on French territory in advance, to establish in France the responsible person for the storage of certain documents; the driver has to carry a certificate of posting, a copy of the employment contract, the French translation of the collective agreement in force in the home country etc.). A problematic aspect of Loi Macron is also its unclear scope, but it may be considered that it will apply to all operations in road transport except for transit.

Acknowledging a wide range of tools available to the Commission in its capacity as guardian of the Treaties, we would very much welcome a thorough review of Loi Macron in terms of compliance with the rules of the internal market, and taking steps with a view to remove those parts which are in conflict with the rules of internal market. We believe that the Commission should take an active and appropriate approach in the case of the new French law. At the same time, we would like to express our concern regarding ongoing infringement proceedings against Germany (case MiLoG). According to our information the Commission has taken no action since May 2015, and so prolongs unbearably state of legal uncertainty negatively affecting many hauliers and transport companies. Therefore we are asking you, Mrs. Commissioner, to push for ensuring non-discriminatory conditions in the EU internal market for transport companies doing business across borders.

We believe that together we can help the outcome, which does not allow the right of free movement within the EU to be eroded by national protectionist legislation unfairly targeting foreign competitors.

Sincerely Yours,

Violeta Bulc
Member of the European Commission