

VIOLETA BULC  
*Member of the European Commission*

**18 MAI 2015**

Brussels,  
JF/ev D(2015)2085635

Mr Leonid KOSTYUCHENKO  
President AsMAP of Ukraine  
11, Schorsa street  
UA - 03150 Kyiv

Dear Mr Kostyuchenko,

Thank you for your letter of 8 April, in which you expressed concerns on the impacts of the application of the German legislation on minimum wages to the transport sector and in particular to non-EU countries like Ukraine.

First of all, let me point out that as a matter of principle the Commission welcomes the introduction of a minimum wage in Germany, which is in line with the social policy commitment of this Commission. However, the German measure on minimum wages applicable to the transport sector must be applied in a manner which is fully compatible with EU law, notably the Treaty principles on free movement of goods and the freedom to provide services. This implies inter alia that any restriction of such freedoms should be justified, having regard to the principle of proportionality.

The Commission is thoroughly examining the German rules on minimum wages and their impacts on the transport sector and on the proper functioning of the internal market, in particular taking into account the information provided recently by the German authorities in response to the Commission enquiry.

The legal assessment is complex as it involves basic EU Treaty principles, in particular the fundamental freedoms just mentioned, but also several pieces of legislation, notably the Posting of Workers Directive. A detailed assessment is being carried out for each type of transport operation, i.e.: transit, international transport operation and cabotage operation.

The Commission will decide on further steps based on the results of this comprehensive assessment.

Yours sincerely,



Violeta BULC